

# SHORELINE MASTER PROGRAM

## TOWN OF CATHLAMET



**PREPARED BY:**



818 COMMERCIAL STREET, SUITE 203  
ASTORIA, OR 97103  
(503) 325 - 0435  
WWW.COLUMBIAESTUARY.ORG



THIS PROGRAM WAS FUNDED IN PART THROUGH  
A GRANT FROM THE WASHINGTON DEPARTMENT OF ECOLOGY  
GRANT No. G1400483

*Blank Page*

**TABLE OF CONTENTS**

CHAPTER 1 – INTRODUCTION ..... 1

    1.1 Purpose ..... 1

    1.2 Key Concepts ..... 1

    1.3 Shoreline Jurisdiction ..... 3

    1.4 Compliance and Relationship to Other Regulations ..... 4

    1.5 Public Participation ..... 5

CHAPTER 2 – INVENTORY AND CHARACTERIZATION SUMMARY ..... 6

    2.1 Background and Purpose ..... 6

    2.2 Summary of Findings ..... 6

CHAPTER 3 – DEFINITIONS & ACRONYMS ..... 8

    3.1 Unlisted Words or Phrases ..... 8

    3.2 Definitions ..... 8

    3.3 Acronyms ..... 22

CHAPTER 4 – SHORELINE ENVIRONMENT DESIGNATIONS ..... 24

    4.1 Basis of Designations ..... 24

    4.2 Shoreline Environment Designation Map ..... 24

    4.3 Shoreline Environment Designations ..... 25

        4.3.1 Aquatic (AQ) ..... 25

        4.3.2 Mixed Waterfront (MW) ..... 26

        4.3.3 Town Residential (TR) ..... 27

        4.3.4 Town Conservancy (TC) ..... 27

CHAPTER 5 – GOALS, POLICIES, & REGULATIONS ..... 29

    5.1 Shoreline Master Program Goals ..... 29

    5.2 General Policies and Regulations ..... 30

        5.2.1 Prohibited Use and Development ..... 31

        5.2.2 Archeological and Historical Resources ..... 31

        5.2.3 Conservation, Ecological Functions & Critical Areas ..... 33

        5.2.4 Economic Development ..... 36

        5.2.5 Flood Hazard Reduction ..... 36

        5.2.6 Local Character ..... 38

        5.2.7 Public Access ..... 39

        5.2.8 Shorelines of Statewide Significance ..... 42

        5.2.9 Vegetation Conservation ..... 43

- 5.2.10 Water Quality..... 45
- 5.3 Modifications Policies and Regulations ..... 46
  - 5.3.1 General Modifications Policies ..... 46
  - 5.3.2 Breakwaters, Jetties, Groins & Weirs ..... 47
  - 5.3.3 Dredging & Dredge Material Disposal..... 47
  - 5.3.4 Fill, Excavation & Grading..... 49
  - 5.3.5 Restoration & Enhancement ..... 51
  - 5.3.6 Shoreline Stabilization..... 52
- 5.4 Specific Use Policies and Regulations ..... 57
  - 5.4.1 Agriculture ..... 57
  - 5.4.2 Aquaculture ..... 58
  - 5.4.3 Boating Facilities ..... 60
  - 5.4.4 Commercial & Industrial ..... 62
  - 5.4.5 Forest Practices ..... 65
  - 5.4.6 In-Stream Structures ..... 65
  - 5.4.7 Mining ..... 66
  - 5.4.8 Recreational ..... 66
  - 5.4.9 Residential..... 67
  - 5.4.10 Transportation, Parking & Circulation ..... 70
  - 5.4.11 Utilities ..... 71
  - Table 1. Allowed Use Table ..... 78
- Chapter 6: Critical Areas 78
  - 6.1. General Provisions..... 78
  - 6.2 Wetlands ..... 90
  - 6.3 Frequently Flooded Areas..... 102
  - 6.4 Geological Hazard Areas ..... 103
  - 6.5 Aquifer Recharge Areas..... 105
  - 6.6 Fish and Wildlife Habitat Conservation Areas ..... 105
- CHAPTER 7 – ADMINISTRATION, PERMITS, & ENFORCEMENT ..... 112
  - 7.1 Responsibilities, Permit Tracking, and Periodic Review ..... 112
  - 7.2 Interpretation ..... 113
  - 7.3 Application Requirements ..... 114
  - 7.4 Public Notice ..... 115
  - 7.5 Substantial Development Exemptions ..... 116
  - 7.6 Permit Review Exceptions ..... 117

7.7 Shoreline Permit Review Criteria ..... 118  
    A. Review Criteria for all Development ..... 118  
    B. Special Procedures for State Highways ..... 118  
    C. Review Criteria for Shoreline Substantial Development Permit..... 118  
    D. Review Criteria for Conditional Use Permits ..... 119  
    E. Review Criteria for Shoreline Variance Permits ..... 120  
7.8 Time Limit Requirements for Shoreline Permits ..... 121  
7.9 Shoreline Permit Revisions ..... 122  
7.10 Request for Review of Final Permit Decisions ..... 124  
7.11 Legal Nonconforming Uses, Structures, and Lots ..... 124  
7.12 Vesting ..... 125  
7.13 Enforcement ..... 125  
7.14 Amendments ..... 126  
7.15 Appeals ..... 126  
7.16 Fees ..... 126  
APPENDIX 1: Shoreline Environment Designation Map ..... 131

*Blank Page*

## CHAPTER 1 – INTRODUCTION

### 1.1 Purpose

The Shoreline Master Program (SMP) is a comprehensive approach to how the Town of Cathlamet shorelines will be used and developed over time. The Town of Cathlamet first adopted an SMP in 1975.

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

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

The SMP is both a planning program and regulatory document supported by the following technical materials:

- Inventory and Characterization Report for Shorelines in Wahkiakum County and the Town of Cathlamet (2017)
- Restoration Plan for Shorelines in Wahkiakum County and the Town of Cathlamet (April 2017)
- Cumulative Impact Analysis for Shorelines in Wahkiakum County and the Town of Cathlamet (March 2017)
- Critical Areas Reference Documents (June 2017)

### 1.2 Key Concepts

#### A. SMA overarching policies

Within the SMA goal “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines,” the SMA has three broad policies as outlined in RCW 90.58.020:

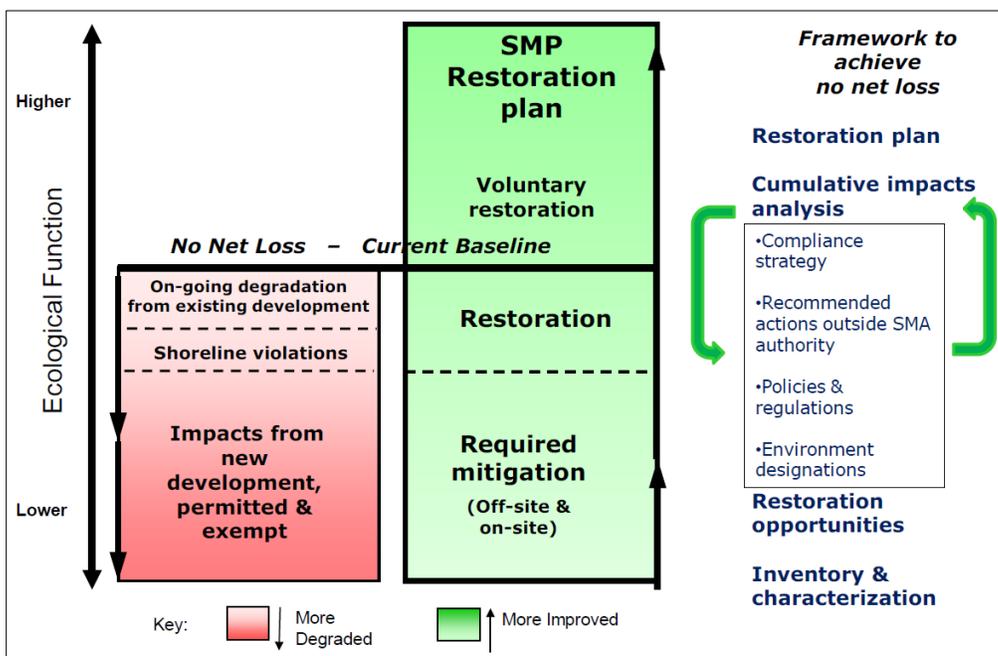
1. Protect the environmental resources of state shorelines. “This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...”
2. Promote public access and enjoyment opportunities. “This policy contemplates protecting...public rights of navigation and corollary rights incidental thereto.” “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.”
3. Give priority to uses that require a shoreline location. “...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.”

All SMP comprehensive updates and other SMP amendments must be consistent with these three basic policies.

**B. No net loss of ecological functions**

The SMP is crafted to ensure no net loss of ecological function. No net loss is the concept that while ecological impacts will occur site by site, efforts must be made to minimize, mitigate, or off-set those impacts to maintain the overall level of health for environmental processes and functions. In sum, the environmental conditions should not diminish from the time when this updated SMP went into effect. The illustration below shows how different factors have a positive or negative effect on ecological function in relation to the baseline condition at the time of SMP adoption. A formal definition of no-net-loss is contained in this SMP’s “Definitions” Chapter.

**Figure 1: Framework to Achieve No Net Loss of Ecological Functions**



**C. Cumulative impacts**

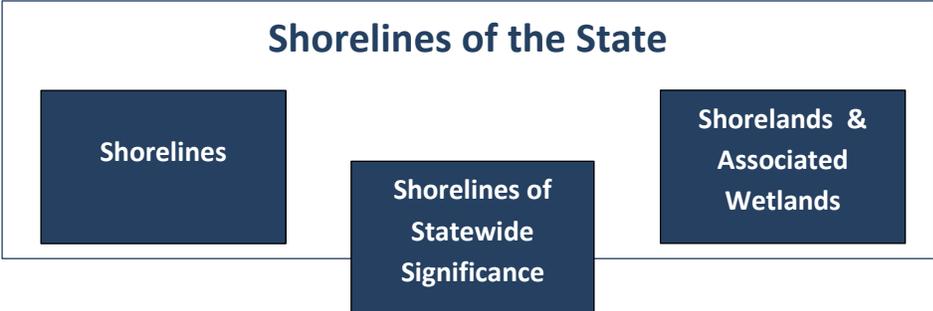
The SMP was crafted to prevent the cumulative impacts of shoreline development from causing net loss of ecological functions. The SMP is supposed to address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of cumulative impacts considers:

1. Current circumstances affecting the shorelines and relevant natural processes;
2. Reasonably foreseeable future development and use of the shoreline; and
3. Beneficial effects of any established regulatory programs under other local, state, and federal laws.

### 1.3 Shoreline Jurisdiction

**A. Shorelines of the State.** Shorelines of the State in Washington are regulated under the Shoreline Management Act (SMA), RCW 90.58 and locally regulated under this SMP. Shorelines of the state include: shorelines, shorelines of statewide significance, their adjacent shorelands, and associated wetlands, as defined.

Figure 2: Areas Comprising Shorelines of the State



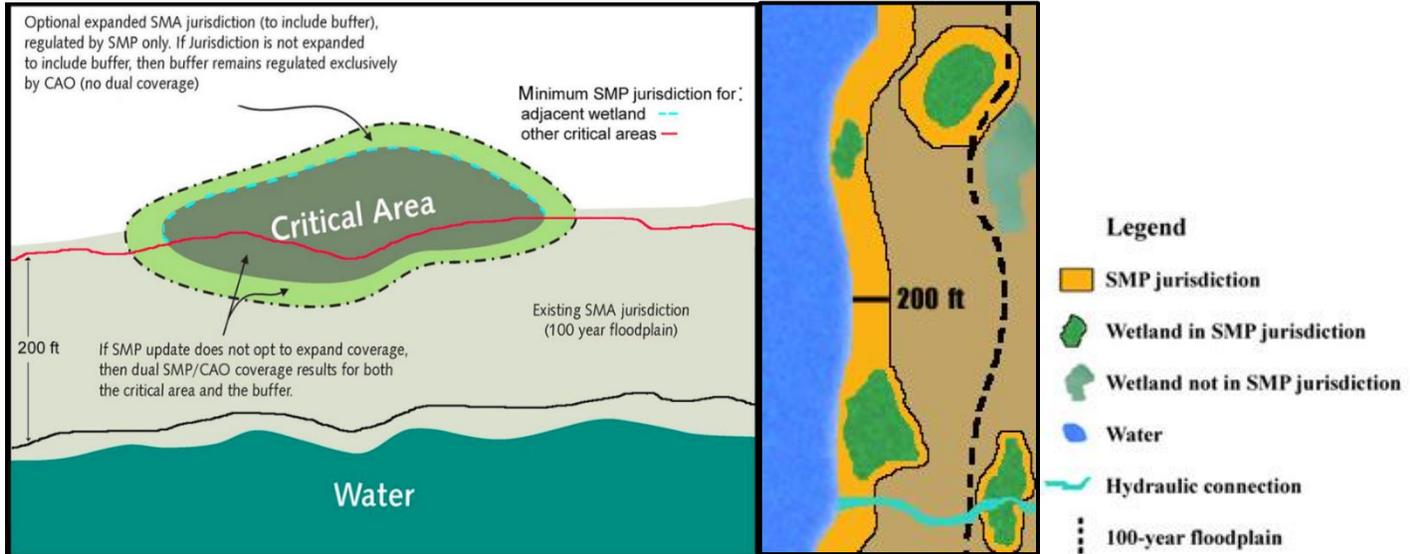
Shorelines of the state in the Town of Cathlamet include the Cathlamet Channel and Elochoman Slough portions of the Columbia River, a shoreline of statewide significance, including their shorelands and associated wetlands:

As an incorporated town in Washington, per RCW 35.21.160, the Town’s power of jurisdiction extends to the middle of adjacent waters as if those waters were within the town boundary. This means the Town’s shoreline authority extends to mid-channel of Elochoman Slough and Cathlamet Channel, regardless of property ownership, beyond which Wahkiakum County has local shoreline authority.

**B. Critical Areas in Shoreline Jurisdiction.** Critical areas have traditionally been protected by the Town’s Critical Areas Ordinance (CAO) adopted pursuant to the Growth Management Act (GMA). Local governments are now required to regulate critical areas that are located in shoreline jurisdiction under their new SMPs. Critical areas regulated by this SMP include frequently flooded areas, geologically hazardous areas, critical aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas (FWHCA).

Towns and counties must decide how GMA-based CAOs and/or SMP Critical Areas Regulations apply when a critical area or its buffer straddles the line that would typically constitute the landward edge of shoreline jurisdiction.

Figure 2: Illustration of Minimum and Optional Expanded Shoreline Jurisdiction.



**C. Minimum Shoreline Jurisdiction.** In the Town of Cathlamet upland shoreline jurisdiction includes only the minimum required 200-foot landward from OHWM and associated wetlands. It does not include optional expanded areas such as the full extent of the 100-year floodplain, portions of critical areas that are outside of the 200-foot minimum shoreline jurisdiction boundary (except associated wetlands) and does not include areas that would be used as buffers to protect those portions of the critical areas. In sum, the Town elected to use the minimum shoreline jurisdiction. The approximate 200-foot jurisdictional area is depicted in the Town’s official Shoreline Environment Designation Map (Appendix 1).

## 1.4 Compliance and Relationship to Other Regulations

**A. SMP Compliance.** Within the Town of Cathlamet’s shoreline jurisdiction, all use and development activities must be consistent with all policies and standards of this SMP, including activities that require a shoreline substantial development permit (SDP) and those exempt from an SDP. The permit system established by this SMP is based on the SMA and the associated Washington Administrative Code (WAC) and Revised Code of Washington (RCW). Permits and statements of allowed activity issued under the jurisdiction of this SMP include exemptions, substantial development, conditional uses, and variances. A detailed explanation of these permits is found in Chapter 7 of this SMP.

**B. Other Applicable Requirements.** Uses and developments conducted within shoreline jurisdiction and regulated by this SMP may also be subject to other regulations within the jurisdictional authority of the Town of Cathlamet Municipal Code, the Washington State Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local, state and federal laws. Project proponents are responsible for complying with all applicable laws prior to commencing any activity coming under the authority of this SMP.

**C. SMA – GMA.** Shoreline Management Act policies are closely related to, but distinct from the Growth Management Act (GMA) and other land use laws. The Shoreline Management Act was established to regulate uses and development in shoreline areas, support public access, ecological protection, and uses that require waterfront locations. The GMA seeks to ensure that urban and rural development across the landscape is coherent, coordinated with infrastructure development, and protective of ecological functions. Both laws promote balanced, rational, and

deliberate land use planning; however, each law is differently structured and has a distinct emphasis. The GMA requires local jurisdictions to identify and protect critical areas through Critical Areas Ordinances.

At this time, the Town of Cathlamet does not fully plan under the GMA but is still required under the GMA to designate and protect environmentally sensitive critical areas and resource lands such as agriculture, forest, and mining areas.

**D. Interpretation.** In the interpretation and application of this Program, the provisions herein:

- Are considered the minimum requirements necessary;
- Shall be liberally construed to serve the purposes of this Program and the SMA; and
- Shall be deemed to neither limit nor repeal any other provision under state statute.

**E. Severability.** If any clause, sentence, paragraph, section, or part of this Program or the application thereof to any person or circumstances is determined by any court or competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of the Program or any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.

## 1.5 Public Participation

Public participation is important because it ensures that local knowledge and values form a basis for SMP policies and regulations. A public participation plan completed in the early stages of the SMP update process guided public participation opportunities during the SMP update. Wahkiakum County and the Town of Cathlamet worked through a regional planning process together, but ultimately decided to adopt separate programs. Many of the supporting background documents cover both the County and the Town.

The Shoreline Advisory Committee (SAC), comprised of citizen and technical stakeholders, informed the Inventory and Characterization Report and the remainder of the SMP update process. They provided feedback on the process itself, and on the draft SMP policies and regulations.

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

Both Wahkiakum County's and Town of Cathlamet's home internet pages<sup>1</sup> provided links to SMP planning documents, to notices of public meetings, and meeting materials. Public meetings were advertised in the *Wahkiakum County Eagle*.

---

<sup>1</sup> Wahkiakum County: <http://www.co.wahkiakum.wa.us/index.htm>  
Town of Cathlamet: <http://www.townofcathlamet.com/>

## CHAPTER 2 – INVENTORY AND CHARACTERIZATION SUMMARY

As part of the Shoreline Master Program comprehensive update process, Wahkiakum County and the Town of Cathlamet completed a regional Inventory and Characterization Report (ICR) that establishes a baseline for preparing a revised SMP. The following sections are a summary of the ICR. The ICR contains detailed maps, analysis and descriptions of the physical and biological characteristics within the shoreline jurisdiction throughout the County and Town, and surrounding watersheds.

### 2.1 Background and Purpose

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

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

### 2.2 Summary of Findings

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

- Habitat loss and degradation has occurred to important salmonid migration, rearing and spawning habitat. Much of the degradation is the result of historic forestry practices in the upper reaches. The updated Forest Practices Act has improved conditions, although many logging roads with undersized culverts still exist.
- Active restoration has been occurring over the last decade particularly in the Grays River, Elochoman, and Skamokawa subbasins.
- Public land, primarily Department of Natural Resources (DNR) owned forestry land, Washington Department of Fish and Wildlife (WDFW) managed land, the National Wildlife Refuge, and land acquired by organizations such as the Columbia Land Trust, present opportunities for both restoration and protection.
- The Town is not projected to grow rapidly over the next 20 years; however, areas that have seen, and will likely continue to see, the most land use changes (i.e. less intensive agriculture to smaller residential lots) and increases in development are the Elochoman Valley and Puget Island.
- Several public access points and parks have been improved in recent years including the Elochoman Slough Marina, Strong Park, and Broadway Town Pier on the Columbia River. Opportunities exist to increase and improve public access in the Town.

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

## CHAPTER 3 – DEFINITIONS & ACRONYMS

### 3.1 Unlisted Words or Phrases

Definitions, words, or phrases that are called into question when administering the SMP shall be defined utilizing the SMA and its implementing rules. The Shoreline Administrator may obtain secondary definitions from one of the following sources:

1. Town of Cathlamet Municipal Code.
2. Any Town of Cathlamet resolution, ordinance, policy, or regulation.
3. The most applicable statute or regulation from the state of Washington.
4. Legal definitions generated from case law or provided within a law dictionary.
5. The latest edition of the Complete Illustrated Book of Development Definitions by Moskowitz, Harvey S. and Lindbloom, Carl G, *et al.* New Brunswick, NJ, Center for Urban Policy Research.

### 3.2 Definitions

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

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

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

**“Agricultural equipment”** and **“agricultural facilities”** includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; (RCW 90.58.065)

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

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

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

**“Amendment”** means a revision, update, addition, deletion, and / or reenactment to the Town of Cathlamet SMP. (WAC 173-26-020)

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

**“Appurtenance”** means a development that is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and the perimeter of a wetland as determined through a Wetland Delineation Report approved by the Town. Appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed 250 cubic yards, and which does not involve placement of fill in any wetland, floodway, floodplain or waterward of the OHWM. Structural shoreline armoring (such as bulkheads) and structures that sit across the OHWM or wetland perimeter (such as piers and beach access stairs/structures) are not appurtenant structures.

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

**“Archaeology”** means systematic, scientific study of the human past through material remains.

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

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

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

**“Best Management Practices (BMPs)”** means the utilization of methods, techniques or products which have been demonstrated to be the most effective and reliable in minimizing environmental impacts. BMPs encompass a variety of behavioral, procedural, and structural

measures that reduce the amount of contaminants in stormwater run-off and in receiving water bodies of the state.

