



# **SHORELINE MASTER PROGRAM CITY OF WOODLAND**

EFFECTIVE JUNE 2021

## CITATION

Parametrix and The Watershed Company. 2015.  
Shoreline Master Program - City of Woodland.  
Prepared by Parametrix and The Watershed  
Company.

2021 Periodic Review  
Prepared by Staff.



# **ACKNOWLEDGEMENTS (2021 PERIODIC REVIEW)**

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The Woodland Planning Staff would like to extend their thanks and appreciation to the residents of the City of Woodland for their contributions throughout development the Periodic Review of the Shoreline Master Program.

## **CITY MAYOR**

Will Finn

## **CITY COUNCIL**

Janice Graham  
Carol Rounds  
Dave Plaza  
Karl Chapman  
DeeAnna Holland  
Benjamin Fredricks  
Monte Smith

## **PLANNING COMMISSION**

Tel Jensen, Chair  
Tiffany Whitten  
Bryan Mattson  
Jason Lugo  
Sam Nigro

## **CONTRIBUTING STAFF**

Travis Goddard  
Melissa Johnston  
Janice Fisher

## **ACKNOWLEDGEMENTS (2016 ADOPTION)**

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The Woodland Planning Staff would like to extend their thanks and appreciation to the residents of the City of Woodland for their contributions throughout development of this Shoreline Master Program. Special thanks to members of the Shoreline Technical Advisory Committee for their thoughtful input and countless hours of dedication.

### **CITY COUNCIL**

Jennifer Heffernan

Al Swindell

Marilee McCall

Marshall Allen

Susan Humbyrd

Benjamin Fredricks

Scott Perry

### **PLANNING COMMISSION**

David Simpson

Murali "Mike" Amirineni

Tel Jensen

Deborah Deans

Sharon Watt

### **CONTRIBUTING STAFF**

Amanda Smeller

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# 1. Introduction

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## 1.1 Title

This document shall be known and may be cited as the City of Woodland (City) Shoreline Master Program (this Program).

## 1.2 Adoption Authority

This Program is adopted under the authority granted by the Shoreline Management Act (SMA, or the Act) of 1971 (Revised Code of Washington [RCW] 90.58) and Chapter 173-26 of the Washington Administrative Code (WAC) as amended.

## 1.3 Purpose and Intent

- A. To guide the future use and development of shorelines in the City in a positive, effective, and equitable manner consistent with the Act;
- B. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and
- C. To experience no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state:

*"It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. . . .*

*In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements*

*facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.*

*Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."*

## 1.4 Governing Principles

- A. The goals, policies, and regulations of this Program are intended to be consistent with the Washington State (State) shoreline master program guidelines in Chapter 173-26 of the WAC. The goals, policies, and regulations are informed by the Governing Principles in WAC 173-26-186 and the policy statements of RCW 90.58.020.
- B. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
- C. Regulatory or administrative actions contained herein in Chapter 8, Shoreline Administration and Permits, must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- D. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.
- E. The policies and regulations established by this Program must be integrated and coordinated with those policies and rules of the Woodland Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.
- F. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecosystems from such impairments in the following ways:
  - 1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;
  - 2. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of

impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e), Environmental impact mitigation;

3. By including policies and regulations to address cumulative impacts and by fairly allocating the burden of addressing such impacts among development opportunities; and
4. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and to restore impaired ecological functions where such functions have been identified.

## 1.5 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

## 1.6 Severability

Should any Section, Subsection, paragraph, sentence, clause or phrase of this Program or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Woodland (City Council) hereby declares that it would have adopted this ordinance and each Section, Subsection sentence, clause, phrase or portion thereof irrespective of the fact that any one or more Sections, Subsections, clauses, phrases or portions be declared invalid or unconstitutional.

## 1.7 Relationship to Other Plans and Regulations

- A. Proponents of shoreline use or development shall comply with all applicable laws prior to commencing any shoreline use or development.
- B. Where this 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. Uses, developments, and activities regulated by this Program may also be subject to the provisions of the following: the City of Woodland Comprehensive Plan; the Washington State Environmental Policy Act (SEPA; RCW 43.21C and WAC 197-11); other provisions of Woodland Municipal Code (WMC), specifically WMC Title 17 Zoning; and various other provisions of local, state, and federal law, as may be amended.
- D. In the event this Program conflicts with other applicable City policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated,

the provisions that provide the most protection to shoreline ecological processes and functions shall prevail.

- E. Projects and plans in shoreline jurisdiction that have been previously approved through local and state reviews in accordance with the Shoreline Master Program in effect at the time are subject the provisions in place at the time of their approval and shall remain in full force and effects until such time that they expire or are expressly changed by the City and Ecology as appropriate. Major changes that were not included in the originally approved permit will be subject to the policies and regulations of this Program.

## 1.8 Effective Date

This Program and all amendments thereto shall take effect fourteen (14) days after written notice of approval from the Washington 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.

## 2. Definitions

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The following definitions shall be used to guide the implementation of this Program. In the event of any question about the use, applicability, or interpretation of these terms, the City shall make an administrative determination in consultation with Ecology, as appropriate.

**Accessory** - A use, building or structure that is subordinate to and the use of which is incidental to that of the main activity, structure, building or use on the same lot or parcel. If an accessory structure is attached to the main building by a common wall or roof, such accessory building shall be considered a main part of the main building.

**Accretion** - The growth of land by the addition of material transported by wind and/or water.

**Act** - The Washington State Shoreline Management Act of 1971, as amended, Chapter RCW 90.58.

**Act** (for the purposes of Appendix B, Critical Areas Regulations) - The Growth Management Act (GMA).

**Adjacent lands** - Lands adjacent to the shorelines of the state (not within shoreline jurisdiction) (RCW 90.58.340).

**Adjacent to** - (for the purposes of Appendix B, Critical Areas Regulations) Immediately adjoining (in contact with the boundary of the subject area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the function and values of the critical areas. Additionally, any activity or development located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer or zoning and building setback requirements;
3. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle's nest;
4. A distance equal to or less than 300 feet upland from a stream, wetland, or waterbody;
5. Bordering or within the floodway, floodplain, or channel migration zone; or
6. A distance equal to or less than 200 feet from a critical aquifer recharge area.

**Agriculture** or **agricultural activities** - Agricultural uses and practices 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 (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.

**Agricultural equipment** and **agricultural facilities** - Includes, but is not limited to:

1. 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;
2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
3. Farm residences and associated equipment, lands, and facilities; and
4. Roadside stands and on-farm markets for marketing fruit or vegetables.

**Agricultural land** - 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.

**Agricultural uses (existing and ongoing)** (for purposes of implementing Appendix B) - Farming, horticulture, aquaculture, irrigation or grazing of animals, and those activities involved in the production of crops or livestock, for example:

1. The operation and maintenance of farm and stock ponds or drainage ditches;
2. The operation and maintenance of all irrigation systems and their components;
3. Changes between agricultural activities (i.e., crops to grazing, farming to fallow);
4. Fencing activity;
5. Normal maintenance, repair, or operation of existing agricultural-related structures, facilities, or improved areas;

## 6. Preparation of the land for agricultural uses.

**Alteration** - A human action which results in a physical change to the existing condition of land or improvements including but not limited to: clearing vegetation, filling and grading and construction of structures or facilities including impervious surfaces.

**Amendment** - A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

**Anadromous fish** - Any fish that spans and rears in freshwater and matures in the marine environment.

**Applicant** - Any person or business entity, which applies for a development proposal, permit, or approval, who is the owner of the land on which the proposed activity would be located, a contract purchaser, or authorized agent of such a person.

**Appurtenance** - A structure or development customarily incidental to and located upon the same lot occupied by the main use or building.

**Appurtenance, residential** - A structure or development incidental to a single-family residence.

**Aquaculture** - The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

**Aquifer** - A geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

**Aquifer recharge area** - Areas which, due to the presence of certain soils, geology, and surface water, act to recharge groundwater by percolation. (Also, critical aquifer recharge area.)

**Associated wetlands** - Those wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake, river, or stream subject to the Shoreline Management Act.

**Average grade level** - 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.

**Base flood** - A flood event having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred-year flood.

**Berm** - A linear mound or series of mounds of earth, sand or gravel generally paralleling the water at or landward of the OHWM. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

**Best management practices (BMP)** - The schedules of activities, prohibitions of practices, maintenance procedures, and structural or managerial practices approved by Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of the State.

**Bioengineering** - The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

**Boating facility for the purposes of this Program** - Any public or private facility for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps, and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage. Docks, buoys, and marine railways that are accessory to four (4) or fewer single-family residences are also not boating facilities.

**Breakwater** - A structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

**Buffer** - An area adjacent to a critical area that functions to avoid loss or diminution of the ecologic functions and values of the critical area. Specifically, a buffer may:

1. Preserve the ecologic functions and values of a system including, but not limited to, providing microclimate conditions, shading, input of organic material, and sediments; room for variation and changes in natural wetland, river, or stream characteristics; providing for habitat for lifecycle stages of species normally associated with the resource;
2. Physically isolate a critical area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers, and generally including dense native vegetation, but also may include human-made features such as fences and other barriers; and
3. Act to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters such as from landslide or flooding.

**Building height in Shoreline Management Act jurisdiction only** - The vertical distance between average grade and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. 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. Temporary construction equipment is excluded in this calculation.

**Bulkhead** - A structure of timber, concrete, steel, rock, or similar substance located parallel to the shore, which has as its primary purpose to contain and prevent the loss of soil by erosion, wave, or current action.

**Channel migration zone (CMZ)** - The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. The “channel migration zone” does not include areas that are separated from the active river channel by legally existing artificial structures or channel constraints that limit channel movement. Examples of such structures and constraints include transportation facilities built above or constructed to remain intact through a 100-year flood (such as an arterial road, public road serving as a sole access route, or, a state or federal highway or a railroad), levees, and other lawfully established structures that are significant investments likely to be repaired and maintained even if damaged.

**City** - The City of Woodland, Washington.

**Clearing** - The destruction or removal of vegetation from a site by physical, mechanical, chemical, or other means. 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.

**Commercial** - A business use or activity at a scale greater than a home occupancy business involving retail or wholesale marketing of goods and services. Commercial uses are further defined in CMC Title 18 Zoning.

**Commercial fishing** - The activity of capturing fish and other seafood under a commercial license.

**Compensatory mitigation** - Replacing project-induced losses or impacts to a critical area.

**Conditional use** - A use, development, or substantial development that is classified as a conditional use, or is not classified within this Program, and requires a Shoreline Conditional Use Permit (SCUP) pursuant to WAC 173-27-160.

**Conservation easement** - An easement on a particular piece of real property that restricts or eliminates the building of structures or other improvements and activities that would result in encroachment onto a designated buffer.

**Covered moorage** - A roofed structure over a boat, either with or without walls and typically supported by posts mounted on the dock.

**Critical aquifer recharge area** - Areas with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act and as designated in Appendix B, of this Program.

**Critical areas** - Those areas and ecosystems as defined under RCW 36.70A and this program, which include:

1. Wetlands;
2. Areas with a critical recharging effect on aquifers used for potable waters;
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas.

**Critical habitat** - Specific geographical areas that possess physical or biological features that are essential to the conservation of federally listed species. These designated areas may require special management considerations or protection.

**Cumulative impacts or effects** - The results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed substantial and subject to mitigation conditions even though they may consist of individual actions having relatively minor impacts.

**Cumulative impact or effect** - Under National Environmental Policy Act (NEPA) regulations, the incremental environmental impact or effect of the action together with the impacts of past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions (40 CFR 1508.7). Under Endangered Species Act Section 7 regulations, the effects of future state or private activities not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02).

**Date of filing** - The date upon actual receipt by Ecology of the City's decision except as provided for below:

1. With regard to a permit for a variance or a conditional use, "date of filing" means the date the decision of Ecology is transmitted by Ecology to the City.
2. When the City simultaneously transmits to Ecology its decision on a shoreline permit with its approval of either a shoreline conditional use or variance, or both, "date of filing" has the same meaning as defined in 1.

**Degraded** - To have suffered a decrease in naturally occurring functions and values due to activities undertaken or managed by persons on or off a site.

**Department** - The Woodland Department of Public Works.

**Developable area** - A site or portion of a site that may be utilized as the location of development, in accordance with the rules of this Chapter.

**Development** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; 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. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

**Dike** - An artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

**Director** - The City of Woodland director of public works, or designee.

**Dock** - A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses. A dock typically consists of the combination of one or more of the following elements: pier, ramp, and/or float.

**Dredging** - The removal of earth, sand, gravel, silt, or debris from below the ordinary high-water mark of any river, stream, pond, lake, or other water body and beneath the area of seasonal saturation of any wetland.

**Ecological functions** or **shoreline functions** - 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.

**Ecosystem-wide processes** - 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.

**Edge** - The outer edge of a stream's bank width or, where applicable, the OHWM.

**Enhancement** - Alterations performed to improve the condition of an existing environmentally degraded area so that the functions provided are of a higher quality. Enhancements are to be distinguished from resource creation or restoration projects.

**Erosion** - The general process or the group of processes whereby the material of the earth's crust are loosened, dissolved, or worn away, and simultaneously moved from one place to another, by natural forces, that include weathering, solution, corrosion, and transportation, but usually exclude mass wasting (American Geological Institute, 1998).

**Erosion hazard areas** - See "geologic hazard areas."

**ESA** - The Endangered Species Act, specifically Section (4)(d), Protective Regulations.

**Essential public facilities** - Are broadly defined as being those types of facilities that are typically difficult to site. This definition includes but is not limited to, airports, state

education facilities, state and regional transportation facilities, state and local correctional facilities, solid waste handling facilities, medical care facilities, mental health facilities, and group homes (RCW 36.70A.200(1)).

**Excavation** - The mechanical removal or displacement of earth material.

**Exempt/Exemption** - Developments that are set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515, as hereafter amended, that are not required to obtain a shoreline substantial development permit (SSDP), but which must otherwise comply with applicable provisions of the act and this Program.

**Existing and ongoing agricultural activities** - See “agricultural activities.”

**Fair market value** - 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** - That an action, such as a development project, mitigation, or restoration requirement, meets all of the following conditions:

1. 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;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this Program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in short- and long-term timeframes.

**Fill** - The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

**Fill material** - A deposit of earth or other natural or man-made material placed by artificial means.

**Fish** - As used in these regulations, refers to resident game fish; anadromous fish; and specified salmonids listed as endangered or threatened under the Federal Endangered

Species Act, Section (4)(d), Protective Regulations, or the Washington State List of Threatened and Endangered Species.

Fish and wildlife habitat conservation areas - Includes the following areas:

1. Areas with which endangered, threatened and sensitive species have a primary association;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Smelt spawning areas;
5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Water of the state (refer to WAC 222-16-030);
7. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and
8. State natural area preserves and natural resource conservation areas.

**Float** - An anchored (not directly to the shore) floating platform that is free to rise and fall with water levels and is used for water-dependent recreational activities such as boat mooring, swimming, or diving. Floats may stand alone with no over-water connection to shore or may be located at the end of a pier or ramp.

**Floating home** - A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed. (Also see "houseboat")

**Flood or flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**Flood hazard reduction** - Measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

**Floodplain** - Synonymous with one hundred-year floodplain and that land area 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.



**Flood protection elevation** - The elevation that is one foot above the base flood elevation.

**Floodway** - The area, as identified in a master program, that either:

1. Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or
2. 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.

**Food web** - The system of interlocking and interdependent food chains.

**Forest practices** - Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control (WAC 222-16-010(21)).

**Frequently flooded areas** - Those areas of special flood hazard which are commonly identified as critical areas in local government development regulations.

**Game fish** - "Game fish," as described in the Washington Game Code, spend their life cycle in freshwater. Steelhead, Sea-Run Cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.

**Geologically hazardous area** - Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, may not be suited to siting commercial, residential, or industrial development due to health, safety, or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, mine, and volcanic.

**Geologist** - A person who has earned a degree in geology from an accredited college or university or a person who has equivalent educational training and has experience as a practicing geologist and who is state-licensed as a geologist.

**Geotechnical assessment** - An assessment prepared by a geologist or geotechnical engineer licensed with the state of Washington as a civil engineer, which evaluates the site conditions and the effects of a proposal and identifies mitigating measures necessary to insure that the risks associated with geologic hazards will be eliminated.

**Geotechnical engineer** - A practicing geotechnical engineer licensed as a professional civil engineer with the state of Washington with experience in landslide and slope stability evaluation.

**Geotechnical report** or **geotechnical analysis** - 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.

**Grading** - The movement or redistribution, including excavation or fill, of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

**Groin** - A barrier-type structure extending from the stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of material.

**Groundwater** - That part of the subsurface water that is in the saturated zone all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, including underground streams, from which wells, springs, and groundwater runoff are supplied, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

**Growth Management Act (GMA)** - RCW 36.70A and as amended.

**Guidelines** - Those standards adopted by the Washington Department of Ecology 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 for local governments and Ecology in developing and amending master programs.

**Habitat conservation areas** - Areas designated as fish and wildlife habitat conservation areas.

**Hazard tree** - Dead or dying trees, dead parts of live trees, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or. Hazard trees have the potential to cause property damage, personal injury, or fatality in the event of a failure.

**High intensity land use** - Includes land uses which are associated with high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, commercial, urban, industrial, and residential uses (more than one unit/acre).

**Impervious surface** - A hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

**In-kind compensation** - To replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

**Institutional** - A use or development whose purpose is to serve or promote a government, educational, charitable, or religious organization or its mission. Examples include, but are not limited to: community centers, educational facilities, government offices, health care facilities, and religious facilities.

**In-stream structure** - 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.

**Intermittent streams** - A stream which flows only at certain times when it receives water from springs or from some other source, such as melting snow or rain.

**Invasive** - A nonnative plant or animal species that either:

1. Causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;
2. Threatens or may threaten natural resources or their use in the state;
3. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

Threatens or harms human health (RCW 77.08.010(28)).

**Isolated wetlands** - Those wetlands that are outside of and not contiguous to any one-hundred-year floodplain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

**Lake** - A naturally existing or artificially created body of standing water, including reservoirs, 20 acres or greater in size, which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

**Landfill** - A disposal facility or part of a facility at which solid waste is placed in or on land.

**Landslide** - Abrupt downslope movement of a mass of soil or rock.

**Landslide hazard areas** - Areas that are potentially subject to risk of mass movement due to a geologic landslide resulting from a combination of geologic, topographic, and hydrologic

factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect (exposure), geologic structure, groundwater, or other factors.

**Lot** - A platted or unplatted parcel of land of record either unoccupied, occupied, or to be occupied by a principal use or structure together with such yards and open spaces.

**Low-intensity land use** - And includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts and are compatible with the natural environment, including, but not limited to, forestry (cutting of trees only), unpaved trails, low-intensity open space and similar low-impact uses.

**Marina** - Any commercial or club-owned facility consisting of docks or piers serving five or more vessels or a shared moorage serving a subdivision serving 10 or more vessels.

