WAHKIAKUM COUNTY

SHORELINE MASTER PROGRAM

2021

Prepared by:

Real Property Rights Advisory Group

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SECTION 1

INTRODUCTION

1. 1 Title

This Shoreline Master Program shall be known and may be cited as the Wahkiakum County Shoreline Master Program (referred to in this document as the Shoreline Master Program or SMP).

1.2 Purpose

The purpose of this Shoreline Master Program is to meet local responsibilities for the implementation of the policy of the state as articulated in the Revised Code of Washington (RCW) 90.58.020 of the Shoreline Management Act and in state regulations adopted pursuant to Chapter 90.58 RCW, insofar as a regulatory program can accomplish such purpose. These responsibilities are as generally defined under provision RCW 90.58.050. Basically, this means the purpose of this program is to establish a single, uniform system of procedures and standards to be applied to development within the Shoreline jurisdiction of the county.

The Shoreline Master Program is a comprehensive approach to how Wahkiakum County shorelines will be used and developed over time. Within the Shoreline Master Program, Wahkiakum County shall not be held to a higher standard than that of any other county in the state. Wahkiakum County first adopted a Shoreline Master Program in 1971 and revised it in 1981. Prior to the date of approval of this 2021 Shoreline Master Program by the Department of Ecology, the existing (1981) Shoreline Master Program shall remain in effect and any permits approved for development prior to the date of Ecology approval shall be governed by the existing Shoreline Master Program whether or not work has been completed.

Washington State laws and regulations require local governments to create Shoreline Master Programs. Washington's Shoreline Management Act (sometimes referred to as SMA or the Act) was passed by the State Legislature in 1971, adopted by a public referendum, and codified as Revised Code of Washington (RCW) 90.58. The Shoreline Management Act was created in response to concerns that uncoordinated and piecemeal development posed inherent harm to shorelines in Washington.

The Shoreline Management Act established a cooperative shoreline management program between local government and the State. Local governments are responsible for creating and administering the local Shoreline Master Program. The Department of Ecology is responsible for supporting and assisting local governments and ensuring compliance with the Shoreline Management Act and Washington Administrative Code (WAC) Sections 173-26 (State Master Program Approval/Amendment Procedures and Master Program Guidelines) and 173-27 (Shoreline Management Permit and Enforcement Procedures).

1.3 Shoreline Jurisdiction

In accordance with the requirements of the State Shoreline Management Act, this Shoreline Master Program provides local governance of Shorelines of the State located within the boundaries of Wahkiakum County, excluding the Town of Cathlamet which has its own approved Shoreline Master Program. Shorelines of the State include: shorelines, shorelines of statewide significance and their adjacent shorelands. These are each defined terms with the following meanings:

A. **"Shorelines"** for Wahkiakum County are defined as the shorelines of all streams or rivers having a mean annual flow of 20 cubic feet per second (cfs) or greater.

B. **"Shorelines of Statewide Significance,"** per RCW 90.58.030, are defined for Wahkiakum County as any rivers west of the Cascade mountains with a mean annual flow of 1,000 cfs or greater. Within the boundaries of the County, only the Columbia River meets that definition and, therefore, its shorelines are the only Shorelines of Statewide Significance pertinent to this Shoreline Master Program.

C. **"Shorelands,"** as defined in RCW 90.58.030, are the uplands and wetlands adjacent to shorelines and shorelines of statewide significance. Shorelands include areas within 200 feet of the Ordinary High-Water Mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways.

D. **"Critical Areas,"** In Wahkiakum County, shoreline jurisdiction also includes that portion of wetland critical areas, Fish and Wildlife Habitat Critical Areas, and Geological Hazard Critical Areas (except channel migration zones) and their buffers, that lie within 200 feet landward from the Ordinary High-Water Mark of the shoreline. In this way, the County has chosen to apply the minimum shoreline jurisdiction with respect to Critical Areas.

In addition to this program being limited to the area both proximate and landward of shorelines having a mean annual flow of 20 cubic feet per second or greater and shorelines of statewide significance, its focus is mainly on new as opposed to ongoing or existing activities. Existing structures, existing approved building sites, existing agriculture and existing uses are "grandfathered"and, in general, do not fall under the jurisdiction of this program.

See Appendix I for a list of Shoreline Jurisdiction Streams.

1.4 Public Participation

The path leading to the development of this Shoreline Master Program was long and not without controversy. The project was initiated when the Department of Ecology made available a grant and recommended the Columbia River Estuary Study Taskforce (CREST) for the development of a draft plan.

The Shoreline Advisory Committee, comprised of citizen and technical stakeholders, informed the Inventory and Characterization Report and the remainder of the Shoreline Master Program update process. They provided feedback on the process itself, and on the draft Shoreline Master Program policies and regulations. (source: CREST Final Draft)

Three visioning workshops were hosted in February and March 2015, where community members provided guidance to the planning team. A summary of the Visioning Workshops is provided in the Visioning Workshop Summary- March 2015. These workshops, along with guidance received from several public Shoreline Advisory Committee meetings and at two additional public open houses in July and August 2015 informed preliminary Drafts of the Shoreline Master Program (Drafts 1, 2 and 3). The Draft 3 Shoreline Master Program was circulated to the public in late September and early October 2015. Thereafter, from October 2015 through February 2016, the Town Planning Commission and County Planning Commission held several public meetings to guide Shoreline Master Program revisions included in the Final Draft Shoreline Master Program issued in late March 2016. Public hearings for formal consideration by Town and County Planning Commissions and adoption by legislative bodies were prepared in Spring 2016 and continued through Spring 2017. (source: CREST Final Draft)

While, as discussed above, opportunities for public input were made available, complaints soon arose by members of the public who felt their concerns fell on deaf ears and the document was simply a collaboration between CREST and the Department of Ecology. Public sentiment, echoed by some members of the Planning Commission, was that meetings were just to check off a requirement for public participation with no intent to build a program based on input other than that of the Department of Ecology. Additional concern was raised that the document was written and arranged is such a way that it defied understanding by those it was designed to govern. Because of public opposition to the draft provided by CREST, the Wahkiakum County Board of Commissioners tasked the County' s Planning Commission with amending the draft to address as many of the public's concerns as possible. Throughout the Planning Commission' s review of the draft there were concerns expressed by members of the Commission that the Department of Ecology representative was unwilling to agree to any changes discussed to address public concerns. Despite those concerns, a majority of Commission members eventually agreed to recommend the draft be forwarded to the County Board of Commissioners for adoption. Again, public opposition to the draft document prompted the Board to remand the draft, this time to the County' s Real Property Rights Advisory Group. Group members reviewed the Shoreline Master Programs, both draft and final, of other Washington Counties. With that knowledge in hand, the Group then attempted to produce a draft Shoreline Master Program which provided the greatest opportunity for approval by the Department of Ecology and, at the same time, was written and organized in a more understandable fashion and addressed major public concerns. Once a draft

was completed, public meetings were held to explain the draft and receive comments. With that process completed and adjustments made, when possible, to address comments received, the draft was forwarded to the County Board of Commissioners for their review and a vote to approve or disapprove.

It should be noted the Town of Cathlamet did approve a Shoreline Master Program for shorelines of the state located within the jurisdictional boundaries of the Town. It was submitted to, and subsequently approved by, the Washington Department of Ecology. The Wahkiakum County Shoreline Master Program addresses shorelines of the state located within the county's boundaries exclusive of the Town of Cathlamet.

While the County is committed to the protection of the shorelines within its jurisdictional boundaries, it is also committed to minimize negative impact upon its citizens. This Shoreline Master Program is not intended to deprive any person of the viable economic use of his/her property. Creating a system of costly reviews that are beyond the means of the average citizen is viewed as an inappropriate taking of property and efforts have been taken in the drafting of this Shoreline Master Program to avoid such a system to the extent possible. It is also the goal of the County to develop a Shoreline Master Program that is understandable to the average citizen without a myriad of references that confuse and confound the reader.

1.5 Applicability

A. The provisions of this Shoreline Master Program, and the Shoreline Management Act, Chapter 90.58 RCW, shall apply to all proposed uses and development occurring within the shoreline jurisdiction of Wahkiakum County.

B. Nothing in this Shoreline Master Program shall affect any rights established by treaty to which the United States is a party.

1.6 Authority

The primary authority for the passage and enforcement of this Shoreline Master Program is the Shoreline Management Act, RCW 90.58. Further authority is based on applicable provisions of Chapter 36.70 RCW, Chapter 36.70A RCW and Chapter 36.70B RCW.

1.7 Goals

A. The County's goal in adopting this Shoreline Master Program is to recognize and protect the functions and values of the shoreline environment of statewide and local significance.

B. For shorelines of the state, protection and management priorities are to:

1. Sustain and protect the native ecology;

2. Protect and preserve existing sustainable uses, including aquaculture, agriculture, fishing, and wildlife;

3. To minimize hazards created by erosion and natural disasters;

4. Manage public access through education to protect private property rights;

5. Effectively administer the Shoreline Master Program through oversight and enforcement;

6. Guide future development in a balanced manner that emphasizes protecting and supporting shoreline natural resources that support the county' s economic and water dependent employment base.

7. Encourage shoreline development that complements, and does not damage, natural shoreline ecological functions.

8. Preserve the county' s shoreline heritage by acknowledging the historical context and preserving those structures and uses that created it.

C. For shorelines of statewide significance (SSWS), protection and management priorities are to:

1. Preserve the natural character of the shoreline;

2. Provide long-term over short-term benefit;

3. Protect the resources and ecology of the shorelines;

4. Increase public access to publicly owned areas of shorelines; and

5. Increase recreational opportunities for the public in shoreline areas.

D. In addition, the policies, standards and procedures of this Program:

1. Are not intended to regulate the operation and maintenance, including repair, replacement, and remodeling, of existing, legally established uses and structures, including but not limited to vegetative buffers on existing uses that have been reduced in width prior to the effective dates of provisions in the

2. Are not intended to result in an unconstitutional taking of private property;

3. Are not intended to retroactively require the restoration of degraded critical areas for properties in a degraded condition prior to the effective dates of provisions in the Critical Areas Ordinance or Shoreline Master Program; but rather to use compensatory mitigation as a tool to mitigate impacts of new development;

4. Are not intended to presume that regulatory tools are the only mechanism for protection, but rather integrated with nonregulatory tools in as balanced a manner as possible;

5. Are not intended to prohibit the use of valid water rights.

1.8 No Net Loss of Ecological Functions

The Shoreline Master Program is crafted to ensure no net loss of ecological function. No net loss is the concept that while ecological impacts will occur site by site, efforts must be made to minimize, mitigate, or off-set those impacts to maintain the overall level of health for environmental processes and functions. In sum, the environmental conditions should not diminish from the time when the Shoreline Master Program went into effect. A formal definition of no-net-loss is contained in this Shoreline Master Program's "Definitions" Section.

The Shoreline Master Program employs several interrelated regulatory mechanisms for ensuring no net loss of ecological functions. Environment Designations are assigned to every reach of County shoreline. Within each Environment, specific uses are permitted, conditionally permitted, or prohibited. Use and modification standards are used to prescribe how permitted and conditionally permitted uses and modifications can occur. Critical Areas Regulations provide further protection to ecological functions, primarily in the form of buffers where activities are limited or prohibited, and through the mitigation sequence.

1. 9 Cumulative Impacts

The Shoreline Master Program is intended to prevent the cumulative impacts of shoreline development from causing net loss of ecological functions. The Shoreline Master Program is envisioned to address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of cumulative impacts considers:

A. Current circumstances affecting the shorelines and relevant natural processes;

B. Reasonably foreseeable future development and use of the shoreline; and

C. Beneficial effects of any established regulatory programs under other local, state and federal laws.

1. 10 Severability

If any provision of this Shoreline Master Program or its application to any person or legal entity or circumstances is held invalid, the remainder of the Shoreline Master Program, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

1. 11 Relationship to Other Codes and Regulations

A. Compliance with this Shoreline Master Program does not constitute compliance with other federal, state, and local regulations and permit requirements that may apply. The applicant is responsible for complying with all other applicable requirements.

B. Where this Shoreline Master Program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply.

C. When any provision of this Shoreline Master Program or any other federal, state, or local provision conflicts with this Shoreline Master Program, the provision that is most protective of shoreline resources shall prevail, except when constrained by federal or state law, or where specifically provided otherwise in this Shoreline Master Program.

D. Relationship to Critical Areas Regulations.

1. This Shoreline Master Program addresses the minimum shoreline jurisdiction with respect to critical areas. Critical area Shoreline Master Program jurisdiction includes only the 200 feet landward from the Ordinary High-Water Mark or floodway. Portions of critical areas that lie outside the 200 feet boundary are addressed by the County's Critical Area Ordinance.

1. 12 Effective Date

This Shoreline Master Program and all amendments thereto shall take effect fourteen (14) days after written notice of final action from the WA State Department of Ecology (Ecology) and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.

SECTION 2

ADMINISTRATION

2. 1 Background and Purpose

No new development or use shall occur within the shoreline jurisdiction unless it is consistent with the provisions of this Shoreline Master Program. Such proposed developments or uses may require one or more of the permits or variances described in the Program, which are in addition to other requirements that may be imposed by county, state or federal authorities. This section addresses administrative assignments and responsibilities associated with the application, review, and approval of new developments and uses in the shoreline. Washington Administrative Code (WAC) 173-26-191 allows local governments to include administrative, enforcement, and review procedures in a document separate from the Shoreline Master Program. Wahkiakum County has chosen to use this approach, so this section does not include all of the detailed procedures necessary to obtain approval for a proposed development or use. Those procedures are found in a document titled, "Shoreline Master Program User Guide".

2.2 Administrative Responsibilities

Shoreline Administrator

A. The Shoreline Administrator will be appointed by the Board of County Commissioners in consultation with the Public Works Director. That person has the following responsibilities:

1. Create and maintain a Shoreline Master Program User Guide that implements policies and regulations established by this Shoreline Master Program, including all requirements necessary to obtain the permits and variances described herein. Submit the User Guide and recommended changes to the County Commissioners for approval.

2. Advise permit applicants regarding the application of Shoreline Master Program requirements to their specific proposed development or use. This advice should cover such areas as substantial development permit requirements and the exemptions thereto, critical areas requirements, conditional use permit requirements, and whether or not a variance may be required.

3. Exercise approval authority over substantial development permit applications, and forward approved permits to the Department of Ecology and the Attorney General.

4. Assess the potential impact of a proposed use or development on critical areas. Determine whether or not a critical area report is required and the factors that need to be addressed by that report.

5. Evaluate conditional use permit applications and variance permit applications. Forward those applications recommended for approval to the Planning Commission.

6. Inspect on-going developments as necessary to verify compliance with permits and the Shoreline Master Program. The Shoreline Administrator has the authority to rescind substantial development, conditional use and variance permits and issue Stop Work Orders in accordance with WAC 173-27-270.

7. Conduct an annual review of all developments and restoration projects conducted during the previous year to determine their cumulative impacts to the shoreline and make a written determination on whether there may or may not have been a net loss of ecological function.

8. Review the Shoreline Master Program every eight years. Using the information from the annual reviews, evaluate the cumulative effect of developments and restoration projects to the shoreline. Propose amendments, if necessary, that reflect the community vision, the statutory changes to the Shoreline Management Act, and that will continue to ensure no net loss of ecological function.

9. Maintain the county's wetland mitigation bank in accordance with RCW 90.84.

Planning Commission

A. The Planning Commission will evaluate conditional use and variance permit applications recommended for approval by the Shoreline Administrator and forward those the Commission recommends for approval to the County Commissioners.

Board of County Commissioners

A. The Board of County Commissioners shall perform the following functions with regard to this Shoreline Master Program:

1. Appoint a Shoreline Administrator following consultation with the Public Works Director.

2. Exercise approval authority over the Shoreline Master Program User Guide and changes recommended by the Shoreline Administrator.

3. Review conditional use permit and shoreline variance permit applications recommended for approval by the Planning Commission and, upon concurrence with that recommendation, transmit their recommended action to the Department of Ecology for approval.

4. Review and act on appeals by permit applicants to decisions rendered by the Shoreline Administrator or Planning Commission.

Applicants

A. In accordance with the requirements and procedures contained in this Shoreline Master Program and the Shoreline Master Program User Guide, applicants have the burden of proving that their proposed development or use is consistent with the criteria established herein. Applicants are required to provide such documentation, illustrations, maps, and accurate engineering data as the Shoreline Administrator deems necessary to adequately appraise the development or use proposed, the potential impact on environmental function, and compliance with the Shoreline Master Program.

2. 3 Permits and Variances

This section describes the permits and variances which may be required for new developments or uses in the shoreline. While some activities may not require a permit, all proposed developments and uses must conform to the Shoreline Management Act and this Shoreline Master Program. Chart 1 on page 16 of this section provides a visual description of the permit review and approval process.

Substantial Development Permits

A. A substantial development is any development in the shoreline of which the total cost or fair market value exceeds $6,416 (in 2012 dollars), or any development which materially interferes with the normal public use of the water or shoreline. Such developments require the issuance of a permit in accordance with this Shoreline Master Program and the Shoreline Master Program User Guide. The following developments are exempt from substantial development permit requirements:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or the elements.

2. Construction of the normal protective bulkhead common to single-family residences.

3. Emergency construction necessary to protect property from damage by the elements.

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

5. Construction or modification of navigational aids such as channel markers and anchor buoys.

6. Construction of a single-family residence, which residence does not exceed a height of thirty-five feet above average grade level, and which meets all requirements of the state or local government having jurisdiction thereof, other than requirements imposed by this Shoreline Master Program.

7. Construction of a dock, including a community dock, designed for pleasure craft only, for private noncommercial use. This exception applies if the fair market value of the dock does not exceed (a) twenty thousand dollars for docks that are constructed to replace existing docks and are of equal or lesser square footage than the dock being replaced, or (b) ten thousand dollars for all other docks. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amounts specified in either (a) or (b), then the subsequent construction shall be considered a substantial development. The dollar amounts in this section must be adjusted for inflation every five years beginning July 1, 2018.

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities which were developed as part of an irrigation system.

9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

10. Site exploration and investigation activities that are a prerequisite to preparation of an application for development authorization under this Shoreline Master Program, if:

    a. The activity does not interfere with normal public use of the surface waters;

    b. The activity will have no significant adverse impact on the environment including, but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

    c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.

    d. A private entity seeking development authorization under this Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the county to ensure that the site is restored to preexisting conditions.

11. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020 through the use of an herbicide or other treatment methods applicable to weed control.

12. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act, or to otherwise provide physical access to the structure by individuals with disabilities.

13. Projects to improve fish or wildlife habitat or passage.

14. Watershed restoration projects as defined in RCW 89.08.460.

15. Remedial actions in accordance with RCW 90.58.355.

16. Certain Department of Transportation projects in accordance with RCW 90.58.356.

Conditional Use Permits.

A. Conditional uses are those uses within the shoreline that are identified in Sections 5 and 6 as conditional uses, and other unclassified uses that may be authorized as conditional uses. The purpose of a conditional use permit is to allow a case-by-case review of a development or use that may have a greater potential for ecological impact while providing flexibility in varying the application of the use regulations of the Shoreline Master Program in a manner consistent with the policies of the Shoreline Management Act.

B. In order to obtain a conditional use permit the applicant must demonstrate all of the following:

1. The proposed use will be consistent with the policies of the Shoreline Management Act, the Shoreline Master Program, and all other applicable plans, programs, and regulations.

2. The proposed use will not interfere with the normal public use of public shorelines.

3. The proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under this Shoreline Master Program.

4. That the proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be incompatible with the environmental designation in which it is located.

5. That the public interest suffers no substantial detrimental effect.

C. In granting of conditional use permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total impact shall remain consistent with the policies of the Shoreline Master Act and shall not produce substantial adverse effects to the shoreline environment.