**“Biosolids”** means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all requirements under RCW 70.95, "Biosolids" includes septic tank sludge, also known as septage that can be beneficially recycled and meets all requirements under RCW 70.95.

**“Boat House”** means a covered or enclosed structure for storage of boats, watercraft or other vessels. A boat house might have side and/or end walls and a roof and is situated at and/or just landward of the water’s edge. Not included are any other residential, commercial or industrial use, such as storage or as an accessory dwelling unit. See also covered moorage/canopy.

**“Boating Facilities”** means upland, overwater and in-water use or development with a primary purpose of launching, loading or mooring of vessels and watercraft for commercial, industrial, recreational, or residential use, including piers, docks and gangways, boat launches/ramps floats/rafts, boat lifts, mooring-buoys, marinas, boat houses, covered moorage/canopies, and dry storage.

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

**“Boat Lift”** means a motorized or hand operated mechanical device that raises a boat, watercraft or other vessel for launching or storage and may include rails or a cradle and winch system. A lift might be attached to the substrate, a pier or dock, bulkhead or float, or be located upland.

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

**“Buffer”** means an area contiguous with an environmentally sensitive critical area or shoreline water body that maintains the functions and/or structural stability of the critical area and helps reduce the impacts of land use on the water body.

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

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

**“Conditional use”** means a use, development, or substantial development which is classified as a shoreline conditional use or is not classified within the SMP. (WAC 173-26-030) In terms of shoreline permits, a greater level of scrutiny is applied to ensure that these uses can be done without adverse impacts to shoreline resources. Conditional use permits are also reviewed and approved by Ecology after the local decision on the permit.

**“Covered Moorage”** or **“Canopy”** means any structural cover, with or without dividing walls, located in- or overwater, that protects boats, watercraft or other vessels from the elements, such as the sun, wind and rain.

**“Critical areas”** means the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable waters; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas, as designated under RCW 36.70A, and WAC 173-26-221(2).

**“Cumulative Impact”** means the impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over an interval of time.

**“Development”** means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level. (RCW 90.58.030) “Development” does not include dismantling or removing structures if there is no other associated development or re-development. (WAC 173-27-030(6))

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

**“Dock”** means a floating platform structure anchored to the substrate or a pier and connected to the shoreline.

**“Dredging”** means the movement, redistribution, removal or displacement of the bed or bottom substrate of a waterbody by mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for cleanup of polluted sediments. Dredging does not include ‘de minimis’ disturbance or removal of bed or bottom substrates incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements, or restoration projects).

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

**“Ecology”** means the Washington State Department of Ecology.

**“Ecosystem-wide processes”** means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape

landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

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

**“Essential Public Facilities”** are facilities defined by RCW 36.2a.200(1) and WAC 365-196-550

**“Excavation”** means the manual or mechanical removal or displacement of earth, soil, rocks, bedrock, sediment and/or root materials, on or below the ground and landward of OHWM.

**“Exempt developments”** means pursuant to legislatively established criteria, those development activities which are not required to obtain a substantial development permit, but which must otherwise comply with applicable provisions of the Act and this SMP. (WAC 173-27-030).

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

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

**“Feasible”** means an action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the project’s primary intended legal use. (WAC 173-26-020)

In cases where the SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

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

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

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

**“Fish and wildlife habitat conservation area”** means an area where land management is needed for maintaining populations of species in suitable habitats within their natural geographic

distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term (WAC 365-190-130). Critical freshwater habitats, including those portions of streams, rivers, wetlands, and lakes, their associated channel migration zones, flood plains, hyporheic zones, and the hydrological connections between such features, are considered fish and wildlife habitat conservation areas.

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

**“Float”** or **“Raft”** means floating platform that is moored, anchored, or otherwise secured in the water and does not connect to the shoreline.

**“Floating home”** means 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. (RCW 90.58.270)

**“Floating on-water residence”** means any floating structure other than a floating home that: (i) Is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014. (RCW 90.58.270)

**“Floodplain”** is synonymous with the FEMA mapped one hundred-year flood plain and means the land areas susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act. (WAC 173-26-020) and (WAC 173-22-030(2))

**“Floodway”** means the area that has been established in effective federal emergency management agency (FEMA) flood insurance rate maps (FIRMs) or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

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

1. Road and trail construction, including forest practices hydraulic projects that include water crossing structures, and associated activities and maintenance;
2. Harvesting, final and intermediate;
3. Pre-commercial thinning;
4. Reforestation;
5. Fertilization;
6. Prevention and suppression of diseases and insects;
7. Salvage of trees; and
8. Brush control.
9. Forest Practices Hydraulic Projects

**“Forest practice”** shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries,

ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources. (RCW 76.09)

**“Gangway”** means the ramp or walkway that connects a pier or shoreline to a dock and provides access between the two where the water level changes due to tides or seasonal variations.

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

**“Grading”** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land. (WAC 173-26-020)

**“Growth Management Act (GMA)”** means the State of Washington Growth Management Act. (RCW 36.70A)

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

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

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

**“Historic Resources”** mean those historic or cultural properties or items that fall under the jurisdiction of the DAHP.

**“Historic Site”** means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the Town Council.

**“In-stream structure”** means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures

may include those for flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. (WAC 173-26-241(g))

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

**“Live-aboard”** means any boat, watercraft or other vessel designed primarily for navigation that is moored or anchored and used as a residence.

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

**“May”** means the action is acceptable, provided it conforms to the provisions of this chapter. (WAC 173-26-020)

**“Marina”** means a public or private development with the primary water-dependent use and structures, such as piers, docks, gangway, or launches/ramps, providing moorage for multiple recreational or commercial boats, watercraft or other vessels. Other water-related or water-enjoyment accessory commercial, public access, or recreational uses and structures, such as fueling, pump-out, overnight or live-aboard accommodations, or other goods and services may be included.

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

**“Mitigation Sequence”** means adhering to WAC 173-26-201 (2) (e), including following the sequence of steps listed below in order of priority, with A being the top priority, and only using lesser priority steps when higher priority steps are infeasible.

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

**“Mooring Buoy”** means an anchoring system with an anchor and anchor line, a float marking its location, and a fitting for a vessel’s mooring chain or hawser. Washington laws establish two categories for mooring buoys -- commercial and recreational [RCW 79.105.430]. Commercial buoys are typically used for temporary moorage of a vessel that is awaiting transit or loading /offloading. Recreational buoys are used as semi-permanent moorage for recreational vessels.

**“Multi-family residential”** means a use or development designed to be occupied by two or more families living independently of each other, such as duplexes, apartment houses, and land subdivisions.

**“Must”** means a mandate; the action is required. (WAC 173-26-020)

**“Native Vegetation”** means vegetation comprised of plant species that are indigenous to the area.

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

**“No Net Loss”** means maintenance of the combined total of shoreline ecological functions, as established by the regional 2017 Inventory and Characterization Report, over time. The no net loss standards and provisions contained in WAC 173-26-186 and 173-26-201 require that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated so that there are no resulting impacts that cause ecological functions or processes to function below the level established by the 2017 Inventory and Characterization Report.

**“Nonconforming development”** or **“nonconforming structure”** means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to this Program. (WAC 173-27-080)

**“Nonconforming lot”** means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to this Program. (WAC 173-27-080)

**“Nonconforming use”** means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to this Program. (WAC 173-27-080)

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

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

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

**“Ordinary high water mark”** on all lakes, streams and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in

accordance with permits issued by the Town : PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (RCW 90.58.030)

**“Overwater Structure”** means a device or structure projecting over or beyond the OHWM, including, but not limited to bridges for motorized or non-motorized uses, piers, docks, floats and similar structures used for boating, public access, and recreation uses (such as views, swimming, or fishing).

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

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

**“Pier”** means a fixed, pile-supported platform structure in or over the water and directly connected to the shoreline.

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

1. Comparatively high fish or wildlife density;
2. Comparatively high fish or wildlife species diversity;
3. Fish spawning habitat;
4. Important wildlife habitat;
5. Important fish or wildlife seasonal range;
6. Important fish or wildlife movement corridor;
7. Rearing and forage habitat;
8. Important marine mammal haul-out;
9. Refugia habitat;
10. Limited availability;
11. High vulnerability to habitat alteration;
12. Unique or dependent species; or
13. Shellfish bed.

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

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

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

**“Provisions”** means policies, regulations, standards, guideline criteria or environment designations of the Town of Cathlamet SMP. (WAC 173-26-020)

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

**“Public Use”** Public use means the use of any land, water, or building by a public agency for 39 the general public, or by the public itself.

**“Qualified Professional”** means a person who has achieved an advanced level of proficiency in an occupation or trade, including, but not limited to a person who has attained a higher level of education or training or is formally licensed or certified by a professional organization in a certain field. Such fields of expertise may include, but are not limited to, biology, botany, dendrology/arboriculture, ecology, hydrology, geology, fluvial morphology, wetlands, or engineering. For wetlands, a person must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.

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

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

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

structures. Residential development also includes the creation of new residential lots through land division.

**“Restoration”** means in the context of ecological restoration, the reestablishment or upgrading of impaired shoreline ecological processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions. (WAC 173-26-020) Restoration includes enhancements to ecological processes and functions.

**“Setback”** is an area measured horizontally from the outer edge of any buffer.

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

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

**“Shall”** means a mandate; the action must be done. (WAC 173-26-020)

**“Shorelands”** or **“Shoreland areas”** means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the SMA; the same to be designated as to location by the Washington State Department of Ecology.

**“Shoreline Administrator”** means the mayor for the Town of Cathlamet or their designee

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

**“Shoreline Jurisdiction”** means all shorelines of the state as defined in the Town of Cathlamet SMP and RCW 90.58.030 (WAC 173-26-020(33)).

**“Shoreline modifications”** means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals. (WAC 173-26-020)

**“Shorelines”** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance; (2) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (3) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. (RCW 90.58.030(2)(e))

**“Shorelines of statewide significance”** means the shorelines with the following attributes (RCW 90.58.030(2)(f)):

1. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the OHWM;
2. Those natural rivers or segments thereof west of the crest of the Cascade Range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more; and
3. Those shorelands associated with 1 and 2.

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

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

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

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

**“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.

**“Structure”** means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels. (WAC 173-27-030(15))

**“Structural shoreline stabilization”** means both hard and soft structural stabilization measures. Hard measures refer to those with solid, hard materials or surfaces, such as groins, retaining walls, and bulkheads made of concrete, riprap or wood, while soft measures rely on less rigid or static materials, such as biotechnical vegetation installations or beach enhancement that more closely mimic natural features and functions. There is a range of measures varying from soft to hard that include vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, anchor trees, gravel placement, rock revetments, gabions, concrete groins, retaining walls, and bluff walls, and bulkheads. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

**“Substantial development”** means any development of which the total cost or fair market value exceeds \$7,047, or any development which materially interferes with the normal public use of the

water or shoreline of the state. The dollar threshold is adjusted for inflation by the Office of Financial Management (OFM) every five years, based upon changes in the consumer price index during that time period. This definition will follow the OFM dollar amount, as amended

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

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

**“Town”** means the Town of Cathlamet.

**“Upland finfish rearing facilities”** means those facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size for wild release or commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated public or private facilities. Upland finfish rearing facilities are included in the SMA definition of agricultural activities, not aquaculture [RCW 90.58.065], and the Town may exercise local discretion to regulate such facilities under aquaculture, as plainly stated and defined

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

**“Utility transmission”** means facilities to convey or transmit utility services.

**“Variance”** means to grant relief from the specific bulk, dimensional or performance standards set forth in the Town of Cathlamet SMP and not a means to vary a use of a shoreline. (WAC 173-27-030)

**“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.

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

**“Water-enjoyment use”** means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. (WAC 173-26-020)

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

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

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

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

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

**“Wetlands”** are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. (RCW 90.58.030 (2)(h))

### 3.3 Acronyms

Ecology:	Washington Department of Ecology
FWHCA:	Fish and Wildlife Habitat Conservation Area(s)
GMA:	Growth Management Act
OHWM:	Ordinary High-Water Mark
PHS:	Priority Habitats and Species
RCW:	Revised Code of Washington
SED:	Shoreline Environment Designation(s)

SMA: Shoreline Management Act  
SMP: Shoreline Master Program  
WAC: Washington Administrative Code  
WDFW: Washington Department of Fish and Wildlife

## CHAPTER 4 – SHORELINE ENVIRONMENT DESIGNATIONS

### 4.1 Basis of Designations

- A. All lands and waters within the jurisdiction of this Program have one or more of the following shoreline environment designations, depending on the configuration and location of particular parcels:
  1. Aquatic
  2. Mixed Waterfront
  3. Town Residential
  4. Town Conservancy
  
- B. A shoreline environment designation has been assigned to each segment (or reach) of the shoreline in accordance with the purposes and policies of WAC 173-26-211(5), WAC 173-26-211(4) (c), and this chapter.
  
- C. The designations are assigned based upon an analysis of the following:
  1. The ecological functions and processes that characterize the shoreline, the nature and types of hazards that are present, and the extent to which the shoreline functions and processes have been altered, as described in the Wahkiakum County and Town of Cathlamet Inventory and Characterization Report (2017);
  2. Existing and anticipated development patterns as evidenced by lot size, current land use, and current zoning designations (where applicable); and
  3. The goal of achieving no net loss of ecological functions in accordance with the SMA.

### 4.2 Shoreline Environment Designation Map

- A. The shoreline environment designations are mapped in the Shoreline Environment Designation (SED) Map (Appendix 1).
  
- B. The lateral extent of shoreline jurisdiction and environment designations shown on the SED Map is approximate, has not been formally delineated or surveyed, and is intended for planning purposes only. The mapped jurisdiction extent is based on the approximate location of the OHWM and wetlands that appear to be associated with the shoreline waterbodies. Although based on the best available information, the maps have inherent discrepancies. Additional site-specific evaluation may be needed to confirm or modify the information shown on this map. Shoreline jurisdiction will be determined at time of project review using the best available site-specific information. Therefore, interpretations of the maps require professional judgment and site-specific information as to the actual physical location of the OHWM, critical areas, and their buffers. The full lateral extent of shoreline jurisdiction limits shall be determined consistent with Sections 1.3 of this Program. The designations assigned to each

shoreline segment shall apply throughout the full jurisdictional limits as determined at the time shoreline development is proposed.

- C. The breaks between each designation can be determined using coordinates contained in the Geographic Information Systems (GIS) database maintained by the County. In the event of a disagreement as to the exact location of a shoreline environment designation break shown on the Plat map, the Administrator shall interpret the maps using the following guidelines:
  - 1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed; and,
  - 2. Boundaries indicated as approximately following roads, improved trails, or railways shall be respectively construed to follow their centerlines.
- D. Changes to the shoreline environment designations assigned to each shoreline segment (or reach) must be approved through a Shoreline Master Program amendment. Any Master Program amendment shall be subject to the requirements of WAC 173-26-100 and shall require approval by the Washington Department of Ecology. This shall not limit prudent efforts by the Administrator to improve depiction of the lateral extent of the shoreline jurisdiction based on new information or minor mapping adjustments or to address areas where the shoreline may have moved due to natural process such as erosion and accretion.
- E. Any shoreline segment within shoreline jurisdiction that is not mapped and/or not designated shall be assigned as Town Conservancy until it can be designated through an amendment to this Program. If the Administrator determines that the undesignated area is due to inherent discrepancies in the mapping of dynamic shorelines which are constantly accreting and eroding due to natural process, the Administrator shall apply the appropriate designation based on the criteria defined in Sections 1.3 of this Program and the mapping of the surrounding areas. In the event of a mapping error, the Town will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map. Changes to designations that are unrelated to localized mapping discrepancies shall be addressed through a formal Master Program amendment.

## 4.3 Shoreline Environment Designations

### 4.3.1 Aquatic (AQ)

- A. **Criteria:** The Aquatic designation is assigned to all shoreline waters in the Town of Cathlamet and includes the area waterward of the OHWM together with their underlying lands and their water column.
- B. **Purpose:** To protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM, while allowing for limited modification for water-dependent uses and public access when located in appropriate areas and developed to avoid a net loss of shoreline functions.
- C. **Management Policies:**

1. New structures should be allowed in- or over-water only when necessary for approved water-dependent uses, public access, or ecological restoration.
2. The size of new in-/over-water structures should be limited to the minimum necessary to support the structure's intended water-dependent use.
3. To reduce cumulative impacts on shoreline functions and processes and increase the effective use of water resources, new in-/over-water structures should serve more than one approved use where feasible.
4. New in-/over-water structures should be located, oriented, and designed to minimize interference with public views and surface navigation and to allow for the safe, unobstructed movement of fish and wildlife species that depend on the waters for migration, rearing, or spawning.
5. New in-/over-water uses should be located, oriented, and designed to minimize impacts on water quality, sediment delivery and transport, natural hydrologic conditions, productivity of aquatic vegetation, and shellfish productivity (if applicable).
6. 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 sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.
7. The Town should reserve shoreline space for shoreline preferred uses. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, critical habitats, aesthetics, public access and views.

#### 4.3.2 Mixed Waterfront (MW)

- A. **Criteria:** The Mixed Waterfront designation is applied landward of the OHWM to areas that:
1. Currently support high-intensity uses related to commerce, industry, transportation or navigation.
  2. Are suitable and planned for high intensity water-oriented uses.
  3. Have an existing pattern of mixed residential and non-water oriented commercial or industrial use.
  4. Have existing marina and utility use with low ecological function.
- B. **Purpose:** To provide for water-oriented commercial, transportation, navigation and industrial uses while providing public access, accommodating existing patterns of non-water oriented mixed use development, protecting existing ecological functions, and restoring ecological functions in areas that have been previously degraded.
- C. **Management Policies:**
1. In regulating uses in the Mixed Waterfront environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Third priority should be given to other uses that provide public access as part of the development.
  2. Non-water-oriented uses should not be allowed, except as part of mixed-use developments.
  3. Non-water-oriented uses may be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning as described in WAC 173-26-201(3)(d).
  4. If the Shoreline Inventory & Characterization Report or Cumulative Impacts Analysis demonstrates that the needs of existing and envisioned water-dependent uses for the

planning period are met, then a mix of water-dependent and non-water dependent uses may be allowed. Where those shoreline areas also provide ecological functions, the mixed use should assure no net loss of those functions.

5. Full utilization of existing areas of high-intensity commercial, transportation, and industrial uses should be achieved before further expansion of Mixed Waterfront is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated Mixed Waterfront. However, consideration should also be given to the potential for displacement of non-water oriented uses with water-oriented uses when analyzing full utilization of the Town's waterfront and before considering expansion of such areas.
6. Multifamily residential development may be allowed, only as part of a mixed-use, if joint use shoreline access facilities are provided for the occupants or if shoreline public access is provided, subject to the standards of this Program.
7. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
8. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).
9. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

#### 4.3.3 Town Residential (TR)

- A. **Criteria:** The Town Residential designation is applied landward of the OHWM to areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.
- B. **Purpose:** To accommodate residential development and appurtenant structures consistent with this Program, and to provide appropriate public access and recreational uses.
- C. **Management Policies:**
  1. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
  2. When allowed, multifamily and multi-lot residential use and development and recreational development should provide public access and joint use recreational facilities for the occupants.
  3. Access, utilities, and public services should be available and adequate to serve existing needs and planned future development.
  4. Commercial development should be limited to water-oriented uses.

#### 4.3.4 Town Conservancy (TC)

- A. **Criteria:** The Town Conservancy designation is applied landward of the OHWM to shoreline areas that:
  1. Are appropriate and planned for development that is compatible with maintaining or restoring ecological functions of the area, and that are not generally suitable for water-dependent uses.

2. Are suitable for water-related or water-enjoyment uses.
3. Are open space, flood plain, or other sensitive areas that should not be more intensively developed.
4. Have potential for ecological restoration.
5. Retain important ecological functions, even though partially developed.
6. Have the potential for development that is compatible with ecological restoration.

B. **Purpose:** to protect and restore ecological functions of open space, flood plain, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

C. **Management Policies:**

1. Uses that preserve the natural character of the area or promote preservation of open space, flood plain, or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
2. Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
3. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
4. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

## CHAPTER 5 – GOALS, POLICIES, & REGULATIONS

The following shoreline goals provide the foundation and framework on which the policies and regulations of the SMP have been developed.

### 5.1 Shoreline Master Program Goals

A. **SMP Goals.** The overarching goals of this SMP are to:

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

B. **Local Character.** The unique characteristics of the Town, including existing ecological functions, the scale, intensity, and density of development, and existing uses are considered when reviewing development applications, while maintaining compliance with the SMA and its implementing regulations.

C. **Goals by Element.** The goals for required SMP elements are as follows:

1. **Archaeological and Historical Resources.**
  - a. Provide access to and education on the resources if they are on public property.
  - b. Protect, preserve, and restore those historical, cultural, educational, and scientific sites on the shorelines covered under the jurisdiction of this SMP. These areas are identified by the appropriate authorities, including affected Native American tribes, and the Dept. of Archaeology and Historic Preservation (DAHP).
2. **Conservation, Ecological Functions & Critical Areas.**
  - a. To protect shoreline ecological functions and to conserve natural resources including, but not limited to, scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.
  - b. Ensure shoreline development corresponds with the character and physical limitations of the land and water and prevents net loss of ecological function.
  - c. Use regulatory standards and processes for the sustained yield of renewable shoreline resources to ensure no net loss of ecological function.
  - d. To protect areas designated by RCW 36.70A.170 and per WAC 173-26-221(2) as environmentally critical areas located in the shoreline jurisdiction. Critical areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values that can also pose life safety risks. Critical areas within shoreline jurisdiction are governed by the SMA through this Program.
  - e. Protect and restore critical areas to ensure no net loss of shoreline ecological functions.