**Marine railway** - Inclined tracks extending into the water so that a vessel can be hauled up on a cradle or platform.

**May** - The action is acceptable, provided it conforms to the provisions of this Chapter.

**Merchantable Trees** - Live trees, 6 inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability.

**Mining** - The removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

**Mitigation** - Actions designed to replace project-induced losses or impacts to shoreline resources, including, but not limited to, restoration, creation, or enhancement. Mitigation in jurisdictional shoreline areas should be sequenced in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures.

**Mitigation, in-kind** - Replacement of shoreline resources, such as wetlands or surface water systems with substitute wetlands or surface water systems whose characteristics and functions and values closely approximate those destroyed or degraded by a regulated activity.

**Mitigation, out-of-kind** - Replacement of shoreline resources, such as surface water systems or wetlands with substitute surface water systems or wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

**Mitigation plan** - A plan that outlines the activities that will be undertaken to alleviate project impacts. The plan generally contains: a site and project description; an environmental assessment of the functions and values of the site that will be impacted; a description of the proposed mitigation; the goals and objectives of the proposed mitigation; the performance standards against which success will be measured; monitoring of and reporting on the success of the mitigation; and a contingency plan in case of failure.

**Mixed use within an area subject to the jurisdiction of the Shoreline Management Act** - A combination of compatible uses within one development, in which water-oriented and non-water-oriented uses are included.

**Moderate-intensity land use** - Includes land uses that have a moderate level of disturbance and impact to wetlands including, but not limited to, residential (less than one unit/acre), paved trails, utility corridor or right-of-way and moderate-intensity open space (parks with biking, jogging, etc.).

**Monitoring** - Evaluating the impacts of development proposals on the biological, hydrologic, and geologic elements of a system and assessing the performance of required mitigation measures. Monitoring is achieved through the collection and analysis of data by various methods for the purposes of understanding and documenting changes in natural ecosystems and features, including the gathering of baseline data.

**Multiple use** - A combination of compatible uses within one development, and may include commercial, multi-family, and recreation uses, among others.

**Must** - A mandate; the action is required.

**Native vegetation** - Plant species that are indigenous to the area and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

**Natural** or **existing topography** - The topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling;

**Nonconforming lot, use, or structure** - A pre-existing parcel which was lawfully created prior to the effective date of this Program but does not meet minimum size or other dimensional requirements, a use which was legally established prior to the effective date of

this Program, which would not be permitted as a new use in the area in which it is located under the terms of this Program, or a structure lawfully erected prior to the effective date of this Program or a site altered or improved which does not meet current standards for setbacks, buffers, vegetation conservation, landscaping, public access, screening, or other regulations for the area in which it is located due to changes in regulations since its establishment.

**No net loss of ecological functions** - The maintenance of existing ecological processes and functions.

1. No net loss of ecological functions on the level of the City - that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.
2. On a project basis - that permitted use or alteration of a site will not result in on-site or off-site deterioration of the existing condition of ecological functions that existed prior to initiation of use or alterations as a direct or indirect result of the project.
3. No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site or off-site mitigation of ecological functions to compensate for localized degradation.

**Non-water-dependent use** - Those uses which are not dependent on a waterfront location.

**Non-water-oriented use** - Those uses which are not water-dependent, water-related, or water-enjoyment.

**Noxious weeds** - Any plant which, when established, is highly destructive, competitive, or difficult to control. The county maintains a noxious weed list.

**Off-site compensation** - To replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

**On-site compensation** - To replace wetlands on the site on which a wetland has been impacted by a regulated activity.

**Open space** - An area that is intended to provide light and air, view, use, or passage of persons or animals which is almost entirely unobstructed by buildings, paved areas, or other human-made structures, and is designed or preserved for environmental, habitat, scenic, or recreational purposes.

**Ordinary high water mark (OHWM)** - The mark on the shores of all waters 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 ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland; provided, that in any area where the ordinary high water line cannot be found the ordinary high water line adjoining saltwater shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

**Over-water structure** - A structure or other construction located waterward of the Ordinary High-Water Mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

**Permit** - Any Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit, or revision authorized under the Act (RCW 90.58).

**Pier** - Docks and similar structures consisting of a fixed and/or floating platform extending from the shore over the water. This definition does not include overwater trails.

**Pond(s)** - A naturally existing or artificially created body of standing water under twenty (20) acres which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

**Potentially hazardous substances** - Hazardous materials as well as other materials if discharged or improperly disposed may present a risk to water resources.

**Priority habitat** - 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:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration; or
- Unique or dependent species.

A priority habitat may be described by a 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 specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

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

1. Criterion 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 department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
2. Criterion 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. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative 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. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

**Provisions** - Policies, regulations, standards, guideline criteria or shoreline environment designations.

**Public access** - Physical and/or visual approach to and along the shoreline available to the general public.

**Public interest** - 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)).



**Qualified professional** - A person with experience, education, and/or professional degrees and training pertaining to the critical area in question as described for each critical area below. Qualified professionals will also possess experience with performing site evaluations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The City shall require professionals to demonstrate the basis for qualifications and shall make final determination as to qualifications. Demonstration of qualifications may include, but not be limited to, professional certification(s) and/or recognition through publication of technical papers or journals. Qualified professionals for each critical area are as follows:

1. Wetlands. Biologist or wetland ecologist who has a bachelor's degree in biological science from an accredited college or university, at least two years of experience under the supervision of a practicing wetland professional, and experience delineating wetlands, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.

2. Fish and Wildlife Habitat Areas. Biologist/wildlife biologist/stream ecologist/habitat ecologist who has a bachelor's degree in biological, wildlife and/or stream ecology science from an accredited college or university and has at least two years of experience under the supervision of a practicing professional biologist or ecologist.

3. Geologically Hazardous Areas.

- a. Geologist - a person who has a bachelor's degree in geologic sciences from an accredited college or university and at least five years of professional experience as described in WAC 308-15-040 and is licensed as a professional geologist in the State of Washington. The licensed geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.
- b. Hydrogeologist - a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.
- c. Engineering geologist - a licensed geologist in the State of Washington with a specialty license in engineering geology meeting the requirements of WAC 308-15-055. The licensed engineering geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.
- d. Geotechnical engineer - a person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing geotechnical engineer, and is a registered

professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting geotechnical investigations, analyzing geologic hazards, and preparing reports for the relevant type of hazard.

4. Critical Aquifer Recharge Areas. Hydrogeologist - a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing critical aquifer recharge areas.

5. Frequently Flooded Areas.

- a. Hydrogeologist - a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.
- b. Fluvial geomorphologist - a person who has a bachelor's degree in earth sciences from an accredited college or university with applicable course work in fluvial geomorphology and at least five years of professional experience in fluvial geomorphology.
- c. Hydraulics engineer - a person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing hydraulics engineer, and is a registered professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting, analyzing, and preparing reports for hydraulic investigations.

**Qualified professional** - An accredited or licensed professional with a combination of education and experience in the discipline appropriate for the subject matter that is being commented on; someone who would qualify as an expert in his or her field.

**Recreation areas or facilities** - Any private or public passive or active facility that provides for activities undertaken for pleasure or relaxation and for the refreshment of the mind and body that takes place in the outdoors or in a facility dedicated to the use including walking, fishing, photography, viewing, and bird-watching and may include parks, playgrounds, sports fields, paths and trails, beaches, or other recreation areas or facilities.

**Residential** - Buildings, structures, or portions thereof that are designed and used as a place for human habitation. Included are single, duplex, or multi-family dwellings, manufactured homes, and other structures that serve to house people, as well as the creation of new residential lots through land division. This definition includes accessory uses common to normal residential use, including but not limited to, residential appurtenances, accessory dwelling units, and home occupations.

**Restore, restoration, or ecological restoration** - The reestablishment or upgrading of impaired ecological shoreline 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.

**Restoration** - The actions taken to return a wetland or other critical area to a state in which its stability, functions and values approach its naturally occurring unaltered state as closely as possible.

**Right-of-way** - Land or easements dedicated for public roads, railways, public utilities, public levees, and public dikes.

**Riparian** - Areas that have vegetation requiring water year-round and seasonally. The width of these areas depends upon slope and vegetation cover.

**Riparian habitat** - Areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be measured from the ordinary high-water mark or from the top of the bank if the ordinary high-water mark cannot be identified. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

**Seismic hazard area** - Areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

**SEPA** - The Washington State Environmental Policy Act, Chapter 43.21C RCW.

**Setback (activity, building, structure)** - The distance an activity, building, or structure must be located from the Ordinary High-Water Mark, landward or waterward depending on if the use is allowed in the water or on land.

**Shall** - A mandate; the action must be done.

**Shared** or **joint-use moorage** - Interchangeable terms in this Program. These terms mean moorage constructed and utilized by more than one waterfront property owner or by a homeowner's association that owns waterfront property. Shared moorage includes moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents or for use by patrons of a public park or quasipublic recreation area, including rental of non-powered craft. If a shared moorage provides moorage for more than ten slips, then it is a marina.

**Shorelands** or **shoreland areas** - Those lands under the jurisdiction of the Shoreline Management Act extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of the Shoreline Management Act (RCW 90.58.030); the same to be designated as to location by Ecology.

**Shorelines** - All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

**Shoreline areas** and **shoreline jurisdiction** - All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

**Shorelines hearings board (SHB)** - A quasi-judicial body established by the Act to hear appeals by any aggrieved party on the issuance of a substantial development permit, conditional uses, variance or, enforcement penalties. See RCW 90.58.170 and RCW 90.58.190.

**Shoreline master program** - The comprehensive use plan for a described area, and the use and development policies and 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. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under RCW 90.58 shall be considered an element of the City of Woodland's Comprehensive Plan. All other portions of this Program adopted under RCW 90.58, including use regulations, shall be considered a part of the City of Woodland's development regulations.

**Shoreline modifications** - 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.

**Shoreline stabilization, hard** - Shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber, or other materials to construct linear, vertical, or near-vertical faces. These include bulkheads, riprap, and similar structures.

**Shoreline stabilization, soft** - Shoreline erosion control measures that have a lesser impact on the ecological function of the shoreline by incorporating less rigid materials than hard stabilization techniques such as biotechnical vegetation measures and beach enhancement. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs, and native vegetation placed to provide shore stability in a non-linear, generally sloping arrangement. Linear, vertical faces are an indicator of hard stabilization.

**Shoreline Substantial Development Permit (SSDP)** - The permit required by this Program for uses that are substantial developments in shoreline jurisdiction.

**Shoreline Variance** - A means to grant relief from the specific bulk, dimensional or performance standards set forth in this Program and not a means to vary a use of a shoreline. Shoreline Variances must be approved, approved with conditions, or denied by Ecology. See RCW 90.58.160.

**Shorelines of the state** - The total of all "shorelines" and "shorelines of statewide significance" within the state.

**Shorelines of Statewide Significance (SSWS)** - With respect to the City of Woodland, Shorelines of Statewide Significance are identified as the Lewis River (see RCW 90.58.030(2)(e)).

**Should** - That the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Program, against taking the action.

**Significant** - For the purposes of this Program, to be significant something must be an important aspect or quality inherent in some larger whole. The aspect or quality must be measurable by a factual and scientific standard. The burden of establishing that something is significant must be borne by the party asserting it. A significant adverse impact occurs if a change eliminates some important aspect or quality of the larger whole. The party asserting a significant impact has the burden of:

1. Identifying the aspects or qualities of the larger whole;
2. Identifying the inherent important aspects or qualities;
3. Identifying a factual and scientific standard to be used for measuring the impact;  
and
4. Establishing in a measurable fashion that an important aspect or quality will be impacted by such change.

**Significant vegetation removal** - 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.

**Site** - Any parcel or combination of contiguous parcels, or right-of-way, or combination of contiguous rights-of-way under the applicant's ownership or control where the proposed project occurs.

**Slope** - An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet.

**Snag** - Any dead, partially dead, or defective (cull) tree at least 10 feet tall and 12 inches in diameter at breast height.

**Species of local importance** - Those species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species.

**Species, priority** - Any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

**Species, threatened** - Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

**Speculative fill** - The placement of fill material when there is no development proposed or development permits, which may lead to piecemeal development that is contrary to the policies of this Program, the Act, and CMC.

**Stream** - Water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 22-16-031 as listed under "water typing system." Streams do not include irrigation ditches, waste ways, drains, outfalls, operation spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

**Structure** - 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 173-27-030(18)).

**Substantial development, shoreline** - Any development of which the total cost or fair market value exceeds seven thousand and forty-seven dollars (\$7,047), or any development

which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this Subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). See WAC 173-27-040 for a list of developments that are not considered substantial.

**Substantially degrade** - To cause significant ecological impact.

**Surface water** - Water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

**Talus slope** - A slope formed by the accumulation of rock debris at the bottom of steep slopes or cliffs.

**Transmittal** - Transmit means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

**Unavoidable and necessary impacts** - Impacts for a use that, if not allowed, would deny all reasonable economic use of the land. The applicant shall demonstrate losses to all reasonable economic use. Such unavoidable impacts shall be mitigated.

**Upland** - Generally described as the dry land area above and landward of the OHWM.

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

**Utility line** - Pipe, conduit, cable, or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, natural gas, communications, and sanitary sewer.

**Vessel** - Includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water (WAC 173-27).

**View corridor** - Portion of a viewshed, often between structures or along thoroughfares. View corridors may or may not be specifically identified and reserved through development regulations for the purpose of retaining the ability of the public to see a particular object (such as a mountain or body of water) or a landscape within a context that fosters appreciation of its aesthetic value.

**Water-dependent use** - 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. Examples of water-dependent uses may include, but are not limited to, the following: ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boating facilities, private moorage facilities, aquaculture, float plane facilities, sewer outfalls, hydroelectric generating plants and water diversion facilities, such as agricultural pumphouses.

**Water-enjoyment use** - 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 enjoyment or recreational use 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 visual and physical 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.

**Water-oriented use** - A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

**Water quality** - The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this Chapter, the term "water quantity" refers only to development and uses regulated under this Chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this Chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

**Water-related use** - A use or portion of a use which is not intrinsically dependent on a waterfront location, but its 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.

**Weir** - A structure in a stream or river for measuring or regulating stream flow.



**Wetlands** or **wetland areas** - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation 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. For identifying and delineating a wetland, the methodology shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided in RCW 90.58.380 and WAC 173-22-035.

## 3. Applicability, Exemptions, and Nonconforming Uses

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### 3.1 Applicability

All new or expanded uses and development within shoreline jurisdiction shall be carried out in a manner consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a SLE, SSDP, Shoreline Variance, or SCUP is required. Unless described otherwise, this Program does not apply to the continuance of legally established and permitted uses and developments.

- A. This Program shall apply to all of the shorelands and waters within the City of Woodland that fall under the jurisdiction of RCW 90.58. Such shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways and contiguous floodplain areas landward two hundred feet from such floodways, associated wetlands, river deltas associated with the streams, and lakes and tidal waters that are subject to the provisions of this Program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

Within the City of Woodland, the following waters are considered “shorelines” and are subject to the provisions of this Program: Lewis River and Horseshoe Lake. A copy of the Woodland Shoreline Environment Designations Map is shown in Appendix A.

All shoreline uses and development activities outside of the city limits are subject to the provisions of either the Cowlitz County or Clark County Shoreline Master Program. The City’s Program will apply concurrent with annexation, and no additional procedures are required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is requested.

- B. The Shoreline Environment Designation (SED) Map, found in Appendix A, shall be the official map identifying the shoreline environment designations (SEDs) in the City of Woodland. The SED Map is to be used in conjunction with the most current, accurate, and complete scientific and technical information available; field investigations; and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline or a Shoreline of Statewide Significance, whether mapped or not, are subject to the provisions of this Program.

- C. This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act and within the external boundaries of federally owned lands.
- D. Non-federal agency actions undertaken on federal lands must comply with this Program and the Act.
- E. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this Chapter shall affect any rights established by treaty to which the United States is a party.
- F. Hazardous substance remedial actions pursuant to a consent decree, order, or agreed order issued under RCW 70.105(D) are exempt from all procedural requirements of this Program.
- G. Applicants that are responding to an emergency that requires a water withdrawal or facility shall be provided an expedited permit decision from the City, no longer than fifteen (15) calendar days after the date of application in accordance with RCW 90.58.370.
- H. Certain forest practices that are not regulated by the Act and are regulated under RCW 76.09 are not subject to additional requirements of this Program.
- I. The administrative regulations of this Program are superseded in authority by the terms and provisions of an environmental excellence program or agreement, entered into under RCW 43.21(K), Environmental Excellence Program. The environmental excellence agreement must meet the substantive requirements of this Program. An environmental excellence program agreement must achieve more effective or efficient environmental results than the results that would be otherwise achieved.
- J. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Program whether or not a permit is required.

### 3.2 Exemptions from a Shoreline Substantial Development Permit

- A. Substantial development, as defined in RCW 90.58.030, and found in Chapter 2, Definitions) requires approval from the City through a Shoreline Substantial Development Permit (SSDP) (See Chapter 8 for permit review and approval procedures), except that:

1. An SSDP is not required for projects that meet the precise terms of one or more of the listed exemptions established in WAC 173-27-040(2), Developments Exempt from Substantial Development Permit Requirement (See Appendix E).
  2. An SSDP is not required for those actions described in WAC 173-27-045, Developments Not Subject to the Shoreline Management Act (See Appendix E).
- B. Any person claiming exemption from the permit requirements of this Program as a result of the exemptions specified in this Section shall make application for a Shoreline Letter of Exemption (SLE) as described in Chapter 8.
- C. If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.
- D. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act, and this Master Program whether or not a permit is required.

### 3.3 Nonconforming Use and Development

- A. Existing uses, structures, and lots legally established prior to the effective date of this Program are allowed to continue. Where lawful uses, structures, and lots exist that could not be established under the terms of this Program, such uses, structures, and lots are deemed nonconforming and are subject to the provisions of this Section, unless specific exceptions are provided for in this Section.
- B. Uses and developments that were legally established and are nonconforming with regard to the use regulations of this Program may continue as legal nonconforming uses.
- C. A use which is listed as a conditional use, but which existed prior to adoption or applicability of this Program or any relevant amendment and for which a SCUP has not been obtained, shall be considered a legal nonconforming use.
- D. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this Section shall apply as they apply to preexisting nonconformities.
- E. A structure which is being or has been used for a nonconforming use within the past twelve (12) months may be used for a different nonconforming use only upon the approval of a SCUP. A SCUP may be approved only upon a finding that:
1. No reasonable alternative conforming use is practical; and

2. The proposed use will be at least as consistent with the policies and provisions of the Act and this Program and as compatible with the uses in the area as the preexisting use.

In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this Program and the Act, and to assure that the use will not become a nuisance or a hazard.