D. Uses which are specifically prohibited by this Shoreline Master Program will not be authorized as a conditional use.

E. The Shoreline Administrator will process conditional use permit applications in accordance with the procedures in the Shoreline Master Program User Guide and forward those applications with favorable recommendations to the Board of County Commissioners for review prior to submitting the applications to the Department of Ecology for final approval. DOE will render its decision within 30 days.

Variance Permits.

A. The purpose of a shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP where there are extraordinary circumstances relating to the physical character or configuration of the property such that the strict application of this Shoreline Master Program would impose unnecessary hardships on the applicant or thwart the policies of the Shoreline Master Program.

B. In order to obtain approval, the applicant must demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes or significantly interferes with reasonable use of the property.

2. That the hardship is specifically related to the property and is the result of unique conditions such as irregular lot size, shape or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions.

3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this SMP and will not cause adverse impacts to the shoreline environment.

4. That the variance will not constitute a grant of special privilege not afforded to other properties in the area.

5. That the variance requested is the minimum necessary to afford relief.

6. That the public interest will suffer no substantial detrimental effect.

C. In the granting of shoreline variance permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example, if a variance were granted to other developments in the area where similar circumstances exist, the total of the shoreline variances shall also remain consistent with the Shoreline Management Act and will not cause substantial adverse effects to the shoreline environment.

2.4 Effective Date

A. The effective date of a substantial development permit is the date the approved permit is received by the Department of Ecology. The effective date of conditional use and variance permits is the date that the county receives Department of Ecology approval for the permit.

2. 5 Time Requirements for Permits

A. Generally, the development or use permitted must commence no later than 2 years after the effective date, and development activities must terminate no later than 5 years after the effective date. However, the Shoreline Administrator has the authority modify those dates based on the requirements and circumstances of the project. The Shoreline Administrator may also grant an extension of up to one year to either of those dates.

2. 6 Permit Revisions

A. A permit revision is required whenever an applicant proposes substantive changes to the design, terms, or conditions of a project, or the proposed use. Changes that are not substantive in effect do not require approval of a revision. The approval authority for a revision is the same approval authority of the original permit.

2.7 Critical Areas Reports

A. Critical areas definitions and regulations are in Section 7, which also contains the criteria and required content for critical areas reports.

B. Should the Shoreline administrator determine that a critical areas report is required to support a decision regarding a proposed development or use, the applicant is responsible for obtaining such a report from a qualified professional.

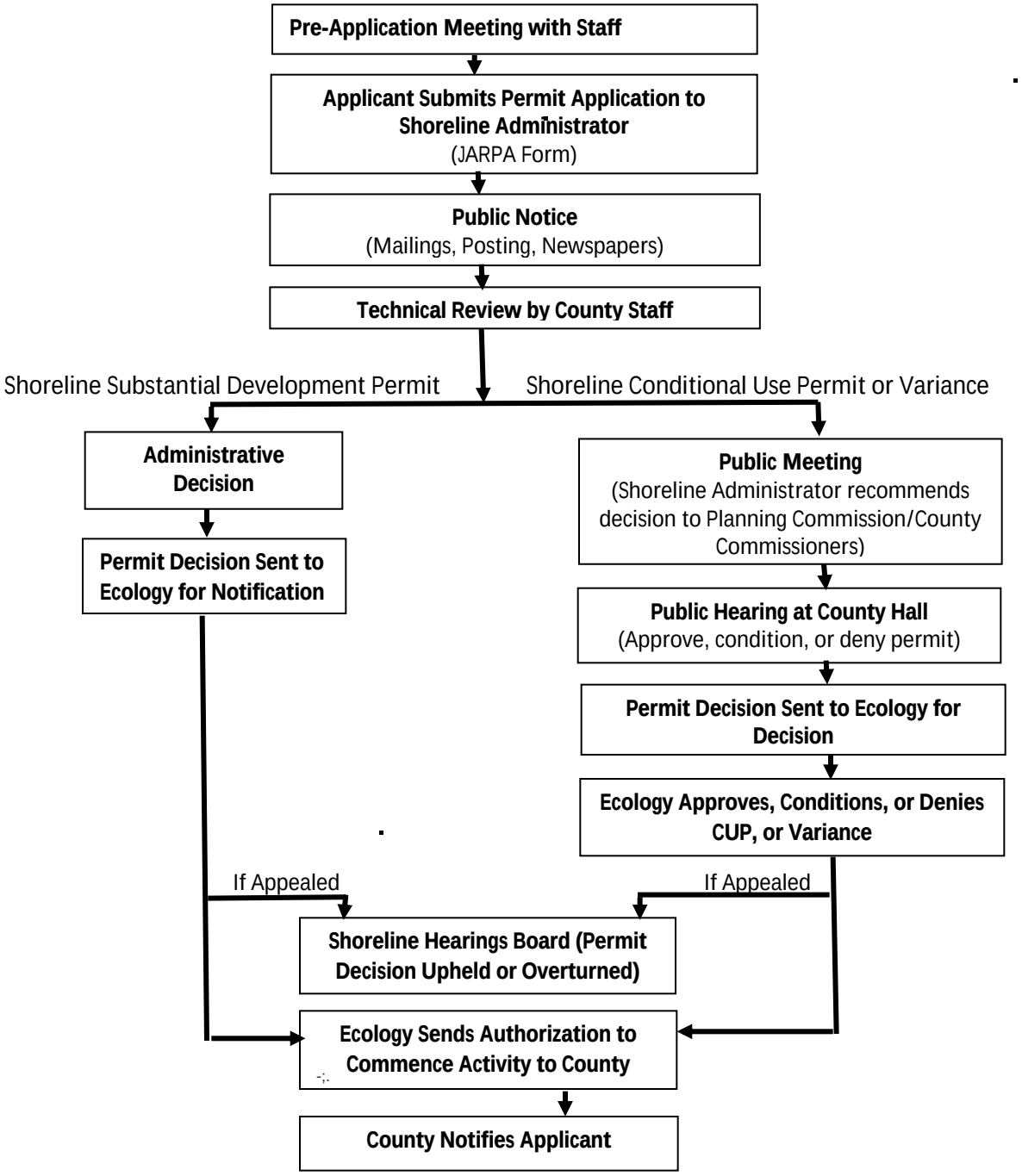
2. 8 Appeals.

A. Local Appeals. Any decision made by the Shoreline Administrator or Planning Commission may be appealed to the Board of County Commissioners. Specific procedures for filing an appeal may be found in the Shoreline Master Program User Guide.

B. Appeal to State Shoreline Hearings Board. All appeals of any final permit decisions are governed by the procedures established in RCW 90.58.180 , RCW 98.50.140(6), and WAC 461-08, the rules and procedures of the Shorelines Hearings Board. Appeals must be made to the Shorelines Hearings Board within 21 days after the County/Department of Ecology's final decision.

Chart 1
Shoreline Permit Process

For Substantial Development Permit (SDP);
Shoreline Conditional Use Permit (CUP); or Shoreline Variance



SECTION 3

DEFINITIONS & ACRONYMS

3.1 Language Interpretation

Unless specifically defined in this section, words, phrases and terms in this program shall be interpreted so as to give them the meaning they have in common usage and to give this program its most reasonable application. "Shall" and "must" are mandatory; " may" is discretionary and does not impose a requirement; "should" is always advisory; "include(s)" means includes but not limited to. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural; and the plural, the singular.

3. 2 Definitions

"**Accessory**" means a use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the subject property.

"**Act**" means The Washington State Shoreline Management Act, RCW 90.58, also known as the "SMA". (WAC 173-26-020)

"**Agricultural activities**" means agricultural uses and practices for economic use, including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing
agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. (WAC 173.26.020)

"**Agricultural equipment**" and "agricultural facilities" includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; (RCW

"**Agricultural land**" means those specific land areas on which agriculture activities are conducted. (RCW 90.58.065)

"**Agricultural land**" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

"**Agricultural products**" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products; (RCW 90.58.065)

"**Animal Feeding Operation**" means a lot or facility (other than an aquatic animal production facility) where animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. (40 CFR 122.23)

"**Amendment**" means a revision, update, addition, deletion, and / or amendment to the Wahkiakum County Shoreline Master Program. (WAC 173-26-020)

"**Approval**" means an official action by the Wahkiakum County Board of Commissioners agreeing to submit a proposed Shoreline Master Program or amendments to the Department of Ecology for review and official action. (WAC 173-26-020)

"**Appeal, closed record**" means an appeal of a land use action following an open record public hearing on a proposed land use action. Such an appeal is on the record established during the open record pre-decision public hearing with no new evidence or information allowed. During a closed record appeal, only appeal argument is allowed. (RCW 36.70B.020 (1))

"**Appurtenant structures**" means a development that is necessarily connected to the use and enjoyment of a residence and is located landward of the Ordinary High-Water Mark (As determined by Ecology) and / or the perimeter of a wetland as determined through a Wetland Delineation Report approved by the County. Appurtenances include a garage, deck, driveway, utilities, fences, private beach access (e.g. stairs), installation of a septic tank and drain field, and grading which does not exceed the threshold established in the local permitting or building regulations, whichever is less, and which does not involve placement of fill in any wetland, floodway, floodplain or waterward of the Ordinary High-Water Mark. Structural shoreline armoring and structures that sit across the Ordinary High-Water Mark or wetland perimeter are not appurtenant structures.

"**Aquaculture, Commercial**" means the culture of farming of fish, shellfish, or other aquatic plants and animals for commercial purposes, and does not mean tribal subsistence and personal consumption aquaculture activities. (WAC 173-26-020 (6))

"**Aquaculture, Research**" means the culture of farming of fish, shellfish, or other aquatic plants and animals for research purposes. Research aquaculture does not include any wholesale or retail sales and does not include tribal subsistence and personal consumption aquaculture activities.

"**Archaeology** " means systematic, scientific study of the human past though material remains.

"**Archaeological Object**" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools facilities, graves, skeletal remains and technological by-products.

"**Archaeological Resource/ Site**" means a geographic locality in Washington, including, but not limited to, submerged and submersible lands within the state' s jurisdiction, that contains archaeological objects.

"**Average grade level**" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the Ordinary High-Water Mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"**Best Management Practices (BMPs)**" means the utilization of methods, techniques or products which have been demonstrated to be the most effective and reliable in minimizing environmental impacts. Best Management Practices encompass a variety of behavioral, procedural, and structural measures that reduce the quantity of contaminants in storm-water run-off and in receiving water bodies of the state.

"**Boat Launch or Boat Ramp**" means a slab, pad, rail, or graded slope specifically constructed and used for launching boats or other vessels.

"**Boating Facilities**" means over-water and in-water facilities that facilitate as their primary purpose the launching, loading or mooring of vessels, including piers and docks for commercial, industrial, recreational, residential or public access use; marinas, covered moorage, dry storage and boat launches.

"**Breakwater**" means an offshore structure that is generally built parallel to shore that may or may not be connected to land and may be floating or stationary. Their primary purpose is to protect harbors, moorages, and navigation activity from wave and wind action by creating still water areas along or near the shore. A secondary purpose is to protect shorelines from waves causing erosion of the shoreline.

"**Buffer**" means an area contiguous to an environmentally sensitive critical or shoreline area that is required for the continued maintenance, function, and/or structural stability of the area that is

to be maintained in an undisturbed state yet allows limited development in most situations. Keeping native vegetation, trees, and shrubs in shoreline buffer areas has many benefits.

"Channel Migration Zone (CMZ)" means the area along a river or stream within which the channel can reasonably be expected to migrate over time because of normally occurring processes. It encompasses that area of lateral stream channel movement that can be identified by credible scientific information that is subject to erosion, bank destabilization, rapid stream incision, and / or channel shifting, as well as adjacent areas that are susceptible to channel erosion. For the purpose of this Shoreline Master Program, linear facilities parallel to the direction of flow and permanently maintained by a public agency, including roads, railroads and flood control levees may be considered to form the boundary of a Channel Migration Zone. The area within a river channel that is likely to move over an interval of time is referred to as the Channel Migration Zone or the meander belt.

"Clearing" means the removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.

"Conditional use permit" is a permit for a project which, on its face, would not fit within the management policies for the environmental designation of the location for which it is proposed. Conditional use permits allow for greater flexibility in permitting, however, that flexibility is tempered by a greater level of scrutiny and potentially a greater level of requirements. In terms of shoreline conditional use permits, a greater level of scrutiny is applied to ensure that these uses can occur without adverse impacts to shoreline resources. A determination made by the County regarding a conditional permit request will be forwarded to the Department of Ecology for its expeditious review and comment. If comments are forthcoming, the County will amend the determination as deemed appropriate and issue a final determination.

"Conforming preferred use" means that applicable development and shoreline master program regulations may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable.

"Critical" means having a decisive or crucial importance in the success, failure, or existence of something.

"Critical area" includes wetlands, frequently flooded areas, landslide hazard areas, seismic hazard areas, erosion hazard areas, and fish and wildlife habitat conservation areas.

"Cumulative Impact" means the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over an interval of time. These cumulative impacts can be positive as in the case of restoration projects.

"**Development**" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level. (RCW 90.58.030)

"**Development regulations**" means the controls placed on development or land uses by Wahkiakum County including, but not limited to, critical areas ordinances, all portions of the Shoreline Master Program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. (WAC 173-26-020)

"**Dock**" means a floating moorage structure.

"**Dredging**" means the excavating or displacing of the bottom or shoreline of a waterbody. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for cleanup of polluted sediments.

"**Ecological functions" or "shore line functions**" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline' s natural ecosystem. (WAC 173-26-020)

"**Ecology**" means the Washington State Department of Ecology.

"**Ecosystem-wide processes**" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

"**Emergency**" means an unanticipated and imminent threat to public health, safety, or the environment, requiring immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property from the elements. (WAC 173-27-040(2) (d))

"Essential Public Facilities" are facilities defined by RCW 36.2a.200(l) and WAC 365-196550

"**Estuarine wetlands**" are tidal wetlands that are usually semi-enclosed by land but have open, partly obstructed or sporadic access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from the land. The most common example is where a river flows into the ocean.

"Exempt developments" means pursuant to legislatively established criteria, those development activities set forth in Subsection 2.3 of the Wahkiakum County Shoreline Master Program which are not required to obtain a substantial development permit, but which must otherwise comply with applicable provisions of the Act and this Shoreline Master Program. (WAC 173-27-030).

"**Extreme low tide**" means the lowest line on the land reached by a receding tide. (RCW 90.58.030).

"**Fair market value**" means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. (WAC 173-27-030(8)).

"Feasible" means an action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the projects primary intended legal use. (WAC 173 -26020)

In cases where the Shoreline Master Plan Guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the local jurisdiction may weigh the action's relative public costs and public benefits, considered in the short and long-term time frames.

"Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the Ordinary High-Water Mark, in wetlands, or on shorelands in a manner that raises the existing elevation or creates dry land. (WAC 173-26-020 (16))

"**Fish acclimation facility**" means a pond, net pen, tank, raceway, or other natural feature or artificial structure used for rearing and imprinting juvenile fish to a body of water before their release.

"Fish hatchery " means a facility designed for the artificial breeding, hatching and rearing through the early life stages of finfish.

"**Floodplain**" means the Federal Emergency Management Administration (FEMA) mapped one hundred-year flood plain for land areas susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act. (WAC 173-26-020) and (WAC 17322-030(2))

"**Floodway**" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying stream ward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under

normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. (RCW 90.58.030(2)(b))

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;

(b) Harvesting, final and intermediate;

(c) Pre-commercial thinning;

(d) Reforestation;

(e) Fertilization;

(t) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

(i) Forest Practices Hydraulic Projects

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources. (RCW 76.09)

"Forest practices hydraulic project" means a hydraulic project, as defined under RCW 77.55.011, that requires a forest practices application or notification under RCW 76.09.

"Geotechnical report" means a geotechnical analysis, which is a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development , alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development , including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes. (WAC 173-26-020)

"**Grading**" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land. (WAC 173-26020)

"**Groins**" (sometimes spelled Groynes) are shore-perpendicular structures, often smaller than jetties, and are intended to trap sediment as a means of erosion control.

"**Guidelines**" means those standards adopted to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the Ecology in developing master programs. (RCW 90.58.030(3)(b))

"**Hazard Tree**" means a tree with a high probability of falling due to a debilitating disease , a structural defect, a root ball more than fifty percent exposed, or having been exposed to wind throw within the past ten years, or where there is a residence or residential accessory structure within a tree length and a half from the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the danger tree determination shall be made after review of a report prepared by a certified arborist or forester.

"**Height**" means the distance measured from average grade level to the highest point of a structure, provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines; provided further that temporary construction equipment is excluded in this calculation. (WAC 173-27-030)

"**Historic Resources**" mean those historic or cultural properties or items that fall under the jurisdiction of the Department of Archeology and Historic Preservation.

"**Historic Site**" means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the Wahkiakum County Commissioners.

"**In-stream structure**" means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. (WAC 173-26-24l(g))

"**Jetty**" means a structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. Most jetties are of riprapped mound construction, but not limited to.

"**Local Jurisdiction**" means the County or Town that is responsible for carrying out the regulations of the Shoreline Master Program within its boundaries.

"Low Impact Development" means systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of storm water in order to protect water quality and associated aquatic habitat.

"**Minor**" as used in this Shoreline Master Plan shall be considered to be a qualitative term. Unless specifically defined within the Plan, it shall be based upon the determination of the Administrator.

"MHHW" Mean Higher High Water means the average of the higher high-water height of each tidal day

"**Mining**" means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. (WAC 173-26-241(3)(h))

"Mitigation Sequence" means adhering to WAC I 73-26-201 (2) (e), including following the sequence of steps listed below in order of priority, with (a) being the top priority, and only using lesser priority steps when higher priority steps are infeasible.

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

"Native Vegetation" means vegetation comprised of plant species that are indigenous to the area.

"Net pens" means culturing systems that generally consist of two nets-an interior net to keep fish in and an exterior net to exclude predators. Net pens are typically anchored to the waterbody floor and suspended from the surface with a floatation structure; the netting continues above the water to a degree to stop fish from jumping out. Fish pen structures solely and directly established and managed for purposes of salmon enhancement and/or restoration are not considered net pens for purposes of this Program.

"**No Net Loss**" means maintenance of the combined total of shoreline ecological functions, as established by the County' s 2015 Inventory and Characterization, over time. The no net loss standards and provisions contained in WAC 173-26-186 and 173-26-201 require that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated so that there are no resulting impacts that cause ecological functions or processes to function below the level established by the 2015 Inventory and Characterization.

"**Nonconforming use or development**" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the act or the applicable Shoreline Management Act/Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Shoreline Master Program. (WAC 173-27-080)

"**Normal Maintenance**" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. (WAC 173-27-040(2)(b)). See also Normal Repair.

"**Normal Repair**" means to restore a development to a state comparable to its original condition or to current code compliance within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040 (2)(b)). See also Normal Maintenance.

"Non-water-oriented uses" means those uses that are not water-dependent water related or water enjoyment. (WAC 173-26-020)

"**Ordinary high water mark (OHWM)**" means that mark on all lakes, streams and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: Provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (RCW 90.58.030)

"**Overwater Structure**" means a device or structure projecting over the Ordinary High-Water Mark, including, but not limited to bridges for motorized or non-motorized uses, piers, docks, floats and similar structures.

"**Party of record**" means all persons, agencies or organizations who have submitted written comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail. (WAC 173-27-030)

"**Permit**" means shoreline permit. Any shoreline substantial development, shoreline variance, shoreline conditional use permit, or revision authorized under Chapter 90.58 RCW. (WAC 173-27-030)

"**Pier**" means a fixed, pile-supported structure in the water.

"Preferred Use" means a use that is preferential over other alternatives because it is better aligned with the purpose and priorities of the Shoreline Master Program.