3. **Economic Development.** Support sustainable water-dependent commercial and industrial use & development where compatible with existing areas of business, labor, and infrastructure.
4. **Flood Hazard Reduction.** Reduce flood hazards that may be worsened by shoreline uses, developments, and modifications.
5. **Public Access.**
  - a. Plan for public access so that resources are used efficiently and effectively.
  - b. Use public land for public access to shorelines and ensure that public access opportunities meet demands associated with new and anticipated development.
  - c. Improved public access sites should be inviting and accommodating to a wide range of users.
  - d. Protect ecological functions and informal/undeveloped public access opportunities.
  - e. Protect views of shorelines and the water.
6. **Recreation.** Provide water-oriented recreation opportunities while protecting ecological functions.
7. **Transportation, Parking & Circulation.**
  - a. Ensure adequate circulation for shoreline uses supported by this SMP.
  - b. Protect ecological functions and water-dependent development opportunities.
8. **Vegetation Conservation.** Protect and restore vegetation that contributes to shoreline ecological functions.

## 5.2 General Policies and Regulations

- A. **Applicability.** The provisions in this section apply to all shoreline uses, developments, and modifications, regardless of whether a permit or other authorization is required.
- B. **Private Property Rights.** This Program should be administered so that the regulation of development on private property is only to an extent that is consistent with all relevant constitutional and other legal limitations on the regulation of private property, including statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060, where applicable.
- C. **Shoreline Allowed Use Table.** Table 1 indicates shoreline uses, developments and modifications that may be allowed, conditionally allowed, or are prohibited in shoreline jurisdiction within each shoreline environment designation. Shoreline uses, and modifications are classified in the matrix as indicated below. Uses, developments and modifications that may be allowed according to Table 1 must in all cases be consistent with all other applicable parts of this Shoreline Master Program in order to be authorized by the Town. Where the table and text specifically contradict each other, the text shall prevail. Table 1 uses the following notations for listed uses, developments and modifications:
  1. Those that may be allowed are indicated as 'P' for permitted;
  2. Those that may be conditionally allowed are indicated as 'C' for conditional;

3. Those that may be allowed waterward of the OHWM only if allowed by the adjacent shoreline designation landward of the OHWM are indicated by 'ASD' on the matrix;
4. Those that are prohibited are indicated as 'X' and may not be allowed by any authorization, including a variance;
5. Those that are not applicable in a particular environment designation are indicated as 'n/a'; and,
6. Those that are subject to certain limitations or exceptions specified in the text are indicated as '\*'.

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

E. **Height limitation.**

1. New development shall be located and designed to avoid or minimize obstruction of existing views from public property or a substantial number of residences.
2. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level, except if approved through a shoreline variance permit.
3. To exceed 35 feet, an applicant must apply for a shoreline variance permit, and comply with the following criteria in addition to the shoreline variance permit criteria:
  - a. Overriding considerations of the public interest will be served.
  - b. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed.

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

### 5.2.1 Prohibited Use and Development

A. The following uses and developments are prohibited in all shoreline environments:

1. Agriculture;
2. Biosolids production or application;
3. Covered moorage/canopies, boat houses, boat lifts, floats/rafts, and mooring buoys;
4. Forest practices;
5. In-water or overwater residential use, including floating homes, floating on-water residences, and house boats;
6. Mining;
7. Parking facilities as a primary use; and,
8. Solid waste disposal facilities.

### 5.2.2 Archeological and Historical Resources

A. **Purpose.** To protect archaeological and historical resources, including buildings, objects, sites, and areas having historic, cultural, educational, or scientific values; including unknown archaeological resources that may be located within shoreline jurisdiction.

## B. Policies

1. Such sites on public property should be made available to the general public if impacts to the resource can be avoided; however, access to sites may be by foot trail, boat, or other means of less convenience than paved roads.
2. Educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime history and activities, environmental conservation and cultural and tribal heritage should be supported.
3. Such sites should be regarded with the same concern for protection as endangered or fragile species or ecosystems.
4. The Town of Cathlamet will work with tribal, state, federal, local governments, and special districts to maintain an inventory of all known significant local historic, cultural, and archaeological sites while adhering to applicable state and federal laws protecting such information from public disclosure. As appropriate, such sites should be preserved, rehabilitated, or restored for study, education, or public enjoyment.
5. Construction projects located within shoreline jurisdiction that encounter new and significant archaeological, historical, scientific, or cultural discoveries should be immediately stopped and be suspended until such discoveries can be fully evaluated.
6. Restoration, development, and interpretation of significant historical, cultural, educational, or scientific properties within shoreline areas is encouraged.
7. Prior to permits being issued in a documented archaeological area located within shoreline jurisdiction the project proponent should obtain a site evaluation or inspection by a professional archaeologist, in coordination with affected Native American tribes.
8. Owners of property containing previously identified historic, cultural, or archaeological sites are encouraged to make development plans known well in advance of application, so that appropriate agencies such as the affected Native American tribe(s), Washington State Department of Archaeological and Historic Preservation, and others may have ample time to assess the site and make arrangements to preserve historical, cultural, and archaeological values as applicable.
9. Proposed site development or associated site demolition work should be planned and carried out so as to avoid impacts to the protected resource.
10. If development or demolition is proposed adjacent to an identified historic, cultural, or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural, or archaeological site.

## C. Regulations

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

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

### 5.2.3 Conservation, Ecological Functions & Critical Areas

#### A. Policies

1. Encourage activities that protect existing and restore degraded ecological functions and ecosystem-wide processes.
2. Development should be regulated to protect the public from environmental hazards such as flooding and landslides, and to prevent adverse impacts to aquifers, floodplains, geologic features, wetlands, and fish and wildlife habitat.
3. Use and development within critical freshwater habitat including stream channels, channel migration zones, wetlands, floodplains, and associated hyporheic zones, as applicable, should assure no net loss of shoreline ecological functions.
4. Protection of critical freshwater, riparian and associated upland habitat should be integrated with flood hazard reduction and other lake, wetland, river and stream management strategies, and facilitate appropriate restoration actions.
5. Consideration should be given for “reasonable use” of real property by landowners when implementing this SMP. Mitigation measures may be a reasonable method to allow “reasonable use” when the potential impacts from the proposed project are unavoidable.
6. Inter-local watershed plans, critical area regulations, state and federal regulations, tribal programs, and similar plans should be considered when reviewing proposed shoreline developments with regards to achieving no net loss of shoreline ecological functions. In the event of conflict between regulations, the SMP shall prevail.
7. Hydrologic connections between water bodies, water courses, and associated wetlands should be protected. Restoration planning should include incentives and other means to restore water connections that have been impeded by previous development.
8. Promote human uses and values of critical areas when they are compatible with protection and restoration of critical areas, such as public access and aesthetic values, provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated.
9. In addressing issues related to critical areas, use scientific and technical information as described in WAC 173-26-201 (2)(a) pursuant to RCW 90.58.100.
10. Ecological function should be considered when evaluating proposed development.
11. Consider shoreline impacts when evaluating upland or adjacent uses or activities that have potentially to negatively impact the shoreline environment.
12. Consider development impacts on wetlands and aquatic areas in shoreline areas.

13. Land divisions should be created to prevent loss of ecological functions, even when the lots are fully built-out.
14. Use the mitigation sequence to ensure no net loss of ecological function.
15. Preserve unique and non-renewable resources.
16. Limit the modification of intact natural shoreline areas by regulating or prohibiting the development of structures in areas with unstable soil or slope conditions.
17. Vegetation conservation measures should be undertaken to:
  - a. Protect ecological functions and ecosystem-wide processes performed by vegetation along shorelines;
  - b. Protect human safety and property;
  - c. Increase the stability of shorelines and reduce the need for structural shoreline stabilization measures;
  - d. Improve the visual and aesthetic qualities of the shoreline;
  - e. Protect plant and animal species and their habitats; and
  - f. Enhance shoreline use activities.

## B. Regulations

1. **Critical areas.** In addition to the following mitigation requirements, shoreline use and development of critical areas within shoreline jurisdiction are also subject to Chapter 6 and other applicable provisions contained in this Program.
2. **Mitigation Sequence.** When required, the mitigation sequence shall be applied following the steps listed below in order of priority, with 'a' being the top priority, and only using lesser priority steps when higher priority steps are infeasible:
  - a. Avoid the impact altogether by not taking a certain action or parts of an action;
  - b. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  - c. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
  - d. Reduce or eliminate the impact over time by preservation and maintenance operations;
  - e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and,
  - f. Monitor the impact and the compensation projects and taking appropriate corrective measures.
3. **Mitigation sequence analysis.** A mitigation sequence analysis shall describe which mitigation measures are being applied, and how applying the mitigation sequence will result in no net loss of ecological functions. A project applicant must provide a mitigation sequence analysis in the following circumstances:
  - a. If a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible" or requiring the minimization of development size) contained in these shoreline regulations, then the mitigation sequence analysis is required for the discretionary standard(s).
  - b. When an action requires a shoreline conditional use permit or shoreline variance permit.

- c. When a critical areas report is required.
4. **Compensatory mitigation.** When compensatory measures are required pursuant to the mitigation sequence analysis:
  - a. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation or restoration based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.
  - b. Compensatory mitigation measures must be maintained over the life of the use or development.
  - c. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.
  - d. Occupancy of the proposed development is not allowed until significant components of compensatory mitigation are complete, including the posting of required bonds or sureties and recording of required property instruments.
5. **Mitigation plan.** When compensatory measures are required, the applicant must provide and implement a mitigation plan prepared by a qualified professional, as defined. A mitigation plan must include, at a minimum:
  - a. A description of the author's professional qualifications as they pertain to the potentially impacted ecological functions.
  - b. A description of the existing shoreline environment.
  - c. A description of anticipated impacts.
  - d. A description of how the mitigation plan addresses anticipated impacts, with supporting rationale.
  - e. Drawings showing existing and proposed conditions.
  - f. Measurable performance standards for evaluating the success of the mitigation plan.
  - g. A contingency plan identifying potential courses of action if performance standards are not being met.
  - h. A five-year maintenance and monitoring program, including:
    - i. A schedule for maintenance and monitoring;
    - ii. A schedule for the submission of monitoring reports to the Administrator to document milestones, successes, problems, and contingency actions; and
    - iii. A discussion of how monitoring data will be evaluated to determine whether performance standards are being met.
6. In determining appropriate mitigation measures applicable to shoreline development, lower-priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
7. Mitigation areas shall be protected in perpetuity, and the protection shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Wahkiakum County Auditor's Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of mitigation areas.

8. The applicant/proponent shall post a bond or provide other financial surety equal to one hundred and fifty percent (150%) of the estimated cost of the mitigation to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring.
9. Required mitigation shall not be in excess of that necessary to assure that proposed uses or development will result in no net loss of shoreline ecological functions.
10. Mitigation actions shall not have a significant adverse impact on other shoreline functions fostered by the policies of the Shoreline Management Act.
11. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), Chapter 43.21C RCW, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (SMC 16.04 and WAC 197-11).

### 5.2.4 Economic Development

A. **Purpose.** To provide for water oriented economic development and employment while supporting other community goals.

B. **Policies**

1. Non-water-dependent shoreline uses are discouraged in areas of existing water dependent commercial and industrial development.
2. The location and design of industry, projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on siting along or use of shorelines of the state should be prioritized.

### 5.2.5 Flood Hazard Reduction

A. **Purpose.** To reduce flood hazards to life and property and give consideration to the statewide interest in the prevention and minimization of flood damages.

B. **Policies**

1. Encourage nonstructural flood hazard reduction measures over structural measures.
2. Flood hazard reduction provisions should be based on applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts that are consistent with this SMP.
3. Assure that flood hazard reduction measures do not result in a net loss of ecological functions.

4. No new construction should be allowed within the limits of the one hundred-year (100 year) flood plain that significantly reduces flood or downstream storage capacity or increases flood hazards to upstream properties or otherwise endangers public safety.
5. Flood control works, such as levees, play an important existing role in protecting life and property. Maintenance of existing flood control works should be allowed provided that no net loss of ecological functions results.
6. Recommendations provided in the “Wahkiakum County Comprehensive Flood Hazard Management Plan 2005” or as hereafter amended, are supported, unless in conflict with this Program.
7. Recommendations to reduce flood hazards provided in “Projects and Solutions to Water Resource Problems on the Lower Columbia River” (Pacific International Engineering, February 2002) are supported, unless in conflict with this Program.

### C. Regulations

1. **Applicability.** Flood hazard reduction provisions apply to actions taken to reduce flood damage or hazard and to uses, developments, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs; and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. Flood hazard reduction is achieved through provisions of this master program and Town of Cathlamet Municipal Code 14.10.180 through 14.10.320.
2. **Development in floodplains.** Development in floodplains must not significantly or cumulatively increase flood hazards.
3. **New development or uses, including subdivisions.** New use or development, including the subdivision of land, must not be established when it would be reasonably foreseeable it would require structural flood hazard reduction measures within the channel migration zone or floodway during the life of the development or use.
4. **Uses and activities within the channel migration zone or floodway.** The following uses and activities may be authorized where appropriate and/or necessary within the channel migration zone or floodway:
  - a. Actions that protect or restore the ecosystem-wide processes or ecological functions, including development with a primary purpose of protecting or restoring ecological functions and/or ecosystem-wide processes.
  - b. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
  - c. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.
  - d. Bridges, utility lines, outfalls, and other public utility and transportation structures where no other feasible alternative exists, or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of the watershed or drift cell.

- e. Repair and maintenance of an existing legal structure, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
  - f. 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.
  - g. Development protected by existing structures that prevent active channel movement and flooding.
  - h. 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 measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with a river or stream.
5. **Structural flood hazard reduction measures.**
- a. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan.
  - b. New structural flood hazard reduction measures in shoreline jurisdiction may be allowed only when demonstrated by a scientific and engineering analysis that they are necessary to protect existing development and that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions will be undertaken consistent with this Program.
  - c. New structural flood hazard reduction measures must be placed landward of associated wetlands and applicable shoreline buffers, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects be authorized only if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements must be documented through a geotechnical and hydrological analysis.
  - d. New public structural flood hazard reduction measures, such as dikes and levees, must dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
6. **Removal of gravel for flood management purposes.** The removal of gravel for flood management purposes must be consistent with an adopted flood hazard reduction plan and this Shoreline Master Program and shall be 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.

## 5.2.6 Local Character

### A. Policies

- 1. Encourage mixed use development in the Town of Cathlamet, particularly on the downtown waterfront.
- 2. Ensure that shoreline uses, and developments do not violate constitutionally protected private property rights.

3. The enhancement and restoration of water bodies and their aquatic or adjacent riparian habitat, by public or private entities for purposes of increasing yields or production of fisheries resources, is encouraged.
4. Developments located within shoreline areas should be designed to be structurally sustainable and adaptable to natural changes within shorelands over time and visually compatible within the shoreline character of the proposed area.

### 5.2.7 Public Access

A. **Purpose.** To plan for, maintain, and improve both physical and visual public access to shorelines, including the public's ability to view, reach, touch, and enjoy the water edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations while protecting private property rights, public safety, and ecological functions.

#### B. Policies

1. Priority for access acquisition and investment should consider future recreational accessibility, resource accessibility and desirability, availability, and relative proximity of intended users.
2. Shoreline development by all public entities should include improvements or amenities to enhance or provide public access to shorelines when feasible.
3. Where appropriate, utility and transportation rights-of-way on the shoreline should be made available for public access and use, including use as linear connections between other shoreline access sites.
4. Where appropriate, shoreline recreational facilities and other public access points should be connected by walking trails, and bicycle pathways.
5. Appropriate signs should clearly indicate where public access points are located and/or how to reach publicly owned shorelines.
6. Public access should be designed to provide for public safety and to minimize substantial impacts to private property and individual privacy.
7. Pedestrian and non-motorized vehicle access should be designed to limit adverse impacts to ecological functions that result from parking or vehicular uses too close to the water.
8. Informal, unsigned, and unimproved public access locations are a valued type of public access and should be protected as such unless an adopted plan has prioritized the site for public access improvements.
9. Regulation of structure height, setbacks, signs, and maintenance of view corridors should minimize obstruction of existing views of the water, shoreline, and shoreline vegetation from public property, transportation corridors, or substantial numbers of residences.
10. Public property serving as a viewpoint, vista, or lookout to the shoreline and water should continue to serve those purposes.

11. **Public Access Plan.** Preparation of a Town-wide public access plan is encouraged. This plan should identify specific public access needs and opportunities for a more effective, economical alternative to a system of applying uniform requirements to individual shoreline development project by project, as consistent with WAC 173-26-221(4)(c). Publicly owned shoreline parcels should be identified and evaluated for suitability for public access use and development.

### C. Regulations

1. **Applicability.** This section applies to both physical and visual public access development projects and other kinds of development that, according to the SMA and its implementing regulation, must provide public access.
2. **Public and Private Interests.** The public interest under the Public Trust Doctrine and constitutional private property rights shall be recognized as follows:
  - a. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety.
  - b. Protect the rights of navigation and space necessary for water-dependent uses.
  - c. To the greatest extent feasible, consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.
  - d. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.
3. **Conditions when required.** Except as provided below, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:
  - a. A development or use will create increased demand for public access to the shoreline.
  - b. A development or use will interfere with an existing public access way. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby access.
  - c. A use or activity will interfere with public use of lands or waters subject to the public trust doctrine.
  - d. A commercial or industrial use is proposed for location on land in public ownership.
  - e. Any water-related, water-enjoyment, or non-water-dependent use.
4. **When required for public entities.** Shoreline development by public entities, including port districts, state agencies, and public utility districts, shall include public access measures as part of each shoreline development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
5. **When required for residential development.** New multi-unit residential development, including the subdivision of land into more than four parcels, should provide joint access for all of its residents and/or public access. Public access shall not be required for single-family residential development of four or fewer lots.
6. **When not required.** Public access shall not be required where demonstrated to be infeasible, due to one or more of the following:

- a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
  - b. Constitutional or other legal limitations may apply.
  - c. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
  - d. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
  - e. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
  - f. Significant unavoidable conflict between any access regulations and the proposed use and adjacent uses would occur and cannot be mitigated.
7. **Reasonable alternatives.** To determine infeasibility, the applicant must first demonstrate, and the Town agree in its findings, that all reasonable alternatives to provide public access have been exhausted, including, but not limited to:
- a. Regulating access by such means as maintaining a gate and/or limiting hours of use.
  - b. Separating uses and activities using site planning and design (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.).
  - c. Developing off-site access at a site geographically separated from the proposal such as a street end, vista, or trail system.
  - d. Sharing the cost of providing and maintaining public access between public and private entities.
8. **Private Property Nexus and Proportionality.** Public access across private property that is required as a condition of project approval shall be commensurate and proportional with the loss of public access caused by the project, or with the increase in public access demand caused by the project.
9. **Preparation of written findings.** When provisions for public access are required as a condition of project approval, the Shoreline Administrator shall prepare written findings demonstrating consistency with constitutional and legal practices regarding private property and the principles of nexus and proportionality.
10. **Dedication of land or a physical improvement.** Public access provided as a condition of project approval shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock, pier area, or other area serving as a means of view and/or physical approach to public waters. It may include interpretive centers and displays.
11. **Recording via a legal instrument.** If public access is provided as a condition of project approval, applicants shall demonstrate this condition is met by providing a legal instrument; an example being an easement. The legal instrument shall be recorded with the Wahkiakum County Auditor's Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
12. **Location and design criteria.** Public access provided as a condition of project approval shall meet the following location and design criteria:
- a. When physical access is provided, a pedestrian access walkway is required if it will not adversely impact shoreline ecological processes and functions. Fencing may be used to control damage to plants and other sensitive ecological features. Trails shall

- be constructed of permeable materials and limited in width to reduce impacts to ecologically sensitive resources.
- b. Where views of the water or shoreline are available, and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
  - c. Public access shall be located adjacent to other public areas, access points, and connecting trails and connected to the nearest public street.
  - d. Development over water shall be constructed as far landward as possible to reduce interference with views to the shoreline from surrounding properties.
  - e. Appropriate amenities such as benches, picnic tables, and public parking sufficient to serve the users shall be provided. Public restrooms, facilities for disposal of animal waste, and other appropriate public facilities shall be required at developments that attract a substantial number of persons.
  - f. Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.
  - g. Public access design shall provide for the safety of users to the extent feasible.
  - h. The standard state-approved logo or other locally approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.
  - i. The height limit, buffer and setback, vegetation conservation and other applicable provisions of this Program.
13. At time of occupancy. Required public access sites shall be fully developed and available for public or community use at the time of occupancy of the shoreline development.
14. Maintenance. Maintenance of the public access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the Wahkiakum County Auditor's Office.
15. Shoreline street ends and public rights-of-way. Public access provided by existing shoreline street ends and public rights-of-way shall be preserved, maintained, and enhanced consistent with RCW 35.79.035, RCW 36.87.130 and this Program.
16. No net loss of ecological functions. Public access improvements shall be constructed and maintained in a manner that does not result in a net loss of shoreline ecological functions.
17. Conflict with adjacent property views. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

### 5.2.8 Shorelines of Statewide Significance

#### A. Policies

1. Along the Columbia River, a Shoreline of Statewide Significance, the Town should give preference to uses in the following order of preference which:
  - a. Recognize and protect statewide interest over local interest;
  - b. Preserve the natural character of the shoreline;
  - c. Result in long-term over shore-term benefits; and
  - d. Protect the resources and ecology of the shorelines.