- F. A nonconforming structure which is moved any distance must be brought into conformance with this Program and the Act.
- G. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within one (1) year of the date the damage occurred, all permits are obtained, and the restoration is completed within two (2) years of permit issuance or the conclusion of any appeal on the permit.
- H. If a nonconforming use is discontinued for twelve (12) consecutive months, the nonconforming rights shall expire, and any subsequent use shall be conforming. A use authorized pursuant to Subsection E of this Section shall be considered a conforming use for purposes of this Section.
- I. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with City and state subdivision requirements prior to the effective date of the Act or this Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the City and so long as such development conforms to all other requirements of this Program and the Act.
- J. Vegetation conservation standards of this Program shall not apply retroactively in a way which requires lawfully existing uses and developments, including residential landscaping and gardens, to be removed except as required as mitigation for new and expanded development.
- K. Notwithstanding Sections 3.3.A through 3.3.J, the following shall apply only to pre-existing legal residential structures constructed prior to the effective date of this Program:
  1. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following, shall be considered a conforming structure: Setback, buffers, or yards; area; bulk; height; or density.

2. The City shall allow maintenance and repair, redevelopment, expansion, or change with the class of occupancy, of the residential structure if it is consistent with this Program, including requirements for no net loss of shoreline ecological functions. For example, vertical or anterior expansions that do not intrude farther into a required buffer and which are consistent with the maximum height allowed by this Program and underlying zoning may be allowed. Lateral expansions may also be allowed provided they only extend into lawfully disturbed or altered areas.
3. Pre-existing legal residential structures that are damaged or destroyed may be replaced to their prior size and location provided:
  - a. All other requirements of the Woodland Municipal Code and the Cowlitz County Health Department are satisfied; and
  - b. A complete application for a building permit shall be submitted within one (1) year of the act causing damage or destruction to the dwelling unit.
4. Nothing in this Section shall:
  - a. Restrict the ability of this Program to limit development, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or
  - b. Affect the application of other federal, state, or City requirements to residential structures.

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## 4. Shoreline Master Program Goals and Policies

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### 4.1 General Shoreline Goals

#### 4.1.1 Goal

Ensure appropriate conservation and development of City of Woodland's shorelines by allowing those uses which are water-dependent, as well as other development which provides an opportunity for a substantial number of people to enjoy the shorelines. This should be done in a manner which will achieve an orderly balance of shoreline uses that improve the quality of the environment.

#### 4.1.2 Policies

- A. Ensure that all uses and developments are compatible with the site, the surrounding area and the environment, and do not result in a net loss of shoreline ecological functions.
- B. Water-dependent and associated water-related uses are the highest priority for shorelines unless protection of the existing natural resource values of such areas precludes such uses.
- C. Water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives are the second highest priority.
- D. Limit non-water-oriented uses to those locations where access to the water is not provided or where the non-water-oriented use contributes to the objectives of the Act in providing ecological restoration and public access.
- E. Reserve the shoreline areas for uses which allow optimal uses for future generations by recognition of potential long-term benefits to the public, and discouragement of short-term gain or convenience.
- F. Allow multiple uses of shoreline areas where integration of compatible uses or activities is feasible.
- G. Work with the public to increase awareness of the Shoreline Management Act, and the importance of protecting shorelines.
- H. Respect and protect private property rights.



## 4.2 Historic, Cultural, Archaeological and Educational Resources

### 4.2.1 Goal

Protect, preserve, and encourage restoration of those sites and areas on the shoreline which have significant historical, cultural, educational, or scientific value.

### 4.2.2 Policies

- A. Identify historic, cultural, and archaeological resources within the shoreline in cooperation with federal, state, local and tribal agencies.
- B. Preserve permanently for their inherent cultural value and for scientific study, as well as public enjoyment and observation, all areas known to contain significant archaeological data.
- C. Preserve for the public benefit, with opportunity for appropriate public utilization, significant historic, scientific, and educational areas of the shoreline.
- D. Ensure that the review of development permits includes appropriate assessment of historic, cultural, and archaeological resources.

## 4.3 Conservation and Restoration

### 4.3.1 Goal

Ensure protection, preservation, and restoration of Woodland's shoreline resources, while encouraging the use of best management practices to ensure no net loss of shoreline ecological functions.

### 4.3.2 Policies

- A. Existing natural resources should be conserved through implementation of this Program, the City's Comprehensive Plan, and other local development regulations; incorporation of critical areas regulations; and cooperation as feasible with adjacent jurisdictions to implement regional watershed plans.
- B. Facilitate publicly and privately initiated restoration projects through adoption of a Shoreline Restoration Plan (Appendix C). The plan identifies degraded areas, sets overall goals and priorities for restoring these areas, identifies existing and proposed restoration projects and programs, and provides implementation strategies.
- C. Provide for beneficial utilization of shoreline- and floodplain-related resources without harming other natural systems or the overall quality of the natural environment.

- D. Conserve natural features and resources as well as scenic vistas, parkways, and habitats of rare or endangered species.
- E. Preserve the natural, scenic, and aesthetic qualities of shorelines and vistas.

## 4.4 Economic Development

### 4.4.1 Goal

Give priority to those industrial, commercial, and recreational developments that are particularly dependent on their location on City of Woodland's shorelines. Encourage development that will provide the public an opportunity to enjoy the shorelines. Ensure no net loss of ecological function in the implementation of this goal.

### 4.4.2 Policies

- A. Minimize the adverse effects of new commercial, industrial, and recreational development upon the physical environment and natural processes through careful siting and design.
- B. Ensure that commercial, industrial, and recreational uses and developments are of an intensity appropriate to the ecological setting and are provided with existing public services appropriate to the use.
- C. Ensure that commercial, industrial, and recreational uses and developments do not increase flood hazards, are adequately protected from damage by flooding, and do not require shoreline stabilization.

## 4.5 Flood Prevention and Flood Damage Minimization

### 4.5.1 Goal

Minimize flood hazards to human life and to property while enhancing the ecological processes of the shoreline in the City of Woodland.

### 4.5.2 Policies

- A. Manage flood protection based on National Flood Insurance Program development regulations, applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts for the Lewis River.
- B. Integrate bioengineering and/or soft engineering approaches where feasible into local and regional flood control measures, infrastructure, and related capital improvement projects.
- C. Support measures to increase the natural functions of the Lewis River floodplain.

- D. Recognize that flood control works are an existing and important feature to protect life and property in the City of Woodland and the region. Maintenance and expansion of existing flood control works should be allowed provided that no net loss of ecological functions results.
- E. Protect existing development from flood damage:
1. Provide for maintenance dredging of the Lewis River affected by continuing deposition of Mt. St. Helens volcanic deposits to maintain flow capacity and control risk of flooding.
  2. New structural flood hazard reduction measures shall be avoided whenever possible in order to avoid reducing floodplain functions crucial to fish and wildlife species, bank stability, and water quality. When necessary, they shall be consistent with an adopted comprehensive flood hazard management plan and accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes.
  3. Long-term programs for flood hazard reduction should include measures to prevent or remove development in flood-prone areas, to manage storm water within the floodplain, and to maintain or restore river and stream systems' natural hydrological and geomorphological processes in addition to structural flood control measures such as levees.
  4. Removal of gravel, as opposed to volcanic deposits, for flood management purposes should be avoided unless identified as a necessary part of an adopted flood hazard reduction plan and allowed only after a biological and hydraulic study shows that extraction has a long-term benefit to flood hazard reduction, and does not result in a net loss of ecological functions.
- F. Reduce potential hazard to new development by reducing exposure to flood hazards to the extent feasible.
1. New development should be located outside of floodways and should avoid location in floodplains to the maximum extent feasible.
  2. New development should be designed and located to preclude the need for flood control structures. New or expanded development or uses in the shoreline, including subdivision of land, that would likely require flood control structures within a stream, channel migration zone, or floodway should be prohibited.
  3. Development should be discouraged in the channel migration zone if it would result in interference with the process of channel migration which may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions associated with the rivers and streams.

- G. Support measures to restore floodplain and channel migration zone functions, including flood storage, off-channel habitat, associated wetlands, and buffers of native vegetation, through levee setbacks and similar programs.

## 4.6 Public Access

### 4.6.1 Goal

Increase the general public's ability to safely enjoy the publicly owned shorelines in the City of Woodland and ensure that public access will not encroach upon the rights of private property owners and will not adversely affect fragile natural areas.

### 4.6.2 Policies

- A. Public access should be provided consistent with the existing character of the shoreline and with consideration of opportunities and constraints for physical and visual access, as well as consideration of ecological functions and public safety.
- B. Public access to and along the water's edge should be available throughout publicly owned shoreline areas, although direct physical access to the water's edge may be restricted to protect shoreline ecological values.
- C. Future developments and redevelopments shall not adversely affect existing public access and should provide new opportunities for the public to reach, touch and enjoy the water's edge.
- D. Locate, design, and maintain public access development in a manner that enhances the natural environment.
- E. As opportunities and funds arise, purchase, or otherwise make available to the public, shoreline properties if their value for public use merits such action.
- F. Existing highway and road corridors along shorelines should better accommodate public access to the shoreline and provide safe overcrossings to shoreline public access facilities.
- G. Coordinate with local, state, and federal agencies to ensure shoreline public access is consistent with regional parks recreation, open space and trails plans.
- H. Respect and protect private property rights when considering public access in development.

## 4.7 Recreation

### 4.7.1 Goal

Provide additional opportunities for diverse forms of recreation for the public and improvement of present facilities with an emphasis on water-dependent recreation in both the City of Woodland's shorelines and the region.

### Policies

- A. Water-oriented recreational development is a priority and facilities should be located, designed, and operated in a manner consistent with the purpose of the environmental designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes result.
- B. Identify, obtain, preserve, and protect areas with high values for recreation.
- C. Allow location, design, and operation of recreational uses as part of private development where compatible with other uses and activities.
  - 1. Water-oriented recreational uses are preferred, and the SMP should allow shoreline recreational development in order to provide access, use, and enjoyment of shorelines that does not displace water-dependent uses.
- D. Encourage a balanced choice of recreational opportunities, including those requirements of the elderly and the physically challenged.
- E. Cultivate innovative and cooperative techniques among public agencies and private persons or groups which increase and diversify recreation opportunities.
- F. Provide compatible recreational uses including bicycle and foot paths in transportation and utility corridors where feasible.
- G. Prepare management plans for recreation facilities that provide a balance between provision of a range of water-dependent and other water-oriented recreational opportunities and ecological preservation and enhancement to result in no net loss of shoreline ecological functions or ecosystem-wide processes.
- H. Coordinate with local, state, and federal agencies so that shoreline recreational developments are consistent with the City and regional parks recreation, open space and trails plans.
  - 1. In providing space for public recreation along the shorelines, give primary emphasis to providing for the local recreation needs for boating, kayaking, canoeing, swimming, bicycling, fishing, picnicking, and other activities benefiting from shoreline access as well as retaining and expanding regional trail systems.

Continue to work with neighboring jurisdictions and other governments to support local and regional opportunities for public recreation, shoreline access and use.

2. Develop recreational activity areas in a manner which complements commercial and residential uses and/or natural habitats.
  - I. Prioritize recreational development in coordination with the City of Woodland Comprehensive Plan goals and policies for recreation.

## 4.8 Transportation, Utilities, and Essential Public Facilities

### 4.8.1 Goal

Develop safe, convenient, and multi-modal shoreline circulation and utility systems to ensure efficient movement of goods and people within the City of Woodland and throughout the region with minimum disruptions to the shoreline environment and minimum conflict between the different users.

### 4.8.2 Policies

- A. Locate and design major circulation systems and new non water-oriented utilities outside shoreline jurisdiction, except for necessary crossings, unless alternative locations are infeasible, a shoreline location is required, or the improvement is necessary to support an approved shoreline use.
- B. New or expanded facilities should be designed to result in no net loss of ecological functions and processes in shoreline jurisdiction.
- C. Encourage existing corridors for transportation facilities along shorelines to better accommodate public access to the shoreline and provide safe overcrossings to shoreline public access facilities.
- D. Allow parking facilities within shoreline jurisdiction only to support an authorized use when locations outside of shoreline jurisdiction are not suitable or feasible.
- E. Encourage multi-modal uses of any necessary roads.
- F. Encourage alternate forms of transportation such as walking and bicycling.
- G. Linear utilities that must be located within shoreline jurisdiction should be located within existing rights of way or corridors whenever feasible.
- H. Ensure new utilities utilize existing transportation and utility rights-of-way easements, or existing cleared areas to the greatest extent feasible.

## 4.9 Shoreline Uses

### 4.9.1 Goal

Establish specific shoreline use standards in accordance with the provisions of the Washington State Shoreline Management Act, WAC 173-26, WAC 173-27, the Woodland Comprehensive Plan, the Woodland Municipal Code, and this Master Program.

### 4.9.2 Policies

#### A. Agriculture

There are currently no existing agricultural uses within the City of Woodland and agricultural uses are not consistent with the Comprehensive Plan. New agricultural uses within shoreline jurisdiction should be restricted.

#### B. Aquaculture

1. New aquaculture uses within the Shoreline should be restricted to projects that support ecological restoration.

#### C. Boating Facilities

1. New or expanded boating facilities should be located at sites with suitable environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.
2. Boating facilities should be located and designed to ensure no net loss of ecological functions or other significant adverse impacts, and should, where feasible, enhance degraded and/or scarce shoreline features.
3. Boating facilities that minimize the amount of shoreline modification, in-water structures, and overwater cover are preferred.
4. Joint use of boating facilities is encouraged.
5. Moorage buoys are preferred over docks where appropriate to minimize shallow water impacts.
6. Residential boating structures, including docks, buoys, and marine railways, should be designed, and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas and aquatic habitats, and ecosystem-wide processes.

#### D. Commercial

1. Priority should be given to water-dependent commercial uses within shoreline jurisdiction.
2. New commercial development that is not water-oriented should be discouraged in shoreline jurisdiction unless such development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration, or if the site is physically separated from the shoreline by another property, or public right-of-way.
3. The design of commercial uses should not cause a net loss of shoreline ecological functions.

#### E. Forest Practices

1. Ensure compliance with the State's Forest Practices Act for commercial forest management.
2. Ensure forest practice conversions and other Class IV-General forest practices are conducted in a manner that assures no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation, and public access.

#### F. Industrial

1. Priority should be given to water-dependent industrial uses within shoreline jurisdiction.
2. New industrial development that is not water-oriented should be discouraged in shoreline jurisdiction unless navigation is severely limited and such development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration, or if the site is physically separated from the shoreline by another property, or public right-of-way.
3. The location, design, construction, and operation of industrial uses should not cause a net loss of shoreline ecological functions.

#### G. Institutional

1. Priority should be given to water-oriented institutional uses within shoreline jurisdiction.
2. New or expanded institutional development that is not water-oriented should be discouraged in shoreline jurisdiction unless navigation is severely limited on the shoreline and such development provides a significant public benefit with



respect to the Shoreline Management Act's objectives, such as public access and ecological restoration, or if the site is physically separated from the shoreline by another property or public right-of-way.

3. Institutional uses that foster appreciation of shoreline historic, cultural, scientific, and educational resources are encouraged.
4. The location, design, construction, and operation of institutional uses should not cause a net loss of shoreline ecological functions.

#### H. In-stream Structures

1. Ensure the location, design, construction, and maintenance of in-stream structures give due consideration to the full range of public interests, ecological functions and processes, and environmental concerns.
2. Encourage non-structural and non-regulatory approaches as an alternative to in-stream structures.

#### I. Mining

1. Mining activities should be prohibited in Residential and Urban Conservancy SEDs.
2. Mining activities should be sited, designed, operated, and completed to result in no net loss of shoreline ecological functions and processes after final reclamation of the site.
3. Give preference to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.

#### J. Residential

1. Recognize single-family uses as a preferred use when developed in a manner that does not result in a net loss of ecological functions.
2. The design of residential uses should minimize the need for shoreline stabilization.
3. New multi-family and single-family residential development in shoreline jurisdiction comprising more than four (4) dwelling units should provide for public access to the shoreline consistent with this Program.

## 4.10 Shoreline Modifications

### 4.10.1 Goal

Establish specific standards to limit and guide modifications to shoreline areas in accordance with the provisions of the Shoreline Management Act, the Woodland Comprehensive Plan, the Woodland Development Regulations, and the provisions of the Master Program.

### 4.10.2 Policies

#### A. General Policies

1. Allow shoreline modifications only where it can be demonstrated that the proposed activities are necessary to support or protect an allowed use or development.
2. Allow shoreline modifications only when adverse impacts are avoided, minimized, and mitigated resulting in no net loss of shoreline ecological functions.
3. The individual and cumulative effects of shoreline modification should not result in a net loss of ecological functions. Ecological impacts should be avoided and mitigated in accordance with the mitigation sequence of this Program.
4. Shoreline modifications should only be approved if they are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
5. As much as possible, the number and extent of shoreline modifications should be limited.

#### B. Shoreline Stabilizations

1. New structural shoreline stabilization should be allowed only where demonstrated to be necessary to support or protect an allowed primary structure or legally existing shoreline use that is in danger of loss or substantial damage or where structural modifications are necessary for mitigation or enhancement purposes.
2. Types of shoreline stabilization that have a lesser impact on ecological functions are preferred.
3. Where adverse impacts are unavoidable from stabilization measures, mitigation should be required to assure no net loss of ecological function.

4. Where feasible, plan for enhancement of impaired ecological functions while accommodating permitted uses.

C. Breakwaters, Jetties, Rock Weirs, and Groins

1. Breakwaters, jetties, groins, and weirs should only be allowed when demonstrated to be necessary to protect a water-dependent use, public access project, shoreline restoration project, or shoreline stabilization structure.

D. Fill and Excavation

1. Fills and excavation should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes including channel migration.

E. Dredging and Dredge Material Disposal

1. Dredging and dredge material disposal are allowed provided they are done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
2. Dredging operations should conform to the operating standards specified on any federal and state permits required for such operations.
3. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
4. Any necessary dredging of the Lewis River for flood control purposes, including actions by the U.S. Army Corps of Engineers, should be supported.

F. Shoreline Habitat and Ecological Enhancement Projects

1. Facilitate the projects described within the Shoreline Restoration Plan (Appendix C).
2. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species.
3. Shoreline restoration and enhancement activities should be designed to create or improve dynamic and sustainable ecosystems.
4. All shoreline restoration and enhancement projects should protect the integrity of adjacent natural resources, including aquatic habitats and water quality.
5. Where possible, restoration and enhancement activities should be integrated and coordinated with other parallel natural resource management efforts.

## 5. Shoreline Environment Designations

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### 5.1 Introduction

The intent of assigning shoreline environment designations (SEDs) to specific geographies is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given a SED based on existing development patterns, natural capabilities and limitations, and the vision of the City of Woodland. The SEDs are intended to work in conjunction with the comprehensive plan and zoning.

Management policies are an integral part of the shoreline environment designations and are used for determining uses and activities that can be permitted in each shoreline environment designation.

Chapter 6, General Shoreline Regulations, and 7, Shoreline Use and Modification Regulations, contain development regulations to specify how and where permitted development can take place within each SED.

### 5.2 Authority

Local governments are required under the Act to develop and assign a land use categorization system known as “shoreline environment designations” for shoreline areas as a basis for effective shoreline master programs.