"**Priority Habitat**" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

1. Comparatively high fish or wildlife density;
2. Comparatively high fish or wildlife species diversity;
3. Fish spawning habitat;
4. Important wildlife habitat;
5. Important fish or wildlife seasonal range;
6. Important fish or wildlife movement corridor;
7. Rearing and forage habitat;
8. Important marine mammal haul-out;
9. Refugia habitat (a location or locations which support an isolated or relict population of a once more widespread species. This isolation (allopatry) can be due to climatic changes, geography, or human activities such as deforestation and overhunting.) ;
10. Limited availability.
11. High vulnerability to habitat alteration;
12. Unique or dependent species; or
13. Shellfish bed.

A priority habitat may be described by unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a species-specific habitat element (such as a consolidated marine/estuarine shoreline, talus slope, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority or non-priority fish and wildlife.

"**Priority Species**" means a species requiring protective measures or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the four criteria listed below.

1. State-listed or State-proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State-proposed species are those fish and wildlife species that will be reviewed by the WDFW (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
3. Species of recreational, commercial, or Tribal importance. Native and non-native fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for Tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

4. Species listed under the Endangered Species Act as either proposed, threatened, or endangered.

"**Provisions**" means policies, regulations, standards, guideline criteria or environment designations of the Wahkiakum County Shoreline Master Program. (WAC 173-26-020)

"**Public interest**" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development. (WAC 173-27-030(14))

"**Public Use**" Public use means the use of any land, water, or structure by a public agency or the general public.

"**Qualified Professional**' means a person who has achieved an advanced level of proficiency in an occupation or trade, including, but not limited to a person who has attained a higher level of education or training or is formally licensed or certified by a professional organization in a certain field. Such fields of expertise may include, but are not limited to, biology, botany, dendrology/arboriculture, ecology, hydrology, geology, fluvial morphology, wetlands, or engineering.

"**Ramp Railways**" are rails attached to the substrate used for launching and retrieving watercraft, usually with a cradle and winch system.

"**Reach**" A reach is a length of stream or valley used as a unit of study. It contains a specified feature that is either fairly uniform throughout, such as hydraulic characteristics or flood damages, or that requires special attention in the study, such as a bridge. Reaches are shorter for hydraulic studies than for economic ones, so it is best to consider hydraulic needs first when selecting reaches and then combine the hydraulic reaches into longer ones for the economic study. (Source: US Department of Agriculture - Part 630 Hydrology, National Engineering Handbook)

"**Recreational development**" means commercial and public facilities designed and used to provide recreational opportunities to the public. (WAC 173-26-241(3)(i))

"Research and Development Facilities" means structures and uses associated with research and development, public and private educational partnerships, and accessory structures or uses.

"**Residential development**" means one or more buildings, structures or portions thereof which are designed for and used to provide a place of abode for human beings, including but not limited to one and two family detached dwellings, multifamily residences, townhouses, mobile home parks, and other similar group housing, together with appurtenant uses and structures normally common to residential uses including but not limited to garages, sheds, or other appurtenant structures. Residential development also includes the creation of new residential lots through land division.

"Restoration" means in the context of ecological restoration, the reestablishment or upgrading of impaired shoreline ecological processes or functions. This may be accomplished through

measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (WAC 17326-020).

Restoration includes enhancements to ecological processes and functions.

"Riparian buffer", also known as a **vegetated buffer** or **forest buffer,** is a vegetated area along a stream, usually forested, which helps shade and partially protect a stream from the impact of adjacent land uses.

"**Setback**" is an area measured 15 ft. horizontally from the outer edge of a critical area buffer.

"**Shorelands**" means shoreland areas and / or lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the Ordinary High-Water Mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes , and tidal waters which are subject to the provisions of Chapter 90.58; the same to be designated as to location by the Washington State Department of Ecology.

"**Shoreline Administrator**" is the individual responsible for administering the Wahkiakum County Shoreline Master Plan. Unless another person is appointed by the County Board of Commissioners, the responsible individual shall be the County's Planning Director or his/her designee.

"**Shoreline Buffer**" means a required vegetated open space, specified in SMPs, measured horizontally upland from and perpendicular to the Ordinary High-Water Mark.

"**Shoreline Jurisdiction**" means all shorelines of the state and those areas defined in the Wahkiakum County Shoreline Master Program and RCW 90.58.030 (WAC 173-26-020(33)).

"**Shoreline Management Act (SMA)**" means Chapter 90.58 RCW, as amended. Washington's Shoreline Management Act was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is to prevent the inherent harm in an uncoordinated and piecemeal development of the State's shorelines.

"**Shoreline Master Program (SMP)**" also "**master program**" or "**program"** means the comprehensive use plan for shorelines of the state, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. (WAC 173-26-020)

"**Shoreline modifications**" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals. (WAC 17326-020)

"**Shorelines**" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance; (2) shorelines on segments of streams upstream of a point where

flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (3) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. (RCW 90.58.030(2)(e))

"**Shorelines Hearings Board**" means a State level quasi-judicial body, created by the Shoreline Management Act, which hears appeals by an aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by the local jurisdiction. See RCW 90.58.170 and RCW 90.58.180.

"Shorelines of statewide significance" within Wahkiakum County means the shorelines with the following attributes (RCW 90.58.030(2) (£)):

1. That portion of the Columbia River that forms the border between Washington and Oregon.

"Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within thestate. (RCW 90-58-030(2)(g))

"Shoreline stabilization" means actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization. (WAC 173-26-231(3))

"**Significant vegetation removal**" means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping where it does not affect ecological functions, does not constitute significant vegetation removal. (WAC 173-26-020)

"**Solid Waste**" mean all garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types whatsoever, whether the source be residential or commercial, exclusive or hazardous waste, and including all source-separated recyclable materials and yard waste.

"**Structure**" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. (WAC 17327-030(15))

"**Structural shoreline stabilization**" means hard structural stabilization measures with solid, hard surfaces, such as concrete groins, retaining walls, and bulkheads, while soft structural stabilization measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement,

anchor trees, gravel placement, rock revetments, gabions, concrete groins, retaining walls, and bluff walls, and bulkheads. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

"**Substantial development**" shall mean any development of which the total cost or fair market value exceeds $6,416, or any development which materially interferes with the normal public use of the water or shoreline of the state. The dollar threshold must be adjusted for inflation by the Office of Financial Management every five years, beginning September 15, 2012, based upon changes in the consumer price index during that time period. This definition will follow the dollar amount defined in the RCW.

"**Substantially degrade**" means to cause significant ecological impact. (WAC 173-26-020)

"**Terminal**" means a facility where bulk or liquid bulk materials, or shipping containers are stored, loaded, and unloaded between the shoreline and deep draft marine vessels.

"Topography" means the natural or existing topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling. (WAC 173-27-030)

"**Upland finfish rearing facilities**" means those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size for commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities. (Upland finfish rearing facilities are included in the Shoreline Management Act definition of agricultural activities, not aquaculture [RCW 90.58.065].)

"**Utility**" means services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

"Utility transmission" means facilities to convey or transmit utility services.

"Variance" means to grant relief from the specific bulk, dimensional or performance standards set forth in the Wahkiakum County Shoreline Master Program and not a means to vary a use of a shoreline. (WAC 173-27-030)

"**Water-dependent use**" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. (WAC 173-26-020)

"**Water-enjoyment use"** means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use,

the use must be open to the general public and the shoreline- oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. (WAC 173-26-020)

"**Water-oriented use**" means a use that is water-dependent, water-related, or for water enjoyment, or a combination of such uses. (WAC 173-26-020)

"**Water-related use**" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. (WAC 173-26-020)

"**Watershed restoration projects**" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

1. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
2. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the Ordinary High Water Mark of the stream; or
3. A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings. (RCW 89.08.460)

"**Wetland buffer**" means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and ecological stability of the wetland.

"**Wetlands**" are those areas, designated in accordance with the currently approved Federal Wetland Delineation Manual and applicable regional supplement, that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention

facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. (RCW 9058-030 (2)(h))

3.3 Acronyms

Ecology: Washington Department of Ecology

FWHCA: Fish and Wildlife Habitat Conservation Area(s)

GMA: Growth Management Act

OHWM: Ordinary High-Water Mark

PHS: Priority Habitats and Species

RCW: Revised Code of Washington

SED: Shoreline Environment Designation(s)

SEPA: State Environmental Protection Act

SMA: Shoreline Management Act

SMP: Shoreline Master Program

WAC: Washington Administrative Code

WDFW: Washington Department of Fish and Wildlife

SECTION 4

INVENTORY AND CHARACTERIZATION SUMMARY

As part of the Shoreline Master Program update process, Wahkiakum County is required to complete an Inventory and Characterization Report that establishes a baseline for establishing a revised Shoreline Master Program. The following sections are a summary of the Inventory and Characterization Report. The Report contains detailed maps, analysis and descriptions of the physical and biological characteristics within the shoreline jurisdiction throughout the County, and surrounding watersheds. A list of the shoreline jurisdiction streams located within Wahkiakum County can be found in Appendix I of this document.

4.1 Background and Purpose

The Inventory and Characterization Report documents baseline shoreline conditions and provides a basis for revising Shoreline Master Program goals, policies, and regulations. The Inventory and Characterization Report evaluates existing functions and values of shoreline resources and explores opportunities for conservation and restoration of ecological functions. The Inventory and Characterization Report also characterizes ecosystem-wide processes and how these processes relate to shoreline functions. Processes and functions are evaluated at two scales: (1) a watershed or landscape scale, and (2) a shoreline reach* scale.

The purpose of the watershed or landscape scale characterization is to identify ecosystem processes that shape shoreline conditions and to determine which processes have been altered or impaired. The intent of the shoreline reach scale inventory and characterization is to: (1) identify how existing conditions in or near the shoreline have responded to process alterations; and (2) determine the effects of the alteration on shoreline ecological functions. The findings help provide a framework for this update to the shoreline management policies and regulations, and a baseline to which future conditions may be compared to determine if the no net loss standard is being met.

*"Reach" is defined in the "Definitions and Acronyms" section of this Program.

4.2 Summary of Findings

A summary of the findings from the Inventory and Characterization Report includes:

A. Habitat loss and degradation has occurred to important salmonid migration, rearing and spawning habitat. Much of the degradation is the result of historic forestry practices in the upper reaches. The updated Forest Practices Act has improved conditions, although many logging roads with undersized culverts still exist.

B. Active restoration has been occurring over the last decade particularly in the Grays River, Elochoman, and Skamokawa sub-basins.

C. Public land, primarily Department of Natural Resources (DNR) owned forestry land, Washington Department of Fish and Wildlife (WDFW) managed land, the National Wildlife Refuge, and land acquired by organizations such as the Columbia Land Trust, present opportunities for both restoration and protection.

D. The County is not projected to grow rapidly over the next 20 years; however, areas that have seen, and will likely continue to see, the most land use changes (i.e. less intensive agriculture to smaller residential lots) and increases in development are the Elochoman Valley and Puget Island.

E. Several public access points and parks have been improved in recent years including the Oneida boat ramp on Deep River and the Svensen boat ramp on the Columbia River. Opportunities to increase and improve public access in the County are abundant.

F. A review of the shoreline variances and other permits issued in the past indicates an opportunity to develop an updated Shoreline Master Program for the County that addresses common and routine shoreline developments in a way that permits their use without needing to go through a conditional use or variance process. This would streamline the application and approval process for landowners and developers under the updated Shoreline Master Program.

SECTION 5

SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

5.1 Shoreline Jurisdiction

A. This Program shall apply to all of the shorelands and waters within Wahkiakum County that fall under the jurisdiction of RCW 90.58. This includes:

1. Rivers and streams with more than twenty (20) cubic feet per second mean annual flow (cfsmaf);

2. Shorelands adjacent to these water bodies, typically within 200 feet of the ordinary high-water mark;

3. Floodways and contiguous floodplain areas extending 200 feet from the floodway;

B. In accordance with RCW 90.58.030(2)(f), the following Wahkiakum County waters are designated shorelines of statewide significance:

1. That portion of the Washington shoreline of the Columbia River, including the Cathlamet Channel, between the Cowlitz and Pacific County boundaries.

5.2 Basis of Designations

A. While the shorelines of the state within Wahkiakum County are classified, as indicated in Section 1.3, by the natural mechanisms present (wetlands, shorelines, shorelands, critical areas) individual reaches of the shorelines of the state are also given designations that are largely reflective of the extent of current and/or anticipated future human impact. Thus, a reach with one of the below listed designations could contain one or more classifications.

B. All lands and waters within the jurisdiction of this Program have one or more of the below shoreline environment designations, depending on the configuration and location of parcels. Note: These designations do not include the Town of Cathlamet which is governed by its own Shoreline Master Program approved in 2017.

1. Natural

2. Rural Conservancy

3. Aquatic

4. Mixed Waterfront

C. A shoreline environment designation has been assigned to each segment (or reach) of the shoreline in accordance with the purposes and policies of WAC 173-26-211(5), WAC 17326-211(4) (c), and this section.

D. The designations are assigned based upon an analysis of the following:

1. The ecological functions and processes that characterize the shoreline, the nature and types of hazards that are present, and the extent to which the shoreline functions and processes have been altered, as described in the Wahkiakum County Inventory and Characterization Report (2015);

2. Existing and anticipated development patterns as evidenced by lot size, current land use, and current zoning designations (where applicable); and

3. The goal of achieving no net loss of ecological functions in accordance with the Shoreline Management Act.

E. Shoreline permitted, conditional and prohibited uses, developments, and modifications are to be based on Table 1 (pages 44-45), and as further prescribed by the policies and regulations of this Program for specific shoreline uses, developments, and modification activities. In the event of a conflict between the text and Table 1, the text shall prevail.

5.3 Shoreline Environment Designation Maps

A. The shoreline environment designations are mapped in the Shoreline Environment Designation (SED) Maps. The Shoreline Environment Designation Maps are available for viewing through the office of the County Planning Department.

B. The landward extents of the shoreline jurisdiction shown on the SED maps are approximate. The mapped jurisdiction extent is based on the approximate location of the Ordinary High-Water Mark, and wetlands that appear to be associated with the shoreline waterbodies. While based on the best available information, the maps have inherent discrepancies. Therefore, interpretations of the maps require professional judgment and site-specific information as to the actual physical location of the Ordinary High-Water Mark, critical areas, and their buffers. The full landward extent of shoreline jurisdiction limits shall be determined consistent with Subsections 5.4 through 5.7 of this Program. The designations assigned to each shoreline segment shall apply throughout the full jurisdictional limits as determined at the time shoreline development is proposed.

C. The breaks between each designation can be determined using coordinates contained in the Geographic Information Systems (GIS) database maintained by the County. In the event of a disagreement as to the exact location of a shoreline environment designation break shown on the Plat map, the Shoreline Administrator shall interpret the maps using the following guidelines:

I. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed; and,

2. Boundaries indicated as approximately following roads, improved trails, or railways shall be respectively construed to follow their centerlines.

D. Changes to the shoreline environment designations assigned to each shoreline segment (or reach) must be approved through a Shoreline Master Program amendment. Any Master Program amendment shall be subject to the requirements of WAC I 73-26-100 and shall require approval by the Washington Department of Ecology. This shall not limit prudent efforts by the Shoreline Administrator to improve depiction of the landward extent of the shoreline jurisdiction based on new information or minor mapping adjustments or to address areas where the shoreline may have moved due to natural process such as erosion and accretion.

E. Any shoreline segment within shoreline jurisdiction that is not mapped and/or not designated shall be designated Rural Conservancy unless the Administrator determines that the undesignated area is due to inherent discrepancies in the mapping of dynamic shorelines which are constantly accreting and eroding due to natural process. In such cases, the Administrator shall apply the appropriate designation based on the criteria defined in Section 1.3 of this Program and the mapping of the surrounding areas. Changes to designations that are unrelated to localized mapping discrepancies shall be addressed through a formal Master Program amendment.

5.4 Natural (N)

A. Criteria:

1. The Natural Environment is applied to shoreline areas landward of the Ordinary High-Water Mark located outside of County Forest Lands of long-term commercial significance designated pursuant to RCW 36. 70A.l 70. These shorelines are characterized as also having some or all of the following characteristics:

a. Intact or minimally degraded, densely forested (closed canopy) riparian and/or floodplain habitat extending throughout the shoreline environment.

b. Shorelines and adjacent upland areas are largely free of development and modification; existing residential development, if any, is scattered at densities generally lower than one dwelling unit per 20 acres.

c. Mostly encumbered by erosion and/or landslide hazards, including areas of feeder bluff and channel migration.

d. High priority river or riparian restoration areas within the Shoreline Master Program jurisdiction.

B. **Purpose:**

1. To protect areas that are relatively free of human influence or that includes intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. (WAC 173-26-211(5)(a)(i))

C. **Management Policies:**

I. Ensure retention of the existing natural character of shoreline reaches as part of the evaluation and permitting of new uses, developments and shoreline modification activities.

2. Any use that would substantially degrade or result in a net loss of ecological functions or natural character of the shoreline area should not be allowed.

3. New development or significant vegetation removal that would reduce the capability of vegetation to perform ecological functions should not be allowed.

4. Subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions should not be allowed.

5. Identify and pursue opportunities to restore and enhance shoreline functions in these overall ecologically intact shoreline reaches.

6. New uses and developments in the Natural environment should be limited to low intensity land uses and implement low impact development site design techniques and practices.

7. New commercial, industrial, mixed use, multi-family residential, and other types of intensive development and non-water-oriented recreation should be prohibited.

8. Property owners should be made aware these areas may be subject to hazards such as storm surges, flooding, landslides, erosion caused by wind and waves, and/or channel migration even where there are bulkheads, levees, or other flood/erosion protection structures in place.

9. New single-family residential development and low intensity water-oriented recreational uses may be allowed as a conditional use.

I0. Scientific, historical, cultural, and education research uses may be allowed provided the uses do not result in significant ecological impact on the area.

11. New roads, utility corridors, and parking areas that can be located outside of the Natural environment should not be allowed. Maintenance of existing roads and infrastructure should be allowed while minimizing and mitigating impacts to shoreline ecological functions.

12. Subdivision to create additional shoreline residential lots may be permitted as a conditional use. The minimum lot size should be 20 acres.

5.5 Rural Conservancy (RC)

A. **Criteria:**

1. The Rural Conservancy Environment is applied landward of the Original High-Water Mark to:

   a. Forestry, farming, orchards, and livestock areas, including agricultural or forest lands pursuant to RCW 36.70A.l70.

   b. Residential areas outside of the Town of Cathlamet.

   c. Recreational areas and cultural or historical resource areas.

   d. Low intensity water dependent use areas.

   e. Areas supporting human uses but subject to environmental limitations such as steep banks, feeder bluffs, and flood-prone areas.

B. **Purpose:**

I. Provide for sustained resource use, public access, and recreational opportunities while protecting ecological functions and conserving historical and cultural resources. Examples of uses that are appropriate in a Rural Conservancy environment include low-intensity recreation uses, forest production, agricultural uses, aquaculture, low-intensity residential development, and natural resource-based-low-intensity uses.

C. **Management Policies:**

I. Agriculture, commercial forestry, and aquaculture are supported uses.

2. Commercial and industrial uses should not be allowed, except for low-intensity, water-oriented uses where those uses have located in the past or at sites that already possess shoreline conditions and services to support the use.

3. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses.

4. Developments and uses that would substantially degrade, or permanently deplete the biological resources of the area should not be allowed.

5. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline.

6. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed to ensure that the natural shoreline functions are protected.

7. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231. New development should be designed and located to preclude the need for such work.

5.6 Aquatic (A)

A. **Criteria:**

1. The Aquatic designation is assigned to all shoreline waters in Wahkiakum County, and includes the area waterward of the Ordinary High-Water Mark together with their underlying lands and their water column.

B. **Purpose:**

1 . To protect, restore, and manage the unique characteristics and resources of the areas waterward of the Ordinary High-Water Mark, while allowing for limited modification for water-dependent uses and public access when located in appropriate areas and developed to avoid a net loss of shoreline functions.

C. **Management Policies:**

I. New structures should be allowed in or over water only when necessary for bridges, approved water-dependent uses, public access, or ecological restoration.