- e. Increase public access to publicly owned areas of the shoreline;
- f. Increase recreational opportunities for the public in the shoreline.

## 5.2.9 Vegetation Conservation

### A. Policies

1. Conserve native vegetation by limiting clearing and grading activities to ensure no net loss of shoreline ecological functions, ecosystem processes, and natural soil systems.
2. Shoreline vegetation should be conserved to protect human safety and property, to increase the stability of shorelines, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.
3. Where permitted, clearing of native vegetation, and grading should be to the minimum extent necessary to accommodate an authorized shoreline use.
4. Trees and native vegetation, including brush and groundcover, should be protected and enhanced for the ecological functions, hazard reduction, and visual and aesthetic qualities that they provide.
5. Support replacement of non-native vegetation with native vegetation.
6. Support protection and cultivation of trees that can serve as durable large woody debris.
7. Support removal of invasive and noxious weeds.
8. Support hazard tree pruning, or felling only if necessary, when the cut wood is left in the habitat area.
9. Selective pruning of trees to maintain existing views should be allowed, if conducted in a manner that ensures the tree's ability to continue growing, and if no net loss of ecological function is achieved.
10. Property owners are encouraged to voluntarily enhance native trees and other vegetation in critical area buffers to protect and restore shoreline ecological functions.

### B. Regulations

1. **Applicability.** Vegetation conservation includes activities to protect vegetation along or near shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions apply throughout shoreline jurisdiction.
2. These vegetation conservation provisions apply to all shoreline uses and development activities, including those that are exempt from the requirement to obtain a permit. These provisions do not apply retroactively to existing uses and structures. Any new or expansion/enlargement of lawn or landscaped areas shall comply with these provisions.

3. Vegetation maintenance and removal shall meet the standards of this section and also be consistent with the critical areas, buffers, setbacks, fill, excavation, grading and other applicable provisions of this Program.
4. All vegetation maintenance and clearing shall be designed and conducted to meet the following criteria:
  - a. Ensure no net loss of shoreline ecological functions and ecosystem-wide processes;
  - b. Avoid adverse impacts to soil hydrology;
  - c. Reduce the hazard of slope failure or accelerated erosion.
5. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.
6. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.
7. If native vegetation is moved, damaged, or destroyed, it shall be replaced with a functionally equivalent native species during site restoration.
8. **Minor Vegetation Activities.** Upon Administrator's approval, the following vegetation management activities may be allowed; a conditional use permit is required to exceed these limitations:
  - a. **Ongoing Maintenance.** Maintenance of existing lawn and landscaped areas accessory to an allowed use or development, including mowing, edging, mulching, weeding, and planting/replacement of ornamental species.
    - i. Trimming and pruning of woody vegetation (trees and shrubs) only when consistent with applicable provisions below.
    - ii. Application of chemical herbicides, pesticides, and fertilizers, only when the minimum amount required and as consistent with manufacturer instructions, state and federal requirements, appropriate best management practices, and this Program, in order to avoid contaminated runoff.
  - b. **Noxious Weeds - Selective.** When located outside of steep or unstable slope areas, the selective removal of invasive or non-native vegetation as included on the Washington State Noxious Weed List as Class A, B or C, with hand labor, light equipment or spot spraying.
  - c. **Pruning.** Nondestructive thinning of lateral branches to enhance views or trimming, shaping, thinning or pruning of a tree/shrub necessary to its health and growth is allowed, consistent with the following standards:
    - i. In no circumstance shall pruning exceed more than one-fourth of the original crown once every five (5) years; original crown is that which existed at the effective date of this Program.
    - ii. Pruning shall retain branches that overhang the water to the maximum extent feasible.
    - iii. Topping, stripping of branches, creation of an imbalanced canopy or other actions that compromise the health of the tree are prohibited.
    - iv. Pruning shall comply with the Tree Care Industry Association pruning standards. View Maintenance. Minimal selective pruning of trees that obstruct visual access to shorelines of the state shall not include removal of understory vegetation. View maintenance does not allow expansion or enlargement of existing view corridors; existing view corridor is that which existed at the effective date of this Program.

No property is guaranteed a fully-unobstructed view of the shoreline or any specific landmark.

9. **Vegetation Removal.** Removal of shoreline vegetation shall be limited as follows:
  - a. Minimum necessary to accommodate approved shoreline development;
  - b. Unless specifically excluded by other shoreline provisions, mitigation sequencing must be applied so that the design and location of the structure or development minimizes future short- and long-term vegetation removal;
  - c. The Administrator may require site plan alterations to achieve maximum vegetation retention;
  - d. Unless specifically excluded by other shoreline provisions, where vegetation removal that is conducted consistent with this Program results in adverse impacts to shoreline ecological function, the new developments or site alterations shall immediately prepare and implement a mitigation plan, consistent with this Program. Examples of actions that may result in adverse impacts include:
    - i. Removal of native trees, shrubs or groundcovers;
    - ii. Removal of non-native trees or shrubs that overhang aquatic areas or stabilize slopes; or
    - iii. Removal of native or non-native trees or shrubs that disrupts an existing vegetation corridor connecting the property to other critical areas or buffers.
10. **Noxious Weeds - Clearing.** Removal of noxious weeds by heavy equipment or broad-application chemical methods shall require a conditional use permit.
11. **Hazard Trees.** A hazard tree may be removed if demonstrated that the threat to public safety or to a residential primary or accessory structure cannot otherwise be eliminated by pruning, crown thinning, or other technique that maintains some of the tree's habitat function.
  - a. Project proponent submits a report prepared by a certified arborist, registered landscape architect, or professional forester that documents the hazard, provides a replanting plan for replacement trees, demonstrates consistency with the mitigation sequence, and describes how the no net loss standard is achieved.
  - b. Tree pruning, and removal shall be the minimum necessary to abate the hazard caused by the tree.
  - c. Measures to control fire risk or halt the spread of disease or damaging insects shall be consistent with state Forest Practices Act (RCW 76.09), the Washington Firewise Program, and other applicable standards.
  - d. For every hazard tree removed, a minimum of two native trees shall be planted as mitigation.
  - e. The replacement tree species and planting location shall be selected to provide similar ecological function as the felled tree, particularly in regard to functions provided by native trees and trees that provide durable large woody debris.
  - f. Whenever feasible, mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas.
  - g. In critical area wetland or habitat conservation areas and their buffers, pruned and felled wood from hazard tree removal shall be left in place whenever feasible, unless demonstrated to cause adverse impact.

## 5.2.10 Water Quality

### A. Policies

1. Use and development should not cause adverse impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or significant impact to aesthetic qualities, or recreational opportunities.
2. Compliance with local, state, and federal water quality and water quantity laws is required. Where there a conflict between those laws and this Program, the provision most protective of ecological functions shall prevail.
3. Proposed and existing shoreline use, development, and modifications are encouraged to conserve water consumption and to voluntarily install stormwater systems using Low Impact Development (LID) techniques and other best management practices (BMPs) to minimize pollution entering waters of the state as contaminated stormwater run-off.

## **B. Regulations**

1. Prior to permit issuance, new shoreline use, development and modification activities shall demonstrate they will not cause adverse impacts to water sources, water quality, and stormwater quantity, including current compliance with applicable local, state, and federal water quality and water quantity laws as required, and any voluntary measures that exceed minimum standards (such as LID or other BMPs).

## **5.3 Modifications Policies and Regulations**

Shoreline modifications refer to structures, actions, or alterations that generally support a specific use (e.g. dredging to accommodate a marina; bulkhead to protect a home or business). Many shoreline uses, developments, and modifications require formal review and permit approval, including a substantial development permit or exemption, a conditional use permit, or a variance permit, per the standards of this Program. All modifications and development must be consistent with the provisions of the environment designation in which they are located and the general provisions of this master program, even if a permit is not required.

### **5.3.1 General Modifications Policies**

A. The following policies apply to all modification activities:

1. All shoreline modifications should be located, designed, and constructed to ensure the following:
  - a. Allowed only when demonstrated as necessary to:
    - i. Support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage; or
    - ii. As necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
  - b. Limit shoreline modifications in number and extent to reduce adverse effects as much as possible.
  - c. Allowed only where appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
  - d. Individual and cumulative impacts do not result in a net loss of ecological functions. This is to be achieved by:

- i. Giving preference to those types of shoreline modifications that have a lesser impact on ecological functions; and
  - ii. Requiring mitigation of identified impacts resulting from shoreline modifications.
- e. Where applicable, consider available scientific and technical information, including reach conditions for river and stream systems.
- f. Provide enhancement of impaired ecological functions, where feasible and appropriate, while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
- g. Avoid and reduce significant ecological impacts according to the mitigation sequence of this Program, per WAC 173-26-201 (2)(e).

### 5.3.2 Breakwaters, Jetties, Groins & Weirs

#### A. Policies

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

#### B. Regulations

1. **When allowed.** New or expanded 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.
2. **Professional design.** Proposed designs for new or expanded breakwaters, jetties, groins, and weirs shall be designed by qualified professionals, including both an engineer and a biologist.
3. **Minimum size.** Breakwaters, jetties, groins and weirs shall be limited to the minimum size necessary.
4. **Protection of critical areas and ecological functions.** Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and ecological functions, and the mitigation sequence shall be followed. The design and construction of breakwaters shall be such that shallow water juvenile salmon migration corridors are maintained.
5. **Conditional use.** Breakwaters, jetties, groins and weirs are a conditional use, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

### 5.3.3 Dredging & Dredge Material Disposal

#### A. Policies

1. Dredging and dredge material disposal should be 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. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
3. Dredging to accommodate existing navigational uses should be allowed.
4. Maintenance dredging of established navigation channels and basins should be allowed to maintain previously dredged and/or existing authorized location, depth, and width.
5. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material should not be allowed, except when the fill is necessary for the restoration of ecological functions.
6. Dredge material disposals evaluated and approved by the interagency Dredge Material Management Program are supported.
7. Beneficial use dredge disposals that benefit shoreline resources should be allowed, as consistent with the:
  - a. Guidance from the U.S. Army Corps of Engineers/Environmental Protection Agency publication, Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual (EPA842-B-07-001, October 2007, as amended); and,
  - b. Shoreline use benefitting from the dredge disposal is permitted.
8. Proposed dredge disposals and associated operations should be considered together comprehensively for the purpose of permitting.
9. All dredge disposals, whether permitted or conditionally permitted, including flow lane, shoreline, and upland disposals should avoid and mitigate sedimentation effects on navigation in Cathlamet Channel and Elochoman Slough.

## B. Regulations

1. **New development.** New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. **Dredging, when allowed.** Dredging may be allowed for the following purposes:
  - a. New dredging for establishment, expansion, relocation or reconfiguration of navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
  - b. Maintenance dredging of established navigation channels and basins provided dredging is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
  - c. An authorized water-dependent use.
  - d. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.
  - e. Maintenance of tidegates and tidegate drainage channels.
  - f. Reduction of flood hazards when consistent with an approved flood hazard management plan.
  - g. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
3. **Dredging approval standards.**

- a. The mitigation sequence shall be used to achieve no net loss of ecological functions.
  - b. Dredging shall be consistent with the Washington Hydraulic Code Rules.
4. **Dredging for fill material.**
- a. Dredging waterward of the OHWM for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions.
  - b. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be associated with either a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
5. **Dredge material disposal**
- a. The disposal of dredge material shall be allowed when considered suitable under and conducted in accordance with the Regional Dredged Material Management Plan.
  - b. In-water disposal of dredge material shall only be allowed with a conditional use permit.
  - c. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall only be allowed with a conditional use permit.
  - d. This does not 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.
6. **Avoid, minimize and compensate.**
- a. Dredging, and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts and impacts that cannot be avoided shall be compensated in a manner that assures no net loss of shoreline ecological functions.
  - b. Dredging, and dredge material disposal shall be confined to the minimum area necessary to accomplish the intended purpose or use.
  - c. Dredging, and dredge material disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity).
  - d. Erosion, sedimentation, increased flood hazard, and other undesirable changes in circulation shall be avoided. Tidal marshes, tidal flats, and other wetlands shall not be adversely affected.
  - e. The timing of dredging and dredge material disposal in aquatic areas shall minimize interference with commercial and recreational fishing activities.
7. **Agency approvals.** Dredging and dredge material disposal must be approved by all state and federal agencies with jurisdiction. Copies of all such approvals must be provided to the Shoreline Administrator.

### 5.3.4 Fill, Excavation & Grading

#### A. Policies

1. **Upland.** Fill, excavation, and grading landward of the OHWM may be allowed to the minimum extent necessary to support other authorized uses.

2. **In-water.** Fills waterward of the ordinary high-water mark should be allowed only when necessary to support water-dependent use, public access, contamination remediation, dredge material disposal, transportation facilities of statewide significance, mitigation action, and environmental restoration.
3. Beach nourishment to alleviate shoreline erosion of developed properties is supported; however, beach nourishment to support future development of areas prone to erosion should be prohibited.

## B. Regulations

1. **When allowed, upland.** Upland fills, excavations, and grading located landward of OHWM may be allowed provided they are:
  - a. In support of an allowed shoreline use or modification.
  - b. Located outside applicable buffers and setbacks, unless specifically allowed.
2. Beach nourishment to alleviate shoreline erosion is supported as described by “Projects and Solutions to Water Resource Problems on the Lower Columbia River” (Pacific International Engineering, February 2002), however beach nourishment to support future development of areas prone to erosion shall be prohibited.
3. All temporary erosion controls shall be in place and appropriately installed downslope of the project activities until site restoration is completed.
4. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.
5. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.
6. **When allowed, in-water.** Fills waterward of the OHWM shall be allowed as a conditional use only when necessary to support:
  - a. A water-dependent use;
  - b. Public access ;
  - c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.
  - d. Disposal of dredged material considered suitable under, and conducted in accordance with, an approved dredged material management program.
  - e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.
  - f. A mitigation action, or beach nourishment enhancement project.
  - g. An ecological restoration project may be allowed without a conditional use permit.
7. **Protection of shoreline ecological functions.** Fills, excavations, and grading shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, subject to other applicable provisions of this Program (such as vegetation conservation, water quality, critical areas).

8. **Design.** All fills and excavations, except when for the purpose of shoreline restoration, must be designed:
  - a. To be the minimum size necessary to implement the allowed use or modification.
  - b. To fit the topography so that minimum alterations of natural conditions will be necessary.
  - c. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
9. **Temporary erosion and sediment control plan.** A temporary erosion and sediment control plan, including best management practices, shall be provided for all proposed fill and excavation activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.
10. **Excavation/Grading below the OHWM or in wetlands.** Excavation or grading below the OHWM or in wetlands using other than unpowered, hand-held tools, except removals of bed material that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline stabilization measure), shall be considered dredging and be subject to the regulations of this Program.

### 5.3.5 Restoration & Enhancement

#### A. Policies

1. Restoration and enhancement projects with a primary purpose of improving the habitat, natural character, or shoreline ecological functions and processes are a preferred use.
2. Projects should avoid, minimize, and compensate for impacts to existing public access, and should create new public access if feasible and if the public access will not impair ecological function.
3. Projects should avoid impacts to property rights of surrounding landowners, consistent with the constitutional limits of this Program.
4. Restoration and enhancement projects should address legitimate restoration needs and priorities, consistent with the *Restoration Plan for Shorelines in Wahkiakum County and Town of Cathlamet* (2017 or as amended), or other approved watershed restoration or salmon enhancement programs.
5. Restoration and enhancement should be used to complement and not take the place of the shoreline protection strategies required by this Program to achieve the greatest overall ecological benefit.
6. The Town of Cathlamet should support voluntary and cooperative restoration efforts among local, state, and federal public agencies, Tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.
7. Restoration and enhancement should improve shoreline ecological functions and processes as well as shoreline features and should promote sustainability of sensitive and/or regionally important plant, fish, and/or wildlife species and their habitats.

8. Restoration and enhancement should be integrated with and should support other natural resource management efforts in Wahkiakum County and in the Lower Columbia River Estuary.
9. The Town should minimize policy and regulatory barriers to ecological restoration and enhancement and where feasible provide incentives to encourage voluntary restoration projects by public and private property owners.
10. Restoration and enhancement should help ensure the resiliency and sustainability of the habitats over time.

## B. Regulations

1. **Applicability.** Restoration is defined in Chapter 3. Restoration may also include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging and filling, placement of durable large wood structures, and construction, modification, or removal of drainage and flood protection infrastructure provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
2. **Scientific and technical information and best management practices.** Restoration and enhancement projects shall be designed using the most current, accurate, and complete scientific and technical information available, and implemented using best management practices.
3. **Other shoreline uses, resources and values.** Restoration and enhancement projects must not result in substantial interference with other shoreline uses, resources and values such as navigation, recreation and public access.
4. **Maintenance and monitoring.** Project applicants shall arrange for long-term maintenance and monitoring of the restoration and enhancement projects for a minimum of three years.
5. **Relief from shift in the OHWM.** Proponents of restoration and enhancement projects that cause or would cause a landward shift in the OHWM are advised to consult with the Shoreline Administrator to assess whether and how such projects may be granted relief under RCW 90.58.580, as consistent with WAC 173-27-215.
6. **Plan consistency.** Restoration and enhancement projects shall not hinder or conflict with implementation of watershed scale restoration and conservation plans.
7. **Public access and private property rights.** Projects shall avoid or mitigate for access constraints that they impose on publicly owned or recorded public access sites. Projects shall demonstrate that they will not cause flooding impacts on neighbor's properties. Conflicts with water-dependent uses, public access, and views shall be resolved consistent with the established priorities of this Program.

### 5.3.6 Shoreline Stabilization

#### A. Policies

1. Shoreline stabilization includes both structural and nonstructural actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action.
  - a. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, planning and regulatory measures to avoid the need for structural stabilization.
  - b. Structural methods include hardening or armoring the shoreline, typically in preparation for or support of shoreline use and development.Over time, the adverse impacts of structural methods on shoreline ecological functions have become evident, and softer approaches proven to be effective.
2. The individual and cumulative impacts to ecological function related to shoreline stabilization should be avoided.
3. New subdivision and development should be located and designed to avoid the need for future shoreline stabilization, and to minimize impacts to natural processes, ecological functions, and life safety risks.
4. Expansion and enlargement of existing shoreline stabilization measures should be considered new structures.
5. Replacement, new, or enlargement of shoreline stabilization structures should be permitted only upon demonstration of:
  - a. need to protect primary structures and uses from erosion caused by currents, tidal action, or waves and
  - b. the erosion is not being caused by upland conditions such as lack of vegetation or drainage.
6. New structural stabilization measures should not be allowed except:
  - a. To protect existing primary structures.
  - b. In support of new nonwater-dependent development, including single-family residences.
  - c. In support of water-dependent development.
  - d. To protect restoration projects or hazardous substance remediation projects pursuant to chapter 70.105D RCW.
7. The greater impacts generally caused by harder armoring techniques should be avoided, including beach starvation, sediment impoundment, habitat degradation, hydraulic and groundwater changes, loss of vegetation and large woody debris, exacerbated erosion, and loss of channel movement.
8. Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard-armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

9. Soft approaches are preferred over hard armoring, and the size and extent of hard armoring should be limited to the minimum necessary to protect primary structures. The following list represents a spectrum of soft to hard approaches.
  - Structure relocation;
  - Vegetation enhancement;
  - Upland drainage control;
  - Biotechnical measures;
  - Anchor trees;
  - Gravel placement;
  - Rock revetments;
  - Gabions;
  - Concrete groins;
  - Retaining walls and bluff walls; and
  - Bulkheads.
10. Publicly financed or subsidized shoreline erosion control measures should not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
11. Where feasible, ecological restoration and public access improvements should be incorporated into shoreline stabilization projects.
12. Mitigation is required for new and replacement erosion control structures on feeder bluffs and for other actions that affect beach sediment-producing areas, in order to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems.
13. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts.
14. Where beach erosion is threatening existing development, the Town should support the creation of a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

## **B. Regulations**

1. **Subdivision.** Subdivision of land must be based on a geotechnical report prepared in accordance with this section to assure that the lots created will not require shoreline stabilization to protect future uses and structures.
2. **New development.**
  - a. New development shall be located and designed to avoid the need for future shoreline stabilization.
  - b. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical report prepared in accordance with this section.
  - c. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.