The City of Woodland accounted for different shoreline conditions is by assigning a SED to each distinct shoreline section in the City. The SEDs provide the framework for implementing shoreline policies and regulatory measures for environmental protection, use and modification provisions, and other regulatory measures specific to each SED.

### 5.3 Shoreline Environment Designations

The City classification system consists of SEDs that are consistent with and implement the Act, the Program, and the City of Woodland Comprehensive Plan.

These designations have been assigned consistent with the corresponding criteria provided for each SED. In delineating SEDs, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. The five SEDs are:

- High-Intensity
- Residential
- Urban Conservancy
- Aquatic
- Recreation

- A. The landward extent for shoreline jurisdiction is approximate. The OHWM and resultant upland, lateral extent of shoreline jurisdiction will need to be determined on a site-specific basis at the time of application. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the upland extent of shoreline jurisdiction are automatically assigned the category of the contiguous upland shoreline environment designation.
- B. All other areas that were neither mapped in the shoreline jurisdiction nor meet the applicability criteria in Section 3.1, Applicability, shall be assigned an Urban Conservancy environment designation until the shoreline can be designated through a Program amendment.
- C. Property shown in shoreline jurisdiction that does not meet the definitions of shoreline or shoreland found in RCW 90.58.030 or the applicability criteria in Section 3.1, Applicability, shall not be subject to the requirements of this Program.
- D. Identified (Appendix A) and unmapped potentially associated wetlands must be delineated at the time of application. Those portions of unmapped delineated associated wetlands would receive the adjoining environment designation. In the case that there is more than one adjoining environment designation, the designation should be assigned based on application of the Designation Criteria.
- E. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow the nearest right-of-way edge.

### 5.3.1 High-Intensity

#### Purpose

The purpose of the High-Intensity SED is to provide for high-intensity, water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

#### Management Policies

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

- C. No net loss of shoreline ecological functions should result due to development of a site. Where unavoidable impacts to ecological functions occur, appropriate mitigation should be provided in accordance with this Program. Where applicable, development should include environmental cleanup and restoration of the shoreline in accordance with relevant state and federal law.
- D. Where feasible as described by this Program, visual and/or physical public access should be provided.
- E. Aesthetic objectives of this Program should be in character with high intensity development and include height limits, screening, and other standards consistent with the primary purpose of accommodating high intensity uses.
- F. Full utilization of existing urban and extensively altered areas should be achieved before further expansion of intensive development is allowed.

### **Designation Criteria**

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

### **5.3.2 Residential**

#### **Purpose**

The purpose of the Residential SED is to accommodate residential development and appurtenant structures that are consistent with this Program.

#### **Management Policies**

- A. Development in the Residential designation should assure no net loss of shoreline ecological functions. New residential development should take into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available.
- B. Multi-family and multi-lot residential (greater than four [4] lots) developments, and recreational developments should provide public access and joint use for community facilities in compliance with this Program.
- C. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
- D. Commercial development should be limited to water-oriented uses.

## Designation Criteria

The Residential SED is assigned to shoreline areas if they are predominantly single-family or multi-family residential development or are planned and platted for residential development.

### 5.3.3 Urban Conservancy

#### Purpose

The purpose of the Urban Conservancy SED is to protect and restore ecological functions of open space, floodplain, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. Activities permitted in these areas are intended to have minimal adverse impacts upon the shoreline.

#### Management Policies

- A. Primary allowed uses within this designation should preserve the natural character of the area or promote preservation of open space, floodplain, or other sensitive lands where they exist in urban and developed settings, either directly or over the long term.
- B. Standards should ensure no net loss of ecological functions and significant ecological impacts can be mitigated.
- C. Public access and public recreation objectives should be implemented whenever feasible, but only when any resulting significant ecological impacts can be mitigated.
- D. Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

#### Designation Criteria

The Urban Conservancy SED is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions. These are shoreline areas that are not generally suitable for water-dependent uses that display any of the following characteristics:

- A. Suitability for water-related or water-enjoyment uses;
- B. Open space, floodplain or other sensitive areas that should not be more intensively developed;
- C. Potential for ecological restoration;
- D. Retention of ecological functions, even though partially developed; or
- E. Potential for development that is compatible with ecological restoration.

## 5.3.4 Aquatic

### Purpose

The purpose of the Aquatic SED is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

### Management Policies

Allow new overwater and in-water structures only for water-dependent uses, public access, or ecological restoration. In order to reduce the impacts, multiple use of overwater facilities should be encouraged, and the size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.

All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed, except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the preferred mitigation sequence of this Program, Section 6.1, No Net Loss of Ecological Function, to assure no net loss of ecological functions.

New dredging may be approved as a conditional use provided it meets all of the conditions of this Program.

Maintenance dredging should be allowed for navigation and flood hazard reductions provided it meets all of the conditions of this Program.

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

### Designation Criteria

- A. The Aquatic SED is applied to lands waterward of the OHWM.

## 5.3.5 Recreation

### Purpose

The Recreation SED is intended to provide areas for new and continued recreational and public access opportunities along shorelines, including public and private parks and recreational facilities while maintaining ecological functions and open space.



## Management Policies

- A. New recreation development should result in no net loss of ecological function.
- B. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling platforms, and swimming beaches, are preferred uses provided significant adverse impacts to the shoreline can be mitigated.
- C. To the extent possible, recreational opportunities should be accessible by all populations.
- D. New recreation development should be designed to encourage ecological stewardship by locating non-water-dependent activity areas away from the water's edge and planting and maintaining native vegetation buffers along the water.

## Designation Criteria

The Recreation SED is applied to shoreline areas where public and private lands are devoted to or designated for recreation use including parks and open space and water-dependent uses such as marinas which provide recreational moorage, as well as where lands are not yet developed but are planned for water-oriented recreation.

## 5.4 Shorelines of Statewide Significance

The Act designated certain shoreline areas as Shorelines of State-wide Significance (SSWS). Because these shorelines are major resources from which all people in the state derive benefit, the City shall give preference to uses which favor long-range goals and support the overall public interest.

Within the City of Woodland, the Lewis River is designated as a shoreline of SSWS. SSWS are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

- A. Every project located on a SSWS shall demonstrate consistency with the following priorities, in order of preference, in all permit review, in addition to compliance with other criteria provided by this Program:
  - 1. Recognize and protect the statewide interest over local interest.
    - a. Solicit comments and opinions from groups and individuals representing statewide interests by circulating amendments to the Program, and any proposed amendments affecting SSWS, to state agencies, affected tribes, adjacent jurisdictions, citizen's advisory committees and local officials, and statewide interest groups.

- b. Recognize and take into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.
    - c. Solicit comments, opinions, and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
  2. Preserve the natural character of the shoreline.
    - a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
    - b. Restore, enhance, and/or redevelop those areas where intensive development or uses already exist in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.
    - c. Protect and preserve existing diversity of native vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.
  3. Support actions that result in long-term over short-term benefit.
    - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
    - b. Protect resources and values of SSWS for future generations by modifying or prohibiting development that would irretrievably damage shoreline resources.
    - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
  4. Protect the resources and ecological function of the shoreline:
    - a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values and water quality.
    - b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing, and habitat areas and migratory routes.
    - c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human use.

- d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.
  - e. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of currently degraded wetland areas.
5. Increase public access to publicly owned areas of the shoreline.
- a. Retain and enhance public access to the shoreline including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.
  - b. Give priority to developing a system of linear access consisting of paths and trails along the shoreline areas, providing connections across current barriers.
  - c. Provide multi-purpose non-motorized trail facilities also serving the mobility impaired wherever feasible.
6. Increase recreational opportunities for the public on the shoreline.
- a. Plan for and encourage development of facilities for water-oriented recreational use of the shoreline.

## 6. General Shoreline Regulations

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This Chapter describes general regulations which apply to all shorelines of the state that are located in the City of Woodland. The general regulations Section is used in conjunction with specific use and modification regulations found in Chapter 7.

### 6.1 No Net Loss of Ecological Function

- A. All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological functions, in accordance with the mitigation sequencing provisions of this Program.
- B. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food web support, and water quality maintenance.
- C. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.
- D. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
- E. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:
  - 1. Avoid the adverse impact altogether by not taking a certain action or parts of an action or by moving the action.
  - 2. Minimize adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
  - 3. Rectify the adverse impact by repairing, rehabilitating, or restoring the affected environment.
  - 4. Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the action.

5. Compensate for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.
  6. Monitor the adverse impact and take appropriate corrective measures.
- F. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in this Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

## 6.2 Archaeological, Cultural, and Historic Resources

- A. If historic, cultural, or archaeological sites or artifacts are discovered in the process of development, work shall be stopped immediately in accordance with provisions of federal, state, and local laws; the site secured; and the find reported as soon as possible to the City. The property owner also shall notify the Washington Department of Archaeology and Historic Preservation and affected tribes. Tribal contacts will be provided by the City. The City may require a site investigation by a qualified professional and may require avoidance or conservation of the resources in coordination with appropriate agencies. All shoreline permits shall contain a special provision notifying permittees of this requirement. Failure to comply with this requirement shall be considered a violation of the shoreline permit and shall subject the permittee to legal action as specified in Section 8.12, Enforcement, of this Program.
- B. Prior to approval of development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist in coordination with affected tribes. Conditions of approval may require preservation or conservation of cultural resources as provided by applicable federal, state, and local statutes. All permits issued for development in areas known to be archaeologically significant shall provide for monitoring of any development activity for previously unidentified cultural resources.

## 6.3 Critical Areas Protection

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

### 6.3.1 Applicable Critical Areas

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

### 6.3.2 General Provisions

- A. Shoreline uses, activities, developments, and their associated structures and equipment shall be located, designed, and operated to protect the ecological processes and functions of critical areas.
- B. New and expanded development proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions, such as retention of channel migration zones, to ensure no net loss of ecological functions.
- C. Critical areas within the shoreline jurisdiction shall be regulated for any use, development, or activity as provided in accordance with this Program and Appendix B whether or not a permit or Shoreline Letter of Exemption is required.
- D. If provisions of Appendix B and other parts of this Program conflict, the provisions most protective of ecological resources shall apply, as determined by the City.
- E. Unless otherwise stated, critical area buffers shall be protected and regulated in accordance with this Program and Appendix B.
- F. These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 3.1, Applicability. Critical area buffers that are located outside of shoreline jurisdiction shall be regulated by the Critical Area Regulations found in 15.08 WMC.

## 6.4 Flood Prevention and Flood Damage Minimization

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

- A. Development or uses in floodplains shall avoid significantly or cumulatively increasing flood hazards and shall be consistent with WMC 14.40, Flood Damage Prevention (1996).
- B. New residential, commercial, or industrial development and uses, including subdivision of land, within shoreline jurisdiction are prohibited if it would be

reasonably foreseeable that the development or use would require structural flood hazard reduction measures in the channel migration zone or floodway over the life of the development.

- C. The following uses and activities may be authorized in floodways or channel migration zones when otherwise permitted by this Program:
1. Actions and development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
  2. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
  3. Mining when conducted in a manner consistent with the SED and with Subsection 7.2.9 of this Program.
  4. Bridges, utility lines, water-dependent public utilities, and other public utility and transportation structures where no other feasible alternative exists, or where the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.
  5. Repair and maintenance of an existing legally established use, provided flood hazards to other uses are not increased and that the activity does not cause significant ecological impacts that cannot be mitigated.
  6. Development where structures exist that prevent active channel movement and flooding.
  7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
  8. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions associated with the river or stream.
- D. Removal of materials for flood management purposes shall be consistent with an adopted flood hazard reduction plan and is allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution, except when the removal is part of a U.S. Army Corps of Engineers dredging activity.

E. Channel Migration Zones:

1. Channel migration zones must be evaluated on a site by site basis when required by the City.
2. The Channel Migration Zone Map is included as Appendix D. Applicants may submit a site-specific channel migration zone study if they believe these conditions do not exist on the subject property and the map is in error. The study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The study must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.

F. Flood Control Works:

1. New or expanded structural flood hazard reduction measures, such as dikes, levees, berms, and similar flood control structures, shall be consistent with flood hazard regulations or management plans adopted pursuant to RCW 86.12, provided the plan has been adopted after 1994 and approved by Ecology.
2. New or expanded structural flood hazard reduction measures shall be permitted only when it can be demonstrated by a scientific and engineering analysis that:
  - a. They are necessary to protect existing development.
  - b. Non-structural flood hazard reduction measures are infeasible.
  - c. Impacts to ecological processes and functions, and priority fish and wildlife species and habitats can be successfully mitigated to ensure no net loss of functions as set forth in Section 6.1, No Net Loss of Ecological Function.
  - d. Appropriate vegetation conservation actions are undertaken consistent with Section 6.6, Vegetation Conservation.
  - e. They are placed landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis.
3. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways, if feasible, unless public access improvements would cause:
  - a. Unavoidable health or safety hazards to the public,
  - b. Inherent and unavoidable security problems,
  - c. Unacceptable and unmitigable significant ecological impacts,



- d. Unavoidable conflict with the proposed use, or
  - e. A cost that is disproportionate and unreasonable to the total long-term cost of the development.
4. To the maximum extent feasible, new or expanded dikes and levees shall be designed to be:
- a. No greater than the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by the U.S. Army Corps of Engineers for dike certification.
  - b. Placed landward of associated wetlands and designated buffers, except for actions that increase ecological functions, unless there is no other feasible alternative to reduce flood hazard to existing development in which case all impacts shall be fully mitigated.
  - c. Located and designed so as to protect and restore the natural character of the stream, avoid the disruption of channel integrity, and provide the maximum opportunity for natural floodway functions to take place, including levee setbacks to allow for more natural functions of floodplains, channel migration zones, off-channel habitat, and associated wetlands directly interrelated and interdependent with the stream.
  - d. Planted with appropriate vegetation meeting any permit or certification requirements of 44 CFR 65.10 while providing the greatest amount of ecological function possible.
5. A geotechnical or geofluvial report prepared by a qualified professional shall demonstrate that new or altered flood protection structures will not increase downstream flooding and will not adversely affect the integrity of downstream ecological functions including disruption of natural drainage flows and stormwater runoff.
- G. Information Required. In addition to any information required as part of a critical areas assessment per Appendix B, the City shall require the applicant to provide the following information as part of an application for development within a flood hazard area. The City may also request additional information listed in WMC Chapter 14.40, Flood Damage Prevention (1996).
1. Flood hazard area characteristics up- and downstream or up- and down-current from the project area;
  2. Existing shoreline stabilization and flood protection works within the area;

3. Physical, geological, and soil characteristics of the area;
4. Biological resources and predicted impact to fish, vegetation, and animal habitat associated with shoreline ecological systems;
5. Predicted impact upon adjacent area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
6. Analysis of alternative flood protection measures, both structural and nonstructural.

## 6.5 Public Access

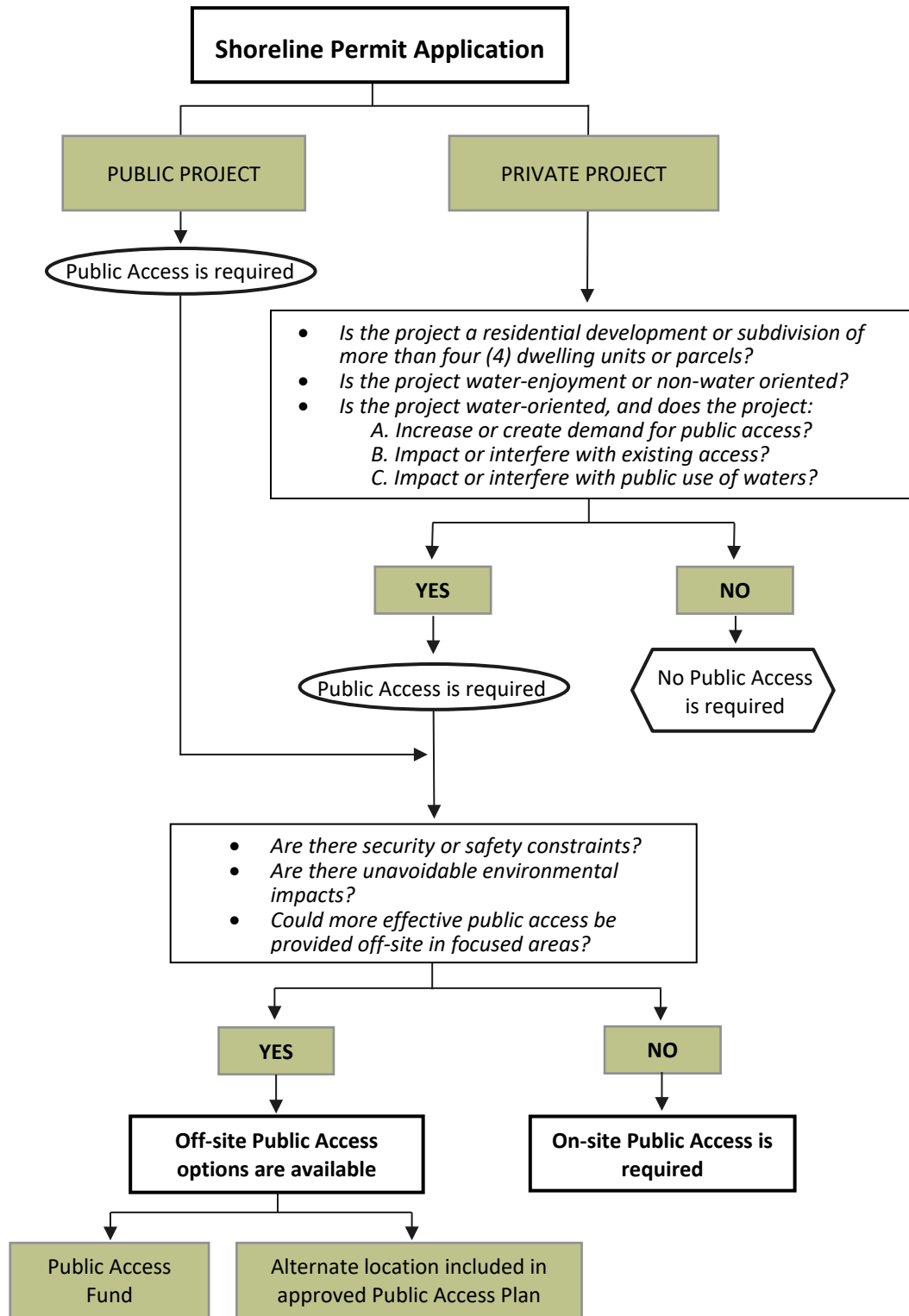
Public access provisions apply to all shorelines of the state, and are intended to protect the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

### A. Applicability (also see Figure 6-1):

1. Public access shall be required in the following circumstances:
  - a. The use or development is a public project or is on public lands; or
  - b. The project is a water-enjoyment, water-related, or non-water-oriented use or development; or
  - c. The project is a residential development of more than four (4) dwelling units; or
  - d. The project is a subdivision of land into more than four (4) parcels; or
  - e. The project is a private water-dependent or water-related use or development and one of the following conditions exists:
    - i. The project increases or creates demand for public access; or
    - ii. The project impacts or interferes with existing access by blocking access or discouraging use of existing access; or
    - iii. The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.
2. Public access to the shoreline shall not be required for the following:
  - a. Activities qualifying for a SLE and no other shoreline permit is required; or
  - b. New single-family residential development of four (4) or fewer units.