2. The size of new in or over water structures should be limited to the minimum necessary to support the structure's intended water-dependent use.

3. To reduce cumulative impacts on shoreline functions and processes and increase the effective use of water resources, new in over water structures should serve more than one approved use where feasible.

4. New in or over-water structures should be located, oriented, and designed to minimize interference with public views and surface navigation and to allow for the safe, unobstructed movement of fish and wildlife species that depend on the waters formigration, rearing, or spawning.

5. New in or over water uses should be located, oriented, and designed to minimize impacts on water quality, sediment delivery and transport, natural hydrologic conditions, productivity of aquatic vegetation, and shellfish productivity (if applicable).

5.7 Mixed Waterfront (MW)

A. Criteria:

I. The Mixed Waterfront Environment is applied landward of the Ordinary High-Water Mark to:

a. Areas that currently support high-intensity uses related to commerce, transportation or navigation.

b. Areas suitable and planned for high intensity water-oriented uses.

c. Mixed residential and non-water oriented commercial use
d. areas. Marina and utility properties with low ecological

B. **Purpose:**

1. To provide for water-oriented commercial, transportation, and industrial uses while providing public access, accommodating existing patterns of non-water-oriented mixed-use development, protecting existing ecological functions, and restoring ecological functions in areas that have been previously degraded.

C. **Management Policies:**

1. In regulating uses in the Mixed Waterfront environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Third priority should be given to other uses that provide public access as part of the development.

2. Non-water-oriented commercial uses may be allowed as part of mixed use developments.

3. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.

4. Single family residential development may be allowed if the density and intensity is limited so as to protect ecological functions.

5. Multifamily residential development may be allowed if joint use shoreline access facilities are provided for the occupants or if shoreline public access is provided.

6. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development.

5.8 Allowed Uses in Each Shoreline Environment Designation

A. Each new shoreline environment designation shall be managed in accordance with its designated purpose as described in Subsections 5.4 through 5.7 of this Section and according to the other applicable policies and regulations of this Program. Table 1 (pages 44 and 45) shows the permitted, conditional, and prohibited uses and modifications for each environment designation.

B. Table II (pages 46 - 48) shows the standard buffer widths from the Ordinary High-Water Mark as a function of environment designation and proposed development or use. The Shoreline Administrator has the authority to adjust those standard buffer widths based on the circumstances of a particular development or use.

Table 1

New Uses and Developments

Where there is a conflict between the table and the text of this Program, the text shall prevail. For uses and modifications assigned a "P" or a "C", additional limitations and standards are provided in the text.

A =Allowed without shoreline permit.

P = Substantial Development Permit or Variance required unless exempt per Section 2.3.

C =Conditional use if otherwise compliant with this Program.

X =Prohibited, unless otherwise provided for in this Program.

n/a =Not applicable

Use/Development/Modification	Aquatic	Natural	Rural Conservancy	Mixed Waterfront
Residential Use/Development				
Single-Family Residences	X	A[1]	A	A
Overwater & Floating Residents[2]	X	n/a	n/a	n/a
Multi-Family Residences	X	X	C	C
Accessory Dwelling Units	X	P	P	P
Appurtenant Structures	X	P	P	P
Modifications Accessory to Residential Development				
Docks, Piers, Floats, Lifts	P	P	P	P
Mooring Buoys	P	n/a	n/a	n/a
Modifications				
Shoreline Stabilization				
Structural Stabilization (Hard)	P	C	P	P
Biological Stabilizations (Soft)	P	C	P	P
Boating Facilities				
Public Boat Launches	P	X	P	P
Docks, Piers, Floats, Lifts	P	X	P	P
Marinas	P	X	X	P
Mooring Buoys	P	n/a	n/a	n/a
Private Recreational Boat Launch	P	X	P	P
In-Stream Structures				
Power Generation	C,P	X	C,P	C,P
Water Supply Structures	C,P	n/a	n/a	n/a
Dredging and Dredge Disposal				
New Dredging	C	n/a	n/a	n/a
Maintenance Dredging	A	n/a	n/a	n/a
Disposal Per Adopted Regional Plan	A	A	A	A

Disposal NOT Per Adopted Regional Plan	C	X	C	C
Dredging for Fill	X	n/a	n/a	n/a
Other Modification				
Breakwater, Jetties, Groins	C,P	C,P	C,P	C,P
Flood Hazard Reductions	C,P	X	C,P	C,P
Fill, Clearing, and Grading	P	P	P	P
Use/Development/Modification	Aquatic	Natural	Rural Conservancy	Mixed Waterfront
Other uses or Developments in Wahkiakum County				
Forest Practices (conversion)	X	C,P	P	X
Agriculture	X	X	C,P	X
Aquaculture	C	C	P	P
Mining	C	X	C	C
Restoration and Enhancement	P	P	P	P
Commercial Signs	X	X	P	P
Low Impact Recreation	A	A	A	A
Unclassified Uses	C	C	C	C
Commercial/Industrial				
Water-Dependent	P	X	P	P
Water-Related	P	X	P	P
Water-Enjoyment	P	X	P	P
Non-Water-Oriented	P	X	P	P
Parking				
As A Primary Use	X	X	X	X
In Support of a Permitted Use	X	X	P	P
Recreational Development				
Water-Oriented (Trails, Campgrounds	P	P	P	P
Non-Water Oriented (Golf Courses, Sports fields_	X	X	X	X
Utilities				
Municipal Sewer Systems	C,P	C,P	C,P	C,P
Solid Waste Facilities	C,P	C,P	C,P	C,P
Essential Public Facilities	C,P	C,P	C,P	C,P
Oil and Natural Gas Transmissions	C,P	C,P	C,P	C,P
Electric and Communications	C,P	C,P	C,P	C,P
Storm Water Facilities	C,P	C,P	C,P	C,P
Public Water Systems	C,P	C,P	C,P	C,P

1 Allowed if density is < I unit per 20 acres, Condition Use Permit required otherwise.
2 Replacement, improvement, maintenance, and repair are allowed without shoreline permit

Table II
Shoreline Buffers

Standard Shoreline Buffer from the OHWM	Mixed Waterfront	Rural/Urban Conservancy	Natural
New Agricultural Activities			
High intensity uses as defined in Section 6.3.5	100 feet	100 feet	N/A
Low intensity uses as defined in Section 6.3.5	50 feet	50 feet	50 feet
Aquaculture			
Water-dependent structures and uses	0 feet	0 feet	N/A
Water-related structures and uses	75 feet	75 feet	N/A
Non-water-dependent structures and uses	75 feet (1)	100 feet	N/A
Boating and Water Access facilities			
Water-dependent structures and uses	0 feet	0 feet	N/A
Water-related and water-enjoyment structures and uses	75 feet	75 feet	N/A
Non-water-dependent structures and uses	100 feet	100 feet	N/A
Commercial Development			
Water-dependent structures and uses	0 Feet	0 feet	N/A
Water-related and water-enjoyment structures and uses	75 feet	75 feet	N/A

Table II (Continued)
Shoreline Buffers

Standard Shoreline Buffer from the OHWM	**Mixed Waterfront**	**Rural/Urban Conservancy**	**Natural**
Non-water-oriented structures and uses	(1)	(1)	N/A
Forest Practices	100 feet	100 feet	200 feet
Industrial Development			
Water-dependent structures and uses	N/A	0 feet (2)	N/A
Water-related structures and uses	N/A	75 feet (2)	N/A
Non-water-oriented structures and uses	N/A	(2)(3)	N/A
Mining	N/A	100 feet	N/A
Parking	150 feet	150 feet	N/A
Recreational Development			
Water-dependent structures and uses	0 feet	0 feet	0 feet
Water-related and water-enjoyment structures and uses	75 feet	75 feet	100 feet
Non-water-oriented structures and uses	100 feet	100 feet	N/A
Residential Development	100 feet	100 feet	200 feet
Transportation Facilities			
Bridges for motorized and non-motorized uses	0 feet	0 feet	0 feet

Table II (Continued)
Shoreline Buffers

Standard Shoreline Buffer from the OHWM	Mixed Waterfront	Rural/Urban Conservancy	Natural
Expansion of roads within existing right-of-way	(4)	(4)	(4)
New roads related to permitted shorelines uses	(5)	(5)	(5)
Expansion of roads outside of a right-of way or relocation of existing roads	(5)	(5)	(5)
Utilities			
Water-dependent structures	N/A	0 feet	N/A
Water-related structures	N/A	75 feet	N/A
Non-water-oriented structures	N/A	100 feet (6)	N/A
Transmission Facilities	(7)	(7)	(7)

(1) Non-water oriented commercial uses are only allowed subject to Section 6.3.9
(2) Industrial uses in the Rural Conservancy shoreline environment designation are limited to low intensity, water-oriented uses where those uses have located in the past, or at unique sites in rural communities that posses shoreline conditions and services to support the use.
(3) Non-water oriented industrial uses are only allowed subject to Section 6.3.9
(4) Only allowed within existing right-of-way.
(5) Only allowed within shoreline jurisdiction when no other option for the location of the facility exists in accordance with Section 6.2.7
(6) Only allowed within shoreline jurisdiction when no other option for the location of the facility exists in accordance with Section 6.2.7
(7) Transmission facilities shall be sited in accordance with Section 6.3.78, or in an existing road right-of-way.

SECTION 6

GOALS, POLICIES, & REGULATIONS

The following shoreline goals and policies provide the foundation and framework on which the remainder of the Shoreline Master Program has been developed.

6.1 Shoreline Master Program Goals

A. The overarching goals of this SMP are to:

1. Preserve the rights of private ownership and property uses of the shorelines;
2. Assure healthy, orderly, economic growth;
3. Maintain a high-quality environment along the shorelines;
4. Establish criteria for safe and orderly residential growth along the shorelines;
5. Preserve and protect these fragile natural resources and culturally significant features along the shorelines; and,
6. Provide safe and reasonable public access to the shorelines.

B. In Shorelines of the Columbia River, a shoreline of Statewide Significance, the County will give preference to uses in the following order of preference which:

1. Increase recreational opportunities for the public on the shoreline;
2. Increase public access to publicly owned areas of the shoreline;
3. Recognize and protect statewide interest over local interest;
4. Preserve and enhance the natural character of the shoreline;
5. Result in long-term over short-term benefits; and,
6. Protect the resources and ecology of the shorelines.

6. 2 General Goals and Policies

6.2.1 Ecological Functions

Purpose: To protect shoreline ecological functions.

Goal 1. Ensure shoreline development corresponds with the character and physical limitations of the land and water and prevents net loss of ecological function.

Policies:

1. Ecological function should be considered when evaluating proposed development.

2. Consider shoreline impacts when evaluating upland or adjacent uses or activities that have potential to negatively impact the shoreline environment.

3. Consider development impacts on wetlands and aquatic areas in shoreline areas.

4. Land divisions should be created to prevent loss of ecological functions, even when the lots are fully constructed.

Goal 2. Use regulatory standards and processes for the sustained yield of renewable shoreline resources to ensure no net loss of ecological function.

Policies:

I. Use the mitigation sequence (See Section 3 Definitions) to ensure no net loss of ecological function.

2. Preserve unique and non-renewable resources.

3. Limit the modification of intact natural shoreline areas by regulating or prohibiting the development of structures in areas with unstable soil or slope conditions.

6.2.2 Archeological and Historic Resources

Purpose: To protect historical buildings and sites as well as areas having historic, cultural, educational, archaeological or scientific values located within shoreline jurisdiction.

Goal 1. Provide access to, and education on, the resources if they are on public property.

Policies:

I. Such sites on public property should be made available to the general public if impacts to the resource can be avoided; however, access to sites may be by foot trail, boat, or other means of less convenience than paved roads.

2. Educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime history, environmental conservation and cultural and tribal heritage should be supported.

Goal 2. Protect, preserve, and restore those historical, cultural, educational, and scientific sites on the shorelines covered under the jurisdiction of this Shoreline Master Program.

Policies:

I. Such sites should be regarded with the same concern for protection as endangered or fragile species or ecosystems.

2. Wahkiakum County will work with tribal, state, federal, local governments, and special districts to maintain an inventory of all known significant local historic, cultural, and archaeological sites while adhering to applicable state and federal laws protecting such information from public disclosure. As appropriate, such sites should be preserved, rehabilitated, or restored for study, education, or public enjoyment.

3. Construction projects located within shoreline jurisdiction that encounter new and significant archaeological, historical, scientific, or cultural discoveries should be immediately stopped and be suspended until such discoveries can be fully evaluated.

4. Restoration, development, and interpretation of significant historical, cultural, educational, or scientific properties within shoreline areas is encouraged.

5. Prior to permits being issued in a documented archaeological area located within shoreline jurisdiction the project proponent should obtain a site evaluation or inspection by a professional archaeologist, in coordination with affected Native American tribes.

6. Owners of property containing previously identified historic, cultural, or archaeological sites are encouraged to make development plans known well in advance of application, so that appropriate agencies such as the affected Native American tribe(s), Washington State Department of Archaeological and Historic Preservation, and others may have ample time to assess the site and arrange to preserve historical, cultural, and archaeological values as applicable.

7. Proposed site development or associated site demolition work should be planned and carried out to avoid impacts to the protected resource.

8. If development or demolition is proposed adjacent to an identified historic, cultural, or archaeological site, then the proposed development should be designed and

operated to be compatible with continued protection of the historic, cultural, or archaeological site.

Regulations:

1. **Known archaeological resources.** Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

2. **Uncovered archaeological resources.** If archaeological resources are uncovered during excavation, or other site development activities, developers and property owners shall immediately stop work and notify the Shoreline Administrator, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes.

6.2.3 Critical Areas

Purpose: To protect areas designated as environmentally critical areas located in the shoreline jurisdiction. Critical areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values. Critical areas within shoreline jurisdiction are governed by the Shoreline Management Act through this Program' s Critical Areas Regulations located in Section 7. The goals, policies and regulation of Critical Areas within shoreline jurisdiction are described in Section 7 of this Shoreline Master Program.

6.2.4 Economic Development

Purpose: To provide for water oriented economic development and employment while supporting other community goals

Goal 1. Support sustainable water-dependent commercial and industrial use & development where compatible with existing areas of business, labor, and infrastructure.

Policies:

1. Sustainable water-dependent commercial and industrial use and development is a preferred use over non-water-dependent shoreline uses in areas of existing water dependent commercial and industrial development.

6.2.5 Public Access

Purpose: To plan for, maintain, and improve public access to shorelines, including the public's ability to view, reach, touch, and enjoy the water edge, while protecting private property rights, public safety, and ecological functions.

Goal 1. Plan for public access to public lands so that resources are used efficiently and effectively.

Policies:

I. Priority for access acquisition to public lands and investment should consider future recreational accessibility, resource accessibility and desirability, availability, and relative proximity of intended users.

Goal 2. Use public land for public access to shorelines and ensure that public access opportunities meet demands associated with new and anticipated development.

Policies:

1. Ensure that developments, uses, and activities on or near the shoreline do not impair or detract from the public's access to the water by public land. Where practicable, public access to the shoreline should be expanded and/or enhanced.

2. Design projects for public access to public property such that they provide for public safety and minimize potential impacts to private property and individual privacy.

3. Encourage diverse public access opportunities to water bodies that are compatible with the existing upland and aquatic shoreline environment.

4. Recognize that public access does not include the right to enter upon or cross private property, except on dedicated public rights of way or easements or where development is specifically designed to accommodate public access.

5. Use shoreline public access points to public property in order to enhance the public's understanding and appreciation of shoreline ecology, cultural history, maritime heritage, and location specific rules and boundaries by incorporating educational and interpretive signage and other tools into public access facilities.

Goal 3. Improved public access sites to publicly owned shorelines should be inviting and accommodating to a wide range of users.

Policies:

1. Appropriate signs should clearly indicate where public access points are located and/or how to reach publicly owned shorelines.

2. Public access to publicly owned shorelines should be designed to provide for public safety and to minimize substantial impacts to private property and individual privacy.

Goal 4. Protect ecological functions and informal/undeveloped public access opportunities.

Policies:

I. Pedestrian and non-motorized vehicle access to publicly owned shorelines should be designed to limit adverse impacts to ecological functions that result from parking or vehicular uses too close to the water.

2. Informal, unsigned, and unimproved public access locations are a valued type of public access to publicly owned shorelines and should be protected as such unless the site has been prioritized by the County for public access improvements.

Goal 5. Protect views of shorelines and the water.

Policies:

1. Public property serving as a viewpoint, vista, or lookout to the shoreline and water should continue to serve those purposes.

2. Consistent with the overall best interest of the state and the people of the County, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including water views

Regulations:

I. **Applicability.** This section applies to public access development projects for publicly owned shorelines and other kinds of development on public property that, according to the Shoreline Management Act and its implementing regulations, must provide such access.

2. **New development** shall be located and designed to avoid or minimize obstruction of views from public property.

3. **Conditions when required.** Except as provided in regulations 5 and 6 below, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:

   a. A development or use will create increased demand for public access to the shoreline.

   b. A development or use will interfere with an existing public access to publicly owned shorelines. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby access.

   c. A commercial or industrial use is proposed for location on land in public ownership.

4. **When required for public entities.** Shoreline development by public entities, port districts, state agencies, and public utility districts shall include public access measures as part of each shoreline development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

5. **When not required.** An applicant shall not be required to provide public access if the Shoreline Administrator determines that one or more of the following conditions apply:

   a. The economic cost of providing the required public access is unreasonably disproportionate to long-term economic value of the proposed use or activity.

   b. Provision of public access on the site would pose a health or safety risk to the public due to the nature of the proposed use or activity or the location of public access or would be infeasible due to security requirements associated with the proposed development.

   c. Other reasonable and safe opportunities for public access to the shoreline are located within a reasonable distance of the proposed development site.

   d. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.

   e. Constitutional or other legal limitations may apply.

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

g. The site is part of a larger development project that has previously provided public access as part of the development permitting process.

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

1. The proposed development is for the subdivision of property into four or fewer parcels.

J. Provision of public access at the proposed development site would result in a net loss of shoreline ecological function that cannot be effectively mitigated or avoided or would pose a risk to threatened and/or endangered species listed under the Endangered Species Act.

k. The proposal consists solely of a new or expanded utility crossing through shoreline jurisdiction, serving development located outside shoreline jurisdiction.

l. Significant unavoidable conflict between any access regulations and the proposed use and adjacent uses would occur and cannot be mitigated.

6. **Reasonable alternatives.** The applicant must first demonstrate, and the County determines in its findings that all reasonable alternatives to provide public access have been exhausted, including, but not limited to:

   a. Regulating access by such means as maintaining a gate and/or limiting hours of use.

   b. Separating uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.).

   c. Developing access at a site geographically separated from the proposal such as a street end, vista, or trail system.

   d. Sharing the cost of providing and maintaining public access between public and private entities.

7. **Dedication of land or a physical improvement.** Public access provided as a condition of project approval shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock, pier area, or other area serving as a means of view and/or physical approach to public waters. It may include interpretive centers and displays.

8. **Location and design criteria.** Public access provided as a condition of project approval shall meet the following location and design criteria:

    a. When physical access is provided, a pedestrian access walkway is required if it will not adversely impact shoreline ecological processes and functions. Fencing may be used to control damage to plants and other sensitive ecological features. Trails shall be constructed of permeable materials and limited in width to reduce impacts to ecologically sensitive resources.

    b. Where views of the water or shoreline are available, and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.

    c. Development over water shall be constructed as far landward as possible to reduce interference with views to the shoreline from surrounding properties.

    d. Appropriate amenities such as benches, picnic tables, and public parking sufficient to serve the users shall be provided. Public restrooms, facilities for disposal of animal waste, and other appropriate public facilities shall be required at developments that attract a substantial number of persons.

    e. Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.

    f. Public access design shall provide for the safety of users to the extent feasible.

    g. The standard state-approved logo or other locally approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.

9. **At time of occupancy.** Required public access sites shall be fully developed and available for public or community use at the time of occupancy of the shoreline development.