3. **New or enlarged structural stabilization measures, when allowed.** New or enlarged structural stabilization measures shall not be allowed except as follows.
  - a. To protect existing primary structures, public transportation infrastructure, or essential public facilities when the conditions below apply.
    - i. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report that the structure is in imminent danger from shoreline erosion caused by tidal action, currents, or waves, including those influenced by deep draft ship wakes, or pile dikes. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a geotechnical report, is not demonstration of need. The geotechnical report shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Where no alternatives, including relocation or reconstruction of existing structures are found to be feasible, stabilization structures or measures to protect existing primary residential structures may be allowed.
    - ii. The structure will not result in a net loss of shoreline ecological functions.
  - b. In support of new non-water-dependent development, including single-family residences, when the conditions below apply.
    - i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
    - ii. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
    - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, or waves, including those influenced by deep draft ship wakes, or pile dikes.
    - iv. The erosion control structure will not result in a net loss of shoreline ecological functions.
  - c. In support of water-dependent development, public transportation infrastructure, or essential public facilities when the conditions below apply.
    - i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
    - ii. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
    - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
    - iv. The erosion control structure will not result in a net loss of shoreline ecological functions.
  - d. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105(D), when the conditions below apply.
    - i. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
    - ii. The erosion control structure will not result in a net loss of shoreline ecological functions.
4. **Replacement of existing structural stabilization measures.** For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately

- serve its purpose. Additions to, increases in size, and increases in intensity of existing shoreline stabilization measures shall be considered new structures. An existing shoreline stabilization structure may be replaced with a similar structure if in accordance with the following.
- a. There is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.
  - b. The replacement structure must be designed, located, sized, and constructed to assure no net loss of ecological functions.
  - c. Where a net loss of ecological functions would occur by leaving the existing structure, it shall be removed as part of the replacement measure if feasible.
  - d. Replacement walls or bulkheads shall not encroach waterward of the 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 about the existing shoreline stabilization structure.
  - e. Soft shoreline stabilization measures that restore ecological functions may encroach waterward of the OHWM or existing stabilization structure.
5. **Repair and maintenance.** Repair and maintenance include modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following provisions. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a shoreline substantial development permit, such activity is not exempt from the provisions of this Shoreline Master Program.
- a. If within a three-year time period, more than 50 percent of the length of an existing structure is removed, including its footing or bottom course of rock, prior to placement of new stabilization materials, such work will not be considered repair and maintenance and shall be considered replacement. Work that involves the removal of material only above the footing or bottom course of rock does not constitute replacement.
  - b. Any additions to or increases in the size of existing shoreline stabilization measures, including the placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure, shall be considered new structures, not maintenance or repair.
  - c. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.
6. **Geotechnical reports.** Geotechnical reports pursuant to this section shall meet the definition of a “geotechnical report” as established in Chapter 3. Geotechnical reports for shoreline stabilizations shall address the need to prevent potential damage to a primary structure and shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion, reporting on the urgency associated with the specific situation, and evaluating alternatives to ensure that the approach causing the least impact to ecological functions is used. The report may distinguish impacts caused by deep draft ship wakes and currents directed at the shoreline by pile dikes as influencing the ecological functions that must be protected. In such cases the geotechnical report must still propose the alternative minimizes impacts to neighboring properties. The geotechnical report shall include analysis, findings, and recommendations consistent with the Washington Integrated Streambank Protection Guidelines.
7. **Design of structural stabilization measures.**

- a. Shoreline stabilization shall be consistent with the Washington Integrated Streambank Protection Guidelines.
- b. Soft structural stabilization approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
- c. Hard structural stabilization shall not be authorized except when:
  - i. The geotechnical report confirms that there is a significant probability that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard-structural stabilization.
  - ii. The geotechnical report estimates the number of years in the future when the primary structure will be damaged and confirms that waiting to implement hard structural measures until three years prior to said damage would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years that report may still be used to justify more immediate authorization to protect against erosion using a mixture of soft and hard structural stabilization.
- d. The size of stabilization measures shall be limited to the minimum necessary.
- e. Measures shall be used to assure no net loss of shoreline ecological functions. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.
- f. Erosion and channel migration can be influenced by deep draft ship wakes and pile dikes. Any effects on sediment conveyance systems, currents, and waves or wakes from the proposed shoreline stabilization must be avoided and if that is not possible minimized so that erosion is not exacerbated on neighboring properties.
- g. Avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the local governments should coordinate shoreline management efforts.
- h. Publicly financed or subsidized shoreline erosion control measures must not restrict appropriate public access to the shoreline except where such access is determined to be infeasible in accordance with regulation 6.1.5. of this Program. Where feasible, ecological restoration and public access improvements shall be incorporated into public projects.

## 5.4 Specific Use Policies and Regulations

Shoreline uses refer to the type or category of activity occurring within shoreline jurisdiction (e.g., residential, recreation, commercial, etc.). Many shoreline uses and developments require formal review and permit approval, including a substantial development permit or exemption, a conditional use permit, or a variance permit, per the standards of this Program. All use and development must be consistent with the provisions of the environment designation in which they are located and the general provisions of this master program, even if a permit is not required.

### 5.4.1 Agriculture

#### A. Policies

1. While agriculture is important to the region, there are no agricultural activities occurring on agricultural lands in the Town and the use is not allowed per zoning code, therefore the use should be prohibited in shoreline jurisdiction.

#### B. Regulations

1. New agricultural use and development shall be prohibited in all shoreline environments.
2. Despite the SMA inclusion of the use in the definition for agriculture, the Town exercises local discretion to regulate upland finfish rearing facilities as aquaculture in this Program.

## 5.4.2 Aquaculture

### A. Policies

1. Aquaculture is a water-dependent use of state-wide interest that is a preferred use when consistent with control of pollution and prevention of damage to the environment.
2. Aquaculture use, and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize adverse environmental impacts. The Town should support aquaculture uses and developments that:
  - a. Protect and improve water quality;
  - b. Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, and land-based facilities; and
  - c. Prevent substrate disturbance/modification.
3. Chemicals and fertilizers used in aquaculture operations should be used in accordance with state and federal laws and this Program.
4. Aquaculture uses/developments should be permitted when they have been evaluated and approved by state and federal agencies, when they incorporate measures to mitigate adverse effects on people and the environment, and when they demonstrate that the use/development will not:
  - a. Materially and adversely disrupt important navigation routes, and existing water dependent uses;
  - b. Cause significant adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations;
  - c. Cause significant adverse effects on critical aquatic habitats;
  - d. Cause significant adverse effects to Tribal fishing tracts or other Treaty fisheries resources; and
  - e. Conflict with other legally established water-dependent uses, including normal public use of the surface waters.
5. When a new aquaculture facility is proposed, the Town should provide for public notice consistent with this Program and notify tribes with usual and accustomed fishing rights to the area.
6. Experimental aquaculture projects will be limited in scale and duration until their effects can be adequately understood. Flexibility to experiment with new aquaculture techniques will be allowed when consistent with state and federal regulations and this Program, and when properly monitored to prevent significant adverse impacts.
7. Development accessory to aquaculture planting and harvesting should be located landward of the minimum critical area buffers of the Program, unless it requires a location in, over, or adjacent to the water.

8. Cooperative arrangements between aquaculture growers and public recreation agencies are encouraged so that public use of public shorelines can be enhanced, where appropriate, and conflicts between public use of public shorelines and aquaculture operations is minimized or eliminated.

## B. Regulations

1. Because there are limited locations in Town where aquaculture use is present or feasible, aquaculture may be allowed as a conditional use. Fish acclimation facilities and/or pens and other structures solely and directly established and managed for purposes of salmon enhancement and/or restoration may be allowed.
2. Upland finfish rearing facilities shall be regulated as aquaculture, subject to the provisions of this Program.
3. Water-dependent portions of aquaculture facilities may be located waterward of the OHWM. Water intakes and discharge structures, water and power conveyances, and fish collection and discharge structures are all considered water-dependent.
4. The applicant shall identify and, on the site, plan each portion of their project that is water-dependent, water-related and non-water-oriented in sufficient detail for the Administrator to determine which portions of the project are permitted on either side of the OHWM and within critical areas and their buffers.
5. Aquaculture facilities must be consistent with the purpose of the shoreline environment designation and a state or tribal finfish management plan or watershed restoration plan.
6. Aquaculture facilities must be located, designed, constructed, and managed to avoid all of the following:
  - a. a net loss of shoreline ecological functions,
  - b. spreading diseases to native aquatic life,
  - c. establishing new non-native species;
  - d. adversely impacting macro-algae species, and
  - e. significantly conflicting with navigation, public access, and water contact recreation
  - f. significantly impacting the aesthetic qualities of the shoreline
  - g. causing significant adverse impacts.
7. **Best management practices.** As a conditional of approval, the Town shall require aquaculture facilities to use best management practices to avoid impacts to ecological functions. The best management practices shall be published by an industry association, a peer reviewed scientific publication, a state or federal environmental protection or natural resource management agency, or the shorelines hearing board.
8. The applicant shall base their proposal on a scientific literature review of likely impacts to ecological function, effective best management practices, and natural processes and priority species.
9. Cumulative impacts of other foreseeable aquaculture facilities shall be considered in the review of proposed aquaculture facilities. Mitigation sequencing and permit conditions shall ensure no net loss of ecological functions as a result of cumulative impacts.
10. **New aquatic species.** New aquatic species that have not been previously cultivated in Washington State shall not be introduced into Town waters without prior written approval

of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington State Department of Health.

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

### 5.4.3 Boating Facilities

#### A. Policies

1. Boating facilities should meet applicable federal, state, and local requirements related to health, safety, and welfare, and ensure no net loss of ecological functions as a result of such use and development.

#### B. Regulations

1. **Applicability.** Boating facilities provisions apply to all upland, overwater and in-water structures that serve as their primary purpose the launching, landing or mooring of vessels, or for visual/physical public access or another water-dependent purpose. Boating facilities include boat launches/ramps; marinas; and piers and docks, including gangways. Boat houses, boat lifts, covered moorage/canopies, dry storage, floats/rafts, and mooring buoys shall be prohibited.
2. **Boat launches/ramps.** Boat launches/ramps shall be designed and constructed using methods and technologies that have been recognized and approved by state and federal resource agencies as the best currently available, with consideration of site-specific conditions. At a minimum, the obstruction of currents, alteration of sediment transport, and the accumulation of debris shall be minimized. Private boat launches/ramps are prohibited.
3. **Marinas.**
  - a. Marinas shall provide public access as required by this Program, particularly where water-enjoyment uses are associated with the marina.
  - b. Marinas shall provide adequate restroom and sewage disposal facilities.
  - c. Marinas shall provide facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan.
  - d. Marina operators must post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them. Rules for spill prevention and response must also be posted.
4. **Piers and docks.**
  - a. New piers and docks are prohibited in the Town Conservancy designation and shall only be allowed for water-dependent uses or for public access.
  - b. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of an approved water-dependent use, provided the minimum size requirement needed to meet the water-dependent use is not violated.

- c. New pier or dock construction shall be permitted only when the applicant has demonstrated that a need exists to support a water-dependent use, except for those that are accessory to a single-family residence.
- d. For piers and docks accessory to residential development with two or more dwelling units, only joint use or community pier/dock facilities shall be allowed whenever feasible, rather than allowing individual piers/docks for each residence. Joint use or community piers/docks shall be shared only by shoreline property owners, not upland property owners.
- e. If a Port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the Town, it may serve as the necessary justification for pier or dock design, size and construction.
- f. Non-water-dependent use or development accessory to an approved pier or dock must be located outside of shoreline jurisdiction, outside of the shoreline buffer, or landward of OHWM whenever possible. Accessory use or development may include, but is not limited to, storage of boats, gear, fuel and solid waste, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use.
- g. A connecting gangway may be included as part of an allowed pier and dock development to accommodate fluctuating water levels.

**5. Location, design and construction of boating facilities.**

- a. Boating facilities, including associated and accessory uses, shall be located, designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to:
  - I. Ecological functions, critical areas resources such as fish habitats, and processes such as currents and littoral drift;
  - II. Navigation; and
  - III. Public access.
- b. Boating facility size shall be restricted to the minimum necessary to meet the demonstrated needs of the proposed use. The amount of overwater cover, including length and width; the number of in-water structures; and the extent of any necessary shoreline stabilization or modification must be minimized.
- c. Structures shall be made of materials as follows:
- d. Have been approved by applicable state agencies.
- e. Have a generally non-reflective exterior finish to reduce glare.
- f. New pilings must be the smallest diameter necessary.
- g. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water.
- h. Safety railings, if proposed, must meet International Building Code requirements and must be an open framework that does not unreasonably interfere with shoreline views.
- i. No new skirting is allowed on any structure.
- j. Covered moorage and canopies are prohibited, except when demonstrated as necessary for operation of a water-dependent use at a commercial, industrial, or transportation-related facility.
- k. Garbage or litter receptacles must be provided and maintained by the operator at locations convenient to users.
- l. Construction of overwater structures shall be completed during allowed in-water work windows.

- m. Construction impacts shall be confined to the minimum area needed to complete the project.
- 6. **Enlargement of existing boating facilities.**
  - a. Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.
  - b. Enlarged portions of existing boating facilities must comply with applicable standards for new facilities.
- 7. **Repair of boating facilities.** All repairs must utilize any material standards specified for new facilities.
- 8. **Live-aboard vessels.** Live-aboard vessels are restricted to marinas that have provisions in effect that are consistent with state law to limit potential impacts.
  - a. Live-aboard vessels must have a valid live-aboard permit issued by the marina operator.
  - b. Discharge of waste or other contaminated material from vessels is prohibited.
  - c. Marinas shall provide adequate pump-out facilities and owners of live-aboard vessels shall provide proof of sufficient use of pump-out facilities or pump-out service.
  - d. All live-aboard vessels shall meet US Coast Guard requirements for recreational boats and be capable of leaving the marina under their own power.
  - e. Owners of live-aboard vessels shall comply with all applicable marina rules.
- 9. **Extended mooring.** Extended mooring on waters of the state by vessels is only as allowed by applicable state regulations, unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

#### 5.4.4 Commercial & Industrial

##### A. Policies

- 1. Commercial and industrial development and use should be located, designed, and operated to result in no net loss of shoreline ecological functions and to not have significant adverse impacts on other shoreline uses, resources, and values such as navigation, recreation, and public access.
- 2. Preference should be given first to water-dependent commercial/industrial uses over non-water-dependent commercial/industrial uses; and second, to water-related and water-enjoyment commercial/industrial uses over non-water-oriented commercial/industrial uses. No commercial/industrial use should be allowed in the limited and sensitive areas of Town Conservancy designation.
- 3. Non-water-dependent uses may locate in existing overwater structures provided that the proposed use does not displace existing or future water-dependent uses from siting on the shoreline.
- 4. Water-related and water-enjoyment commercial/industrial uses are encouraged where appropriate on shorelines in existing areas of commercial development and mixed commercial-residential development if the use will not displace existing or future water dependent uses.

5. New non-water-dependent commercial/ industrial uses located in the shoreline should provide public access and ecological restoration unless inappropriate or infeasible per the standards of this Program
6. New water-oriented commercial uses and infill/redevelopment of existing areas within the Mixed Waterfront shoreline environmental designation should be allowed consistent with this Program.
7. Proponents of commercial/industrial development should demonstrate adequate planning and financial responsibility for environmental damages from worst-case spills and explosions.
8. Where allowed, commercial and industrial use and development should be located and designed to be compatible with adjoining non-commercial/industrial uses in terms of noise, aesthetics, scale, and other factors.
9. Proponents of commercial and industrial development and redevelopment are encouraged to incorporate environmental clean-up and restoration of impaired shoreline ecological functions and processes as part of their development proposal.
10. The Town should review proposals for new commercial and industrial developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between the proposed development and planned restoration.

## B. Regulations

1. All commercial/industrial use and development shall be prohibited as inappropriate in the limited and sensitive areas of Town Conservancy designation. Water-oriented commercial/industrial shall be allowed as a conditional use in the Town Residential designation.
2. **Use preference.** Preference shall be given first to water-dependent uses over nonwater-dependent uses; and second, to water-related and water-enjoyment uses over nonwater-oriented uses. The Town shall utilize the following information in its review of commercial and industrial development proposals:
  - a. Nature of the activity;
  - b. Need for shore frontage;
  - c. Special considerations for enhancing the relationship of the activity to the shoreline;
  - d. Provisions for public visual or physical access to the shoreline;
  - e. Provisions to ensure that the development will not cause significant adverse environmental impacts;
  - f. Provisions to mitigate any significant noise, light, glare, vibration, dust or other operational impacts; and,
  - g. A description of mitigation measures proposed to ensure that the development will protect existing shoreline ecological functions and compensate for unavoidable impacts.
3. **General requirements**
  - a. Water supply and waste facilities shall comply with current established guidelines, standards, and regulations.

- b. New commercial developments shall be located adjacent to existing commercial developments whenever possible.
  - c. Commercial developments adjacent to aquaculture operations shall practice strict pollution control procedures.
  - d. Commercial developments shall be located and designed to minimize noise, light, glare, vibration, dust and other operational impacts on adjacent properties.
4. **Water-related & Water-enjoyment use.** Uses that may be authorized as water-related or water-enjoyment uses must incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.
5. **Non-water-oriented uses, when allowed.** Non-water-oriented commercial/industrial uses are prohibited, except as a conditional use when:
- a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;
  - b. Navigability is severely limited at the proposed site and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or
  - c. The site is physically separated from the shoreline by another property or public right-of-way.
6. **Industrial development**
- a. Industrial development shall be located, designed, constructed, and operated to avoid impacts to ecological functions and compensate for unavoidable impacts; consistent with General Use regulations. Water-dependent structures may be allowed within required buffers to the minimum extent necessary to support the water-dependent use, provided adequate compensatory mitigation is provided.
  - b. Industrial facilities shall be located, designed, constructed, and operated so as to avoid interference with the rights of adjacent property owners, and to minimize interference with normal public use of the adjacent shoreline.
  - c. Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Emergency warning sirens or alarms and related apparatus used solely for public purposes are exempt from this requirement.
  - d. Industrial facilities shall minimize direct or reflected glare visible from adjacent properties, streets, or water areas.
7. **Non-water-oriented uses over water.** Non-water-oriented uses shall not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.
8. **No net loss of ecological functions or significant adverse impacts.** Commercial/industrial development must not result in a net loss of shoreline ecological functions or have significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.
9. **Public access.** New commercial/industrial development shall provide public access as required by this Program, especially if located on publicly-owned land.

### 5.4.5 Forest Practices

#### A. Policies

1. While forest practices are important to the region, there are no forest lands located in the Town and forest practices are not allowed per zoning code, therefore the use should be prohibited in shoreline jurisdiction.

#### B. Regulations

1. Forest practices, including timber harvest and related roads, trails, bridges and culverts, shall be prohibited in all shoreline environments.

### 5.4.6 In-Stream Structures

#### A. Policies

1. The location and planning of in-stream structures should give due consideration to the full range of public interests, watershed functions, and environmental concerns, with special emphasis on restoring priority habitats and species.
2. Dams and associated power-generating or water supply facilities should not be permitted except in the instance where there is evidence that the benefits to local residents outweigh any potential adverse ecological impacts and costs to local residents. The criteria for approving such facilities will depend on the specific location, including its particular physical, cultural, and ecological conditions.
3. The Town should allow in-stream structures that implement the Shoreline Restoration Plan or similar approved programs.

#### B. Regulations

1. **Consideration of public interests.** The location design, construction and maintenance of in-stream structures shall give due consideration to the full range of public interests, including, but not limited to, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
2. **Protect and preserve resources.** In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, priority habitats and species, other wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
3. **Standards.** All in-stream structures shall meet all of the following:
  - a. New in-stream structures shall not interfere with existing water-dependent uses, including recreation;
  - b. In-water structures shall not be a safety hazard or obstruct water navigation;
  - c. In-water structures shall be designed by a qualified professional; and
  - d. Natural in-water features, such as snags, uprooted trees, or stumps, shall be left in place unless it can be demonstrated that they are causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.

### 5.4.7 Mining

#### A. Policies

1. While mining has importance in the region, there are no mining activities occurring on mineral resource lands in the Town and the use is not allowed per zoning code, therefore the use should be prohibited in shoreline jurisdiction.

#### B. Regulations

1. **Applicability.** This section does not apply to the removal of dredge material from dredge disposal sites.
2. Mining shall be prohibited in all shoreline designations.

### 5.4.8 Recreational

#### A. Purpose

1. To preserve, improve and expand water-oriented recreational opportunities through programs of acquisition, development, and regulation including, but not limited to, parks, tidelands, beaches, and recreational areas.

#### B. Policies

1. Encourage water-oriented recreational development in and adjacent to already developed areas to minimize impact to ecological functions and complement existing centers of business and recreational activity.
2. Commercial recreational development should be consistent with the provisions for commercial development.
3. Non-water-oriented recreational uses should not displace water-dependent uses.
4. Recreational facilities should be located within shoreline jurisdiction only when they support a water-oriented recreational use.
5. Encourage recreational opportunities on the publicly owned shoreline that serve people of all ages, mobility, and financial ability.
6. Include all appropriate levels of government in the planning, designing, and financing of future recreational facilities, and use public-private partnerships if appropriate to achieve recreation objectives.
7. Interpretive signage on shoreline ecological function is encouraged in order to help shoreline users understand how they can help protect ecological functions on a day-to-day basis and while recreating.
8. Shoreline recreational areas should be sited and designed to facilitate maintenance and adequate monitoring of use to ensure public safety and no net loss of ecological functions.

9. Recreational facility and site design should emphasize structural forms that harmonize with the topography, scenic views, and ecological functions.
10. Cooperative efforts among public and private entities toward the acquisition and/or development of suitable recreation sites or facilities should be explored to assure long-term availability of sufficient public sites to meet local recreation needs.
11. The Town should review proposals for new recreational developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between the recreational development and planned restoration.
12. Wilderness beaches, ecological study areas, and other recreational uses for the public are encouraged on state owned shorelines.