3. Physical public access shall not be required where the new or expanded use or development is physically separated from the shoreline by another property or public right-of-way.
4. The City may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial evidence that at least one of the following conditions exist:
  - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any reasonable means;
  - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
  - c. The cost of providing the access, easement, or an alternative amenity, is unreasonably disproportionate to the total long-term cost of the proposed development;
  - d. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, would result from public access on-site;
  - e. Significant undue and unavoidable conflict between access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; and/or
  - f. More effective public access can be provided off-site by focusing public access improvements at sites identified in the City's public access planning process conducted per WAC 173-26-221(4)(c).

Figure 6-1. Public Access Applicability



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

B. Public Access Standards:

1. When public access is required and provided on-site, it shall be:
  - a. Located and designed to be compatible with the natural shoreline character, to avoid adverse impacts to shoreline ecological functions, and to ensure public safety.
  - b. Allowed to encroach into the shoreline buffer when necessary to provide physical and or visual access to the water's edge when otherwise consistent with this Program and Appendix B, Critical Areas Regulations.
  - c. Connected to the nearest public street and shall include improvements that conform to the requirements of the ADA when feasible or required by law.
  - d. Fully developed and available for public use prior to final occupancy when required for public land, commercial, port, or industrial use/development.
  - e. Clearly identified by signage installed and maintained in easily visible locations indicating the public's right of access, hours of access, and other information as needed to control or limit access according to conditions of approval.
  - f. Recorded by easement and permit conditions on the deed of title and/or the face of a short or long plat. Recordation shall occur at the time of final plat approval or prior to final occupancy.
  - g. Consistent with all relevant constitutional and other legal limitations on regulation of private property.
2. Off-site or Alternative Public Access:
  - a. When public access is provided off-site, its location, design, and access type shall be consistent with the standards of Subsection B.1 of this Section and Woodland's Parks and Recreation Plan (2007) or the City's adopted Shoreline Public Access Plan.
  - b. When public access is allowed off-site, an applicant may elect to make a payment into the jurisdiction's Shoreline Public Access Fund in lieu of developing the access directly.

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

## 6.6 Vegetation Conservation

- A. Unless otherwise specified, all shoreline uses and development shall comply with the setback and buffer provisions of this Program included in Table 7-1 and Appendix B Table B-4, Critical Areas Regulations, to protect and maintain shoreline vegetation.
- B. Vegetation clearing in shoreline jurisdiction shall be limited to the minimum necessary to accommodate approved shoreline development.
- C. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of ecological functions as set forth in Section 6.1. Mitigation plans shall be approved and implemented before initiation of other permitted activities unless a phased schedule that ensures completion prior to occupancy has been approved.
- D. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with applicable laws and standards.

## 6.7 Water Quality and Quantity

- A. All shoreline development shall comply with the applicable requirements of the City's Comprehensive Stormwater Plan, Comprehensive Plan, and best management practices to prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions and/or a significant impact to aesthetic qualities or recreational opportunities.
- B. Stormwater management structures including ponds, basins, and vaults shall be located outside of shoreline jurisdiction and fish and wildlife habitat buffers identified in Appendix B, Table B-4 where possible. Low impact development facilities (which do not substantially change the character of the shoreline) such as vegetation filter strips, grass-lined swales, and vegetated bioretention and infiltration facilities, are encouraged in association with development allowed in shoreline jurisdiction.

- C. Aerial application of pesticides, herbicides and fertilizers within shoreline jurisdiction is prohibited unless as part of a public agency program for control of noxious species or specific pests, for quarantine or public health purposes, or for a crisis exemption.
- D. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.
  - 1. Any existing septic system or other on-site system that fails or malfunctions will be required to connect to an existing municipal sewer service system if feasible or make system corrections approved by the Cowlitz County Environmental Health Unit.
  - 2. Any new development, business, single-family or multi-family unit will be required to connect to an existing municipal sewer service system if feasible, or install an on-site septic system approved by Cowlitz County Environmental Health Unit.

## 7. Shoreline Use and Modification Regulations

The regulations in this Chapter apply to specific uses and modifications within shoreline jurisdiction. In many circumstances, more than one Section of use or modification regulations will apply to a specific proposal. Guiding policies for uses and modifications are located in Chapter 4, Shoreline Master Program Goals and Policies.

### 7.1 Shoreline Use, Modification, and Standards Tables

- A. Table 7-1 Shoreline Use, Modification, Setbacks, and Heights, shall be used to determine which uses may be permitted, approved with a conditional use permit, or prohibited in each SED.
- B. All new uses and development activities proposed for jurisdictional shoreline areas must comply with all provisions of the Woodland Municipal Code, as determined by the City.
- C. Any new uses or modifications not defined in Table 7-1 shall be reviewed through a Shoreline Conditional Use Permit (SCUP).
- D. Setbacks shall be measured on a horizontal plane landward from the required feature described in Table 7-1 below.

**Table 7-1. Shoreline Use, Modification, Setbacks, and Heights**

Table Key: P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable	Shoreline Environment Designations				
	High-Intensity	Residential	Urban Conservancy	Recreation	Aquatic
<b>Uses</b> (See Section 7.2, Shoreline Use Regulations for specific use regulations)					
<b>Agriculture</b>	X	X	X	X	X
<b>Aquaculture<sup>2</sup></b>	P	P	P	P	P
<b>Boating Facilities</b>					
Boat launches	P	X	P	P	P
Other Moorage	P	X	P	P	P
<b>Commercial</b>					
Water-dependent	P	P	X <sup>9</sup>	X <sup>9</sup>	SCUP
Water-related	P	P	X <sup>9</sup>	X <sup>9</sup>	X
Water-enjoyment	P	P	P	P	SCUP <sup>9</sup>
Non-water-oriented	P	X	X	X	X
<b>Forest Practices</b>	X	X	X	X	X



<b>Table Key:</b> P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable	<b>Shoreline Environment Designations</b>				
	<b>High-Intensity</b>	<b>Residential</b>	<b>Urban Conservancy</b>	<b>Recreation</b>	<b>Aquatic</b>
<b>Industrial</b>					
Water-dependent	P	X	X	X	P
Other water-oriented	P	X	X	X	X
Non-water-oriented	P	X	X	X	X
<b>Institutional</b>	P	X	X	X	X
<b>Mining</b>	X	X	X	X	SCUP
<b>Recreation</b>					
Water-dependent	P	P	P	P	P
Other water-oriented	P	P	P	P	SCUP
Non-water-oriented	P	SCUP	X	SCUP	X
<b>Residential</b>					
Single-family	P <sup>1</sup>	P	P	P <sup>1</sup>	X
Multi-family	P	P	X	X	X
New floating residence	X	X	X	X	X
<b>In-stream Structures</b>	P	P	P	P	P
<b>Transportation</b>					
Roads and railroads	P	P	P	P	SCUP
Bridges	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
Non-motorized facilities	P	P	P	P	SCUP
Parking as an accessory to a permitted use	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	X
<b>Utilities</b>	P	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	SCUP
<b>Uses not Specified</b>	SCUP	SCUP	SCUP	SCUP	SCUP
<b>Modifications</b> (See Section 7.3, Shoreline Modification Regulations for specific modification regulations)					
<b>Flood Control Works</b> (see Section 6.4)					
Modification of Existing Flood Control Works (including relocation further landward)	P	P	P	P	SCUP
New Flood Control Works	P	P	SCUP	SCUP	X
<b>Shoreline Stabilization</b>					
New soft structural stabilization	P	P	P	P	P
Replacement soft structural stabilization	P	P	P	P	P
New hard structural stabilization	SCUP	SCUP	SCUP	SCUP	SCUP
Replacement hard structural	P	P	P	P	P

<b>Table Key:</b> P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable	<b>Shoreline Environment Designations</b>				
	<b>High-Intensity</b>	<b>Residential</b>	<b>Urban Conservancy</b>	<b>Recreation</b>	<b>Aquatic</b>
<b>Breakwaters, Jetties, Rock Weirs, and Groins<sup>10</sup></b>	SCUP	SCUP	SCUP	SCUP	SCUP
<b>Fill / Excavation</b>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	SCUP
<b>Dredge and Dredge Material Disposal</b>					
Dredging	N/A	N/A	N/A	N/A	P
Dredge disposal	P	SCUP	SCUP	SCUP <sup>8</sup>	SCUP
<b>Shoreline Habitat and Ecological Enhancement</b>	P	P	P	P	P
<b>Dimensional Standards</b>					
<b>Buffer<sup>11</sup></b>	See Table B-4 in Subsection 9.4.D of Appendix B				
<b>Building setback from Buffer in Table B-4<sup>11</sup></b>	10'	10'	10'	10'	N/A
<b>Maximum Height</b>	35' <sup>7</sup>	35'	35'	35'	35'
<b>Minimum River Frontage</b>	N/A	60'	N/A	N/A	N/A

**Table Notes:**

- Caretaker residence only.
- Only free standing informational, educational, and navigation signs are permitted in the Aquatic environment designation.
- Expansion of a bridge by 50% or more may be reviewed through a SCUP, rather than an SSDP Permit, at the discretion of the City.
- Parking must support an allowed primary use. Parking as a primary use is prohibited.
- Gas or oil transmission lines greater than 6 inches in diameter, electrical transmission lines greater than 50kv, and structural utility buildings, such as pump stations, electrical substations, dams, or other facilities, require a SCUP.
- All fill below the OHWM, except that required for ecological restoration, requires a SCUP.
- Additional height may be approved in accordance with Section 7.2.6.H.
- Dredge disposal allowed through an SSDP on lands already covered by legally deposited dredge spoils.
- Commercial uses that are accessory to a public access or recreation use (such as kayak rental or concession stand) are allowed through an SSDP.
- Structures that support fish habitat enhancement are allowed in all environments through an SSDP.
- Water-dependent uses and developments may locate within the buffers shown in Table B-4, Appendix B and within the setbacks shown in Table 7-1. These uses must meet mitigation sequencing requirements to avoid, minimize, and mitigate for adverse impacts, in accordance with Section 6.1 of this SMP.

## 7.2 Shoreline Use Regulations

### 7.2.1 Agriculture

A. In accordance with RCW 90.58.065, this Program shall not restrict existing or ongoing agricultural activities occurring on agricultural lands. The applicable regulations in this Program apply to:

- Conversion of agricultural lands to other uses, and

2. Other development on agricultural land that does not meet the definition of agricultural activities.
- B. All new or expanded agricultural uses are prohibited.
  - C. Preparatory work associated with the conversion of land to non-agriculture uses and/or developments shall be consistent with the policies and regulations for the proposed non-agriculture use and the general provisions of this Program, including vegetation conservation.

### 7.2.2 Aquaculture

- A. New aquaculture uses may be permitted only in association with the non-commercial restoration of native fish species in the Lewis River.
- B. Non-commercial aquaculture undertaken for conservation or habitat restoration purposes is a preferred use within the City of Woodland's shorelines.

### 7.2.3 Boating Facilities

- A. General Requirements:

New and modified boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions and shall meet Washington Department of Natural Resources requirements and other state guidance if located in or over state-owned aquatic lands.

Boating facilities shall locate in areas where:

- a. There is adequate water mixing and flushing;
- b. The structure shall not block or obstruct lawfully existing or planned public shoreline access;
- c. Such facilities shall not adversely affect flood channel capacity or otherwise create a flood hazard;
- d. Water depths are adequate to minimize new or maintenance dredging and other channel maintenance activities;
- e. The structure shall minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris;
- f. New shoreline stabilization shall not be needed. Where the need for stabilization is unavoidable, only the minimum necessary shoreline

stabilization to adequately protect facilities, users, and watercraft may be allowed; and

- g. Water depths are adequate to prevent floating structures from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.

Boating facilities shall not be located:

Along braided or meandering river channels where the channel is subject to change in alignment;

On point bars or other accretion beaches; or

Where existing in-water navigation uses would be impaired or obstructed.

Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come into contact with water shall be approved by applicable state agencies for use in water.

Boating uses and facilities shall be located far enough from public swimming beaches, and fishing and aquaculture areas within the City or County to avoid adverse impacts, safety concerns, and potential use conflicts.

When feasible, boating facilities shall be designed to be aesthetically compatible with the surrounding shoreline environment, and where aesthetic impacts are unavoidable, mitigation shall be provided.

Accessory uses at boating facilities shall be:

Limited to water-oriented uses, including uses that provide physical or visual shoreline access for the general public.

Located outside of the buffer and floodway and as far landward as possible while still serving their intended purposes.

Parking and storage areas shall be located outside of shoreline jurisdiction whenever feasible and shall be setback from the shoreline as far feasible. Parking and storage facilities shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

Lighting associated with overwater structures shall be beamed, hooded, or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.

Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not obstructed.

New uses, developments and activities accessory to boating facilities should be located outside any applicable shoreline buffer unless proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose, and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility).

In these circumstances, uses and modifications accessory to water-dependent boating facilities must be designed and located to minimize intrusion into the buffer, and any adverse impacts to ecological functions shall be mitigated.

#### B. Boat Launches

1. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available with consideration for site-specific conditions and the particular needs of that use.
2. There is no maximum length or width for boat launches; however, the proponent must demonstrate that the size proposed is the minimum necessary to allow the use proposed.
3. Non-motorized boat launches shall use gravel or other permeable material.
4. Additional standards for public boat launches are as follows:
  - a. Public boat launches shall include adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.
  - b. When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access and/or where such facilities will substantially increase public opportunities for water access.
  - c. Public boat launches shall be located and designed to prevent traffic hazards and to minimize traffic impacts on nearby access streets.
  - d. Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand.

- C. Covered moorage is only permitted a necessary component of a water-dependent industrial or commercial use. Covered moorage shall be designed and located to be the minimum size necessary and minimize adverse impacts caused by shading the water and blocking views.

#### D. Docks

1. New piers and docks shall be allowed only for water-dependent uses or public access.
  2. New dock construction, excluding docks accessory to single-family residences (regulated under Subsection E if this Section), shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended primary water-dependent use. The applicant shall demonstrate need by providing a needs analysis or comprehensive master plan projecting future needs for dock or moorage space for approval. If approved by staff, the document may serve as the necessary justification for design, size, and construction to the extent that the plans are consistent with this Program.
  3. Extended moorage on waters of the state requires a lease or permission from the Washington State Department of Natural Resources.
- E. This Section applies to docks and buoys that are accessory to four (4) or fewer single-family residences. A dock associated with a single-family residence is considered a water-dependent use if it is designed and intended for access to watercraft and complies with the requirements of this Program.
1. A new moorage structure (dock or buoy) to serve a single-family residence may be allowed only when the lot does not have access to a shared structure and there is no homeowner's association or other corporate entity capable of developing shared structure.
  2. Prior to approving a new residential dock, an applicant shall demonstrate that a mooring buoy is not feasible to provide moorage.
  3. When feasible, new residential development of two or more dwellings with new accessory docks shall provide joint use or community dock facilities to reduce ecological impacts of new overwater facilities.
  4. Docks shall meet the following standards:
    - a. Docks shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length of docks accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. The maximum length for residential docks shall be limited to either sixty (60) feet as measured horizontally from the OHWM or the length necessary to provide a minimum of six (6) feet of water depth. The maximum width for residential docks shall be limited to six (6) feet. The dimensional standards may be adjusted as required by state and federal agencies if the decision maker finds that such adjustment will better preserve ecological functions.

- b. New or expanded covered moorage is prohibited.
  - c. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come into contact with water shall be approved by applicable state agencies for use in water.
  - d. Floats shall be constructed and attached so that they do not ground out on the substrate. Float stops, tubs, or similar structures may be used. A minimum of one (1) foot of elevation above the substrate is required.
  - e. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.
  - f. Piling diameter shall be sized to use the minimum possible while meeting the structural requirements of expected loads.
  - g. Grating, or clear translucent material, shall cover the entire surface area of the pier and ramp and all portions of float(s) not underlain by float tubs or other material that provides buoyancy. The open area of grating shall have a minimum of sixty (60) percent open space, or as otherwise required by state or federal agencies during permit review, unless determined to be infeasible due to specific site or project considerations. Clear translucent material shall have greater than ninety (90) percent light transmittance as rated by the manufacturer.
  - h. Docks shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the county auditor and a copy filed with the shoreline permit application.
5. Unavoidable impacts from new or expanded private boat moorage or launch construction pursuant to this Section shall be minimized and mitigated consistent with the requirements of this Program.
  6. Private boat ramps are prohibited.
  7. Moorage or launch structures shall not be allowed in critical freshwater aquatic habitats, unless it can be demonstrated that the structure, including auxiliary impacts and established mitigation measures, will not be detrimental to the natural habitat or species of concern, and will not result in loss of ecological function.

## 7.2.4 Commercial

- A. Water-dependent commercial uses are preferred over non-water-dependent commercial uses. Water-related and Water enjoyment use are preferred over non-water-oriented uses.
- B. Non-water-dependent commercial uses shall not be allowed if they displace existing viable water-dependent uses or if they are proposed to occupy space designated for water-dependent uses identified in a previously approved SSDP or other approval.
- C. Non-water-oriented commercial uses may be permitted only:
  - 1. As part of a mixed-use development that has a formally approved master plan that complies with this Program; and
  - 2. Includes water-dependent uses; and
  - 3. Provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or
  - 4. When the site is physically separated from the shoreline by another property or public right-of-way.
- D. Water-dependent and water-related commercial uses shall consider public access and/or ecological restoration as potential mitigation for impacts to shoreline resources and values unless such improvements are demonstrated to be infeasible or inappropriate, and shall avoid impacts to existing navigation, recreation and public access uses.
- E. An applicant for a new commercial use or development shall comply with the mitigation sequencing provisions of this Program.
- F. Accessory development or use that does not require a shoreline location, such as parking, service buildings or areas, access roads, utilities, signs, and storage of materials, shall be located outside of the shoreline jurisdiction unless demonstrated to be infeasible.
- G. Overwater structures, or other structures waterward of the OHWM, are allowed only for those portions of water-dependent commercial uses that require overwater facilities as an essential feature of their function or for public access facilities. Design of overwater structures or structures beyond the OHWM shall demonstrate that they will not interfere with normal stream geomorphic processes, require additional future shoreline stabilization, and interfere with navigation or normal public use of the water.



- H. Where commercial developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.
- I. Only water-dependent elements for commercial use of a proposal may encroach on required vegetated buffers of this Program (see Section 9.4.D of Appendix B, Critical Areas Regulations).