10. **Maintenance.** Maintenance of the public access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the Wahkiakum County Auditor's Office.
11. **Shoreline street ends and public rights-of-way.** Public access provided by existing shoreline street ends, and public rights-of-way shall be preserved, maintained, and enhanced consistent with RCW 36.87.130 and this program.

12. **No net loss of ecological functions.** Public access improvements shall be constructed and maintained in a manner that does not result in a net loss of shoreline ecological functions.

13. **Conflict with adjacent property views.** Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

6.2.6 Recreational Development

Purpose: To improve and expand water-oriented recreational opportunities through programs of acquisition, development, and regulation.

Goal 1. Provide water-oriented recreation opportunities while protecting ecological functions.

Policies:

1. Encourage water-oriented recreational development in and adjacent to already developed areas to minimize impact to ecological functions and complement existing centers of business and recreational activity.

2. Commercial recreational development should be consistent with the provisions for commercial development.

3. Non-water-oriented recreational uses should not displace water-dependent uses.

4. Recreational facilities should be located within shoreline jurisdiction only when they support a water-oriented recreational use.

5. Encourage recreational opportunities on the publicly owned shoreline that serve people of all ages, mobility, and financial ability.

6. Include all appropriate levels of government in the planning, designing, and financing of future recreational facilities, and use public-private partnerships if appropriate to achieve recreation objectives.

7. nterpretive signage on shoreline ecological function is encouraged in order to help horeline users understand how they can help protect ecological functions on a day-to-day basis and while recreating.

8. Shoreline recreational areas should be sited and designed to facilitate maintenance and adequate monitoring of use to ensure public safety and no net loss of ecological functions.

9. Recreational facility and site design should emphasize structural forms that harmonize with the topography, scenic views, and ecological functions.

10. Cooperative efforts among public and private entities toward the acquisition and/or development of suitable recreation sites or facilities should be explored to assure long-term availability of sufficient public sites to meet local recreation needs.

11. The County should review proposals for new recreational developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the recreational development and planned restoration.

12. Wilderness beaches, ecological study areas, and other recreational uses for the public are encouraged on state owned shorelines.

Regulations:

1. **Features.** Recreational uses and facilities located within shoreline jurisdiction shall be primarily related to access to, enjoyment of, and use of shorelines of the state.

2. **Commercial recreation.** Commercial recreational development shall be consistent with the provisions for commercial development.

3. **Consistency with environment designation.** Recreational developments shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.

4. **No net loss.** Recreational developments shall not result in a net loss of shoreline ecological functions or ecosystem-wide processes.

6.2.7 Transportation, Parking & Circulation

Purpose: To coordinate the location and extent of existing and proposed transportation routes.

Goal 1. Ensure adequate circulation for shoreline uses supported by this Shoreline Master Program.

Policies:

1. Transportation/parking plans and projects should be consistent with County Parks and Recreation Plans, Capital Facility Plans, Transportation Improvement Programs, and environmental protection provisions.

2. Circulation systems planning should support pedestrian, bicycle, and public transportation where appropriate to serve supported shoreline uses.

3. Consideration should be given to projects that are designed to provide appropriate linkages between major routes and public access to shorelines.

4. The location and design of new public transportation facilities, including replacement of existing roads and other infrastructure should take water levels and flooding patterns into consideration.

Goal 2. Protect ecological functions and water-dependent development opportunities.

Policies:

1. Plan, locate, and design proposed transportation and parking facilities to have the least possible adverse effect on unique or fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water dependent uses.

2. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.

3. New transportation facilities should be designed and located to minimize the need for the following:
    1. Structural shoreline protection measures;
    11. Modifications to natural drainage systems; and
    111. Waterway crossings.

4. Parking facilities are not a preferred shoreline use and should be located outside of the shoreline jurisdiction whenever feasible and should be permitted only to support other authorized uses, and when alternative sites outside of shoreline jurisdiction are not feasible.

5. Parking facilities should be located and designed with appropriate storm water management to minimize significant adverse environmental impacts to water quality, vegetation, and habitat. Low impact development techniques and other best management practices should be employed to prevent impacts.

6. Parking areas should be planned to achieve optimum use. Where feasible, parking areas should serve more than one use (e.g., recreational use on weekends, commercial use on weekdays), and should be designed to the minimum size necessary.

Regulations:

I. **Applicability.** This section applies to new or expanded parking and transportation facilities.

2. **Planning, location, and design.** Transportation and parking facilities and routes must be planned, located, and designed to have the least possible adverse effect on unique or fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water-dependent uses.

a. Where other options are available and feasible, new roads or road expansions shall not be built within shoreline jurisdiction.

b. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternative path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.

c. Storm water from parking and transportation facilities shall be managed in accordance with the Storm Water Management Manual for Western Washington. (Ecology, 2005. Publication Numbers 05-10-029 through 05-10-033.)

3. **Parking facilities.** Parking facilities are prohibited except as necessary to support an authorized use or if no feasible alternative exists.

a. Parking shall be located landward of the use served, if feasible.

b. Future developments depending on size and score that have a need for parking facilities, onsite and offsite will be reviewed in the permitting process.

6.2.8 Water Quality & Quantity

Goal 1. Protect against adverse impacts to the public health, to the land and its vegetation and wildlife, and to the waters of the state and their aquatic life.

Policies:

1. Development should not cause a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

2. Development that would increase demand on an onsite septic system should demonstrate that the existing or proposed septic system will be in compliance with relevant laws to serve existing and proposed uses and structures.

3. Developments relying on a water source that individually or cumulatively reduces stream flows during low flow periods are encouraged to be designed in such a way that returns clean water to the ground to recharge streams.

Regulations:

.. **Septic systems.** Development that would increase demand on an onsite septic system should demonstrate that the existing or proposed septic system will be in compliance with relevant laws to serve existing and proposed uses and structures.

6.3 Specific Shoreline Use, Development, and Modification Policies and Regulations

Shoreline uses refers to common uses occurring within shoreline jurisdiction (e.g., residential, recreation, commercial, etc.). Shoreline modifications refer to specific structures, actions, or alterations that generally support a specific use (e.g., dredging to accommodate a marina). All uses, modifications, and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of this master program, even if a permit is not required. In accordance with Section 1.7.D.1 of this Shoreline Master Program, these regulations do not apply to the operation and maintenance of uses and structures that were legally established prior to enactment of this ordinance.

6.3.1 Modifications Generally

1. Shoreline modifications should not result in a net loss of ecological functions.

2. When modifications are allowed, require those types of shoreline modifications that have a lesser impact on ecological functions, and require mitigation of identified impacts resulting from shoreline modifications.

3. Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

4. Structural shoreline stabilizations should be allowed where they are 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.

5. Shoreline modifications should be allowed when appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

6. All feasible measures to protect ecological shoreline functions and ecosystem -wide processes should be incorporated into shoreline modifications.

6.3.2 Prohibited Uses

1. The following uses are prohibited in all shoreline environments, unless otherwise provided for by this program:

   a. Solid waste disposal facilities;

   b. Covered moorage; and

   c. Parking facilities that do not support other authorized uses.

6.3.3 Specific Shoreline Use, Development & Modification Regulations

1. **Applicability.** The regulations in this section apply to all shoreline uses, developments, and modifications.

2. **Shoreline use, development and modification Tables.** Table 1 (pages 44-45) indicates shoreline uses, developments and modifications that may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation.

   Shoreline uses, and modifications are classified in the matrix as indicated below. Uses, developments and modifications that may be allowed according to Table 1

   a. Uses, developments and modifications may be allowed waterward of the Ordinary High-Water Mark if allowed by Table 1.

3. **Unlisted uses, developments and modifications.** Any new uses, developments or modifications not explicitly listed or comparable to those included in Table 1 shall be reviewed through a shoreline conditional use permit.

4. **Height limitation.**

   a. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level, except if approved through a shoreline variance permit.

   b. To exceed 35 feet, an applicant must apply for a shoreline variance permit, and comply with the following criteria in addition to the shoreline variance permit criteria:

      i. Overriding considerations of the public interest will be served.
      ii. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed.

5. **Setback.** Structures, driveways, and parking areas except those necessary to support a water dependent use are prohibited 15 ft. from the edge of the buffer.

6. **Biosolids.** Application of Class B Biosolids is prohibited throughout shoreline jurisdiction as well as lands immediately adjacent to shorelines from which runoff from biosolids can be reasonably anticipated.

6.3.4 Agriculture - Ongoing Agriculture on Agricultural Lands

1 Agriculture is important to the long-term economic viability of Wahkiakum County. Consistent with WAC 173-26-241(3)(a)(ii), this Shoreline Master Program shall not modify nor limit ongoing agricultural activities occurring on agricultural lands, including construction and practices normal or necessary for farming or ranching.

2. Existing agricultural uses are encouraged to use USDA Natural Resource Conservation Service and/or Wahkiakum County Conservation District best management practices to prevent erosion, runoff and associated water quality and riparian habitat impacts.

3. Within areas designated as agricultural land, a farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to generally accepted agricultural and management practices.

6.3.5 Agriculture - New Agricultural Activities and Non-Agricultural Use of Agricultural Land

1. Each of the following should be consistent with the environment designation and the general and specific use regulations applicable to the proposed use, and should assure no net loss of ecological functions:

    a. New Agricultural activities on land not meeting the definition of agricultural land;

    b. The conversion of agricultural lands to other uses; and

    c. Other non-agricultural development on designated agricultural land that does not meet the definition of agricultural activities.

2. New agricultural use and development should be managed to:

    a. Prevent livestock intrusion into shoreline jurisdiction streams;

    b. Control runoff;

    c. Prevent water quality contamination caused by nutrients and noxious chemicals;

    d. Minimize clearing of riparian areas; and

    e. Prevent bank erosion.

3. New agricultural use and development should preserve and maintain native vegetation between agricultural lands and adjacent shoreline jurisdiction streams.

4. New agricultural uses are encouraged to use USDA Natural Resource Conservation Service and/or Wahkiakum County Conservation District best management practices to prevent erosion, runoff, and associated water quality and riparian habitat impacts.

5. New agricultural activities within newly designated agricultural land shall not be found to be a public or private nuisance if the new agricultural land or agricultural activity conforms to generally accepted agricultural and management practices.

6. The County should review proposals for new agricultural developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between agricultural development and planned restoration.

Agriculture Regulations for New Agricultural Activities

1. **Applicability.** Agriculture provisions apply to new agricultural activities on land not meeting the definition of agricultural land, in accordance with RCW 90.58.030(3)(e)(iv) and RCW 90.58.065.

2. **New agricultural activities.** New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. New agricultural activities must assure that uses and developments in support of agricultural uses meet the following requirements:

   a. Consistent with the environment designation in which the land is located.

   b. Located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.

   c. Animal feeding operations are prohibited within the shoreline jurisdiction of Wahkiakum County.

   d. Creating land by diking, draining, or filling wetlands or channel migration zones shall not be allowed.

   e. Agricultural uses and activities shall prevent and control erosion of soils and bank materials within shoreline areas. They shall minimize siltation, turbidity, and pollution.

   f. Tillage patterns that allow runoff directly into adjacent waters shall not be allowed. A buffer of permanent vegetation shall be maintained between tilled areas and water bodies to slow down surface runoff.

   g. Pesticides shall be used, handled, and disposed of in accordance with provisions of the Washington State Pesticides Application Act (RCW 17.21) and the Washington State Pesticide Act (RCW 15.58) to prevent contamination and sanitation problems, and are subject to the Shoreline Master Program Critical Areas Regulations in Section 7, in order to ensure no net loss of ecological functions. In any case, pesticide applications for purposes other than ecological restoration are not permitted within 200 ft. of any Ordinary High-Water Mark or wetland boundary.

   h. Other agricultural chemicals shall be applied in a manner consistent with best management practices for agriculture.

i. Animal confinement areas shall be graded to slope away from shoreline jurisdiction streams.

j. Fencing or other grazing controls shall be used as appropriate to prevent bank compaction, bank erosion, or the overgrazing of, or damage to, shoreline buffer vegetation.

k. The use of tanks and troughs for animal watering is encouraged; allowing animals direct, unrestricted access to shoreline jurisdiction streams is not permitted. If stream crossings are necessary, bridges, culverts or ramps shall be used to enable animal crossing without damaging the streambed or banks.

1. Waste storage sites, with the exception of manure lagoons shall be covered and contained with impermeable material. Waste storage sites shall be located outside of the floodway and should be located outside the I00- year floodplain, where feasible. Manure lagoons are not permitted within the shoreline jurisdiction.

3. **Best management practices.** New agricultural activities and agricultural facilities shall employ applicable best management practices established by the U.S. Department of Agriculture Natural Resources Conservation Service or by similar agencies. This provision shall not be construed so as to result in a net loss of ecological function, or so as to allow less-protective measures than those otherwise required by this Shoreline Master Program.

4. **Nonagricultural development and conversion to nonagricultural uses.** Development on agricultural land that does not meet the definition of agricultural activities and the conversion of agricultural land to nonagricultural uses shall be consistent with the environment designation and the general and specific use regulations applicable to the proposed use and shall not result in a net loss of ecological functions associated with the shoreline.

6.3.6 Aquaculture

1. Aquaculture is a preferred use when consistent with control of pollution and prevention of damage to the environment.

2. Aquaculture use and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize adverse environmental impacts. The County should support aquaculture uses and developments that:

a. Protect and improve water quality;

b. Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, and land-based facilities; and

c. Prevent substrate disturbance/modification.

3. Chemicals and fertilizers used in aquaculture operations should be used in accordance with state and federal laws and this Program.

4. Aquaculture uses/developments should be permitted when they have been evaluated and approved by state and federal agencies, when they incorporate measures to mitigate adverse effects on people and the environment, and when they demonstrate that the use/development will not:

   a. Materially and adversely disrupt important navigation routes, and existing water dependent uses;

   b. Cause significant adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations;

   c. Cause significant adverse effects on critical aquatic habitats;

   d. Cause significant adverse effects to Tribal fishing tracts or other Treaty fisheries resources; and

   e. Conflict with other legally established water-dependent uses, including normal public use of the surface waters.

5. When a new aquaculture facility is proposed, the County should provide for public notice consistent with this Program and notify tribes with usual and accustomed fishing rights to the area.

6. Experimental aquaculture projects will be limited in scale and duration until their effects can be adequately understood. Flexibility to experiment with new aquaculture techniques will be allowed when consistent with state and federal regulations and this Program, and when properly monitored to prevent significant adverse impacts.

7. Development accessory to aquaculture planting and harvesting should be located landward of the minimum critical area buffers of the Program, unless it requires a location in, over, or adjacent to the water.

8. Cooperative arrangements between aquaculture growers and public recreation agencies are encouraged so that public use of public shorelines can be enhanced,

where appropriate, and conflicts between public use of public shorelines and aquaculture operations is minimized or eliminated.

Aquaculture Regulations

1. Net pen aquaculture, hatcheries, and fish acclimation facilities are a conditional use.

2. Net pen aquaculture, hatcheries, and fish acclimation facilities are allowed in the Rural Conservancy shoreline environment designation.

3. Water-dependent portions of aquaculture facilities may be located waterward of the OHWM. Water intakes and discharge structures, water and power conveyances, and fish collection and discharge structures are all considered water-dependent.

4. The applicant shall identify on the site plan each portion of their project that is water dependent, water-related and non-water-oriented in sufficient detail for the Shoreline Administrator to determine which portions of the project are permitted on either side of the Ordinary High-Water Mark and within critical areas and their buffers.

5. Aquaculture facilities must be consistent with the purpose of the shoreline environment designation and a state or tribal finfish management plan or watershed restoration plan.

6. Aquaculture facilities must be located, designed, constructed, and managed to avoid all of the following: a net loss of shoreline ecological functions, spreading diseases to native aquatic life, adversely impacting macro-algae species, and significantly conflicting with navigation, public access, and water contact recreation.

7. Best management practices. As a condition of approval, the County shall require aquaculture facilities to use best management practices to avoid impacts to ecological functions. The best management practices shall be published by an industry association, a peer reviewed scientific publication, a state or federal environmental protection or natural resource management agency, or the shorelines hearing board.

8. The applicant shall base their proposal on a scientific literature review of likely impacts to ecological function, effective best management practices, and natural processes and priority species.

9. Cumulative impacts of other foreseeable aquaculture facilities shall be considered in the review of proposed aquaculture facilities. Mitigation sequencing and permit conditions shall ensure no net loss of ecological functions as a result of cumulative impacts.

10. New aquatic species. New aquatic species that have not been previously cultivated in Washington State shall not be introduced into County/Town waters without prior written approval of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington State Department of Health.

11. Wastes. Aquaculture wastes shall be disposed of in a manner compliant with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.
12. Rights of treaty tribes. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the project proponent and the affected tribe(s) through the permit review process.

6.3.7 Boating Facilities

Policies

1. Site and design piers, floats and docks to minimize possible adverse environment impacts.

2. Joint-use mooring facilities should be encouraged for subdivision or commercial and industrial enterprises near one another whenever feasible.

Regulations

1. Applicability

   a. This section applies to all in-water and overwater structures and uses that facilitate the launching or mooring of vessels in waters, including docks, piers, launch ramps marinas, mooring buoys and recreational floats.

2. General provisions

   a. Boating facilities are not allowed in the following shoreline areas:

      i. Marshes, estuaries or other wetlands.

      ii. Spawning and holding areas for priority anadromous or priority resident fish.

      iii. Channel migrations zones.

      iv. Areas where a flood hazard will be created and cannot be mitigated.

      v. Areas where impacts to shoreline ecological functions and processes cannot be mitigated.

b. Projects must comply with all applicable federal and state laws and regulations, including RCW 77.55, by which the Washington Department of Fish and Wildlife issues Hydraulic Permit Approval for construction or repair of piers, docks, boat launches, pile driving and other activities.

c. New boating facilities shall:

i. Be minimal in area.

ii. Minimize hazards and obstructions to navigation.

iii. Minimize the need for new or maintenance dredging.

iv. Minimize the impacts on public swimming beaches, fishing areas or aquaculture facilities.

v. Avoid, minimize or mitigate adverse impacts to shoreline ecological functions consistent with the requirements for mitigation sequencing.

vi. Avoid blocking existing or planned public shoreline access.

vii. Be designed so that moored boats are located in water deep enough to prevent prop scour.

viii. Avoid the use of skirting on any structure.

ix. Meet building code requirements when safety railings are used and use an open framework that does not unreasonably interfere with shoreline views.

x. Mark structures with reflectors or other devices to prevent hazardous conditions for other water users.

xi. Use float stoppers as needed to prevent grounding.

xii. Use a generally non-reflective exterior finish to reduce glare.

xiii Not use overhead wiring or plumbing.

3. Replacement of existing facilities. The following actions must comply with applicable standards for new facilities:

a. Replacement of the entire facility.

b. Replacement of 75 percent or more of the support piles.

c. Replacement of 75 percent or more of a boat launch by area.

4. Enlargement of facilities.

   a. Applicants shall demonstrate that there is a need for enlargement due to change in use or demand, safety concerns or inadequate depth of water.

   b. Enlarged portions shall comply with applicable standards for new facilities.

5. Repair of facilities.

   a. Repairs to facilities shall comply with applicable codes and regulations.

   b. Materials used in the course of repairing a facility shall comply with the standards for a new facility.

6. Docks, Piers and Floats.

   a. New piers and docks shall be permitted only for water-dependent uses or public access. A dock associated with a single-family residence is considered a water-dependent use if it designed and intended as a facility for access to watercraft.

   b. Docks shall be the minimum size necessary to meet the needs of the proposed use.

   c. Measures to minimize impact to ecological functions such as limiting the width of walkways, using grated decking, directing lights away from the water, and minimizing the number of pilings should be used to the extent feasible.

   d. Docks and moorages shall be designed so that adverse hydraulic effects are minimized.

   e. Covered or enclosed moorages require a conditional use permit.

   f. Dock, pier and float facilities for residential development of two or more dwellings shall be joint use if feasible.