### C. Regulations

1. **Water-oriented Priority.** Recreational use and development that is water-oriented and primarily related to access to, enjoyment of, and use of shorelines of the state (such as a trail, viewpoint, campground, park, or aquarium) shall be given priority. Recreational use and development that is not water-oriented (such as a golf course, sports court/field or community center) shall be prohibited in all shoreline environment designations.
2. **Commercial recreation.** Commercial recreational use and development shall also be consistent with the provisions for commercial development.
3. **Consistency with environment designation.** Recreational use and development shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.
4. **No net loss.** Recreational use and developments shall not result in a net loss of shoreline ecological functions or ecosystem-wide processes.

### 5.4.9 Residential

#### A. Policies

1. Single-family residences are not water-dependent but are a preferred use only when developed to control pollution and not cause a net loss of ecological functions.
2. The design of residential uses should minimize the need for shoreline stabilization and flood control structures and should not be permitted where such would be needed and would significantly impact other properties or public assets or cause a net loss of ecological function.
3. New multi-family and single-family residential development, comprising more than four (4) dwelling units, should provide for public or community access to the shoreline.

4. The Town should review proposals for new residential developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between residential development and planned restoration.
5. Over-water residences, including floating homes, are not a preferred use and should be prohibited.

## B. Regulations

1. **Limited allowance.** New single-family residential use and development shall be permitted in the Town Residential designation, and prohibited in the Mixed Waterfront, and Town Conservancy shoreline designations, Multi-family residential use and development shall be allowed in the Town Residential and Mixed Waterfront designations and prohibited in Town Conservancy.
2. **Overwater and floating homes.** All residential use and development located in- or over-water, including floating homes, floating on-water residences, house boats, accessory dwelling units, and appurtenances, shall be prohibited waterward of the OHWM.
3. **No net loss.** New residential development, its appurtenances, and accessory uses shall meet all buffer, setback, height, and other dimensional and performance standards of this Program to ensure no net loss of ecological functions.
4. **Community/public access.** New multiunit residential development, including the subdivision of land for more than four (4) parcels, shall provide community and/or public access consistent with the standards of this Program.
5. **Channel migration zones.** New residential use and development on all existing lots where there is a buildable area outside of the channel migration zone, regardless of the environment designation, shall be located outside of channel migration zones (CMZs) mapped in the SMP Inventory and Characterization Mapfolio. If a buildable area does not exist outside of the channel migration zone, new residential use and development shall be located as far landward within the channel migration zone is as feasible, and shall, at a minimum, meet the buffer and setback requirements of this Program.
6. **Avoid natural hazards.** New residential development, including appurtenant and accessory structures, shall be sufficiently set back from steep slopes and other erosion or flood-prone areas so that structural measures such as concrete walls, levees and/or bulkheads are not required to protect such structures during their expected life. The buffer requirements and other applicable provisions of this Program are intended to ensure that residential developments are located and designed to avoid the need for structural stabilization and flood control structures for the expected life of the structure, which is assumed to be a minimum of 75 years. This shall not be interpreted to prohibit bulkheads in existing subdivisions where the lot depth precludes conformance with the required buffers and setbacks.
7. **Height limit.** To preserve shoreline views, the maximum height above average grade level of any residential structure shall not exceed thirty-five (35) feet.

8. **Utilities and transportation.** New residential developments shall comply with the utility and transportation provisions of this Program.
9. **Accessory uses and structures**
  - a. Accessory uses and structures (such as a home business, storage shed, or accessory dwelling unit) that are not considered an appurtenance shall be allowed, consistent with all applicable provisions of this Program.
  - b. Structures that are accessory to residential developments may only be permitted when the primary residential use is permitted.
  - c. When allowed, accessory dwelling units shall be permitted through a substantial development permit process.
  - d. Accessory dwelling units shall be prohibited in wetlands and channel migration zones.
  - e. Home occupation businesses that are located entirely within an existing primary structure and that are subordinate and incidental to the residential use may be permitted, consistent with Town zoning code. Any business to be conducted in a separate, detached outbuilding is subject to compliance with commercial and industrial provisions of this Program.
10. **Land divisions and Lot Line Adjustments**
  - a. Land division shall be consistent with the environment designation and other applicable provisions of this Program.
  - b. The plat and subdivision design, configuration and development must ensure that no net loss of ecological functions results from the full build-out of all lots.
  - c. All land division shall prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
  - d. All lots must have an adequate building envelope after applicable shoreline and critical area buffers, setbacks, easements and other restrictions are taken into account.
  - e. Proposals for new lots created within mapped channel migration zones shall require a geotechnical evaluation to ensure that all new lots provide adequately sized building envelope/sites (including access and utilities) outside of the established channel migration zone and to ensure that the new lots will not require structural shoreline stabilization or flood control measures during the useful life of the planned development or seventy-five (75) years, whichever is greater.
  - f. The shoreline buffer areas prescribed in Chapter 6 shall be placed in a dedicated open space tract, easement or covenant protecting the buffer into perpetuity. Such dedication or easement shall be recorded together with the land division and shown on the final plat.
  - g. Adequate sewer, water, access, and utilities shall be provided at the time of final plat or short plat approval subject to the requirements of Town of Cathlamet Code Title 17 Subdivisions.
  - h. The intensity and type of development shall be consistent with the Town of Cathlamet Comprehensive Plan and/or the associated development regulations set forth in the Town of Cathlamet Municipal Code.
  - i. New residential subdivisions of more than four units or lots shall include a restriction on the face of the plat prohibiting individual boating, water and beach access structures. Shared access structures may be permitted in these subdivisions when consistent with the provisions of this Program.
  - j. Land waterward of OHWM shall not be permitted for use in calculating minimum lot area for the proposed lots.

## 5.4.10 Transportation, Parking & Circulation

### A. Purpose.

1. To coordinate the location and extent of existing and proposed transportation and parking facilities.

### B. Policies

1. Transportation/parking plans and projects should be consistent with County and Town Parks and Recreation Plans, Capital Facility Plans, Transportation Improvement Programs, and environmental protection provisions.
2. Circulation systems planning should support pedestrian, bicycle, and public transportation where appropriate to serve supported shoreline uses.
3. Consideration should be given to projects that are designed to provide appropriate linkages between major routes and public access to shorelines.
4. The location and design of new public transportation facilities, including replacement of existing roads and other infrastructure should take water levels and flooding patterns into consideration.
5. Plan, locate, and design proposed transportation and parking facilities to have the least possible adverse effect on unique or fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water-dependent uses.
6. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.
7. New transportation facilities should be designed and located to minimize the need for the following:
  - a. Structural shoreline protection measures;
  - b. Modifications to natural drainage systems; and
  - c. Waterway crossings.
8. Parking facilities are not a preferred shoreline use and should be located outside of shoreline jurisdiction whenever feasible. When alternative sites outside shoreline jurisdiction are infeasible, parking facilities should be permitted only to support authorized uses and ensure visual and environmental impacts are minimized.
9. Parking facilities should be located and designed with appropriate stormwater management to minimize significant adverse environmental impacts to water quality, vegetation, and habitat. Low impact development techniques and other best management practices should be employed to prevent impacts.
10. Parking areas should be planned to achieve optimum use. Where feasible, parking areas should serve more than one use (e.g. recreational use on weekends, commercial use on weekdays), and should be designed to the minimum size necessary.

### C. Regulations

1. **Applicability.** This section applies to new or expanded parking and transportation facilities.
2. **Planning, location, and design.** Transportation and parking facilities and routes must be planned, located, and designed to have the least possible adverse effect on unique or fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water-dependent uses.
  - a. New roads or road expansions shall not be built within shoreline jurisdiction, except when other options are unavailable or infeasible.
  - b. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternative path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.
  - c. Stormwater from parking and transportation facilities shall be managed in accordance with the Stormwater Management Manual for Western Washington. (Ecology, 2005. Publication Numbers 05-10-029 through 05-10-033.)
3. **Parking facilities.** Primary parking facilities are prohibited. Accessory parking facilities necessary to support an authorized use shall ensure the following:
  - a. Parking shall be located landward of the use served, if feasible.
  - b. Parking shall be consistent with public access and other applicable provisions of this Program.
  - c. Design of parking and loading areas shall ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion. Design shall provide for storm water retention.
  - d. Perimeters of parking areas shall be landscaped to minimize visual impacts to the shorelines, roadways and adjacent properties subject to approval by Public Works and/or Department of Transportation. The permit application shall identify the size, general type, and location of landscaping.

#### 5.4.11 Utilities

##### A. Policies

1. Utility facilities for production, transmission, storage or processing that are non-water-oriented should not be allowed in shoreline areas unless, it can be demonstrated that no other feasible option is available.
2. Facilities that process, treat or store sewage or septic sludge for the purpose of producing biosolids should be prohibited.
3. Utility facilities necessarily located in shoreline jurisdiction should follow existing rights-of-way and corridors whenever possible.
4. New public or private utilities should be located inland from water bodies, preferably outside of the shoreline jurisdiction, unless:
  - a. The utility requires a location adjacent to the water;
  - b. Water crossings are unavoidable;
  - c. Alternative locations are infeasible; or
  - d. Utilities are required for authorized shoreline uses consistent with this Program.
5. Utility and transmission facilities should be located, designed, and operated to not cause net loss of shoreline ecological functions, to not obstruct or degrade scenic views, to

preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of planned growth areas in the Town.

6. Development of submerged pipelines and cables in the Aquatic Designation, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions should not be permitted, except where no other possible alternative exists.
7. Utilities should be located and designed to avoid:
  - a. Public recreation and public access areas;
  - b. Historic, archaeological, cultural, scientific or educational resources;
  - c. The need for future shoreline armoring or flood protection measures.
8. Utilities should be designed and sited to avoid aquatic areas. If a water crossing is unavoidable, it should be located in an area that will cause the least adverse ecological impact, be installed using methods that minimize adverse impacts, and be the shortest length feasible. Perpendicular crossings are preferred.
9. All utility development should be consistent with and coordinated with all local government and state planning, including comprehensive plans and single-purpose plans, to meet the needs of future populations in areas planned to accommodate growth. Site planning and rights-of-way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible; utility right-of-way acquisition should also be coordinated with transportation and recreation planning.
10. To the extent commensurate with public safety, public utility-owned or controlled property should be accessible to the public and enable access to, and along, shorelines.
11. **Solid or Hazardous Waste Disposal Facilities:** When allowed, solid or hazardous waste disposal, discharge, storage, or recycling facilities, including but not limited to moderate risk facilities, underground injection wells, solid waste and recycling transfer sites, landfills, junk yards, salvage yards, and auto wrecking yards, should demonstrate that such facilities will not significantly impact groundwater resources.
12. The Town should review proposals for new utility developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between the utility development and planned restoration.
13. Proponents for utility use and development must demonstrate adequate planning and financial responsibility for environmental damages from worst-case spills and explosions.

## B. Regulations

1. The location, construction, operation, and maintenance of utilities shall not cause a net loss of shoreline ecological functions or processes or adversely impact other shoreline resources and values. The proponent shall provide compensatory mitigation for any unavoidable impacts to the shoreline environment in accordance with this Program.

2. Utility facilities including storage, production, processing, transmission and conveyance shall not be located in shoreline jurisdiction except those utilities that demonstrate a shoreline location is required and shall locate landward of OHWM:
  - a. **Accessory utilities.** On site utility features serving a primary use, such as a water, sewer or gas line to a residence, may locate in shoreline jurisdiction and shall be considered part of the primary use.
  - b. **Production & processing.** Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. The minimum utility facilities demonstrated necessary shall be allowed in the Mixed Waterfront designation, in the Aquatic designation through a conditional use permit, and shall be prohibited in the Town Residential and Town Conservancy designations;
  - c. **Transmission.** Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible, and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.
    - i. Power lines, cables, and pipelines are prohibited under water and in tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance that disrupt shoreline ecological functions, except where no other feasible alternative exists.
    - ii. The minimum conveyance or transmission facility demonstrated necessary shall be allowed in the Mixed Waterfront designation, and in the Aquatic, Town Residential, and Town Conservancy designations through a conditional use permit;
3. **Existing corridors.** Utility lines allowed in shoreline jurisdiction shall use existing rights-of-way, corridors, and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.
4. **Crossings.** Where utility corridors must cross shoreline jurisdiction, such crossings shall take the shortest, most direct route feasible, unless such a route would result in loss of ecological function, disrupt public access to the shoreline, or obstruct visual access to the shoreline.
5. **After installation.** Upon completion of utility system installation, and any maintenance project, the disturbed area shall be regraded to be compatible with the surrounding terrain and replanted to prevent erosion and provide appropriate vegetative cover.
6. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill. When crossing water bodies, pipelines and other utility facilities shall use pier or open pile construction, or directional boring.
7. Buried utility lines shall be constructed in a manner that prevents significant adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology.

8. New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve (12) inches in diameter measured at four and one-half (4.5) feet in height on the uphill side.
9. Vegetation clearing during utility installation or maintenance shall be minimized. Upon completion of installation or maintenance or as soon thereafter as possible due to seasonal growing constraints, disturbed areas shall be restored to pre-project configuration, replanted with native species at pre-construction densities or greater, and maintained until the newly planted vegetation is established. Plantings shall be similar to vegetation in the surrounding area.
10. For pipelines, automatic shut-off valves shall be provided by the project proponent on both sides of critical area crossings and critical area buffer crossings, and pipe sleeves shall be used to facilitate repair without future encroachment into waters and wetlands, unless more feasible or technically superior alternatives exist that provide equivalent protection, as determined by the Administrator.
11. **Poles and towers** Power poles and transmission towers associated with allowed uses and developments are not subject to height limits but shall not be higher than that necessary to achieve the intended purpose.
12. **Electrical energy and communication systems.** Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline and do not cross water bodies. New or replacement lines that cross water or critical areas may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts. Poles or supports treated with creosote or other wood preservatives that may be mobilized in water shall not be used along shorelines or associated wetlands.
13. **Essential public facilities** shall be:
  - a. Located, developed, managed, and maintained in a manner that protects ecological functions and processes.
  - b. Designed to enhance shoreline public access and aesthetics.
14. **Oil, gas, and nuclear facilities.** Because of the unique shoreline environmental resources of the Town, development of petrochemical plants and energy facilities such as crude petroleum transfer facilities and tank farms, petroleum refineries, nuclear power plants, nuclear processing plants, and liquid natural gas and liquid petroleum gas facilities, as defined in RCW 80.50.020, will not be permitted, unless it is demonstrated through a conditional use permit, giving due consideration to the statewide interest, that local economic, social and environmental resources and conditions will be adequately protected from substantial adverse effects.
  - a. Developers and operators of pipelines and related facilities for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.
  - b. To the extent feasible, public access shall be incorporated with major transmission line rights-of-way for public access to and along water bodies as required in Section 5.3. The Town may waive this requirement if public access is infeasible due to incompatible uses, safety, impacts to shoreline ecology, or legal limitations.

15. **Application requirements.** Applications for utility development shall provide all of the information required in this section plus any additional information that may be required pursuant to the Critical Areas Regulations in Chapter 6 of this Program. In addition, the following information shall be provided by the project proponent for a utility proposal:
- a. A description of the proposed facilities;
  - b. The rationale and justification for siting the proposed facility within shoreline jurisdiction;
  - c. A discussion of alternative locations considered and reasons for their elimination;
  - d. A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities or other types of utilities in the project;
  - e. A plan for the reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the facility;
  - f. A plan for the control of erosion, runoff, and turbidity during construction and operation;
  - g. An analysis of alternative technologies;
  - h. Documentation that utility siting avoids public recreation areas and significant natural, historic or archaeological or cultural sites, or that no alternative is feasible and that all feasible measures to reduce ecological harm have been incorporated into the proposal; and,
  - i. Compliance with all local, state, and federal laws and regulations must be demonstrated prior to approval.

**Table 1: Allowed Use Table**

Shoreline activities are classified in the matrix below. Uses, developments and modifications shown as allowed according to Table 1 must in all cases be consistent with all other applicable parts of this Shoreline Master Program in order to be authorized by the Town. Where the table and text conflict, the text shall prevail.

**Legend:**

- P** = Permitted, if otherwise compliant with this Program (via an SDP or a statement of exemption if exempt per WAC 173-27-040);
- C** = Conditional use if otherwise compliant with this Program;
- ASD** = Allowed in the Aquatic designation based on the adjacent shoreline designation located immediately landward of OHWM;
- X** = Prohibited;
- n/a** = Not applicable in the environment;
- \*** = Limitations or exceptions apply; see text for details.

**Table 1.**

Shoreline Activity (Chapter 5 Section)	Aquatic	Mixed Waterfront	Town Residential	Town Conservancy
<b>Modifications (§5.3)</b>				
<b>Breakwaters, Jetties, Groins &amp; Weirs (§5.3.2)</b>	C	C	C	C
<b>Dredging &amp; Dredge Disposal (§5.3.3)</b>				
Dredging, new	C	n/a	n/a	n/a
Dredging, maintenance	P	n/a	n/a	n/a
Disposal, per adopted plan	P	P	P	P
Disposal, no adopted plan	C	C	C	X
Disposal, in-water or within CMZ	C	C	C	C
<b>Fill, Excavation, and Grading (§5.3.4)</b>	C*	P	P	P
<b>Restoration &amp; Enhancement (§5.3.5)</b>	P	P	P	P
<b>Shoreline Stabilization (§5.3.6)</b>				
Hard structural, new or enlarged	X*	X*	X*	X*
Hard structural, repair/maintain existing	P*	P*	P*	P*
Hard structural, replace existing	ASD	P*	P*	C*
Soft structural	ASD	P	P	C
<b>Specific Uses (§5.4)</b>				
<b>Agriculture (§5.4.1)</b>	X	X	X	X
<b>Aquaculture (§5.4.2)</b>	C*	C*	C*	C*
<b>Boating Facilities (§5.4.3)</b>				
Boat Launch, Commercial/Industrial	ASD	P	C	X
Boat Launch, Public	ASD	P	X	C
Marinas	ASD	P	X	X
Piers and Docks, Commercial/Industrial or Public Access	ASD	P	C	X
Piers and Docks, Residential Accessory	ASD	P	P	X
<b>Commercial/Industrial (§5.4.4)</b>				

Shoreline Activity (Chapter 5 Section)	Aquatic	Mixed Waterfront	Town Residential	Town Conservancy
Water-Dependent	P	P	C	X
Water-Related, and Water-Enjoyment	C	P	C	X
Non-Water Oriented	C*	C*	X*	X*
<b>Forest Practices</b> (§5.4.5)	X	X	X	X
<b>In-Stream Structures</b> (§5.4.6)	C	C	C	C
<b>Mining</b> (§5.4.7)	X	X	X	X
<b>Recreational</b> (§5.4.8)				
Water-Oriented	P	P	P	P
Non-Water Oriented	X	X	X	X
<b>Residential</b> (§5.4.9)				
Single-Family	X	X	P	X
Multi-Family / Multi Use	X	P	P	X
Overwater/ Floating	X	n/a	n/a	n/a
Accessory Use/Structure	X	X	P	X
Land Division/Subdivision	X	P	P	X
<b>Transportation, Parking &amp; Circulation</b> (§5.4.10)				
New/Expanded Roads	X*	X*	X*	X*
Parking, as a primary use	X	X	X	X
Parking, accessory	X	P	P	C
<b>Utilities</b> (§5.4.11)				
Production & Processing Facilities	C	P	X	X
Transmission/Conveyance Facilities	C	P	C	C
<b>Unclassified</b>	C	C	C	C

## Chapter 6: Critical Areas

### 6.1. General Provisions

#### A. Purpose

1. To protect and restore these shoreline areas and their functions and values, while also allowing for appropriate shoreline use and development.
2. The Town finds that the beneficial functions, structures, and values of critical areas should be protected, and that public hazards or public costs associated with inappropriate use of such areas should be minimized by reasonable regulations of uses within, adjacent to, or directly affecting such areas. Pertinent and relevant science shall be used in the administration of this chapter.

#### B. Relationship to Other Regulations

1. These critical area regulations shall apply as an overlay and in addition to zoning and other regulations adopted by the Town.
2. In the event of any conflict between this chapter and any other Town regulations, the regulation that provides more protection for the critical area shall apply.
3. 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. The applicant is responsible for complying with all applicable requirements.

#### C. Applicability

1. The following provisions apply to any use or development proposed in or adjacent to critical areas or their buffers in shoreline jurisdiction whether or not a permit or other authorization is required.
2. Critical Areas Regulations do not apply to existing and ongoing “agricultural activities” on “agricultural land,” as defined in Chapter 3 of this Program.
3. The Town shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of this chapter.

#### D. Critical Areas Review. Following is a description of the general procedures for critical areas review.

1. **Review & Submittal Exemptions.** The Shoreline Administrator must first determine whether the proposed activity qualifies as exempt from some or all provisions of this chapter.
  - a. **Review Exempt.** If the proposed activity meets any of the listed review exemptions below, no critical areas review is required.