### 7.2.5 Forest Practices

- A. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222) as administered by the Department of Natural Resources.
- B. When timberland is to be converted to another use, such conversion shall be clearly indicated on the forest practices application. Vegetated buffers found in Appendix B shall be maintained along shorelines. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent a conversion proposals for a period of six (6) years from the date of the forest practices application approval per RCW 76.09.060(3)(d), (e), and (f); RCW 76.09.460; and RCW 76.09.470 subject to the provisions of Sections 40.260.080(A)(4)(a)(2) and (C).
- C. With respect to timber situated within two hundred (200) feet landward of the OHWM within SSWS, Ecology or the City shall allow only selective commercial timber cutting so that no more than thirty (30) percent of the merchantable trees may be harvested in any ten (10) year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this Program may be permitted. Exceptions to this standard shall be by SCUP only.
- D. Forestry practices for preparatory work associated with the conversion of land to non-forestry uses and/or developments shall be consistent with the policies and regulations for the proposed non-forestry use and the general provisions of this Program, including vegetation conservation.

## 7.2.6 Industrial

- A. Water-dependent industrial uses are preferred over non-water-dependent industrial uses.
- B. Water-related and non-water oriented industrial uses shall not be allowed if they displace existing viable water-dependent uses or if they are proposed to occupy space designated for water-dependent uses identified in a previously approved SSDP or SLE.
- C. New or expanded non-water-oriented industrial development may be allowed only when:
  - 1. It is part of a mixed-use project including water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or
  - 2. Navigability is severely limited at the site and the development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or
  - 3. The site is physically separated from the shoreline by another property or public right-of-way.
- D. Industrial development and redevelopment are encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.
- E. Proposed developments shall maximize the use of existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial and port developments shall demonstrate the need for expansion into an undeveloped area.
- F. Only water-dependent elements of a proposal for industrial use may encroach on required vegetated buffers of this Program (see Section 9.4.D of Appendix B, Critical Areas Regulations).
- G. Siting of accessory development or use within shoreline jurisdiction shall be limited to facilities required to serve approved water-oriented uses.

- H. Water-oriented structures may be allowed to exceed a height of thirty-five (35) feet. Such structures may include, but are not limited to facilities which must be of a greater height in order to function, such as cranes or other facilities designed to move or place products, fixed loading facilities that must provide clearance over vessels, storage facilities such as grain elevators, as well as accessory features such as lighting required for operations. The applicant must demonstrate compliance with the following criteria:
1. The public interest will be served by accommodating the increased height.
  2. The view of a substantial number of residences in areas adjoining such shorelines will not be obstructed.
  3. Increased height will not substantially interfere with views from a designated public place, vista, or feature specifically identified in an adopted local, state, or federal plan or policy.
- I. Where industrial developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

### 7.2.7 Institutional

- A. Water-oriented institutional uses and developments are preferred.
- B. Non-water-oriented institutional uses must provide public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration.
- C. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible but shall in no case be waterward of the structure.
- D. Where non-water oriented institutional uses are allowed, the following must be demonstrated:
1. A water-dependent use is not reasonably expected to be located on the proposed site due to topography, surrounding land uses, physical features of the site, or the site is physically separated from the shoreline by another property or public right-of-way; and
  2. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and

3. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, and/or access to the shoreline consistent with protection of shoreline ecological function.

## 7.2.8 In-Stream Structures

- A. In-stream structural uses include, but are not limited to, hydroelectric power generation, irrigation, water transmission, flood control, transportation, utilities, and fish habitat enhancement projects.
- B. Operation, maintenance, and repair of legally existing in-stream structures may be permitted when:
  1. The proposed activity will not increase the permanent footprint of the structure; and,
  2. Areas impacted by temporary construction or stockpiling of materials is limited to the minimum area feasible, and all disturbed areas will be returned to their pre-project or improved ecological condition.
- C. Applications for new or expanded in-stream structural uses shall include the following information prior to final approval, unless the City determines that the issues are adequately addressed via another regulatory review process:
  1. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.
  2. A habitat management plan prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources, provisions for protecting in-stream resources during construction and operation, and measures to compensate for impacts to resources that cannot be avoided.
  3. A description of sites proposed for the depositing of debris, overburden, and other waste materials generated during construction.
  4. The proposed location and design of powerhouses, penstocks, accessory structures, and access and service roads for hydropower facilities.
  5. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features.

## 7.2.9 Mining

Mining in Washington is controlled by the Surface Mining Act of 1970 (RCW 78.44) and is administered by the Washington Department of Natural Resources. The provisions of this legislation shall be followed in all cases.

- A. An applicant for mining and associated activities within the shoreline jurisdiction shall demonstrate that the proposed activities are dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a).
- B. Mining and associated activities shall be designed and operated to result in no net loss of shoreline ecological functions and processes, set forth in Section 6.1. To be approved, the applicant must demonstrate that there will be no:
  - 1. Adverse impact on the structural integrity of the shoreline that would change existing aquatic habitat or aquatic flow characteristics; and
  - 2. Changes in hydraulic processes to or from adjacent waterbodies that would damage aquatic habitat, shoreline habitat, or groundwater.
- C. Mining waterward of the OHWM may be permitted only when the applicant demonstrates that:
  - 1. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect natural gravel transport or other stream processes for the system as a whole.
  - 2. The proposed mining and associated activities will not have significant adverse impacts on habitat for priority species and will not cause a net loss of shoreline ecological functions.
  - 3. Determinations required by 1 and 2 above must be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a).
  - 4. In considering renewal, extension, or reauthorization of other mining operations waterward of the OHWM in locations where they have previously been conducted, compliance with this Subsection to the extent that no such review has previously been conducted must be demonstrated. Where there has been prior review, the City must review previous determinations comparable to the requirements of this Section to assure compliance with this Subsection under current site conditions.
- D. Disposal of overburden or other mining spoils or nonorganic solid wastes shall comply with fill policies and regulations of this Program.

- E. To ensure future use and visibility of the shoreline areas after completion of mining activities, the following provisions for land reclamation shall be met and shall be demonstrated in a reclamation plan approved by the Washington Department of Natural Resources that complies with the format and standards of RCW 78.44 and WAC 332-18:
1. All reclamation shall be completed within two (2) years after discontinuance of mining operations.
  2. All equipment, machinery, buildings, and structures shall be removed from the site upon discontinuance or abandonment of mining operations.
  3. Backfill material used in site reclamation shall be composed of natural materials. Combustible, flammable, noxious, toxic, or solid waste materials are not permitted as backfill or for on-site disposal.
  4. Reclamation shall prevent future erosion and sedimentation. Topography of the site shall be restored to contours compatible with the surrounding land and shoreline area.
  5. Final topography of the site shall not cause standing water to collect and remain on the site except as part of a sedimentation collection and removal system.
  6. All exposed areas shall be revegetated utilizing native, self-sustaining plants suitable to the immediate shoreline environment.
- F. The provisions of this Section do not apply to dredging of authorized navigation channels or management, placement, or beneficial reuse of dredged materials when conducted in accordance with Section 7.3.4 of this Program.

### 7.2.10 Recreational

- A. Shoreline recreational development that provides access to and enjoyment of the water and shorelines of the state are a preferred use. Recreation areas or facilities on the shoreline shall provide physical or visual access to the shoreline.
- B. Recreational uses and developments may be permitted when they do not displace water-dependent uses, are consistent with existing water-related and water-enjoyment uses and meet all other requirements of this Program.
- C. Only water-dependent or water-enjoyment elements of a recreational proposal may encroach on required vegetated buffers of this Program (see Table B-4 in Appendix B) when they are demonstrated to be necessary. All encroachments into the buffer must be fully mitigated in accordance with this program.

- D. Provisions shall be made for adequate vehicular parking and safe pedestrian crossings. Design of parking areas shall ensure that surface runoff does not discharge to adjacent waters. Parking areas shall be located upland, away from the immediate shoreline.
- E. All permanent, substantial recreational structures and facilities shall be located outside officially mapped floodways. Minor accessory uses may be allowed in the floodway when it can be demonstrated by the applicant that there will be no net loss of ecological functions as set forth in Section 6.1, and all flood hazard criteria of this Program and the City's flood protection code in WMC 14.40, Flood Damage Prevention (1996), are met.
- F. New overwater structures for a recreational use shall be allowed only when:
  - 1. They accommodate a water-dependent recreation use or facilities; or
  - 2. They provide access for the public to enjoy the shorelines of the state.
- G. Recreational facilities shall provide adequate facilities for potable water supply, sewage disposal, and/or garbage collection where practicable.

### 7.2.11 Residential

- A. Single-family residential uses shall be permitted on all shorelines except the Aquatic environment, and shall be located, designed, and used in accordance with applicable policies and regulations of this Program and the SMA.
- B. New residential development shall comply with the shoreline buffer provisions established in Section 9.4 of Appendix B.
- C. Redevelopment or expansion of existing residential structures shall also conform to the provisions in Section 3.3 of this SMP.
- D. All new residential uses and development, including subdivisions, short-plats, accessory uses and structures:
  - 1. Shall be designed such that no shoreline stabilization measures are necessary.
  - 2. Shall be located and designed to minimize view obstructions to and from the shoreline from other properties.
  - 3. Shall be prohibited in, over, or floating on the water.
  - 4. Shall be prohibited in floodways and channel migration zones.

- E. New residential lots shall be configured such that structural flood hazard reduction and shoreline stabilization measures are not now and will not be required during the life of the development or use.
- F. New residential lots shall be configured such that siting and construction are feasible while achieving no net loss of ecological functions.
- G. Where housing developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

## 7.2.12 Transportation and Parking

### A. Roads, Railroads and Bridges

- 1. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside of the shoreline jurisdiction wherever possible unless location outside of shoreline jurisdiction is demonstrated to be infeasible.
- 2. When transportation facilities are demonstrated to be necessary in shoreline jurisdiction or if no other feasible location exists the applicant shall demonstrate that new or expanded facilities are designed to:
  - a. Minimize impacts to critical areas and associated buffers and to minimize alterations to the natural or existing topography to the extent feasible; and
  - b. Avoid or minimize the need for shoreline stabilization.
- 3. New transportation crossings over streams shall be avoided, but where necessary shall utilize bridges rather than culverts to the extent feasible.
- 4. Requirements for bridge and culvert installation crossing all streams shall be consistent with the Washington Department of Fish and Wildlife's site-specific Hydraulic Project Approval standards.
- 5. All excavation materials and soils exposed to erosion by all phases of road, bridge and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.
- 6. Private access roads or driveways providing ingress and egress for individual single-family residences or lots shall be limited to the minimum width allowed by the fire code.



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

B. Non-Motorized Facilities

1. Non-motorized facilities, such as trails, shall comply with provisions for public access that are part of this Program.
2. New or expanded non-motorized transportation facilities shall be located outside of critical areas and their associated buffers. With demonstration that the trail cannot be located outside of the buffer, the trail can be located in the outer 25 percent of the critical area buffer. The following trail types are exceptions and may locate closer to the OHWM:
  - a. Soft-surface trails (mulch, or dirt), not wider than three (3) feet constructed for public access to shoreline areas.
    - i. This exception does not apply to Critical Area buffers for Category I, II, or III Wetlands.
    - ii. Trail construction and maintenance shall minimize removal of vegetation (trees, shrubs, etc.) avoid important wildlife habitat, and shall not result in a net loss of ecological functions.
    - iii. This exception does not apply to trail parking, shelters, bathrooms, and any similar related structures.
    - iv. All provisions of Appendix B, Critical Area Regulations must be met.
3. Elevated walkways shall be utilized where feasible to cross wetlands and streams if a trail is not feasible outside of the critical area and associated buffer.

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

1. Set back as far as possible from the OHWM and outside shoreline jurisdiction where feasible;
2. Located outside of critical areas and associated buffers where feasible; and
3. Located on the landward side of the proposed development or use.

D. Facility lighting must be designed and operated to avoid illuminating nearby properties or public areas; prevent glare on adjacent properties, public areas, or roadways to avoid infringing on the use and enjoyment of such areas; and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields,

setbacks, buffer areas, and screening. Lighting must be directed away from critical areas unless necessary for public health and safety.

### 7.2.13 Utilities

These provisions apply to services and facilities that produce, convey, store, or process power, gas, wastewater, communications, oil, waste, and similar services and functions. On-site utility features serving a primary use, such as a water, sewer, or gas line to a residence or other approved use, are accessory utilities and shall be considered a part of the primary use.

New or expanded non-water-dependent utilities or parts thereof may be located within shoreline jurisdiction only when the applicant demonstrates based on analysis of alternative locations and technologies that:

1. No alternative location outside of shoreline jurisdiction is feasible;
  2. If a new corridor is proposed, utilization of existing corridors is not feasible, including expansion or replacement of existing facilities; and
  3. The proposal minimizes changes to the visual character of the shoreline environment as viewed from the water and surrounding views to the water.
  4. The above requirements do not apply to water-dependent utilities, or parts thereof, which require a shoreline location, such as stormwater or wastewater treatment plant outfalls.
- B. The presence of existing utilities shall not justify more intense development. Rather, the development shall be consistent with the County Comprehensive Plan, zoning code, and this Program, and shall be supported by adequate utilities.
- C. Where overhead electrical transmission lines must parallel the shoreline, they shall be outside of shoreline jurisdiction unless infeasible due to site constraints, including but not limited to topography or safety.
- D. Transmission, distribution, and conveyance facilities shall be located in existing rights of way and corridors whenever feasible.
- E. Utility crossings of waterbodies shall be attached to bridges where feasible. Where attachment to a bridge is not feasible, underground construction methods that avoid surface disturbance are preferred. Crossings shall be designed to cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

- F. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially harmful to water quality shall be equipped with automatic shut-off valves on both sides of the waterbody crossing.
- G. When allowed in shoreline jurisdiction subject to 7.2.13.A above, structural utility buildings, such as pump stations, electrical substations, or other facilities, shall be visually compatible in scale with surrounding development and landscape to provide compatibility with natural features and adjacent uses.
- H. Stormwater outfalls may be placed below the OHWM to reduce scouring. New outfalls and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate.

## 7.3 Shoreline Modification Regulations

To be authorized, all shoreline modification activities in shoreline jurisdiction shall be planned and implemented in a manner consistent with this Program. In considering the approval of shoreline modifications, the City shall make findings that the following policies and regulations are met based on information provided by the applicant, including studies by qualified professionals when necessary.

All shoreline modifications must comply with the following general provisions:

- A. Structural modifications may be permitted only 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;
- B. Preference shall be given to shoreline modifications that have a lesser impact on ecological functions; and
- C. Modifications shall be designed to incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

### 7.3.1 Shoreline Stabilization

- A. Proposals for new or modified shoreline stabilization shall demonstrate that proposed structures are the minimum size necessary.
- B. Compliance with the following criteria shall be documented through geotechnical analysis by a qualified professional. Geotechnical reports pursuant to this Section shall address the necessity for shoreline stabilization by estimating timeframes and rates of erosion and shall report on the urgency associated with the specific situation.

1. New lots created by subdivision shall demonstrate that new shoreline stabilization will not be necessary, for the life of the development, in order for reasonable development to occur.
  2. Development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure (see Chapter 8 of Appendix B, Critical Areas Regulations).
  3. Development that would require new shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas, shall not be allowed.
  4. Hard armoring solutions shall be authorized only:
    - a. When a report finds that a primary structure will be damaged within three (3) years from shoreline erosion without hard armoring measures;
    - b. If waiting to provide erosion protection would foreclose the opportunity to use measures that avoid impacts on ecological functions; or
    - c. When hard armoring is not justified based on the above criteria, a geotechnical report may be used to justify protection against erosion using soft shoreline stabilization measures.
- C. Shoreline stabilization shall be designed and constructed to avoid or minimize stream channel direction modification, realignment, and straightening or to result in increased channelization of normal stream flows or impacts to sediment transport.
- D. New or expanded shoreline stabilization, with the exception of modifications to flood control structures approved by the U.S. Army Corps of Engineers, shall follow this hierarchy of preference:
1. No action (allow the shoreline to retreat naturally).
  2. Non-structural methods such as increased building setbacks, relocating structures, and/or other methods to avoid the need of stabilization.
  3. Stabilization constructed of soft structural protection and bioengineering, including, but not limited to, beach nourishment, protective berms, or vegetative stabilization.
  4. Soft structural stabilization, as described above, in combination with hard structure stabilization, as described below, constructed as a protective measure.
  5. Hard structure stabilization constructed of artificial materials such as, but not limited to, riprap or concrete.

Applicants should consult applicable shoreline stabilization guidance documents, such as the Integrated Streambank Protection Guidelines, promulgated by state or federal agencies.

- E. New structural shoreline stabilization measures to protect an existing primary structure, including residences, are only allowed when there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents or waves rather than from upland conditions. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems by relocating drainage away from the shoreline edge before considering structural shoreline stabilization. Considerations shall include the feasibility of reconstruction and/or relocation of the structure if it is cost effective in relation to any new or expanded erosion control structures. All new erosion control structures shall not result in a net loss of shoreline ecological functions.
- F. New shoreline structural stabilization may be permitted in support of a water-dependent development when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:
  - 1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  - 2. There is a need to protect primary structures from damage due to erosion.
  - 3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  - 4. The stabilization structure will not result in a net loss of shoreline ecological functions.
- G. New shoreline structural stabilization may be permitted in support of a new non-water-dependent development (including single-family residences) when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:
  - 1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  - 2. There is a need to protect primary structures from damage due to erosion caused by natural processes, such as currents or waves.

3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  4. The stabilization structure will not result in a net loss of shoreline ecological functions.
- H. New shoreline structural stabilization may be permitted to protect ecological restoration or hazardous substance remediation projects when the conditions below are met as demonstrated in a geotechnical report by a qualified professional:
1. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  2. The stabilization structure will not result in a net loss of shoreline ecological functions.
- I. The construction of a shoreline stabilization structure, either “soft” or “hard” for the purpose of creating dry land is prohibited.
- J. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses or structures from erosion caused by current or wave action.
- K. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
- L. Replacement must result in no net loss of ecological functions. For purposes of this Subsection regarding standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.
- M. A publicly financed or subsidized shoreline stabilization project shall provide public access subject to the provisions in Section 6.5 of this SMP. Where feasible, such structural stabilization shall incorporate ecological restoration. See Section 6.5, Public Access, for additional information.
- N. Bioengineered projects shall be designed by a qualified professional in accordance with the most current, accurate, and complete scientific and technical information available, and shall incorporate a variety of native plants, unless native species are demonstrated infeasible for the particular site.

### 7.3.2 Breakwaters, Jetties, Weirs, and Groins

- A. Breakwaters, jetties, groins, and weirs located waterward of the OHWM shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- B. Breakwaters, jetties, groins, weirs, and similar structures require a SCUP, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.
- C. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

### 7.3.3 Fill and Excavation

- A. Fill may be placed in flood hazard areas only when otherwise allowed by the frequently flooded areas regulations in this Program (Chapter 7 in Appendix B) and where it is demonstrated in a hydrogeological report prepared by a qualified professional that adverse impacts to hydrogeologic processes will be avoided.
- B. Fill below or waterward of the OHWM for any use except ecological restoration requires a SCUP. Fill may be placed below the OHWM only when it is demonstrated that the fill is necessary to:
  - 1. Accomplish an aquatic habitat restoration plan.
  - 2. Support a mitigation action, environmental restoration, beach nourishment or other enhancement project.
  - 3. Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat.
  - 4. Support a water-dependent use.
  - 5. Serve as part of a public access proposal.
  - 6. Support cleanup of contaminated sediments as part of an interagency environmental clean-up plan or permitted under MTCA or CERCLA.
  - 7. Expand or alter transportation facilities of statewide significance currently located on the shoreline only when demonstrated that alternatives to fill are not feasible.