7. Launch Ramps.

   a. A new launch ramp is allowed only if it provides access to waters that are not adequately served by existing facilities.

   b. A launch ramp shall be located:

      i. To minimize the obstruction of currents, alteration of sediment transport, and the accumulation of debris.

      ii1. Where there is adequate mixing and flushing.

iii. Where it will not adversely affect flood channel capacity or create a flood hazard.

iv. Where water depths are adequate to eliminate or minimize the need for dredging.

8. Marinas.

a. A new marina is allowed only when existing facilities are inadequate. Marinas shall be sited and designed to minimize conflicts with other shoreline uses.

b. Marinas shall be located where there is natural or man-made protection from natural elements and the wakes of passing ships, and where adverse effects on natural processes of erosion, sediment transport and beach accretion will be minimized.

c. Parking shall be located as far landward as feasible and preferably outside the of shoreline jurisdiction.

d. Marinas are allowed to moor liveaboard vessels provided that adequate services are provided. Such vessels shall meet U.S. Coast Guard requirements for recreational boats and be capable of leaving the marina under their own power.

9. Extended mooring. Extended mooring on waters of the state is allowed only when consistent with state regulations.

6.3.8 Breakwaters, Jetties & Groins.

1. Breakwaters, jetties, and groins waterward of the Ordinary High-Water Mark should be allowed only where necessary to support allowed water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

Breakwaters, Jetties, & Groins Regulations

1. **When allowed.** New or expanded breakwaters, jetties, groins, and weirs located waterward of the Ordinary High-Water Mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

2. **Professional design.** Proposed designs for new or expanded breakwaters, jetties, groins, and weirs shall be designed by qualified professionals.

3. **Minimum size.** Breakwaters, jetties, groins and weirs shall be limited to the mm1mum size necessary.

4. **Protection of critical areas and ecological functions.** Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and ecological functions, and the mitigation sequence shall be followed. The design and construction of breakwaters shall be such that shallow water juvenile salmon migration corridors are maintained.

5. **Conditional use.** Breakwaters Jetties Groins and Weirs are a conditional use except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

6.3.9 Commercial & Industrial

1. Commercial and industrial development and use should be located, designed, and operated on the project site to avoid and minimize adverse impacts on shoreline ecological functions and processes.

2. Preference should be given first to water-dependent commercial/industrial uses over nonwater-dependent commercial/industrial uses; and second, to water-related and water enjoyment commercial/industrial uses over non-water-oriented commercial/industrial uses.

3. Non-water-dependent uses may locate in existing overwater structures provided that the proposed use does not displace water-dependent uses from siting on the shoreline.

4. Water-related and water-enjoyment commercial uses including water view restaurants are encouraged on shorelines in existing areas of commercial development and mixed commercial-residential development if the use will not displace water dependent uses.

5. New non-water-oriented commercial/industrial uses located on public property in the shoreline should provide public access unless public access would create a significant ecological impact, a human health or safety hazard or is otherwise infeasible due to inherent constraints of the property or development.

6. New water-oriented commercial uses and infill/redevelopment of existing areas within the Mixed Waterfront shoreline environmental designation should be allowed consistent with this Program.

7. Where allowed, commercial and industrial use and development should be located and designed to be compatible with adjoining non-commercial/industrial uses in terms of noise, aesthetics, scale, and other factors.

8. Proponents of commercial and industrial development are encouraged to restore impaired shoreline ecological functions and processes as part of their development proposal.

9. The Shoreline Administrator should review proposals for new commercial and industrial developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Shoreline Administrator should work with the proponents of each project to resolve likely conflicts between the proposed development and planned restoration.

Commercial & Industrial Regulations

1. **Use preference.** Preference shall be given first to water-dependent uses over nonwater-dependent uses; and second, to water-related and water-enjoyment uses over nonwater-oriented uses. The County shall utilize the following information in its review of commercial and industrial development proposals:

   a) Nature of the activity;

   b) Need for shore frontage;
   c) Special considerations for enhancing the relationship of the activity to the shoreline;

   d) Provisions for public visual or physical access to the shoreline;

   e) Provisions to ensure that the development will not cause severe adverse environmental impacts;

   f) Provisions to mitigate any significant noise impacts;

   g) Provisions to mitigate light or glare impacts; and

   h) A description of mitigation measures proposed to ensure that the development will protect existing shoreline ecological functions and compensate for unavoidable impacts.

2. **General requirements**

   a) Parking and loading areas shall be located outside the shoreline jurisdiction, if practicable.

   b) Water supply and waste facilities shall comply with the state laws and regulations.

   c) New commercial developments shall be located adjacent to existing commercial developments whenever possible.

d) Commercial developments adjacent to aquaculture operations shall practice strict pollution control procedures in accordance with state laws and regulations.

e) Commercial developments shall be located and designed to minimize noise impacts on adjacent properties.

3. **Water-related & Water-oriented use.** Uses that may be authorized as water-related or water-enjoyment uses must incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.

4. **Non-water-oriented uses, when allowed.** Non-water-oriented uses are prohibited

a) The use is part of a mixed-use project that includes water-dependent, water-related, water-oriented, or water-enjoyment uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;

b) Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or

c) The site is physically separated from the shoreline by another property or public right-of-way.

d) The use is located in an existing overwater structure or in a new overwater structure in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

5. **Industrial and terminal development**

a. New water-dependent and water related industrial and other terminal developments are prohibited in Natural environments. New water-dependent and water related industrial and terminal development are permitted in the High intensity environment and may be considered as a conditional use in Rural Conservancy and Aquatic environments.

b. New non-water-oriented industrial developments are prohibited in all environments but may be considered as a conditional use, provided:

i. The site is physically separated from the shoreline by another property or public right-of-way; or

ii. The use is part of a mixed-use project that includes an associated water-dependent use; or

iii. Navigability is severely limited at the proposed site.

c. Industrial and marine terminal development shall be located, designed, constructed, and operated to avoid impacts to ecological functions and compensate for unavoidable impacts; consistent with General Use regulations. Water-dependent structures may be allowed within required buffers to the minimum extent necessary to support the water-dependent use, provided adequate compensatory mitigation is provided.

d. Industrial facilities and marine terminals shall be located, designed, constructed, and operated so as to avoid interference with the rights of adjacent property owners, and to minimize interference with normal public use of the adjacent shoreline.

e. Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Emergency warning sirens or alarms and related apparatus used solely for public purposes are exempt from this requirement.

f. Industrial facilities shall minimize direct or reflected glare visible from adjacent properties, streets, or water areas.

6. **Non-water-oriented uses over water.** Non-water-oriented uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

7. **No net loss of ecological functions or significant adverse impacts.** Development must not result in a net loss of shoreline ecological functions or have significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.

8. **Public access.** New development on public property shall provide public access if required by Section 6.2.5.

6.3.10 Dredging & Dredge Material Disposal

As regulated by this Shoreline Master Program, dredging is the removal of bed material waterward of the Ordinary High-Water Mark or wetlands using other than unpowered, hand-held tools for one of the purposes described in subsection 3.

This section pertains only to activities within the spatial jurisdiction of the County' s Shoreline Master Program. In addition to the requirements of this Program, all Federal and State requirements must be met. The following are Program guidelines for dredging and the disposal of dredge materials:

1. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

2. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material should not be allowed, except when the fill is necessary for the restoration of ecological functions.

3. Beach nourishment to alleviate shoreline erosion is supported at locations identified in and per the specifications of "Projects and Solutions to Water Resource Problems on the Lower Columbia River" (Pacific International Engineering, February 2002), however beach nourishment to support future development of areas prone to erosion should be prohibited. ln cases where it is necessary to nourish an entire length of beach, nourishment of an included undeveloped lot is considered incidental and is allowed.

4. Dredge material disposals evaluated and approved by the interagency Dredge Material Management Program approved by Wahkiakum County are supported.

5. Beneficial use of dredge disposals to support permitted uses should be allowed.

6. Proposed dredge disposals, their associated operations, supporting disposals, and any uses proposed to benefit from the disposal should be considered together comprehensively for the purpose of permitting.

7. All dredge disposals, whether permitted or conditionally permitted, including shoreline, and upland disposals must avoid and mitigate sedimentation effects on navigation in Cathlamet Channel, Elochoman Slough, Elochoman River, Grays Bay, Grays River, Deep River and Skamokawa Creek.

Dredging & Dredge Material Disposal Regulations

1. **Applicability.** As regulated by this Shoreline Master Program, dredging is the removal of bed material waterward of the Ordinary High-Water Mark or wetlands using other than unpowered, hand-held tools for one of the purposes described in subsection 3. Dredging and dredge material disposal provisions are not intended to cover other removals of bed material waterward of the Ordinary High-Water Mark or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements, or restoration

projects). Such in-water substrate modifications should be conducted pursuant to applicable regulations of this Shoreline Master Program.

2. **New development.** New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

3. **Dredging, when allowed.** Dredging may be allowed for the following purposes:

   a) Establishment, expansion, relocation or reconfiguration of navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.

   b) Maintenance dredging of established navigation channels and basins provided dredging is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

   c) An authorized water-dependent use.

   d) Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.

   e) Maintenance of tide gates and tide gate drainage channels.

   f) Reduction of flood hazards when consistent with an approved flood hazard management plan.

   g) Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.

4. Dredging approval standards.

New dredging projects will require a conditional use permit if otherwise compliant with this Program. Maintenance dredging requires a substantial development permit.

a) The mitigation sequence shall be used to achieve no net loss of ecological functions.

b) Dredging shall be consistent with the Washington Hydraulic Code Rules.

5. **Dredging for fill material.**

a) Dredging waterward of the Ordinary High-Water Mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions.

b) When allowed, the site where the fill is to be placed must be located waterward of the Ordinary High-Water Mark. The project must be associated with either a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

6. **Dredge material disposal, Permitted Situations.** Dredge material disposal is allowed when one of the following situations is met:

a) The dredge material disposal has been evaluated and approved in the Regional Dredge Material Management Plan approved by Wahkiakum County.

) Disposal within channel migration zones may be permitted as a conditional use. In addition to the standard conditional use permit criteria: the following shall be considered in the case of channel migration zone disposals:

i. Beach nourishment to alleviate shoreline erosion at locations identified in and per the specifications of "Projects and Solutions to Water Resource Problems on the Lower Columbia River" (Pacific International Engineering, February 2002) is supported.

ii. Dredge material disposal at Skamokawa Vista Park is supported.

iii. Where upland disposal is permitted and dependent on adjacent beach nourishment, shoreline placement, or sump placement, beach nourishment, shoreline placement, and sump placement to support the upland disposal is permitted.

7. **Dredge material disposal, approval standards.** Whether permitted or conditionally permitted, dredge material disposal must meet the following standards.

a) The mitigation sequence shall be used to achieve no net loss of ecological functions.

b) Dredge disposals shall be consistent with the Washington Hydraulic Code Rules.

c) A qualified professional must demonstrate that the dredge material disposal will not result in significant or ongoing adverse impacts to the navigability of Cathlamet Channel, Elochoman Slough, Elochoman River, Grays Bay, Grays River, and Deep River, or must demonstrate that said impacts will be mitigated by dredging of theaffected waterbody.

8. **Dredge material disposal, upland approval standards.** All dredge material disposals landward of the ordinary high-water mark must meet the following standards.

a) Surface runoff shall be controlled to protect water quality and prevent sedimentation of adjacent waterbodies, wetlands and drainage ways. Disposal runoff water shall enter the receiving waterway through a controlled outfall at a location with adequate circulation and flushing. Underground springs and aquifers shall be identified and protected. Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling.

b) The containment dike:

i. Shall not enlarge itself by sloughing and eroding into adjacent aquatic areas;

ii. Shall minimize loss of material from the site duringstorms and freshets; and

iii. Shall not interfere with the view of nearby residences or the public.

c) Property owners of approved upland dredge disposal sites may conduct site management activities, such as regular clearing and grading, as specified in County approval documents. Such activities will be regulated as maintenance activities under this Shoreline Master Program, provided there are no impacts to water quality or other ecological functions outside of the dredge material disposal area.

d) Pipeline conveyance of dredge material across public shoreland transportation facilities may only be approved as a Conditional Use.

9. **Avoid, minimize and mitigate.**

   a) Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts and impacts that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.

   b) Dredging and dredge material disposal shall be confined to the minimum area necessary to accomplish the intended purpose or use.

   c) Dredging and dredge material disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity).

   d) Erosion, sedimentation, increased flood hazard, and other undesirable changes in circulation shall be avoided. Tidal marshes, tidal flats, and other wetlands shall not be adversely affected.

   e) The timing of dredging and dredge material disposal in aquatic areas shall minimize interference with commercial and recreational fishing activities.

10. **Agency approvals.** Dredging and dredge material disposal must be approved by all state and federal agencies with jurisdiction. Copies of all such approvals must be provided to the Shoreline Administrator.

6.3.11 Fill & Excavation

1 Fills waterward of the ordinary high-water mark should be allowed only when necessary to support water-dependent use, public access, contamination remediation, dredge material disposal, transportation facilities of statewide significance, mitigation action, and environmental restoration.

2. Beach nourishment to alleviate shoreline erosion of developed properties is supported; however, beach nourishment to support future development of areas prone to erosion should be prohibited. In cases where it is necessary to nourish an entire length of beach, nourishment of an included undeveloped lot is considered incidental and is allowed.

3. Fill landward of the ordinary high-water mark may be allowed to the minimum extent necessary to support other authorized uses.

Fill, Excavation, & Grading Regulations

1. **When allowed, upland.** Upland fills, excavations, and grading may be allowed provided they are:

   a) In support of an allowed shoreline use or

   b) Located outside applicable buffers, unless specifically allowed.

2. All temporary erosion controls shall be in place and appropriately installed downslope of the project activities until site restoration is

3. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.

4. **When allowed, waterward of the Ordinary High-Water Mark.** Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support:

   a) A water-dependent or public access

   b) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.

   c) Disposal of dredged material in compliance with the dredge material disposal standards of this program.

   d) Maintenance, expansion or alteration of public transportation facilities upon a demonstration that alternatives to fill are not feasible.

   e) A mitigation, environmental restoration, beach nourishment or environmental enhancement project.

   f) Construction of a bulkhead to protect a residence and its appurtenant structures

5. **Protection of shoreline ecological functions.** Fills and excavations shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem- wide processes, including channel migration.

6. **Design.** All fills and excavations, except when for the purpose of shoreline restoration, must be designed:

   a) To be the minimum size necessary to implement the allowed use or

b) To fit the topography so that minimum alterations of natural conditions will be necessary.

c) To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.

7. **Temporary erosion and sediment control plan.** A temporary erosion and sediment control plan, including best management practices, shall be provided for all proposed fill and excavation activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.

8. **Excavation below the Ordinary High-Water Mark or in wetlands.** Excavation waterward of the ordinary high-water mark or in wetlands using other than unpowered, hand-held tools, except removals of bed material that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline stabilization measure), shall be considered dredging and be subject to the regulations in Subsection 6.3.10 of this Section.

6.3.12 Forest Practices

1. Proper management of forest resources is essential to the long-term health of the county.

2. Under the Forest Practices Act (RCW 76.09), the Department of Natural Resources has primary responsibility for regulating forest practices within the state. The county recognizes that the regulations under the Forest Practices Act and the Forest and Fish Report are adequate, with the following exceptions which are authorized by the Shoreline Management Act to be regulated under this Shoreline Master Program.

   a. Selective cutting on shorelines of statewide significance.

   b. Forest practices such as building roads, trails and bridges and placing culverts, which are considered developments.

   c. Class IV forest practices as defined by the Forest Practices Act, which apply to forest lands that are being converted, or are likely to be converted to another use.

Forest Practices Regulations

1. On shorelines of statewide significance, selective commercial timber cutting is allowed such that no more than 30 percent of the merchantable trees may be harvested in any ten-year period of time, with the exception that:

a. Other timber harvesting methods may be allowed in those limited instances where the topography soil conditions or silviculture practices necessary for regeneration render selective cutting ecologically detrimental.

b. Clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this Shoreline Master Program may be allowed.

2. Building roads, trails and bridges and placing culverts are considered developments under this plan and as such are subject to the permitting requirements of Section 7.3 of this Shoreline Master Program.

3. Activities associated with harvesting trees as a Class IV forest practice shall assure no net loss of ecological functions or significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation, and public access.

6.3.13 Habitat and Natural Systems Restoration & Enhancement

Shoreline habitat and natural systems enhancement and restoration projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing ecological function and habitat for priority species in shorelines. These projects should be used to complement the protection strategies required by this Shoreline Master Program. Identification of restoration opportunities and strategies for implementation may be found in the *Restoration Plan for Shorelines in Wahkiakum County and the Town of Cathlamet.*

Policies

1. Funding opportunities for restoration and enhancement projects include grants and legislative funds administered by state agencies. There is no requirement for the county, port authorities, or private property owners to fund these projects.

2. Projects shall avoid adverse impacts to the property rights of surrounding landowners. Permission must be obtained from the property owner(s), whether public or private, to implement a project.

Regulations

1. The Shoreline Administrator will review project applications to determine compliance with this Shoreline Master Program and will also determine whether a project may be exempt from the requirement for a Substantial Development Permit per RCW 90.58.147.

2. For projects that may result in a landward shift of the Ordinary High-Water Mark, the project proponent should consult with the Shoreline Administrator to determine if the project qualifies for relief under RCW 90.58.580.

3. Projects shall be designed and implemented using available science and best management practices and shall be consistent with the county's Restoration Plan.

4. Projects shall avoid or mitigate for access constraints that they impose on access sites that are public owned or have a public easement. Projects must not substantially interfere with other shoreline uses.

5. Proponents of projects shall demonstrate that surrounding properties will not be impacted by flooding. Should flooding result, remediation will be the responsibility of the project, and the Shoreline Administrator will require a remediation plan. The project will be liable for execution of the remediation plan, and for any and all resulting damages to the property from the time of occurrence until the Shoreline Administrator certifies completion of remediation.

6. In order to assure project success, project applicants shall arrange for maintenance and monitoring of the project for a minimum of three years after project completion.

6.3.14 In-Stream Structures

1. In-stream structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrological processes, and natural scenic vistas.

2. The location and planning of in-stream structures should give consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

In-Stream Structures Regulations

1. Regulations regarding piers, docks and marinas are not addressed in this section as they are covered in Section 6.3.7.

2. Piling and dolphin installation shall be allowed only in conjunction with a permitted use and shall be the minimum necessary to accomplish the proposed use.

3. In-stream structures shall not impede upstream or downstream migration of anadromous fish. All new and replacement structures, including culverts, shall be made fish passable in accordance with the most recent Washington State Department of Fish and Wildlife requirements or the National Marine Fisheries Service guidelines for Endangered Species Act listed species.

4. Structures shall be designed and located to minimize removal of riparian vegetation.

5. In-stream structures shall be located and designed and located to preserve or enhance aquatic habitat and to minimize impacts on the visual and aesthetic quality of the shoreline.

6. Applicants shall demonstrate consideration of all of the following in the location, planning, and design of new in-stream structures:

    a. Public access to shorelines.

    b. Flood protection.

    c. Preservation of historic and cultural resources.

    d. Protection and preservation of ecosystem-wide processes and ecological functions.

    e. Impacts to fish and wildlife, with special emphasis on protecting and restoring priority habitats and species.

    f. Watershed functions and processes.

    g. Hydrogeological, hydraulic, and hydrologic processes.

    h. Preservation of natural scenic vistas.

6.3.15 Mining

1. Mining should be prohibited within the Natural Environment.

2. Mining should be permitted only in locations, within the jurisdictional boundaries of this program, that are designated as mineral resource lands of long term significance, and where the mining activity is dependent on a shoreline location.