- b. **Submittal Exempt.** If the proposed activity meets any of the listed submittal exemptions below, no critical area checklist or critical area report is required.
2. **Checklist.** As required by the above exemption determination, the applicant shall submit a completed critical area checklist on a form provided by the Town to describe whether or not the property subject to the application is within or adjacent to any area shown as a critical area. As necessary, the following shall be considered, including, but not limited to:
  - a. Indication of a critical area on the critical areas maps;
  - b. Information and scientific opinions from appropriate agencies;
  - c. Documentation from a scientific or other reasonable source; or
  - d. A finding by a qualified professional or a reasonable belief that a critical area may exist on or adjacent to the site of the proposed activity.
3. **Site Visit.** After receipt of a project application and a complete critical area checklist, the Shoreline Administrator shall review available information and may conduct a site inspection on the potential location of critical areas on and adjacent to the site. Available information includes at a minimum the information contained in the Inventory and Characterization Report.
4. **Initial Determination.** Based on the critical areas checklist, site inspection, and other information available pertaining to the site and proposal, the Shoreline Administrator shall make an initial determination as to whether any critical areas and their associated buffers may be affected by the proposal.
5. **Review Complete.** If the Shoreline Administrator analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to degrade the functions or values of a critical area buffer, then the Shoreline Administrator shall conclude critical area review pursuant to this chapter and document the reasons that no further review is required in any staff report or decision on the underlying permit.
6. **Waiver.** If the Shoreline Administrator determines that there are critical areas or buffers within or adjacent to the project area, but that the proposed activity is unlikely to degrade the functions or values of the critical area or buffer, the Shoreline Administrator may waive the requirement for a critical area report. A waiver may be granted if there is substantial evidence that all of the following requirements will be met. A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.
  - a. There will be no alteration of the critical area or buffer; and,
  - b. The development proposal will not impact the critical area or buffer in a manner contrary to the purposes, intent, and requirements of this chapter.
7. **Critical Area Report.** If the Shoreline Administrator determines that a critical area or buffer may be affected by the proposal, then the Shoreline Administrator shall notify the applicant that a critical area report must be submitted prior to further review of the project and indicate each of the critical area types that should be addressed in the report.
8. **Final Determination.** The Shoreline Administrator's determination regarding critical areas pursuant to this chapter shall be considered final concurrent with the final decision to approve, condition, or deny the development proposal or other activity involved.

**E. Activities Exempt from Critical Area Review.** The critical areas review process and regulatory standards of this chapter do not apply to certain shoreline use and development activities located in or near a critical area or its buffer, provided such activities shall:

1. Use all reasonable methods to avoid potential impacts to critical areas.
2. Not degrade a critical area or ignore risk from natural hazards.
3. Restore, rehabilitate, or replace, at the responsible party's expense, any incidental damage to, or alteration of, a critical area or its associated buffer, that is not a necessary outcome of the activity.
4. The following use and development activities shall be exempt from the provisions of this chapter provided they are otherwise consistent with the applicable provisions of this Program and other local, state, and federal requirements:
  - a. **Emergencies.** Emergencies are those activities necessary to prevent an immediate threat to public health, safety, and welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter.
    - i. Emergency actions that create an impact to a critical area and/or its associated buffer shall use reasonable methods to address the emergency.
    - ii. The person or agency undertaking such action shall notify the Shoreline Administrator within one working week following commencement of the emergency activity. Following such notification, the Shoreline Administrator shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Shoreline Administrator determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement actions shall apply.
    - iii. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and their associated buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan must be reviewed by the Shoreline Administrator. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency and completed in a timely manner.
  - b. **Operation, Maintenance, or Repair.** Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private highways and other roads, dikes, levees, drainage systems, if the activity does not alter or increase the impact to, or encroach further within, the critical area or its associated buffer, and there is not increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of a regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

- c. **Forest Practices.** Forest Practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, except conversions to non-forestry uses.
- d. **Passive Outdoor Activities.** Recreation, education, and scientific research activities that do not degrade the critical area, such as fishing, hiking, and bird watching.

**F. Activities Allowed without Critical Areas Submittal.**

1. Some shoreline activities that are located in or near a critical area or its buffer and that are unlikely to result in a critical areas impact may be allowed subject only to the critical area regulatory standards but not the critical areas review process required by this chapter, provided:
  - a. Activities allowed under this subsection are subject to shoreline review and approval by the Town, but do not require submittal of a critical area checklist or critical area report.
  - b. The Shoreline Administrator may apply conditions to the underlying permit or approval to ensure consistency with the provisions of this chapter. If no underlying permit or approval is otherwise required, the Town, may issue an administrative determination.
  - c. They are otherwise consistent with the applicable provisions of this Program and other local, state, and federal requirements.
  - d. Activities allowed under this subsection must be conducted using the best management practices that result in the least amount of impact to the critical area or its associated buffer. Any incidental damage to, or alteration of, a critical area and its associated buffer shall be restored, rehabilitated, or replaced at the responsible party's expense.
2. The following use and development activities shall be exempt from the critical areas checklist and critical areas report submittal requirements of this section, provided they are otherwise consistent with the applicable provisions of this Program and other local, state, and federal requirements.
  - a. **Previous Critical Area Review.** Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits), and construction approvals (such as building permits) if all of the following conditions have been met:
    - i. The regulatory standards of this section have been previously addressed as part of another approval;
    - ii. There have been no material changes in the potential impact to the critical area or buffer since the prior review;
    - iii. There is no new information available that is applicable to any critical area review of this site or particular critical area; and
    - iv. The resultant permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of the permit or approval.
  - b. **Existing Structures.** Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to a critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement.

- c. **Utilities Within Right-of-Way.** Replacement or modification of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a Town-authorized private roadway, except those activities that:
  - i. alter a wetland or watercourse, such as culverts or bridges, or
  - ii. result in the transport of sediment or increased stormwater runoff.
- d. **Minor Utility Projects.** Utility projects that have minor or short-duration impacts to critical areas, as determined by the Shoreline Administrator in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s), provided that such projects are constructed using best management practices and additional restoration measures are provided. Minor activities must not result in the transport of sediment or increased stormwater runoff. Such allowed minor utility projects must meet the following criteria:
  - i. The activity involves the placement of a utility pole, street signs, anchor, vault or other similar small component of a utility facility; and
  - ii. There is no practical alternative to the proposed activity that would have less impact on a critical area or its associated buffer.
- e. **Trails.** Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers, subject to the following:
  - i. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and
  - ii. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report;
  - iii. Trail construction shall include pervious surfaces whenever feasible.
- f. **Vegetation Removal Activities.** The following vegetation removal activities, provided that activities comply with the Chapter 5.2.9 provisions of this Program and that no vegetation shall be removed from a critical area or its associated buffer without approval from the Shoreline Administrator:
  - i. **Ongoing Maintenance.** Maintenance of existing lawn and landscaped areas.
  - ii. **Noxious Weeds - Selective.** The removal of invasive and noxious weeds with hand labor and light equipment.
  - iii. **Pruning.** Tree trimming and pruning activities.
  - iv. **Hazard Trees.** The pruning or removal of a hazard tree.
- g. **Minor Site Investigative Work.** Work necessary for land use permit submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities not require construction of new roads or significant amounts of excavation. When impacts to the critical area are likely the activity shall not be allowed under this subsection.
- h. **Boundary Markers.** Construction or modification of boundary markers.

## G. Protection Standards.

### 1. Field Marking.

- a. **Temporary.** Prior to any site alteration, the boundary at the outer edge of the critical area or its associated buffer shall be identified on site with temporary stakes, flagging, signs or high-visibility construction fencing. The location of field marking must be documented with photos and shown on all site plans and final plats associated with the development proposal. Such temporary field marking shall remain in place until any required final inspections are completed and approved and shall be replaced with permanent signs and/or fencing prior to occupancy of the site.
  - b. **Permanent.** Prior to occupancy, the Shoreline Administrator may require permanent signs and/or fencing to identify the outer edge of the critical area or its buffer:
    - i. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or use other non-toxic materials of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever interval is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Shoreline Administrator: "Protected Wetland Area, Do Not Disturb, Contact the Town of Cathlamet Regarding Uses, Restrictions, and Opportunities for Stewardship"
    - ii. Permanent fencing shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the critical area and buffer.
  - c. Field marking requirements may be waived by the Administrator if an alternative method of indicating critical area locations in the field achieves the same objective.
2. **Agency access.** Reasonable access to the site shall be provided to the Town, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.
  3. **Land divisions.** When new lots are created they shall meet all of the following conditions:
    - a. All lots shall contain sufficient area outside of the critical area and associated buffer to accommodate the use and/or development. Buffers that have been averaged or reduced by any prior actions shall not be further averaged or reduced.
    - b. Open space or conservation area lots may be established without a site that is suitable for use and/or development provided there is a note on the face of the plat, deed restriction, or other recorded document which restricts future use and development to open space and conservation.
  4. The Administrator shall prohibit any shoreline use or development that will result in unmitigated impacts to ecological function.

#### H. **Notice on title.**

1. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall record a notice with Wahkiakum County on the property's title. The notice shall "run with the land," and shall state:

- a. the presence and location description of the critical area and buffer;
  - b. the applicability of this Program to the property; and
  - c. limitations on action in or affecting critical areas and buffers as approved by the Administrator.
2. This notice on title shall not be required for a development proposal by a public agency or public or private utility:
- a. Within a recorded easement or right-of-way;
  - b. Where the agency or utility has the right to an easement or right-of-way; or
  - c. On the site of a permanent public facility.
3. The applicant shall submit proof that the notice has been filed for public record before the Town approves any site development or construction for the property or, in the case of subdivisions, short plan subdivision, planned unit developments, and binding site plans, at or before recording.

**I. Critical area and buffer tracts**

1. As a condition of a binding site plan, short plat, subdivision, or planned unit development, the applicant may be required to create a separate critical area tract or tracts containing the critical areas and/or their buffers, subject to:
- a. A conservation easement for the protection of a critical area and/or its buffer dedicated to the Town or other appropriate public, nonprofit, or private entity (e.g., land trust) with a demonstrated record of land conservation and approved by the Administrator;
  - b. A deed restriction on the title; and/or,
  - c. Limiting conditions added to the face of the recorded plat or binding site plan.
2. Responsibility for maintaining the tracts shall be held by an entity approved by the Town, such as a homeowners' association, adjacent lot owners, the permit applicant or designee, or other appropriate entity.
3. A note substantially similar to the following shall appear on the face of all plats, short plats, planned residential developments, or other approved site plans containing separate critical area tracts, and shall be recorded on the title of all affected lots:

"Note: The \_\_\_\_\_ is responsible for maintenance and protection of the critical area tracts. Maintenance includes ensuring that no alterations occur and that all vegetation remains undisturbed unless the express written authorization of the Town has been received."

**J. Critical area report.**

1. The critical area report must be prepared by a qualified professional. No site analysis required by this chapter will be considered complete without a detailed resume' of the principal author(s) which specifies their technical training and experience and demonstrates their stature as a qualified professional(s).

2. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used.
3. At a minimum, the report shall contain the following, as applicable:
  - a. The name and contact information of the applicant, a description of the proposal, and identification of any permits known to be required;
  - b. A site plan for the development proposal including a map to scale depicting critical areas, buffers, and the development proposal, including any areas to be cleared.
  - c. A description of the proposed stormwater management plans for the development and consideration of impacts to drainage alterations;
  - d. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
  - e. Identification and characterization of all critical areas, wetlands, waterbodies, and buffers within or adjacent to the proposed project area;
  - f. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
  - g. An assessment of the probable impacts to critical areas resulting from the proposed development or use activity;
  - h. Any additional information required for a specific type of critical area as indicated by this chapter.

#### **K. Violations and enforcement**

1. When a critical area or its buffer has been altered in violation of this chapter, the Shoreline Administrator shall enforce this Program using the provisions of WAC 173-27 Part II and shall require corrective action to restore ecological functions to the condition that existed prior to the violation.
2. Restoration Plan for Corrective Action. All development work shall remain stopped until a restoration plan is prepared at the applicant's cost and approved by the Shoreline Administrator. The Shoreline Administrator may approve, reject or approve the plan with conditions. All restoration shall be consistent with the approved restoration plan unless otherwise authorized.
  - a. The Restoration Plan shall be prepared by a qualified professional using the best available science.
  - b. In preparing and approving the restoration plan, the applicant and the Shoreline Administrator, respectively, should consult with the Department of Fish and Wildlife, Natural Resources, and Ecology, as appropriate.
  - c. The Shoreline Administrator may, at the violator's or responsible party's expense, seek expert advice in determining the adequacy of the plan upon due notice to the violator.

#### **L. Mitigation Requirements**

1. Proponents of new shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall employ all reasonable measures to mitigate adverse impacts to critical areas and their buffers.

2. Unavoidable adverse impacts to critical areas and their buffers resulting from a development proposal or alteration shall be mitigated using the most current, accurate, and complete scientific or technical information available in accordance with an approved critical area report, so as to result in no net loss of critical area functions and values.
3. Mitigation shall not be implemented until after approval of a critical area report and a mitigation plan, and mitigation shall be in accordance with the provisions of the approved mitigation plan.
4. Mitigation shall occur following the sequence of steps listed below in order of priority, with step 'a' being the top priority, and only using lesser priority steps when higher priority steps are infeasible:
  - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by adhering to the dimensional requirements, performance standards and design criteria in this Program and using other technologies or steps, as needed, to avoid or reduce impacts;
  - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
  - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
  - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
5. The Administrator shall determine whether identified critical area impacts have been first avoided and second minimized. Unless otherwise stated in this Program, development proposals that do not fully conform to the dimensional requirements, performance standards, and/or design criteria in this Program shall require a variance and compensatory mitigation to ensure no net loss of ecological functions.
6. Compensatory mitigation measures shall be in-kind and on-site, whenever possible, occur in the vicinity of the impact or at an alternative location within the same watershed that provides greater and more sustainable ecological benefits. When determining whether offsite mitigation provides greater and more sustainable benefits, the Administrator shall consider limiting factors, critical habitat needs, and other factors identified by the locally adopted shoreline restoration plan, or an approved watershed or comprehensive resource management plan. The Administrator may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved and certified by the appropriate state, federal, and local authorities.
7. When critical area compensatory mitigation is required, the mitigation and mitigation plan shall adhere to the following standards:
  - a. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;

- b. The mitigation site and associated vegetative planting shall be monitored and maintained to ensure that healthy native plant communities grow and mature over time to provide the intended ecological functions and values;
  - c. The mitigation shall be informed by pertinent scientific and technical studies, when required by size and scope as determined by administrator, including, but not limited to, the Shoreline Inventory and Characterization Report, and the Shoreline Restoration Plan;
  - d. The mitigation shall replace the functions concurrently with, or as quickly as possible following, the impacts;
  - e. The applicant/proponent shall post a bond or provide other financial surety equal to one hundred and fifty percent (150%) of the estimated cost of the mitigation to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring. In the event that the applicant/proponent does not provide adequate security for the mitigation required as a condition of its approval, then the Shoreline Administrator shall have the discretion of requiring that the mitigation be completed prior to the issuance of the final approval; and,
  - f. Mitigation areas shall be protected in perpetuity and the protection shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Wahkiakum County Auditor's Office prior to the time of building permit approval, occupancy or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of mitigation areas.
8. Compensatory mitigation plans shall be prepared by qualified professionals with education, training and experience in the applicable field, as follows:
- a. **Wetlands** - Mitigation plans shall be prepared by a qualified wetland professional, as defined by this Program, who is educated/ trained in wetland biology or a closely related field, and has demonstrated experience in mitigation plan design, implementation, and monitoring. The overall goal of any such mitigation plan shall be no net loss of wetland functions, acreage, and values.
  - b. **Fish and Wildlife Habitat Conservation Areas** - Mitigation plans, and habitat management plans, shall be prepared by a qualified professional with education/training in wildlife biology or a closely related field, and professional experience in habitat mitigation design, implementation, and monitoring. WDFW PHS management recommendations or equivalent federal recommendations shall serve as guidance for such mitigation plans.
  - c. **Geologically Hazardous Areas** - Mitigation plans shall be prepared by a qualified professional who is either a geologist or a geotechnical engineer, or a civil engineer licensed in the State of Washington, who is knowledgeable of regional geologic conditions and who has professional experience in landslide and erosion hazard evaluation, mitigation plan design, implementation, and monitoring.
  - d. **Frequently Flooded Areas** - Mitigation plans shall be prepared by a civil engineer licensed in Washington and experienced with hydrology, hydraulics, and fluvial geomorphology.
9. **Mitigation banking and in-lieu fee (ILF) mitigation:** Once such programs are established and certified in accordance with applicable federal and state mitigation

rules, the Town may approve mitigation banking and/or in-lieu fee mitigation as a form of compensatory mitigation for wetland and habitat conservation area impacts when the provisions of this Program require mitigation and when the use of a bank/ILF program will provide equivalent or greater replacement of critical area functions and values when compared to conventional permittee responsible mitigation. Banks and ILF programs shall be used only when they provide significant ecological benefits including long-term conservation of critical areas, important species, habitats and/or habitat linkages, and when they are consistent with the Town's comprehensive plan and create a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals. Banks and ILF programs shall be established and certified in accordance with applicable federal and state mitigation rules.

#### **M. Mitigation Plan Contents**

1. In addition to the general requirements of Chapter 5.2.B, compensatory mitigation plans for all critical area types shall include a written assessment and accompanying maps, and include discussion of the following information:
  - a. Anticipated impacts to critical areas and/or their required buffers, including, at a minimum, existing wetland/stream dimensions and acreage; vegetative, fish, wildlife and hydrologic characteristics; soil and substrate conditions, and topographic elevations,
  - b. Mitigation sequence analysis of which measures are being applied, and how applying the mitigation sequence will result in no net loss of ecological functions.
  - c. Mitigation site information, if different from the impacted site, including at a minimum: existing wetland/ stream acreage; vegetative, fish, wildlife and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.
  - d. The mitigation plan shall identify goals and objectives and include:
    - i. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion of site compensation construction activities, and a complete description of the intended ecological structure and ecological functions upon project completion. The goals and objectives shall be related to the functions and values of the original critical area or, if out-of-kind, the type of critical area to be emulated.
  - e. A review of the available literature and experience of the mitigation plan author in restoring or creating the type of critical area proposed. This review should include:
    - i. An analysis of the likelihood of success of the compensation project at compensating for the impacted resource based on the experience of the author in designing and implementing comparable projects, if any.
    - ii. An analysis of the likelihood of persistence of the created or restored resources.
  - f. Performance standards: Specific and measurable criteria for evaluating whether or not the goals and objectives of the mitigation plan are being achieved at various stages in the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of

- planted vegetation, vegetative cover and/or density standards, in-stream habitat conditions, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.
- g. Detailed construction plans: Written specifications and descriptions of compensation techniques, including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for construction and long-term operation; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; substrate stockpiling techniques; planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations that are appropriate for the desired habitat type(s).
  - h. Monitoring program: A program outlining the approach for monitoring construction, performance, and progression of the compensation project and for assessing a completed project. Monitoring may include, but is not limited to:
    - i. Establishing vegetation plots to track plant establishment/survival, and changes in plant species composition and density over time;
    - ii. Using photo stations to evaluate vegetation community development;
    - iii. Measuring physical parameters such as wetland size, stream dimensions, channel characteristics, buffer width;
    - iv. Monitoring shallow groundwater levels to document hydrologic regimes/hydroperiods;
    - v. Sampling surface and subsurface waters to determine pollutant loading and changes from the natural variability of background conditions (e.g. pH, nutrients, heavy metals);
    - vi. Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate;
    - vii. Measuring sedimentation rates, if applicable; and
    - viii. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.
  - i. Monitoring and reporting: A monitoring report shall be submitted annually, at a minimum, or as specified in the permit approval, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. For compensation projects intended to establish forest or scrub-shrub species/communities, the monitoring period shall be a minimum ten (10) years, with monitoring reports required at years 1, 2, 3, 5, 7, and 10, or until all goals, objectives, and performance standards have been met.
  - j. Contingency plan: Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

- k. Summary of the financial guarantees, if required, to ensure that the mitigation plan is fully implemented.
- l. Additional applicable information specified elsewhere in this program.

## 6.2 Wetlands

### A. General Regulations

1. **Designating wetlands.** Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the currently approved Federal Wetland Delineation Manual and applicable regional supplement, all areas within shoreline jurisdiction meeting the wetland definition, identification and designation criteria, regardless of presence or absence of formal documented identification, are hereby designated critical areas and are subject to the provisions of this Program.
2. **Wetland ratings.** Wetlands shall be rated according to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029), or as revised. This document contains the definitions, methods, and criteria for classifying/rating wetlands.
3. **Illegal modifications** to wetlands shall not result in changes to wetland rating categories.
4. **Regulated activities.** The following activities are regulated by this Program if they occur in a wetland or its buffer:
  - a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
  - b. The dumping of, discharging of, or filling with any material.
  - c. The draining, flooding, or disturbing of the water level or water table.
  - d. Pile driving.
  - e. The placing of obstructions.
  - f. The construction, reconstruction, demolition, or expansion of any structure.
  - g. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.
  - h. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations," WAC 222-12-030, or as thereafter amended.
  - i. Activities that result in:
    - i. A significant change of water temperature.
    - ii. A significant change of physical or chemical characteristics of the sources of water to the wetland.
    - iii. A significant change in the quantity, timing, or duration of the water entering the wetland.
    - iv. The introduction of pollutants.
5. **Subdivisions.** The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following:
  - a. Land that is located wholly within a wetland or its buffer may not be subdivided.

- b. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:
  - i. Located outside of the wetland and its buffer; and
  - ii. Meets the minimum lot size requirements of CMC.