- C. Fill is restricted in wetlands or fish and wildlife habitat conservation areas in accordance with the critical areas standards in this Program and Appendix B, Chapters 5 and 6.
- D. Excavation of previously deposited dredge spoils above the OHWM may be permitted if the spoils site is part of a dredge materials management plan and the spoils were not originally placed as part of a beach nourishment or other shoreline restoration project.
- E. Excavation below the OHWM is considered dredging and is subject to provisions in Subsection 7.3.4, Dredging and Dredge Material Disposal.

### 7.3.4 Dredging and Dredge Material Disposal

- A. Dredging and in-water dredge disposal must be approved by state and federal agencies with jurisdiction, with documentation provided to the City as a condition of any shoreline permit.
- B. New dredging shall be permitted only:
  - 1. When establishing, expanding, or reconfiguring navigation channels, anchorage areas, and basins in support of existing navigational uses where significant ecological impacts are minimized, and mitigation is provided;
  - 2. When implementing an approved regional dredge management plan for flood control purposes;
  - 3. As part of an approved habitat improvement project;
  - 4. As part of a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act project;
  - 5. In conjunction with a new port, bridge, navigational structure, wastewater treatment facility, essential public facility, hydroelectric facility, fish hatchery, or other water-dependent use for which there is a documented public need and where other sites, or methods are not feasible; or
  - 6. When otherwise approved by state and federal agencies.
- C. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
- D. Maintenance dredging shall be restricted to previously authorized locations, depths, and widths.



- E. Dredging waterward of the OHWM for the primary purpose of obtaining fill material is allowed only when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a SCUP, any other significant habitat enhancement project.
- F. Dredge materials exceeding Ecology criteria for toxic sediments shall be disposed of according to state and federal law. Proof of proper disposal at an upland permitted facility may be required.
- G. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require a SCUP. Disposal of dredge material within wetlands or within a river's channel migration zone shall be allowed only when proposed as part of an ecological restoration project demonstrated by a qualified professional to:
  - 1. Improve wildlife habitat;
  - 2. Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat; or
  - 3. Create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit.

This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

- H. When allowed, dredge material disposal must meet the following standards:
  - 1. Dredge disposal in shoreline jurisdiction shall be permitted only where it is demonstrated by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
  - 2. Dredge disposal both above and below the OHWM may be approved if it is demonstrated that it complies with the provisions of Subsection 7.3.4.H.1 above and one or more of the following:

- a. It benefits shoreline resources; or
  - b. If applicable, it utilizes the guidance from the 2007, or as amended, U.S. Army Corps of Engineers and Environmental Protection Agency publication EPA842-B-07-001, *Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual*; or
  - c. For dredging projects under U.S. Army Corps of Engineers jurisdiction, the disposal has been identified and evaluated through an approved Corps Dredge Management Material Program.
- I. Upland disposal requires a SCUP unless the disposal is in an existing approved site.
  - J. Dredging and dredge disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities and other water-dependent uses.

### 7.3.5 Shoreline Habitat and Ecological Enhancement Projects

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

- A. Long-term maintenance and monitoring shall be included in restoration or enhancement projects.
- B. Shoreline restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices. Applicants should consult applicable guidance documents, such as the most current version of the Washington Department of Fish and Wildlife's Stream Habitat Restoration Guidelines, promulgated by state or federal agencies.
- C. Habitat creation, expansion, restoration, and enhancement projects may be permitted in all shoreline environment designations subject to required state or federal permits when the applicant has demonstrated that there will be a specific ecological improvement and the following:
  - 1. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;
  - 2. Water quality will not be degraded;
  - 3. Flood storage capacity will not be degraded;
  - 4. Streamflow will not be reduced;

5. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
6. The project will not interfere with the normal public use of the navigable waters of the state.

## 8. Shoreline Administration and Enforcement

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### 8.1 Purpose

The purpose of this Chapter is to provide provisions for the administration and enforcement of a permit system that shall implement the State Shoreline Management Act of 1971, Chapter 90.58 RCW; Ecology regulations and guidelines adopted as Chapters 173-26 and 173-27 WAC; and the Woodland Shoreline Master Program, together with amendments and/or additions thereto.

Issuance of any shoreline permit or exemption by the City does not remove requirements for compliance with other federal, state and county permits, procedures, and regulations.

### 8.2 Procedure

All shoreline permits shall be processed in accordance with WMC Title 19 Development Code Administration.

### 8.3 Shoreline Overlay

Shoreline regulations shall apply as an overlay and in addition to development regulations, including but not limited to zoning, environmental regulations, development standards, subdivision regulations, and other regulations established by the City.

- A. Allowed uses shall be governed by both the zoning regulations in Title 17 WMC and this Program. The most restrictive provisions of the applicable zoning district and SED shall apply.
- B. Allowed uses shall be limited by the general polices and specific regulations regarding use preferences for water-dependent and water-oriented uses. Allowed uses may be specified and limited in specific shoreline permits. In the case of non-conforming development, the use provisions of this code shall be applied to any change of use, including occupancy permits (see Section 3.3, Nonconforming Use and Development).
- C. In the event of any conflict between shoreline policies and regulations and any other regulations of the City, shoreline policies and regulations shall prevail unless other regulations provide greater protection of the shoreline environment and aquatic habitat.
- D. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted. Shoreline Master Program policies, found in Chapter 4, establish intent for the shoreline regulations in addition to RCW 90.58 and Chapters 173-26 and 173-27 WAC.

## 8.4 Coordination with Other Agencies

The City will coordinate on issues relating to ecological conditions, functions and processes and on wetland and OHWM delineations with Ecology, the Washington Department of Natural Resources and the Washington Department of Fish and Wildlife as well as other agencies with permit authority over a project to the extent that agencies are timely in their response and coordination does not unduly extend review times.

## 8.5 Development Compliance

- A. All uses and developments within the jurisdiction of Act shall be planned and carried out in a manner that is consistent with this Program and the policies of the RCW 90.58 and this SMP, regardless of whether an SSDP, SLE, Shoreline Variance, or SCUP is required. Any authorization, including an SLE, issued under the Shoreline Management Act may be conditioned by the city to ensure compliance with the 90.58 RCW and this SMP.
- B. Regulation of private property to implement any Program goals such as public access and protection of ecological functions, must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes, such as RCW 34.05.328 and 43.21C.060.
- C. Compliance with the provisions of this Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Washington Department of Fish and Wildlife Hydraulic Project Approvals (HPAs), U.S. Army Corps of Engineers Section 404 permits, Washington Department of Ecology Water Quality Certification (Section 401) and National Pollution Discharge Elimination System (NPDES) permits). The applicant is responsible for complying with all applicable requirements, apart from the process established in this Chapter.
- D. The City will provide a mechanism for tracking, and periodically evaluating the cumulative effects of all project review actions in shoreline areas.

## 8.6 Shoreline Permit Application Procedures

### 8.6.1 Application Requirements.

- A. A complete application for an SSDP, SCUP, or Shoreline Variance shall contain, at a minimum, the information required for a complete application specified in WAC 173-27-180, as determined by the City.

B. Critical Area Submittal Requirements.

1. When an applicant submits a shoreline application for any development proposal, the application shall submit a complete critical area identification checklist (see Appendix F).
2. The City shall review the critical area identification checklist and conduct a preliminary environmental review, based on existing in-house resources and data, to determine whether critical areas are known or suspected to exist on the applicant's parcel. However, the ultimate burden of proof is on the applicant to provide sufficient data to the City should the City suspect that critical areas are present. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the City shall notify the applicant that additional studies as specified herein shall be provided.
3. Site Inspection. Upon receipt of a completed critical area identification checklist, the Director shall conduct a site visit of the proposed project site to determine if any critical area conditions exist on site. The Director shall notify the applicant prior to the inspection. Reasonable access shall be provided for the purposes of site inspections.
4. Review of Available Information. The Director may determine if a critical area report (see Section 4.1 in Appendix B) is needed by using the following indicators:
  - a. Information obtained from the critical area identification checklist;
  - b. Maps depicting critical areas, soil types and other appropriate features;
  - c. Information and scientific opinions from appropriate agencies;
  - d. Washington Department of Fish and Wildlife Priority Habitats and Species (PHS) and Salmonscape maps;
  - e. Documentation from other scientific sources; and
  - f. Findings by qualified professionals or a reasonable belief by the Director that a critical area may exist on or adjacent to the proposed activity.
5. Determination of whether a Critical Area Report is Needed.
  - a. Critical Area Present but No Impact. If the Director determines there are critical areas within the proposed project, but that the project is not likely to degrade the functions or values of a critical area, then the Director may waive the requirements of a critical area report. The Director shall consult with resource agencies or individuals with special expertise, as necessary, to

assist in the determination of critical areas and potential impacts associated with project proposals. A waiver may be granted if all of the following are met:

- i. No alteration of the critical area or buffer will occur;
  - ii. No impact to the critical area will occur that cannot be mitigated under the no-net-loss requirements of this Program; and
  - iii. The proposal is consistent with other applicable regulations and standards.
- b. Critical Areas May Be Affected. If the Director determines that a critical area may be affected by a proposal, then the applicant shall be required to submit a critical area report prior to any further project activity. The Director shall inform the applicant within ten (10) business days following the site visit of his findings and indicate what critical area types should be addressed in the report.

A Determination by the Director is not an expert classification regarding the presence of critical areas. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances. If a qualified professional determines no critical areas exist or will not be affected by the proposal, the Director may reconsider their determination.

6. The City shall have the option of soliciting comments or technical assistance on the shoreline permit application from resource agencies. These agencies shall have fourteen (14) days from the date the application is circulated by the City for comments. If a response is not received from the resource agency within the 14-day review period, the City will assume there are no comments on the project or activity forthcoming from the resource agency.
  7. Any person preparing to submit an application for development or use of land located within a critical area or associated buffer shall first apply for a pre-application conference, unless waived by the City in concurrence with the applicant. At this meeting, the City shall discuss the requirements of these regulations and provide applicable critical areas maps, scientific information, and other source materials. The City shall summarize the application review process and work with the proponent to identify potential issues that may arise during the review process in addition to discussing other permit procedures and requirements.
- C. In addition to the public notice requirements of WMC 19.06.02, the following notice shall be provided for each application for a SSDP, SCUP, or Shoreline Variance.

1. Within fourteen (14) days after the City has made a determination of completeness on the project permit application, the City shall issue public notice including:
  - a. The date of application, the date of the notice of completion for the application, and the date of the notice of application;
  - b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, RCW 36.70B.090 and WAC 173-27-180;
  - c. The identification of other permits not included in the application to the extent known by the City;
  - d. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a City land use bulletin, the location where the application and any studies can be reviewed;
  - e. A statement of the public comment period, which shall be not less than fourteen (14) days following the date of notice of application;
  - f. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments shall be accepted at any time prior to the closing of the record of an open record hearing, if any, or, if no open record hearing is provided, prior to the decision on the project permit;
  - g. The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
  - h. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and
  - i. Any other information determined appropriate by the City.
2. Public notice shall include:
  - a. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred (300) feet of the boundary of the property upon which the development is proposed.
  - b. Posting of Project Site. Posting of the project site shall be provided in accordance with WMC 19.06.030A and 19.06.070A.



- c. Publication shall be in accordance with WMC 19.06.030A and 19.06.070A. If an open record public hearing is required, an additional notice shall be published at least ten (10) days prior to the hearing. The shoreline notice shall be published twice, the second at least thirty days prior to the date of the public hearing on the underlying project permit. This notice shall include the project location in other than a legal description, a brief description of the project, type of permit(s) required, comment period dates, hearing dates if applicable, and a location where the complete application may be reviewed.

## 8.6.2 Critical Areas Determination

### A. Determination and Review.

1. The Director shall make a determination as to whether the proposed activity and mitigation is consistent with the provisions of this Program. Any alteration to a critical area, unless otherwise provided for in this Program, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:
  - a. Impacts to critical areas are avoided or minimized in accordance with Section 4.4, Mitigation Sequencing, of Appendix B;
  - b. There is no unreasonable threat to public health, safety, or welfare;
  - c. The proposal is consistent with this Program and the public interest;
  - d. Permitted alterations are mitigated in accordance with Section 4.5, Mitigation Plan Requirements, of Appendix B;
  - e. The critical area functions and values are protected in accordance with the most current, accurate, and complete scientific and technical information available; and
  - f. The proposal is consistent with other applicable regulations and standards.
2. The City may condition a proposed activity as necessary to mitigate for impacts to critical areas and to conform to standards of this Program.
3. Any project that cannot adequately mitigate for impacts to critical areas shall be denied.
4. When the determination of critical areas has been completed, a written report will be issued to the applicant, placed in an address file, and a copy sent to the property owner if different from the applicant. A property owner may request a re-evaluation by the City once in any twelve (12)-month period when a change in

physical conditions or government institutional actions warrants such re-evaluation.

5. Determination, Favorable. Upon determination that a proposed activity meets the requirements of Subsection 8.6.1, and complies with the requirements of this Program, the Director shall prepare a written notice of determination and identify any conditions of approval. Any changes to the conditions of approval shall void the previous determination pending a review of the alternative proposal and conditions by the Director.
  6. Determination, Unfavorable. Upon determination that a proposed activity does not meet the above criteria and/or does not adequately mitigate for impacts to critical areas, the Director shall prepare a written notice of determination and identify the findings. A revised critical area report may be submitted by the applicant for consideration, following notice of the determination. The Director may make a new determination based on the revised critical area report.
- B. Critical Area Review, Complete. The City's determination shall be complete upon determination to approve, approve with conditions, or deny the proposal or activity. No activity or shoreline permit shall be approved or issued for an activity that does not adequately mitigate for impacts to critical areas and/or does not fully comply with the provisions of this Program.

### 8.6.3 Approval Criteria

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

- A. All use regulations of this Program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, particularly the preference for water-oriented uses. If a non-water-oriented use is approved, the decision maker shall enter specific findings documenting why water-oriented uses are not feasible.
- B. All bulk and dimensional regulations of this Program appropriate to the SED and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a Shoreline Variance.
- C. All policies of this Program appropriate to the SED and the type of use or development activity proposed shall be considered and compliance demonstrated, subject to liberal construction to give full effect to the objectives and purposes for which they have been enacted.

## 8.6.4 Written Findings Required

All permits or Shoreline Letters of Exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Director addressing compliance with policies and regulations of this Program. The Director may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the Program.

## 8.6.5 Time Requirements for Shoreline Permits

- A. The time requirements of this Section shall apply to all SSDPs and SCUPs and to any development authorized pursuant to a variance authorized under this Program.
- B. No construction pursuant to such permit shall begin or be authorized and no building, grading or other construction permits or use permits shall be issued by the City until 21 days from the date an SSDP was filed with Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.
- C. No permits and construction pursuant to an SCUP or Shoreline Variance shall begin or be authorized until 21 days from the date of notification of approval by Ecology, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.
- D. Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143, construction activities, or a use or activity for which a permit has been granted pursuant to this Program, must be commenced within two (2) years of the effective date of a shoreline permit, or the shoreline permit shall terminate and a new permit shall be necessary. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors if a request for extension has been filed with the City before the expiration date and notice of the proposed extension is given to parties of record and Ecology. Construction activities or commencement of construction means that construction applications must be submitted, permits must be issued, and foundation inspections must be approved and completed.
- E. A permit authorizing construction shall extend for a term of no more than five (5) years after the effective date of a shoreline permit unless a longer period has been specified pursuant to RCW 90.58.143 and Subsection F of this Section. If an applicant files a request for an extension prior to expiration of the shoreline permit, the City shall review the permit and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one year. Otherwise said permit shall terminate. Notice of the proposed permit extension shall be given to

- parties of record and Ecology. To maintain the validity of a shoreline permit, it is the applicant's responsibility to maintain valid construction permits in accordance with adopted Building Codes.
- F. If it is determined that standard time requirements of Subsections D and E should not be applied, the Hearing Examiner, upon a finding of good cause, may establish shorter time limits, provided that as a part of action on an SCUP or Shoreline Variance the approval of Ecology shall be required. "Good cause" means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.
  - G. For purposes of determining the life of a shoreline permit, the effective date of a SSDP, SCUP, or Shoreline Variance shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods do not include the time during which a use or activity was not actually pursued due to the pendency of appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed.
  - H. It is the responsibility of the applicant to inform the City of the pendency of other permit applications filed with agencies other than the City, and of any related administrative or legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the City prior to the expiration date established by the shoreline permit or the provisions of this Section, the expiration of a permit shall be based on the effective date of the shoreline permit.
  - I. If the granting of a shoreline permit by the City is appealed to the Shoreline Hearings Board, and the Shoreline Hearings Board has approved the granting of the permit, and an appeal for judicial review of the Shoreline Hearings Board decision is filed, construction authorization may occur subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(b).
  - J. Special procedures for WSDOT projects.
    - (i) Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
    - (ii) Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

### 8.6.6 Surety Devices

The City may require the applicant to post a surety device in favor of the City to assure full compliance with any terms and conditions imposed on any shoreline permit. Said surety device shall be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated and in accordance with approved plans.

### 8.6.7 Construction Permit Compliance

For all development within shoreline jurisdiction, the Building Official shall not issue a construction permit for such development until compliance with this Program has been documented. If a shoreline permit is required, no building permit shall be issued until all comment and appeal periods have expired. Any permit issued by the Building Official for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

### 8.6.8 Rulings to State

Any ruling on an application for an SSDP or SCUP under authority of this Program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with Ecology and the Attorney General by the City. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

### 8.6.9 Appeals

Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing of the decision as provided for in RCW 90.58.140(6).

## 8.7 Shoreline Letter of Exemption (SLE)

- A. An SSDP shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to WAC 173-27-040, see Appendix E. Any development which occurs within the regulated shorelines of the state, whether it requires a permit or not, must be consistent with the intent of the Act and this Program.
- B. Any person claiming exemption from the permit requirements of this Program as a result of the exemptions specified in this Section shall make application for a Shoreline Letter of Exemption (SLE). Requests or applications for an SLE shall be submitted in a format prescribed by the City and include such documentation as may be required by the City.
- C. If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.

- D. The City may issue a SLE for proposed development activities or programs in jurisdictional shoreline areas that do not require an SSDP per Section 3.2, Exemptions from a Shoreline Substantial Development Permit.
- E. An SLE may be approved by the Director and may be appealed to the Hearings Officer per Title 19 WMC (1996).
- F. An SLE may be issued for project-specific development activities or for programmatic, routine activities that may be repeated on a regular basis in accordance with approved standards such as the repair and maintenance of roads, rights-of-way, trails, parks, and/or storm water facilities.
- G. Activities authorized through the issuance of an SLE must comply with all applicable provisions of the Woodland Municipal Code and comply with conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Program and the Act.
- H. If the exemption is approved, the City Director shall prepare and provide an SLE to the applicant and Ecology indicating the specific applicable exemption provisions from WAC 173-27-040 and providing a summary of the project's consistency with this Program and the Act, as amended.
- I. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial.