3. Mining should be permitted only through a conditional use permit.

4. Renewal, extension, or reauthorization of mining waterward of the ordinary high-water mark should be reviewed with the same standards and processes as an application for new mining waterward of the ordinary high-water mark, unless the mining activity was already demonstrated through similar processes and analyses in a prior approval process to meet such standards.

5. Mining that creates, restores, or enhances priority species' habitat is supported.

6. The potential economic benefits provided by mining should be balanced with the goal of protecting shoreline ecological functions. New mining activity should not be permitted in areas where the ecological damage would be significant and/or could not be offset through effective mitigation or restoration measures.

7. Mining should be located and conducted to minimize disruption to the natural shoreline character, resources and ecology, and to avoid net loss of ecological functions, adverse effects to the gravel transportation system on the river as a whole, and adverse impacts to habitat for priority species.

8. Mining operations should be located, designed, and managed to not interfere with public access and recreation and to not cause noise, dust or other significant adverse impacts to neighboring properties.

9. Areas that are mined should be promptly restored, following completion of the mining activities, to provide ecological functions consistent with the applicable environment designation through a reclamation process.
10. The County should review proposals for new mining to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between mining and planned restoration projects.

Mining Regulations

1. **Applicability.** This section does not apply to the removal of dredge material from dredge disposal sites.

2. **Washington State Surface Mining Act.** All mining activities shall be conducted to ensure compliance with the Washington State Surface Mining Act (WAC 332-18, RCW 78.44).

3. **Where prohibited.** Mining is prohibited in any locations not designated as mineral resource lands of long term significance as prescribed in RCW 36.70A.170 (1)(c), 36.70A.I30, and 36.70A.131.

4. **Conditional use permit required.** Mining may be permitted only through a shoreline conditional use permit.

5. **Shoreline dependence.** Mining activities shall be permitted only if the proposed activities are shown to be dependent on a shoreline location, based on an evaluation of geologic factors such as the distribution and availability of mineral resources within the County or portion of the County, and an evaluation of the need for such

mineral resources and the associated economic, transportation, and land use factors that can inform whether or not the proposed mining is dependent on a shoreline location. This showing may rely on analysis or studies prepared for purposes of Growth Management Act designations, be integrated with any relevant environmental review conducted under the State Environmental Protection Act (Chapter 43.21C RCW) and State Environmental Protection Act rules (WAC 197-11), or otherwise be shown to be consistent with RCW 90.58.100(1) and WAC 173-26-

6. **No net loss.** Mining shall avoid and mitigate impacts to ecological functions using the mitigation sequence.

7. **Reclamation.** Mine sites shall be reclaimed to provide ecological functions consistent with the setting in which the mining occurs, and other conditions suitable for ecological functions, uses, and development appropriate for the environment designation in which the mining occurs. Weather permitting, approved reclamation programs shall be initiated within sixty (60) days following the completion of the mineral extraction operations, in consultation with Washington Department of

Natural Resources

8. **Buffer for aesthetic impacts.** Best management practices shall be employed to minimize noise, dust, vibration, glare and other adverse impacts to adjacent property not used for mining operations from any mining site, including accessory

9. **Geotechnical engineer's report.** Mining proposals shall be accompanied by a licensed professional geotechnical engineer's report that includes:

   a) The types of materials present on the

   b) The quantity and quality of each

   c) The lateral extent and depth of mineral

   d) The depth of overburden and proposed depth of

   e) Cross section diagrams indicating present and proposed elevations and/or extraction levels;

   f) Existing drainage patterns, seasonal or continuous, and proposed alterations to drainage patterns;

   g) Proposed means of controlling surface runoff and preventing or minimizing erosion and sedimentation;

h) The location and sensitivity of any affected frequently flooded areas;

i) The overall mineral extraction and processing plan, including scheduling, seasonal changes in activity levels, and daily operation schedules;

j) Proposed screening, buffering or fencing plans consistent with the requirements of this Program;

k) Anticipated impacts to aquatic and riparian habitat; measures to mitigate or offset adverse impacts; and

1) A proposed reclamation plan that, at a minimum, meets the requirements of Chapter 78.44 RCW.

10. **Mining waterward of the ordinary high-water mark of rivers and streams must comply with the following provisions:**
    a) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the system as a whole;

    b) The mining and associated activities will not have significant adverse impacts to habitat for priority species or cause a net loss of ecological functions to the shoreline;

    c) The mining and associated activities will not cause or contribute to shoreline erosion, bank destabilization, or flooding that would adversely affect the use of or structures on neighboring properties;

    d) Determinations required by the above requirements must be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review of the State Environmental Protection Act (RCW 43.21C) and State Environmental Protection Act rules (WAC 197-11); and

    e) Sand and gravel removal shall be consistent with WAC 220-660-180.

11. **Renewals, extensions and reauthorizations waterward of the ordinary high-water mark** shall not be permitted except by using the same standards required for new mining waterward of the ordinary high-water mark. If the information required to demonstrate compliance with the standards of this Shoreline Master Program was prepared for a prior permit or review, and the information and conditions have not changed significantly since that time, that information can be used instead of new

reports and analyses, however any such information must be reviewed and interpreted in the context of current site conditions.

6.3.16 Residential

1. Single family residential development is a preferred use when it is developed in a manner that is consistent with the standards of this Shoreline Master Program. In accordance with RCW 90.58.030, construction of a single-family residence is exempt from the substantial development permit requirement.

Residential Regulations

1. Residential development shall be located and constructed to result in no net loss of ecological function.

2. Accessory uses and structures shall be located outside of the riparian buffer, unless the structure supports a water-dependent use. Storage structures to support water-related uses are not water-dependent uses and, therefore shall be located outside of the riparian buffer.

3. Residential development shall be located and designed in such a manner as to prevent measurable degradation of water quality from storm water runoff. Adequate mitigation measures shall be required and implemented where there is the reasonable potential for adverse effect on water quality.

4. New shoreline residences and appurtenant structures shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other shoreline stabilization and flood control structures are not necessary to protect proposed residences and associated uses.

5. New overwater residential structures are prohibited in shoreline jurisdiction. Conversion of an existing overwater structure into a residence is allowed.

6. New floating home residences are prohibited. Per RCW 90.58.270, maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages is allowed.

7. New, multi-unit residential development, including duplexes, fourplexes, and the subdivision of land into five or more lots, shall make adequate provisions for residents' access to the shoreline.

8. Residential development clustering may be required by the Shoreline Administrator, where appropriate, to minimize ecological and visual impacts on shoreline vegetation.

6.3.17 Shoreline Stabilization

I. New subdivision and development should be located and designed to avoid the need for future shoreline stabilization, and to minimize impacts to natural processes, ecological functions, and safety risks for human life.

2. New structural stabilization measures shall not be allowed except:

   a) To protect existing primary structures.

   b) In support of new non-water-dependent development, including single-family residences.

   c) In support of water-dependent development.

   d) To protect restoration projects or hazardous substance remediation projects pursuant to Chapter 70.105D RCW.

3. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

4. Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard-armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

5. Soft approaches are preferred over hard armoring, and the size and extent of hard armoring should be limited to the minimum necessary to protect primary structures. The following list represents a spectrum of soft to hard approaches.

   - Structure relocation;
   - Vegetation enhancement;
   - Upland drainage control;
   - Biotechnical measures;
   - Anchor trees;
   - Gravel placement;
   - Rock revetments;
   -
   -

- Gabions;
- Concrete groins;
- Retaining walls and bluff walls; and

6. Where feasible, ecological restoration and public access improvements should be incorporated into shoreline stabilization projects.

7. Mitigation is required for new and replacement erosion control structures on feeder bluffs and for other actions that affect beach sediment-producing areas, in order to avoid and, if that is not possible, to minimize adverse impacts to sediment convevance svstems.

8. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts.

9. Where beach erosion is threatening existing development, the County should support the creation of a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

10. Replacement, new, or enlargement of shoreline structures should be permitted only upon demonstration of need to protect primary structures and uses and if the erosion is not being caused by upland conditions such as lack of vegetation or

Shoreline Stabilization Regulations

1. **Subdivision.** Subdivision of land must be based on a geotechnical report prepared in accordance with this section to assure that the lots created will not require shoreline stabilization to protect future uses and structures.

2. **New**

   a) New development shall be located and designed to avoid the need for future shoreline stabilization.
   b) New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical report prepared in accordance with this section.

) New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.

3. **New or enlarged structural stabilization measures, when allowed.** New or enlarged structural stabilization measures shall not be allowed except as follows.

a) To protect existing primary structures, public transportation infrastructure, or essential public facilities when the conditions below apply.

i. In an emergency situation when there is clear and present danger to life or property.

ii. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report that the structure is in imminent danger from shoreline erosion caused by tidal action, currents, waves, deep draft ship wakes, or currents directed at the shoreline by pile dikes. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a geotechnical report, is not demonstration of need. The geotechnical report shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Where no alternatives, including relocation or reconstruction of e existing structures are found to be feasible, stabilization structures or measures to protect existing primary residential structures may be allowed.

iii. The structure will not result in a net loss of shoreline ecological functions.

b) In support of new non-water-dependent development, including single-family residences, when the conditions below apply.

i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

ii. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be

caused by natural processes, such as tidal action, currents, and waves, or deep draft ship wakes, or currents directed at the shoreline by pile dikes.

iv. The erosion control structure will not result in a net loss of shoreline ecological functions.

c) In support of water-dependent development, public transportation infrastructure, or essential public facilities when the conditions below apply.

i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

ii. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

iv. The erosion control structure will not result in a net loss of shoreline ecological functions.

d) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.1OS(D), when the conditions below apply.

i. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

ii. The erosion control structure will not result in a net loss of shoreline ecological functions.

4. **Replacement of existing structural stabilization measures.** For purposes of this section, "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, increases in size, and increases in intensity of existing shoreline stabilization measures shall be considered new structures. An existing shoreline stabilization structure may be replaced with a similar structure if in accordance with the following.

a) There is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

b) The replacement structure must be designed, located, sized, and constructed to assure no net loss of ecological functions.

c) Where a net loss of ecological functions would occur by leaving the existing structure, it shall be removed as part of the replacement measure if feasible.

d) Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark 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.

e) Soft shoreline stabilization measures that restore ecological functions may encroach waterward of the ordinary high-water mark or existing stabilization structure.

5. **Repair and maintenance.** Repair and maintenance includes modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following provisions. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a shoreline substantial development permit, such activity is not exempt from the provisions of this Shoreline Master Program.

    a) If within a three-year time period, more than 50 percent of the length of an existing structure is removed, including its footing or bottom course of rock, prior to placement of new stabilization materials, such work will not be considered repair and maintenance and shall be considered replacement. Work that involves the removal of material only above the footing or bottom course of rock does not constitute replacement.

    b) Any additions to or increases in the size of existing shoreline stabilization measures, including the placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure, shall be considered new structures, not maintenance or repair.

    c) Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.

6. **Geotechnical reports.** Geotechnical reports pursuant to this section shall meet the definition of a "geotechnical report" as established in Section 3. Geotechnical reports for shoreline stabilizations shall address the need to prevent potential damage to a primary structure and shall address the necessity for shoreline stabilization by

estimating time frames and rates of erosion, reporting on the urgency associated with the specific situation, and evaluating alternatives to ensure that the approach causing the least impact to ecological functions is used. The report may distinguish processes and functions caused by deep draft ship wakes and currents directed at the shoreline by pile dikes as being apart from the ecological functions that must be protected. In such cases the geotechnical report must still propose the alternative minimizes impacts to neighboring properties. The geotechnical report shall include analysis, findings, and recommendations consistent with the Washington Integrated Streambank Protection Guidelines.

7. **Design of structural stabilization measures.**

a) Shoreline stabilization shall be consistent with the Washington Integrated Streambank Protection Guidelines.

b) Soft structural stabilization approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

c) Hard structural stabilization shall not be authorized except when:

i. The geotechnical report confirms that there is a significant probability that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard-structural stabilization.

ii. The geotechnical report estimates the number of years in the future when the primary structure will be damaged and confirms that waiting to implement hard structural measures until three years prior to said damage would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years that report may still be used to justify more immediate authorization to protect against erosion using a mixture of soft and hard structural stabilization.

d) The size of stabilization measures shall be limited to the minimum necessary.

e) Measures shall be used to assure no net loss of shoreline ecological functions. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

f) Erosion and channel migration caused by deep draft ship wakes and by currents directed at the shoreline by pile dikes are not natural process or ecological functions that must be protected. However, any effects on sediment conveyance systems, currents, and waves or wakes from the proposed shoreline stabilization must be avoided and if that is not possible minimized so that erosion is not exacerbated on neighboring properties.

g) Avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the local governments should coordinate shoreline management efforts.

6.3.18 Utilities

1. Utility and transmission facilities that are non-water-oriented should not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

2. Transmission facilities located in the shoreline jurisdiction should follow existing rights-of-way and utility corridors if possible.

3. New public or private utilities should be located inland from water bodies, preferably outside of the shoreline jurisdiction, unless:

    a) The utility requires a location adjacent to the

    b) Water crossings are

    c) Alternative locations are infeasible;

    d) Utilities are required for authorized shoreline uses consistent with this Program.

4. Utility and transmission facilities should be located, designed, and operated to not cause net loss of shoreline ecological functions, to not obstruct or degrade scenic views, to preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of planned growth areas in the County.

5. Development of submerged pipelines and cables in the Aquatic Designation, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should not be permitted except where no other possible

6. Utilities should be located and designed to avoid public recreation and public access areas and significant historic, archaeological, cultural, scientific or educational resources.
7. Utilities should be designed and sited to avoid crossing aquatic areas. If a water crossing is unavoidable, it should be located in an area that will cause the least adverse ecological impact, be installed using methods that minimize adverse

8. Utility lines should be located and constructed within existing utility corridors and other rights-of-way presently dedicated to public use.

9. New utility installations should be planned, designed, and located to eliminate the need for structural shoreline armoring or flood protection measures.

10. All utility development should be consistent with and coordinated with all local government and state planning, including comprehensive plans and single-purpose plans, to meet the needs of future populations in areas planned to accommodate growth. Site planning and rights-of-way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible; utility right-of-way acquisition should also be coordinated with transportation and recreation

11. To the extent commensurate with public safety, public utility-owned or controlled property should be accessible to the public and enable access to, and along, shorelines.

12. The County should review proposals for new utility developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The County should work with the proponents of each project to resolve likely conflicts between the utility development and planned restoration.

13. Facilities must demonstrate financial responsibility for environmental damages from worst case spills and explosions.

Utilities Regulations

1. **General Requirements**

) The location, construction, operation, and maintenance of utilities shall not cause a net loss of shoreline ecological functions or processes or adversely impact other shoreline resources and values. The proponent shall provide

compensatory mitigation for any unavoidable impacts to the shoreline environment.

b) Utility facilities including storage, production, processing, transmission and conveyance shall not be located in shoreline jurisdiction except:

i. On site utility features serving a primary use.

ii. Those portions of a facility that are water dependent, as determined through a conditional use permit.

iii. The minimum conveyance or transmission necessary to serve neighboring permitted uses in shoreline jurisdiction as determined through a conditional use permit; or

iv. In situations where the facility cannot feasibly be located outside of shoreline jurisdiction, as determined through a conditional use permit.

c) Utility lines allowed in shoreline jurisdiction shall use existing rights-of-way, corridors, and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.

d) Power lines, cables, and pipelines are prohibited under water and in tidelands, except where no other feasible alternative exists.

e) Utility facilities shall be constructed using techniques that minimize the need for shoreline fill. When crossing water bodies, pipelines and other utility facilities shall use pier or open pile construction, or directional boring.

t) Buried utility lines shall be constructed in a manner that prevents significant adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology.

g) lew utility corridors shall be aligned when possible to avoid cutting trees reater than twelve (I 2) inches in diameter measured at four and one-half (4.5) feet in height on the uphill side.

h) Vegetation clearing during utility installation or maintenance shall be minimized. Upon completion of installation or maintenance or as soon thereafter as possible due to seasonal growing constraints, disturbed areas shall be restored to pre-project configuration, replanted with native species at pre-construction densities or greater, and maintained until the newly planted

vegetation is established. Plantings shall be similar to vegetation in the surrounding area.

i) For pipelines, automatic shut-off valves shall be provided by the project proponent on both sides of critical area crossings and critical area buffer crossings, and pipe sleeves shall be used to facilitate repair without future encroachment into waters and wetlands, unless more feasible or technically superior alternatives exist that provide equivalent protection, as determined by the Administrator.

2. **Crossings.** Where utility corridors must cross shoreline jurisdiction, such crossings shall take the shortest, most direct route feasible, unless such a route would result in loss of ecological function, disrupt public access to the shoreline, or obstruct visual access to the shoreline.

3. **After installation.** Upon completion of utility system installation, and any maintenance project, the disturbed area shall be regraded to be compatible with the surrounding terrain and replanted to prevent erosion and provide appropriate vegetative cover.

4. **Poles and towers.** Power poles and transmission towers associated with allowed uses and developments are not subject to height limits but shall not be higher than that necessary to achieve the intended purpose.

5. **Electrical energy and communication systems.** Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline and do not cross water bodies. New or replacement lines that cross water or critical areas may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts. Poles or supports treated with creosote or other wood preservatives that may be mobilized in water shall not be used along shorelines or associated wetlands.

6. **Essential public facilities.**

a) Essential public facilities shall be located, developed, managed, and maintained in a manner that protects ecological functions and processes.

b) Essential public facilities shall be designed to enhance shoreline public access and aesthetics.

7. **Oil, gas, and natural gas transmission.** Because of the unique shoreline environmental resources of the County, development of petrochemical plants and energy facilities such as crude petroleum transfer facilities and tank farms, petroleum

refineries, nuclear power plants, nuclear processing plants, and liquid natural gas and liquid petroleum gas facilities, as defined in RCW 80.50.020, will not be permitted unless it is demonstrated, giving due consideration to the statewide interest, that local economic, social and environmental resources and conditions will be adequately protected from substantial adverse effects.

a) Developers and operators of pipelines and related facilities for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.

b) To the extent feasible, public access shall be incorporated with major transmission line rights-of-way for public access to and along water bodies as required in Subsection 6.2.5. The County may waive this requirement if public access is infeasible due to incompatible uses, safety, impacts to shoreline ecology, or legal limitations.

8. **Application requirements.** Applications for utility development shall provide all of the information required in this section plus any additional information that may be required pursuant to the Critical Areas Regulations in Section 7 of this Program. In addition, the following information shall be provided by the project proponent for a utility proposal:

a) A description of the proposed facilities;

b) The rationale and justification for siting the proposed facility within shoreline jurisdiction;

c) A discussion of alternative locations considered and reasons for their elimination;

d) A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities or other types of utilities in the project;

e) A plan for the reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the facility;

f) A plan for the control of erosion, runoff, and turbidity during construction and operation;

g) An analysis of alternative technologies;

h) Documentation that utility siting avoids public recreation areas and significant natural, historic or archaeological or cultural sites, or that no alternative is feasible and that all feasible measures to reduce ecological harm have been incorporated into the proposal; and

i) Compliance with all local, state, and federal laws and regulations must be demonstrated prior to approval.

6.3.19 Solid or Hazardous Waste Disposal Facilities:

1. Solid or hazardous waste disposal, discharge, storage, or recycling facilities, including but not limited to moderate risk facilities, underground injection wells, solid waste and recycling transfer sites, landfills, junk yards, salvage yards, and auto wrecking yards, should demonstrate that such facilities will not significantly impact groundwater resources.

Solid or Hazardous Waste Disposal Facilities Regulations

1. No solid or hazardous waste disposal facility shall be permitted within the jurisdictional area of this Program.

SECTION 7

CRITICAL AREAS

7. 1 General Provisions

Purpose. There are some areas in the county which have been designated "Critical Areas" because the unique nature of those areas requires special regulations and oversight. Areas such as wetlands and fish and wildlife habitat conservation areas perform important ecological functions and protections, while others such as frequently flooded areas and geologically hazardous areas have the potential to cause property damage from flooding, erosion, or landslides. The purpose of this section is to:

A. Designate and classify critical areas and buffers within the shorelands of the county including wetlands, geologically hazardous areas, frequently flooded areas, and fish and wildlife habitat conservation areas.

B. Establish regulations for use and development within such designated areas in order to protect those areas from adverse impact or reduce the potential for property damage while protecting the constitutional rights of property owners.

Applicability.

A. As part of the Shoreline Master Program, these regulations apply only to those critical areas and buffers of the county which are physically located within the boundaries of the shorelands, as defined in Section 3.2. Regulations for critical areas outside the shoreland boundary are found in Wahkiakum County Ordinance No. 131-00.

Exempt activities.

A. The activities listed below are exempt from critical areas regulations. Such exemption does not allow degradation of critical areas nor should risks from natural hazards be ignored. Any incidental damage to a critical area must be repaired at the responsible party's expense.

I. Agricultural activities on agricultural land as defined in section 3.2.

2. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, drainage systems, or agricultural improvements that do not require a construction permit, if the activity does not further alter or increase the impact to or encroach further into the critical area or its associated buffer, and there is not increased risk to life or property as a result of the activity.

3. Vegetation management performed in accordance with best management practices that is part of a regular and ongoing maintenance of structures, infrastructure, or utilities, provided that the action does not further expand into the critical area and does not directly impact a threatened or endangered species.

4. Control of noxious plants in accordance with RCW 17.10 and WAC 16-750.

5. Forest practices conducted in accordance with RCW 76.09 and WAC 222, except that forest conversion activities are not exempt.

6. Minor sight investigative work necessary for land use submittals, such as surveys, soil logs, and percolation tests, where such activities do not require road construction or significant excavation. Impacts to critical areas shall be minimized, and disturbed areas shall be immediately restored.

7. Construction, maintenance, or modification of navigational aids and boundary markers.

8. Passive activities including, but not limited to education or scientific research, fishing, hunting, bike riding, and hiking.

9. Removal or partial removal of hazard trees.

10. Selective pruning of trees that obstruct visual access to shorelines.

11. Minor utility projects.

12. Replacement, maintenance, or modification of utility facilities, lines, pipes, mains, equipment, or appurtenances when such facilities are located within the improved portion of a public right-of-way or private road, except for activities that alter a wetland or watercourse, such as culverts or bridges.

13. Emergency activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this section. In such cases, the Shoreline Administrator must be notified, and restoration or mitigation may be required.

Shoreline Administrator Responsibilities and Procedures.

A. This section provides an overview of the process used to approve non-exempt developments and uses that may impact critical areas or may be impacted by the presence of critical areas. More detailed guidance and timelines may be found in the Shoreline Management Plan User Guide.

1. **Shoreline Permit Review.** Upon receipt of an application for a shoreline permit, the Shoreline Administrator will determine if the proposed activity is exempt from critical areas regulations. If the proposed activity is not exempt, the Shoreline Administrator will review available information to evaluate the site to determine if a critical area or buffer within the shoreland is in the vicinity of the proposed development or use. If a critical area or buffer appears to be present, the Shoreline Administrator has various options, including requiring a Critical Area Report, depending on the nature of the critical area and the proposed development project or use.

    a) If the project is not within or adjacent to the critical area or buffer and the proposed activity is unlikely to degrade the functions or values of the critical area, then the Shoreline Administrator may conclude that a Critical Area Report is not required.

    b) If the Shoreline administrator is sufficiently able to determine the existence, location, and type of the critical area, and the project is of a small scale or uncomplicated nature, such that a specialist is not needed to identify impacts and mitigation, and the applicant agrees to provide the mitigation that the Shoreline Administrator deems necessary, then a Critical Area Report may not be required.

    c) If a Critical Area Report is required, it will be prepared by a qualified professional at the expense of the applicant.

2. **Critical Area Report.** When required by the Shoreline Administrator, the applicant will hire a qualified professional to prepare the Critical Area Report. Since there are multiple categories of critical areas and many types of developments and uses that may be proposed, the information necessary in the report for the Shoreline Administrator to make an informed decision can vary significantly from situation to situation. The Shoreline Administrator, therefore, is granted the discretion to provide guidance to the applicant regarding the specific information that should be included in the report.

3. **Findings.** If the Shoreline Administrator and applicant are satisfied with the findings of the Critical Area Report, then the approval process for the substantial development permit, conditional use permit, or variance permit may proceed in accordance with Section 2.

General MitigationRequirements.

A. This Section provides the mitigation requirements applicable to all critical areas. Any requirements specific to a critical area are addressed in that area's requirements section.

1 Proponents of new shoreline use and development shall employ all reasonable measures to mitigate adverse impacts to critical areas and their buffers. Mitigation shall occur according to the mitigation sequence as follows:

a) Avoiding the impact by not taking an action or parts of an action, or by accomplishing the action with alternate methods.

b) Rectifying the impact by repairing, rehabilitating, or restoring the affected critical area to the conditions existing at the time of initiation of the project.

c) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

2. The Shoreline Administrator shall determine whether identified critical area impacts have been first avoided and second minimized. Unless otherwise stated in this SMP, development proposals that do not fully conform to the dimensional requirements, performance standards, and/or design criteria in the SMP shall require a variance and compensatory mitigation to ensure no net loss of geological function.

3. Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternate location within the same watershed that provides greater and more sustainable ecological benefits. When determining whether offsite mitigation provides greater and more sustainable benefits, the Shoreline Administrator shall consider limiting factors, critical habitat needs, and other factors. The Shoreline Administrator may also approve use of alternate mitigation practices such as in-lieu fee programs, mitigation banks, and other approved approaches.

4. When critical area compensatory mitigation is required, the mitigation and mitigation plan shall adhere to the following standards:

a) The quality and quantity of the replaced, enhanced, or substituted resources shall be equal to or better than the affected resources.

b) The mitigation site and associated vegetative planting shall be maintained to ensure that healthy native plant communities grow and mature over time to provide the intended ecological functions.

c) The mitigation shall be determined by the Shoreline Administrator based on pertinent scientific and technical studies.

d) The mitigation shall replace the ecological functions as quickly as possible following the impacts.

e) Mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values.

f) In order to ensure that mitigation is carried out successfully, the Shoreline Administrator may require a bond or other financial surety of up to 150% of the estimated mitigation cost.

5. Compensatory mitigation plans shall be prepared by qualified professional with education, training and experience in the applicable field.

Mitigation Plan.

A. All proposed mitigation components shall be included in the Critical Area Report and shall include:

1. A description of specific proposed mitigation, including a delineation of critical areas lost and critical areas gained.

2. An analysis of avoidance, minimization, reduction, and compensation of impacts to maintain critical area function and values.

3. An analysis of how the proposed mitigation will maintain the critical area function and values.

4. A statement of any ongoing monitoring and/or inspection measures and schedule that may be required, including specification of method and frequency of submittal of reports to the Shoreline Administrator.

5. A statement of any required critical area expertise necessary to install, monitor, or inspect the proposed mitigation.

7. 2 Wetlands and Wetland Buffers

Wetland designation.

A. Wetlands are those areas designated in accordance with the Federal Wetland Delineation Manual and its regional supplement. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas, but do not include those artificial wetlands intentionally created from non-wetland sites, such as irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds, and landscape amenities. They also do not include areas created after July I, 1990 that were unintentionally created as a result of the construction of a road, street or highway. They do include wetlands intentionally created for mitigation purposes. All wetlands within shoreline jurisdiction are designated critical areas and are subject to the provisions of the Shoreline Master Program.

Regulated activities.

A. The following activities are those that are specifically regulated if they occur in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of any material;

2. The dumping of, discharging of, or filling with any material;

3. The draining, flooding, or disturbing of the water level or water table;

4. Pile driving;

5. The placing of obstructions.

6. The construction, reconstruction, demolition, or expansion of any structure.

7. The destruction of or alteration of native wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.

8. Activities that result in:

   a) A significant change in water temperature.

   b) A significant change of physical or chemical characteristics of the sources of water to the wetland.

   c) A significant change in the quantity, timing, or duration of the water entering the wetland.

   d) The introduction of pollutants.

Wetland ratings.

A. Wetlands are rated according to Department of Ecology Publication 05-06-008, the Washington State Wetland Rating System. The wetland categories include:

1. Category I. Category I wetlands are:

   a) Relatively undisturbed estuarine wetlands larger than 1 acre;

   b) Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high-quality wetlands;

   c) Bogs larger than 1/2 acre;

d) Mature and old-growth forested wetlands larger than 1 acre; and

e) Wetlands that perform many functions well.

2. Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human life time or provide a very high level of functions.

3. **Category II.** Category II wetlands are:

a) Estuarine wetlands smaller than **1** acre, or disturbed estuarine wetlands larger than 1 acre;

b) A wetland identified by the State Department of Natural Resources as containing "sensitive" plant species;

c) A bog between 1/4 and 1/2 acre in size;

d) Wetlands with a moderately high level of functions.

4. Category II wetlands are difficult, though not impossible to replace, and provide some high levels of some functions. These wetlands occur more commonly than Category I wetlands, but they still need a relatively high level of protection.

5. **Category III.** Category III wetlands have a moderate level of functions. Wetlands in this category may have been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

6. **Category IV.** Category IV wetlands have the lowest levels of functions and are often heavily disturbed. These are wetlands that should be replaceable, and in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and should be protected to some degree.

Wetland buffers.

A. A wetland buffer is a setback area that surrounds a wetland. It maintains the natural vegetation cover along the wetland, which is an essential part of the aquatic ecosystem. The width of a wetland buffer, as measured from the critical area boundary, depends on the wetland category and the level of impact that would be created by the proposed activity.

B. While the level of impact of a proposed activity needs to be assessed based on its own particular characteristics, some examples of impact levels created according to land use are;

1. High impact.

   a) Large commercial, industrial, or institutional facilities.

   b) Residential areas with more than one unit per acre.

   c) High intensity agriculture such as beef and dairy cattle farms and large crop farms that require annual tilling.

   d) High intensity recreation areas such as golf courses or ball fields that require fertilization.

2. Moderate impact.

   a) Smaller commercial, industrial or institutional facilities.

   b) Residential areas with one unit or less per acre.

   c) Moderate intensity agriculture.

   d) Building logging roads.

   e) Recreational facilities such as parks, playground or paved trails.

   f) Utility corridors with maintenance roads.

3. Low impact.

   a) Harvesting trees.

   b) Single residences on 20 or more acres.

   c) Unpaved trails.

   d) Utility corridors without a maintenance road.

C. Wetland buffer widths. Standard widths for wetland buffer are shown in Table III (pages 113 -114). The Shoreline Administrator has the authority to adjust those standard buffer widths based on the Critical Area Report, other supporting scientific information or, other approved buffer adjustment method.

D. Buffer averaging.

1. Averaging to improve wetland protection may be allowed when all of the following conditions are met:

   a) The wetland has significant differences in characteristics that affect its habitat functions.

   b) The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.

   c) The total area of the buffer is at least equal to the area required without averaging.

   d) The buffer at its narrowest point is no less than 3/4 of the required width.

2. Averaging to allow reasonable use of a parcel may be allowed when all of the following conditions are met:

   a) There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

   b) The averaged buffer will not result in degradation of the wetland's functions.

   c) The total buffer area after averaging is at least equal to the area required without averaging.

   d) The buffer at its narrowest point is no less than 3/4 of the required width.

E. Wetland mitigation requirements. Compensatory mitigation for alterations to wetlands shall provide no net loss of wetland functions and shall comply with the general mitigation requirements in this Section.

1. Mitigation plans must be consistent with Guidance on Wetland Mitigation in Washington State Part 2: Guidelines for Developing Wetland Mitigation Plans and Proposals (Department of Ecology publication number 04-06-0l 3B).

2. Compensatory mitigation application and ratios for mitigation of wetlands shall be consistent with Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands - Appendix 8-D Section 8-D# (Department of Ecology publication 05-06-008).

3. Credits from a wetland mitigation bank certified under RCW 90.84 and WAC 173-700 may be approved for use as compensation for unavoidable impacts to wetlands when the Shoreline Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts and the proposed use of credits is consistent with the terms and conditions of the bank's certification.

Table III

Standard Widths for Wetland Buffers

Category I Wetlands	Impact Level Low	Moderate	High
High level of function for habitat (score for habitat 9 points)	150	225	260 / 300[2]
Wetlands of high conservation value	125	190	250
Bogs	125	190	250
Forested	Buffer width to be based on score for habitat functions or water quality functions.		
Moderate level of function for habitat (score for habitat 5-7 points)	75	110	150
High level of function for water quality improvement (8-9 points)	50	75	100
Not meeting any of the above characteristics	50	75	100
Category II Wetlands	**Low**	**Moderate**	**High**
High level of function for habitat (score for habitat 8-9 points)	150	225	260 / 300[1]
Moderate level of function for habitat (score for habitat 5-7 points)	75	110	150
High level of function for water quality improvement and low for habitat (score for water quality 8-9 points; habitat less than 5 points	50	75	100
Not meeting above characteristics	50	75	100
Category III Wetlands	**Low**	**Moderate**	**High**
Moderate level of function for habitat (score for habitat 5-7 points) *. *If wetland scores 8-9 habitat points, use Category II buffers for high level of function for habitat.	75	110	150

[2] Buffers are 260 feet for 8 habitat points and 300 feet for 9 habitat points.

Score for habitat 3-4 points	40	60	80
Category IV Wetlands	**Low**	**Moderate**	**High**
Score for all 3 basic functions is less than 16 points	25	40	50

7. 3 Flood Hazard Areas

A. **Classification and mapping.** Flood hazard zones are identified in the scientific and engineering report entitled "The Flood Insurance Study for Wahkiakum County" dated September 28, 1990, with the accompanying Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency, and all areas identified within the Wahkiakum County Comprehensive Flood Hazard Management Plan, which is adopted by reference as part of this Shoreline Master Program.

B. **Goals, policies, and regulations.** The goals, policies and regulations for flood hazard areas are found in the Wahkiakum County Comprehensive Flood Management Plan, which includes the Wahkiakum County Flood Control Ordinance (142-06).

7.4 Geologically Hazardous Areas.

A. **Classification.** Geologically hazardous areas include areas susceptible to erosion, sliding, or other geological event. They pose a threat to the health and safety of the public. The following definitions shall be used in classifying geologically hazardous areas:

1. Erosion hazard areas are sites designated by the USDA Soil Conservation Service as containing highly erodible soils or having the potential to become highly erodible due to disturbance of ground cover. They also include those areas impacted by shoreline or streambank erosion and those areas within a stream's channel migration zone, including but not limited to areas identified in the Wahkiakum County Flood Hazard Management Plan.

2. Landslide hazard areas are those areas that are subject to slope failure due to a combination of geologic, topographic and hydrologic factors. These areas include:

a) Areas identified as such by the Wahkiakum County Comprehensive Plan of 1984.

b) Areas of historic failure or potentially unstable slopes, bluffs, quaternary slumps, earthflows, mudflows or landslides on maps published by the USGS or Washington State Department of Natural Resources Division of Geology.

B. Geologically hazardous area standards. All development within geologically hazardous areas shall adhere to the following standards:

1. Development shall be sufficiently setback from steep slopes and shorelines vulnerable to erosion so that structural improvements are not required to protect such structures during the life of the development.

2. An erosion control plan may be required by the Shoreline Administrator for approval prior to any clearing, construction or development in a geologically hazardous area.

3. For landslide hazard areas with a slope of 30 percent or greater, and with a relief of ten or more feet except areas of consolidated rock, the Shoreline Administrator may require a geological analysis and landslide control plan for approval prior to any activity which would change the hydrologic characteristics of the site. Development on sites with slopes greater than 50 percent should be avoided.

7. 5 Fish and Wildlife Habitat Conservation Areas

A. **Classification and designation.** The following locations are designated Fish and Wildlife Conservation Areas:

1. Aquatic habitat. Areas extending outward from the Ordinary High-Water Mark of the following streams as designated in WAC 222-16-030:

a) Type S streams, 150 feet.

b) Type F streams, 130 feet for channel widths equal to or greater than 20 feet, 100 feet for channel widths less than 20 feet.

c) Type Np and Ns streams, 50 feet.

2. Wildlife habitat. Areas identified by and consistent with Washington Department of Fish and Wildlife priority habitats and species criteria for federal or state endangered, threatened or sensitive species.

B. **Maps.** The approximate locations or extents of Fish and Wildlife Habitat Conservation Areas may be shown on the following list of maps. The maps are for reference only and do not provide a final critical area designation.

1. Washington Department of Fish and Wildlife Priority Habitat and Species maps.

2. Washington State Department of Natural Resources Official Water Type Reference Maps.

3. Washington State Department of Natural Resources Natural Heritage Program maps.

4. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors report published by the Washington Conservation Commission.

5. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.

6. Washington State Department of Natural Resources Shore-zone Inventory.

C. **Standards.** No net loss of habitat function shall result from an activity within the shoreline boundaries as defined by this Shoreline Master Program. The Shoreline Administrator may consider such measures as the following in order to achieve no net loss of habitat function:

1. Limitation of development activities within the habitat area.

2. Locate buildings and structures in a manner that preserves the habitat or minimizes adverse impacts.

3. Clustering development to protect or enhance habitat in a connected system or corridor that provides connections to neighboring habitat areas.

4. Preserve and introduce native vegetation using species appropriate for site specific conditions and habitat functions.

5. Removing and/or controlling any noxious or undesirable plants as identified by the Wahkiakum County Noxious Weed Control Board.

6. Preserving native trees, preferably in consolidated areas.

7. Habitat enhancement (e.g. fish passage barrier removal).

8. Preserving the natural hydraulic and ecological functions of drainage systems.

9. Maintaining stable channels, adequate stream flows, and managing storm water runoff, erosion and sedimentation.

D. **Washington Department of Fish and Wildlife Review.**

1. When the Shoreline Administrator determines that a proposed project is located within a mapped area for an endangered, threatened or sensitive species, and that the project has the potential to impact such species, the application shall be sent to the Department of Fish and Wildlife for review.

2. If the Department of Fish and Wildlife determines that the proposed project is likely to impact an endangered, threatened or sensitive species, the applicant shall either follow the recommendations of the Department of Fish and Wildlife or prepare a mitigation plan in accordance with section 7.I.

3. No Department of Fish and Wildlife review is required for accessory uses on existing sites that are shown as having avian habitat, but where no mature trees will be removed.

7.6 Riparian Buffers

A. A riparian buffer is a vegetated area near a stream which helps shade and protect the stream from the impact of adjacent land use. They act to intercept sediment, nutrients, pesticides and other materials in surface runoff and other pollutants in shallow subsurface water flow. They also serve to provide habitat and wildlife corridors. The following provisions to regulated activities shall apply in riparian buffer areas according to use:

1. Water-Dependent uses.

   a) Structures shall be cloistered at locations on the water's edge having the least impact to the surface water and the shore.

   b) Use areas and structures which require direct shore locations shall be located and constructed to minimize impacts to the shore area and the buffer.

   c) Use areas and structures requiring direct shore locations shall minimize any obstruction or impairment of normal public navigation of the surface water.

2. Water-Related uses.

   a) Structures and use areas shall be located as far landward from the ordinary high-water mark or wetland edge as is possible while preserving the essential or necessary relationship with the surface water.

   b) Structures and use areas shall not be located within the buffer except where existing development or the requirements associated with the use make such a location unavoidable.

3. Water-Enjoyment and Non-Water-Oriented uses.

   a) Structures and use areas shall be set back so as not to be located within the buffer.

   b) Construction abutting the buffer shall be designed and scheduled to ensure there will not be permanent damage to the buffer.

4. Buffer widths. Riparian buffers on streams of the shoreline shall be 100 feet, except for the mixed waterfront areas where the buffer shall be 50 feet.

5. Termination at dike or road. Where an existing public road, or dike maintained by a public entity is within the riparian buffer, the buffer shall instead terminate at the road or dike.