## 8.8 Shoreline Substantial Development Permit (SSDP)

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

expiration date and notice of the proposed extension is given to parties of record.

3. The authorization to conduct certain development activities (see WAC 173-27-090) shall terminate five (5) years after the effective date of an SSDP.
  4. The authorization period to conduct development activities may be extended once for a one (1)-year period if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
  5. The time periods in Subsections C.1 and C.3, above, do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
- D. Appeals to the Shorelines Hearings Board shall be consistent with RCW 90.58.140. Construction pursuant to a shoreline permit may not begin or be authorized until twenty-one (21) days from the date the permit decision was filed with Ecology.

## 8.9 Shoreline Conditional Use Permit (SCUP)

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

- A. A SCUP is required for uses and development that are not classified in the Program and for those uses and modifications as indicated in Table 7-1 of this Program. In authorizing a conditional use, the City or Ecology may attach special conditions to the permit to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this Program.
- B. In addition to the approval criteria in Section 8.6.3, Approval Criteria, the criteria for approving conditional uses shall be consistent with WAC 173-27-160 *Review Criteria for Conditional Use Permits* and shall include the following:
  1. That the proposed use is consistent with the policies, regulations and standards of RCW 90.58.020 and this Program;
  2. That the proposed use will not interfere with the normal public use of public shorelines;
  3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this Program;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  5. That the public interest suffers no substantial detrimental effect.
- C. In the granting of all SCUPs, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if SCUPs were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
  - D. Other uses which are not classified or set forth in this Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this Program.
  - E. Uses which are specifically prohibited by this Program may not be authorized pursuant to either Subsection A or C of this Section.
  - F. Conditional uses must be submitted to Ecology for their approval, approval with conditions, or denial pursuant to WAC 173-27-200.

## 8.10 Shoreline Variances

- A. A development may be granted which is at variance with the criteria established in this Program where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in this Program would cause undue and unnecessary hardship or practical difficulties. A variance may be required for a use that does not require an SSDP but which may not be approved because it does not comply with the provisions of this Program.
- B. The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of this Program is not, by itself, sufficient reason for a variance.
- C. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate extraordinary circumstances and that the public interest shall suffer no substantial detrimental effect.
- D. For a variance to be approved, the City must find each of the following:
  1. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:



- a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
  - b. That the hardship described in 1.a of this Subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
  - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and this program and will not cause adverse impacts to the shoreline environment;
  - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
  - e. That the variance requested is the minimum necessary to afford relief; and
  - f. That the public interest will suffer no substantial detrimental effect.
2. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
    - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
    - b. That the proposal is consistent with the criteria established under Subsection 1.b through 1.f of this Section; and
    - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
3. In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

## 8.11 Revisions to Permits

- A. When an applicant seeks to revise a proposal authorized with an SLE, SSDP, SCUP, or shoreline variance, whether such permit was granted under this Program or under the Program in effect prior to adoption of this Program, the City shall request from the applicant detailed plans and text describing the proposed changes to the project. If the staff determines that the proposed changes are within the general scope and intent of the original SLE, SSDP, SCUP, or shoreline variance, as the case may be, the revision may be approved by the City without the need for the applicant to file a new permit application provided the development is consistent with the Act, this program and WAC 173-27-100.
- B. All shoreline permit revisions shall be transmitted to Ecology upon the City's final decision. If the revision is to an SLE or SSDP, it becomes effective immediately upon final decision by the City. If the permit revision is concerning a shoreline conditional use or shoreline variance permit, the proposed revision is subject to Ecology review. Ecology shall respond with its final decision on the permit revision request within fifteen (15) days of the date of receipt by Ecology per WAC 173-27-100(6). The City shall notify parties of record of the final decision.
- C. Shoreline permit revisions may be appealed to the Shoreline Hearings Board within twenty-one (21) days of the final decision to the permit revision in accordance with the provisions of WAC 173-27-100(8).

## 8.12 Enforcement

All provisions of this Program shall be enforced by the City. For such purposes, the City or authorized representative shall have the power of a police officer.

### 8.12.1 Rescission of Permits

- A. Any shoreline permit issued under the terms of this Program may be rescinded or suspended upon a finding that a permittee has not complied with conditions of the permit.
- B. Such rescission and/or modification of an issued permit shall be initiated by serving written notice of noncompliance on the permittee, which shall be sent by registered or certified mail, return receipt requested, to the address listed on the application or to such other address as the applicant or permittee may have advised the City; or such notice may be served on the applicant or permittee in person or his agent in the same manner as service of summons as provided by law.
- C. Before any such permit can be rescinded, a public hearing shall be held by the Hearing Examiner. Notice of the public hearing shall be made in accordance with WMC 19.06.070. The decision of the Hearing Examiner shall be the final decision of

the City on all rescinded applications. A written decision shall be transmitted to Ecology, the Attorney General's office, the applicant, and such other departments or boards of the City as are affected thereby and the legislative body of the City.

- D. Ecology may petition the Shoreline Hearings Board for a rescission of the permit if Ecology is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, as provided by RCW 90.58.140(8).

## 8.12.2 Violation and Penalties

### A. General

1. Every person violating any of the provisions of this Program or the Shoreline Management Act of 1971 shall be punishable under conviction by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding 90 days, or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense.
2. The City Attorney may bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the Shorelines of the State within the City's jurisdiction which are in conflict with the provisions and programs of this Program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this Section and the Shoreline Management Act of 1971.
3. Any person subject to the regulatory program of this Program who violates any provision of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City Attorney shall bring suit for damages under this Subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this Subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the Court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

### B. Unauthorized Critical Area Alterations and Enforcement.

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

2. Restoration Plan Required. No work on the site shall be allowed until a restoration plan has been prepared and approved by the City in accordance with this Program and Appendix B.
3. Minimum Performance Standards.
  - a. For unauthorized alterations to critical aquifer recharge areas, frequently flooded areas, wetlands habitat conservation areas, or associated buffers, the following shall be required at a minimum in accordance with an approved restoration plan:
    - i. Historic functional and structural values, water quality, habitat, and soils shall be restored;
    - ii. Critical areas and buffers shall be replanted with native vegetation, types, sizes, and densities, historically found on the site; and
    - iii. Historic functions and values shall be replicated.
  - b. For flood and geological hazards, the following standards shall be met:
    - i. Risk of public or personal hazard resulting from the alteration shall be eliminated or significantly reduced to a level equal to the pre-altered state;
    - ii. Hazard areas and buffers shall be replanted with native vegetation to minimize the hazard.
4. Site Visits/Inspections. Reasonable access shall be provided. The Director is authorized to make site visits/inspections as necessary to enforce this Program.

### 8.12.3 Shoreline Moratorium

- A. The City Council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act.
- B. Prior to adopting such moratorium or other interim official controls, the City Council shall:
  1. Hold a public hearing on the moratorium or control within 60 days of adoption;
  2. Adopt detailed findings of fact that include, but are not limited to, justifications for the proposed or adopted actions and explanations of the desired and likely outcomes; and
  3. Notify Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing held.

- C. Said moratorium or other official control shall provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.
- D. Said moratorium or control adopted under this Section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the City Council complies with Subsection B before each renewal.
- E. If a moratorium or control is in effect on the date a proposed Shoreline Master Program or amendment is submitted to Ecology, the moratorium or control must remain in effect until Ecology's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if Ecology has not taken final action.

## 8.13 Restoration Project Relocation of OHWM

The City may grant relief from development standards and use regulations in this Program when the following apply:

- A. A shoreline restoration project causes, or would cause, a landward shift in the OHWM, resulting in the following:
  - 1. Land that had not been regulated under this Chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or
  - 2. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of this Program; and
  - 3. Application of Program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.
- B. The proposed relief meets all of the following criteria:
  - 1. The proposed relief is the minimum necessary to relieve the hardship.
  - 2. After granting the proposed relief, there is net environmental benefit from the restoration project.
  - 3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with this Program.

4. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this Section.
- C. The application for relief must be submitted to Ecology for written approval or disapproval. This review must occur during the Ecology's normal review of and SSDP, SCUP, or Shoreline Variance. If no such permit is required, then Ecology shall conduct its review when the City provides a copy of a complete application and all supporting information necessary to conduct the review.
1. Except as otherwise provided in Subsection D of this Section, Ecology shall provide at least twenty (20) days of notice to parties that have indicated interest to Ecology in reviewing applications for relief under this Section and post the notice on to their website.
  2. Ecology shall act within thirty (30) calendar days of close of the public notice period, or within thirty (30) days of receipt of the proposal from the local government if additional public notice is not required.
- D. The public notice requirements of Subsection C of this Section do not apply if the relevant shoreline restoration project was included in the Shoreline Restoration Plan (see Appendix C) as defined in WAC 173-26-201, as follows:
1. The restoration plan has been approved by the Ecology under applicable Shoreline Master Program guidelines; and
  2. The shoreline restoration project is specifically identified in the Shoreline Restoration Plan or is located along a shoreline reach identified in this Program or Shoreline Restoration Plan as appropriate for granting relief from shoreline regulations; and
  3. This Program or Shoreline Restoration Plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

## 8.14 Land Division

Prior to approval of any land division, such as short subdivisions, preliminary long plats, and boundary line adjustments within shoreline jurisdiction, the City shall document compliance with bulk and dimensional standards as well as policies and regulations of this Program and attach appropriate conditions and/or mitigating measures to such approvals to ensure the design, development activities, and future use associated with such lands are consistent with this Program.

## 8.15 Amendments Authorized

The provisions of the Use Regulations or the Shoreline Environment Designation Map in this Program may be amended as provided for in RCW 90.58.120 and RCW 90.58.200 and Chapter 173-26 WAC.

### 8.15.1 Burden of Proof

Proponents for Shoreline Environment Designation Map redesignations (i.e., amendments to the Shoreline Environment Designation Map) shall bear the burden of proof for demonstrating consistency with the criteria of this Program, Chapter 173-26 WAC, and the goals and policies of the City of Woodland Comprehensive Plan.

### 8.15.2 Transmittal to the Department of Ecology

Subsequent to final action by the council adopting or amending the Shoreline Master Program or official control, said Shoreline Master Program, official control, or amendment thereto shall be submitted to Ecology for approval. No such Shoreline Master Program, official control, or amendment thereto shall become effective until approval by Ecology is obtained pursuant to RCW 90.58.90.

### 8.15.3 Periodic Review

The City of Woodland will conduct the periodic review process consistent with the requirements of RCW 90.58-080 and WAC 173-26-090.

### 8.15.4 Optional Joint Review Process

The City of Woodland may conduct shoreline plan amendments using the optional joint review process consistent with WAC 173-26-104.

**APPENDIX A**  
**Shoreline Environment Designations Map**



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**APPENDIX B**  
**Critical Areas Regulations**

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**APPENDIX C**  
**Shoreline Restoration Plan**

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**APPENDIX D**  
**Channel Migration Zone Map**

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**APPENDIX E**  
**Exemptions from a Shoreline Substantial Development Permit**





## Introduction

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Substantial development as defined by this program and RCW 90.58.030 requires approval from the City through a Shoreline Substantial Development Permit (SSDP) unless:

- D. The substantial development is below the threshold levels established in WAC 173-27-040(2), Developments Exempt from Substantial Development Permit Requirement, listed below; or
- E. The substantial development is one of the actions described in WAC 173-27-045, Developments Not Subject to the Shoreline Management Act, listed below.

In all cases, if WAC 173-27-040 or WAC 173-27-045 are amended, the amended version supersedes the lists of exemptions provided below.

Any person claiming exemption from the permit requirements of this Program as a result of the exemptions specified in this Section shall make application for a Shoreline Letter of Exemption (SLE) as described in Chapter 8 of this Program.

If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.

Any development which occurs within the regulated shorelines of the state, whether it requires a permit or not, must be consistent with the intent of the Act and this Program.

## WAC 173-27-040(2) –

### Developments Exempt from Substantial Development Permit Requirement

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[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, Chapters 70.105D, 80.50 RCW. WSR 07-02-086 (Order 05-12), § 173-27-040, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. WSR 96-20-075 (Order 95-17), § 173-27-040, filed 9/30/96, effective 10/31/96.]

(2) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed seven thousand and forty-seven (\$7,047), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this Subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area,

for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(c) Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high-water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high-water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high-water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the department of fish and wildlife.

(d) Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this Chapter. Emergency construction does not include development of

new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, that 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;

(f) Construction or modification of navigational aids such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high-water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high-water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for

watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters, the fair market value of the dock does not exceed:

(A) Twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or

(B) Ten thousand dollars for all other docks constructed in fresh waters.

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 amount specified in either (A) or (B) of this subsection, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

For purposes of this Section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

(i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;

(j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(k) 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;

(l) Any project with a certification from the governor pursuant to Chapter 80.50 RCW;

(m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) 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;

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this Section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(n) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under Chapter 43.21C RCW;

(o) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this Section.

(i) "Watershed restoration project" 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:

(A) A project that involves less than ten miles of streamreach, 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;

(B) 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

(C) 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.

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of

a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21C RCW, the State Environmental Policy Act;

(p) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife;

(ii) The project has received hydraulic project approval by the department of fish and wildlife pursuant to Chapter 77.55 RCW; and

(iii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:

(A) In order to receive the permit review and approval process created in this Section, a fish habitat enhancement project must meet the criteria under (p)(iii)(A)(I) and (II) of this Subsection:

(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

- Elimination of human-made fish passage barriers, including culvert repair and replacement;
- Restoration of an eroded or unstable streambank employing the principle 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
- Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this Section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this Section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(II) A fish habitat enhancement project must be approved in one of the following ways:

- By the department of fish and wildlife pursuant to Chapter 77.95 or 77.100 RCW;
- By the sponsor of a watershed restoration plan as provided in Chapter 89.08 RCW;

- By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;
- Through the review and approval process for the jobs for the environment program;
- Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;
- Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and
- Through other formal review and approval processes established by the legislature.

(B) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this Subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this Subsection and being reviewed and approved according to the provisions of this Section are not subject to the requirements of RCW 43.21C.030 (2)(c).

(C)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this Subsection and are being reviewed and approved under this Section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this Chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this Section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this Section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this Section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this Chapter.



(D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (p)(iii)(A) of this Subsection and that are reviewed and approved according to the provisions of this Section.

(q) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

## **WAC 173-27-045 –**

### **Developments Not Subject to the Shoreline Management Act**

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Developments not required to obtain shoreline permits or local reviews

Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

(i) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

(ii) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

(iii) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.

(iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(v) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

(See WAC 173-27-044 and WAC 173-27-045)

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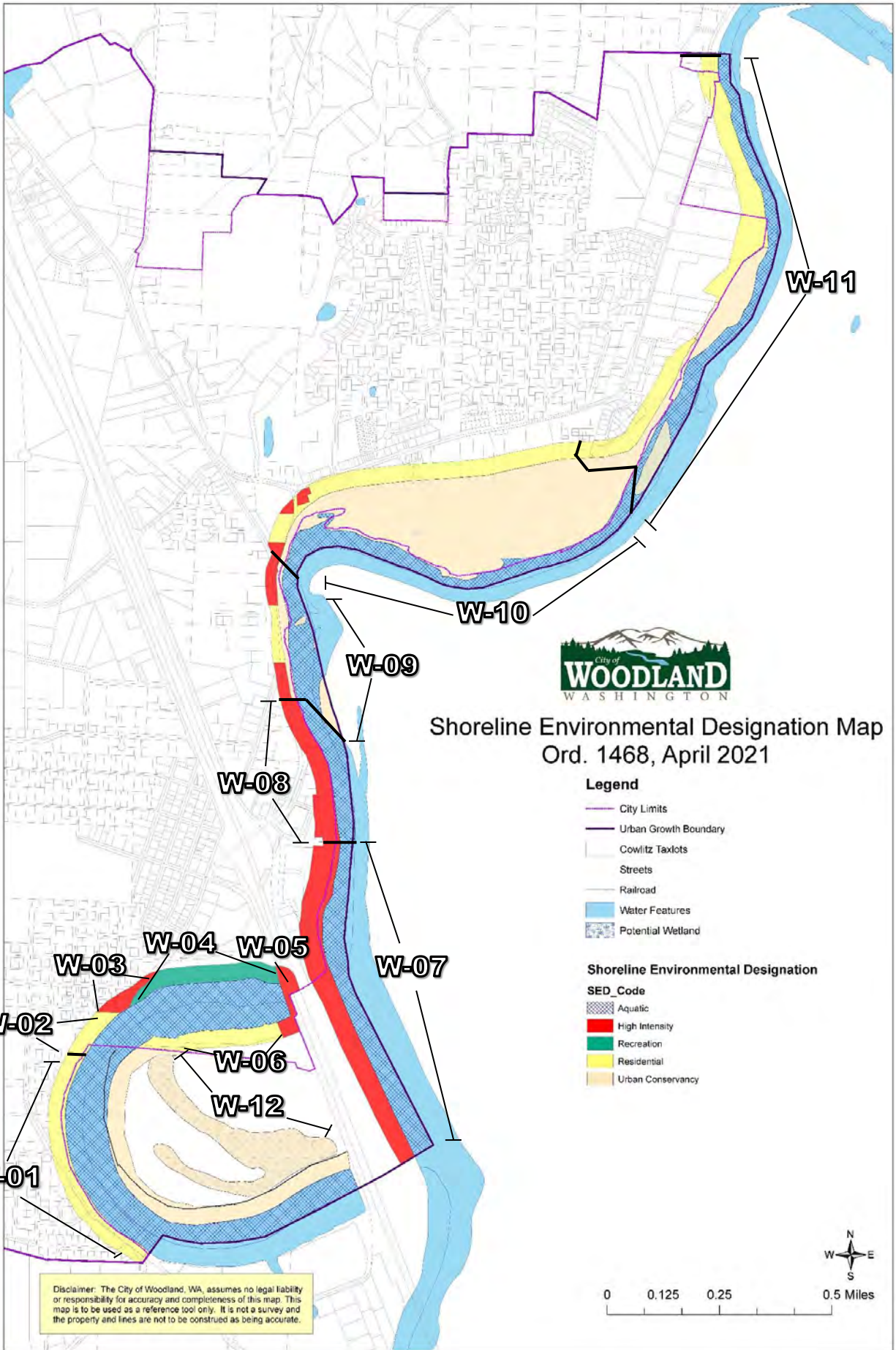


**APPENDIX F**

**Shorelines Critical Areas Identification Checklist**

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**City of WOODLAND WASHINGTON**  
**Shoreline Environmental Designation Map**  
**Ord. 1468, April 2021**

**Legend**

- City Limits
- Urban Growth Boundary
- Cowlitz Taxlots
- Streets
- Railroad
- Water Features
- Potential Wetland

**Shoreline Environmental Designation**

- SED\_Code**
- Aquatic
  - High Intensity
  - Recreation
  - Residential
  - Urban Conservancy

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