## B. Initial Project Review

1. **Site visit.** A site visit shall be conducted by the Administrator or qualified designee to determine whether a wetland or wetland buffer area are within three hundred feet of a proposed project or activity. A confirmation that a wetland is present or that the proposed project may impact a wetland, or its buffer will then require a professional site assessment. The Administrator shall use the following map references to assist in making a determination: (1) National Wetland Inventory Map; and (2) any records of previously mapped or delineated wetlands.
2. **Critical areas report for wetlands.** If it is determined that a wetland exists within 300 feet of the site of a proposed development activity, a wetland report prepared by a qualified professional shall be required. The expense of preparing the wetland report shall be borne by the applicant. In addition to the general critical area report requirements of this chapter, critical area reports for wetlands shall also meet the following requirements:
  - a. **Area addressed in wetland critical area report.** The following areas shall be addressed in a wetland critical area report:
    - i. The project area of the proposed activity;
    - ii. All wetlands and recommended buffers within three hundred (300) feet of the project area; and,
    - iii. All shoreline areas, water features, floodplains, and other critical areas and related buffers within two hundred feet of the project area.
  - b. **Narrative.** The report narrative must include each of the following:
    - i. Location information (legal description, parcel number and address);
    - ii. List of all property owners;
    - iii. Site characteristics, including topography, total acreage, delineated wetland acreage, other water bodies, vegetation, soil types, etc., and distances to and sizes of other off-site wetlands and water bodies within 300' of the proposed development;
    - iv. Identification of the wetland's rating as defined in these regulations;
    - v. Analysis of functions and values of existing wetlands, including flood control, water quality, aquifer recharge, fish and wildlife habitat, and hydrologic characteristics;
    - vi. A complete description of the proposed project and its potential impacts to wetlands and buffers and, if applicable, adjacent off-site wetlands and buffers;
    - vii. Discussion of project alternatives, including total avoidance of impacts to wetland areas;
    - viii. If mitigation for wetland impacts is proposed, a description and analysis of that mitigation;
    - ix. A wetland buffer recommendation and rationale for the buffer size determination;

- xi. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.; and
  - xii. A list of management practices that will be used to protect and maintain the quality of the wetland and/or covenants and restrictions that will be used in managing the wetland.
- c. **Vicinity map** drawn to scale and including a north arrow, public roads, and other known landmarks in the vicinity.
- d. **National Wetlands Inventory map** (U.S. Fish and Wildlife Service) and/or an adopted Town of Cathlamet wetland inventory map identifying wetlands on or adjacent to the site.
- e. **Site map.** This map must be drawn to a usable scale, one-inch equals one hundred feet or better, and must include a north arrow and all of the following requirements:
- i. Site boundary/property lines and dimensions;
  - ii. Wetland boundaries based upon a wetland professional's delineation.
  - iii. The hydrogeomorphic classification and category of each wetland;
  - iv. Recommended wetland buffer boundary;
  - v. Buffers for off-site critical areas within three hundred (300) feet of the project area;
  - vi. Internal property lines such as rights-of-way, easements, etc.;
  - vii. Existing physical features of the site, including buildings and other structures, fences, roads, utilities, parking lots, water bodies, etc.;
  - viii. The development proposal, including grading and clearing limits;
  - ix. Topographic contours at five-foot intervals.
  - x. All shoreline areas, water features, floodplains, and other critical areas and related buffers within two hundred feet of the project area.
- f. **Documented staking and flagging.** The wetland buffer boundaries shall be staked and flagged. The report shall include photos documenting that the wetland buffer boundaries have been staked and flagged.
- g. **Additional information.** When appropriate, the Administrator may also require the critical area report to include an evaluation by the State Department of Ecology or an independent qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

### C. Activities in Wetlands and Buffers

1. Activities and uses shall be prohibited in wetlands and wetland buffers, except as provided for below.
2. **Category I wetlands.**
  - a. Alteration of Category I wetlands and their buffers is prohibited except by a variance approved under this Program, or if the alteration would improve habitat for priority species that use the wetland and/or its buffer. This improvement of both functions and values shall be demonstrated within the critical area assessment and mitigation plan.
  - b. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category I wetlands buffers in accordance with an approved critical area report and mitigation plan, and only if the proposed activity is the only feasible alternative that will accomplish the applicant's objectives.

3. **Category II and III wetlands.** Activities and uses that result in unavoidable and necessary impacts may be permitted in Category II and III wetlands and their associated buffers in accordance with an approved critical area assessment and mitigation plan, and only if the proposed activity is the only feasible alternative that will accomplish the applicant's objectives.
4. **Category IV wetlands.** Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and their associated buffers in accordance with an approved critical area assessment and mitigation plan, and only if the proposed activity is the only feasible alternative that will accomplish the applicant's objectives.
5. Full mitigation for the acreage and loss of functions will be provided under the terms established by this Program.

**D. Wetland Buffers**

1. **Buffers required.** Wetland buffers are required and shall be adequate to ensure that wetland functions are protected and maintained in the long term. Buffer width and management shall take into account the ecological functions of the wetland, the characteristics and setting of the buffer, the potential impacts associated with the adjacent land use, and other relevant factors.
2. **Measurement of wetland buffers.** All buffers shall be measured from the wetland boundary as surveyed or flagged in the field. Buffer widths shall be determined according to wetland category, habitat score and/or water quality score, and intensity of the proposed land use adjacent to the wetland. The buffer of a created, restored, or enhanced wetland shall be in conformance with the expected category of the wetland upon maturity.
3. **Buffers width determinations** are partially based on the impact of the proposed land use. Impact of the proposed land use shall be determined as follows:

**Table 2: Level of Wetland Impact from Proposed Land Use**

Level of Impact	Types of Land Use	
<b>High</b>	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Urban</li> <li>• Industrial</li> <li>• Institutional</li> <li>• Retail sales</li> <li>• Residential (more than 1 unit/acre)</li> <li>• Hobby farms</li> </ul>	<ul style="list-style-type: none"> <li>• Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</li> <li>• High-intensity recreation (golf courses, ball fields, etc.)</li> </ul>
<b>Moderate</b>	<ul style="list-style-type: none"> <li>• Residential (1 unit/acre or less)</li> <li>• Moderate-intensity open space (parks with biking, jogging, etc.)</li> <li>• Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Paved trails</li> <li>• Building of logging roads</li> <li>• Utility corridor or right-of-way shared by several utilities and including access/maintenance road</li> </ul>

<b>Low</b>	<ul style="list-style-type: none"> <li>• Forestry (cutting of trees only)</li> <li>• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Unpaved trails</li> <li>• Utility corridor without a maintenance road and little or no vegetation management.</li> </ul>
------------	---	---

4. **Standard Buffer Widths.** Required buffer widths and additional requirements are provided in the table below. If the wetland meets more than one of the characteristics used to determine buffer width, the widest applicable buffer is required.

**Table 3: Standard Wetland Buffer Widths**

Wetland Category	Low Impact Land Use	Moderate Impact Land Use	Hi Impact Land Use
IV	25 ft.	40 ft.	50 ft.
III	75 ft.	110 ft.	150 ft.
II	150 ft.	225 ft.	300 ft.
I	150 ft.	225 ft.	300 ft.

5. **Increased wetland buffer widths.** The Administrator shall require increased buffer widths when recommendations by a qualified professional biologist and the most current, accurate, and complete scientific and technical information available indicate that increased buffer widths are necessary to protect the wetland. An increase in buffer width per the following criteria and specifications shall be required.

- a. Where the buffer or adjacent uplands have a slope greater than thirty percent the buffer width shall be increased not less than fifty percent
- b. Where the buffer or wetlands are used by or adjacent to areas used by state or federally listed threatened or endangered species, the buffer width shall be increased to a width recommended by WDFW or recommended in *Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology publication #05-06-008) and its most current appendices.
- c. Where the existing buffer is unvegetated, sparsely vegetated, or vegetated with non-native species that do not provide the needed functions, the buffer shall be planted to create the appropriate plant community, or if that is not feasible the buffer shall be widened to ensure that adequate functions of the buffer are provided. If the buffer is to be planted rather than increased in width, a vegetation planting plan is required and shall include measures for monitoring and maintenance of the vegetated area.

6. **Reduced Width Based on Modification of Land Use Intensity.** The buffer widths for proposed land uses with high-intensity impacts to wetlands can be reduced to the widths required for moderate-intensity impacts under the following conditions, and only after the applicant submits a critical areas report prepared by a qualified professional that provides clear justification for the reduced buffer: The justification shall provide detailed specifications for how the impact reduction measures will be implemented, identify the impacts addressed by the measures, characterize the impacts that would occur without the measures, and comparatively characterize the impacts that will occur with the measures.

- a. For wetlands that score moderate or high for habitat (6 points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:

- i. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington Department of Fish and Wildlife ("relatively undisturbed" and "vegetated corridor" are defined in questions H 2.1 and H 2.2.1 of the *Washington State Wetland Rating System for Western Washington 2014 Update*). The corridor must be continuous with both the wetland and the priority habitat and be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.
  - ii. All applicable measures to minimize the impacts of adjacent land uses on wetlands, including but not limited to those summarized in Table 5 are applied.
  - iii. The administrator shall determine whether additional impact reduction measures are applicable after reviewing the proponent's justification and shall require the applicant to implement such additional applicable measures.
- b. For wetlands that score fewer than 6 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying all applicable measures to minimize the impacts of the proposed land uses (see examples in Table 5).

**Table 4: Potential Measures to Minimize Adjacent Land Use Impacts on Wetlands**

	<b>Activities and Uses that Cause Disturbances</b>	<b>Potential Measures to Minimize Impacts</b>
Lights	<ul style="list-style-type: none"> <li>• Parking lots</li> <li>• Warehouses</li> <li>• Manufacturing</li> <li>• Residential</li> </ul>	<ul style="list-style-type: none"> <li>• Direct lights away from wetland</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Residential</li> </ul>	<ul style="list-style-type: none"> <li>• Locate activity that generates noise away from wetland</li> </ul>
Toxic runoff*	<ul style="list-style-type: none"> <li>• Parking lots</li> <li>• Roads</li> <li>• Manufacturing</li> <li>• Residential areas</li> <li>• Application of agricultural pesticides</li> <li>• Landscaping</li> </ul>	<ul style="list-style-type: none"> <li>• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</li> <li>• Establish covenants limiting use of pesticides within 150 ft. of wetland</li> <li>• Apply integrated pest management</li> </ul>
Stormwater runoff	<ul style="list-style-type: none"> <li>• Parking lots</li> <li>• Roads</li> <li>• Manufacturing</li> <li>• Residential areas</li> <li>• Commercial</li> <li>• Landscaping</li> </ul>	<ul style="list-style-type: none"> <li>• Retrofit stormwater detention and treatment for roads and existing adjacent development</li> <li>• Prevent channelized flow from lawns that directly enters the buffer</li> </ul>
Change in water regime	<ul style="list-style-type: none"> <li>• Impermeable surfaces</li> <li>• Lawns</li> <li>• Tilling</li> </ul>	<ul style="list-style-type: none"> <li>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</li> </ul>

Pets and human disturbance	<ul style="list-style-type: none"> <li>Residential areas</li> </ul>	<ul style="list-style-type: none"> <li>Use privacy fencing;</li> <li>Plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion;</li> <li>Place wetland and its buffer in a separate tract</li> </ul>
Dust	<ul style="list-style-type: none"> <li>Tilled fields</li> </ul>	<ul style="list-style-type: none"> <li>Use best management practices to control dust</li> </ul>
<p><i>* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</i></p>		

7. **Functionally isolated buffer areas.** Areas that are functionally separated from a wetland and do not protect the wetland from adverse impacts due to preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this Program on a case-by-case basis subject to a critical area report and review as determined by the Administrator.

8. **Buffer averaging**

- a. Buffer averaging is a site-specific ‘give and take’ approach to configuring the buffer area. Averaging may not be used in conjunction with any of the provisions for reductions in buffers.
- b. Averaging to improve wetland protection may be permitted when all of the following conditions are met:
  - i. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area.
  - ii. The buffer width is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion.
  - iii. The total area of the buffer after averaging is equal to the area required without averaging.
  - iv. The buffer at its narrowest point is never less than 3/4 of the required width.
- c. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:
  - i. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
  - ii. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a report from a qualified wetland professional.
  - iii. The total buffer area after averaging is equal to or greater than the area required without averaging.
  - iv. The buffer at its narrowest point is never less than 3/4 of the required width.

9. **Buffer condition maintenance.** Wetland buffers in their natural state shall not be altered and shall be maintained in an undisturbed condition except as allowed in this Program. Planting of native plants and control of non-native invasive plants using hand tools is allowed.

10. **Buffers for mitigation wetlands.** Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.
11. **Uses permitted in buffer areas.** The following uses may be permitted within a required wetland buffer, provided impacts are minimized, trees and other significant native vegetation are avoided, the use does not negatively affect the buffer, and unless otherwise prohibited:
- a. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
  - b. Non-motorized use trails in accordance with an approved critical area report.
    - i. Non-motorized use trails shall, be placed on existing road grades, or utility corridors if it is demonstrated that no other feasible location outside of the buffer exists.
    - ii. If there is no feasible location on existing road grades or utility corridors a non – motorized trail may be placed in the outer 25% of the buffer.
    - iii. Trails in the buffer shall be located, designed, and built to minimize removal of vegetation (trees, shrubs, etc.) and important wildlife habitat.
    - iv. Trail widths shall not be wider than three (3) feet for private trail and ten (10) feet for public use or publicly owned trails. Trail surfaces shall be pervious, composed of natural materials (e.g., gravel, rock, bark).
    - v. Permanent surfacing materials (asphalt or concrete) shall require a variance. No construction or surfacing materials shall significantly alter the existing drainage or negatively affect the wetland or buffer area.
  - c. Public access fishing areas , wildlife viewing structures, platforms, interpretive areas, picnic areas, benches, and associated activities shall be designed and located to minimize disturbance to wildlife habitat and/or wetland and/or buffer values, or functions;
  - d. Stormwater Management Facilities. Stormwater management facilities such as bioswales or retention ponds may be allowed within the outer twenty-five (25) percent of the required buffer area only for Category III and IV wetlands with a habitat score of 5 or less and that do not contain a breeding population of any native amphibian species, provided that:
    - i. No other location is feasible;
    - ii. Locating such facilities within the buffer area will not degrade the wetland values or functions or alter the hydroperiod of the wetland or adversely affect water quality;
    - iii. Compensatory mitigation shall be included for all losses of wetland function as a result of the stormwater management facility;
    - iv. The stormwater facility meets applicable stormwater management standards, and the discharge water meets state water quality standards, including total maximum daily load (TMDL) standards;
    - v. The discharge is located in a manner that minimizes disturbance of soils and vegetation;
    - vi. The discharge outlet is designed to prevent erosion and promote infiltration; and,
    - vii. The facility is located, designed, and constructed per the specifications of the “2012 Stormwater Management Manual for Western Washington, as Amended in December 2014 - Appendix 1-D Guidelines for Wetlands when Managing Stormwater.” (Ecology, 2014. Publication Numbers 14-10-055)
  - e. Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be permitted within a critical area or shoreline buffer on a case-by-case basis when all of the following criteria are met:
    - i. Due to topographic or other physical constraints, there are no feasible locations for these facilities in the outer 25% of the buffer area or outside the buffer.

- ii. The discharge is located in a manner that minimizes disturbance of soils and vegetation.
- iii. The discharge outlet is designed to prevent erosion and promote infiltration.

12. **Stormwater management near wetlands.** The following stormwater management standards are required for development in or near wetlands:
- a. New developments shall utilize best management practices to minimize stormwater quantity and quality impacts to wetlands during and following construction.
  - b. Stormwater runoff from new development shall not significantly change the rate of flow or the hydroperiod, which is the seasonal period and duration of water saturation or inundation, nor decrease the water quality of wetlands.
  - c. Authorized modifications of wetlands or buffer areas for construction of, or discharge from drainage facilities shall not adversely affect wetland hydrologic functions.
  - d. Dangerous Substances. Developments that handle, store, dispose of, transport, or generate substances or wastes defined as "dangerous" or "extremely dangerous" wastes under WAC 173-303 (regardless of quantity) shall not allow direct precipitation or stormwater runoff to contact such substances where stored on-site.
  - e. Referenced Standard. The "2012 Stormwater Management Manual for Western Washington, as Amended in December 2014 - Appendix 1-D Guidelines for Wetlands when Managing Stormwater." (Ecology Publication Number 14-10-055) shall be the standard reference when implementing a stormwater management plan unless the Administrator authorizes an alternative approach.

## E. Mitigation for Wetland Impacts

1. **Mitigation Sequencing.** Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas, as required by this Program. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for using the mitigation sequence of this Program. As a condition of any shoreline permit allowing for wetland impacts, the applicant must provide compensatory mitigation in the form of restoration, creation, or enhancement wetlands to offset the impacts. An appropriate mitigation plan shall be developed by a qualified professional and approved by the Administrator.
2. **Mitigation Approach Options.** As consistent with the general mitigation requirements of this Program, the use of wetland mitigation replacement ratios or any similar method shall be demonstrated to address the following:
  - a. The risk of failure of the compensatory mitigation action;
  - b. The length of time it will take the compensatory mitigation action to adequately replace the impacted wetland functions and values;
  - c. The gain or loss of the type, quality, and quantity of the ecological functions of the compensation wetland as compared with the impacted wetland.
  - d. Performance standards for evaluating the success of compensatory mitigation actions;
  - e. Long-term monitoring and reporting procedures to determine if performance standards are met; and
  - f. Long-term protection and management of compensatory mitigation sites.

3. Credits from a certified mitigation bank may be used to compensate for unavoidable impacts when such a certified program is available. Mitigation shall adhere to one of the following two approaches:
  - a. The Credit/Debit Method, as described in *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report*. (Ecology, March 2012, Publication #10-06-011).
  - b. The following mitigation ratios unless otherwise provided for by this Program.

**Table 5: Wetland Mitigation Ratios**

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only <sup>1</sup>	Re-establishment or Creation (R/C) and Rehabilitation (RH) <sup>1</sup>	Re-establishment or Creation (R/C) and Enhancement (E) <sup>1</sup>	Enhancement Only <sup>1</sup>
All Category IV	1.5:1	3:1	1:1 R/C and 1:1RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Estuarine	Case-by-case	4:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I based on function score	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Wetland of High Conservation Value	Not considered possible <sup>2</sup>	6:1 Rehabilitation Wetland of High Conservation Value	R/C Not considered possible <sup>2</sup>	R/C Not considered possible <sup>2</sup>	Case-by-case
Category I Bog	Not considered possible <sup>2</sup>	6:1 Rehabilitation of a bog	R/C Not considered possible <sup>2</sup>	R/C Not considered possible <sup>2</sup>	Case-by-case
Category I Estuarine	Case-by-case	6:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case
<p><b>NOTES:</b> Preservation is discussed in the following section. Ratios are from <i>Washington State Wetland Rating System for Western Washington: 2014 Updated 2014</i> (Ecology Publication #14-06-029). As written these figures represent ratios and should be read as mitigation: impact, indicating the amount of mitigation required based on the amount of impact.</p>					
<p><sup>1</sup> These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.</p>					
<p><sup>2</sup> Wetlands of High Conservation Value, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some special functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.</p>					

4. **Increasing replacement ratios.** The administrator shall require increased replacement ratios under the following circumstances:
  - a. Success of the proposed restoration or creation is uncertain.
  - b. A long time will elapse between impact and establishment of wetland functions at the mitigation site.
  - c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted.
  - d. The impact was unauthorized.
  
5. **Replacement ratio reduction for temporary impacts.** The administrator may decrease the ratio to 25% of the otherwise required ratio if the wetland critical areas report demonstrates that:
  - a. The impacts will be temporary.
  - b. Hydric soil, including deep organic soil, will be handled, stored, and replaced to achieve pre-project ecological function.
  - c. Surface and groundwater flow patterns will be maintained or restored immediately following construction.
  - d. A 10-year monitoring and maintenance plan is developed and implemented for the restored forest and scrub-shrub wetlands.
  - e. Disturbed buffers are re-vegetated and monitored.
  - f. Where appropriate, the hydroseed mix to be applied on re-establishment areas is identified.
  
6. **Replacement ratio reduction for conversions.** The administrator may decrease the ratio to 50% of the otherwise required ratio for wetlands that are converted to other types of wetlands.
  
7. **In-kind/out-of-kind mitigation.** In-kind mitigation shall be provided except where the applicant can demonstrate that either:
  - a. The wetland system was already degraded prior to any activity, and out-of-kind replacement will result in a wetland with greater functions and values; or
  - b. Technical problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind mitigation infeasible.
  
8. **On-site/off-site mitigation.** On-site mitigation shall be provided except where the applicant can demonstrate that:
  - a. On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or factors such as other potentially adverse impacts from surrounding land uses or on-site mitigation would require elimination of or result in adverse impacts to high-quality upland habitat; and,
  - b. Existing or potential functions and values at the site of the proposed off-site mitigation are significantly greater than the lost on-site wetland functions and values; and
  - c. One of the following applies:
    - i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or,
    - ii. Credits from a state-certified wetland mitigation bank are used as mitigation, and the use of credits is consistent with the terms of the bank's certification under Chapter 173-700 WAC.

9. **Timing of mitigation.** Mitigation shall be completed prior to activities that will impact wetlands where feasible. A bond or other financial guarantee is required if mitigation projects cannot be completed prior to initiation of the activities that will cause the wetland impacts. Mitigation projects shall be timed to reduce impacts to existing wildlife or vegetation. If wetland mitigation is not completed within one year of wetland impacts, mitigation ratios will be increased to offset temporal losses.
10. **Components of mitigation plans.** All wetland restoration, creation and/or enhancement projects required pursuant to this Program either as a permit condition or as the result of an enforcement action shall follow a mitigation plan approved by the Town as applicable and shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1*, (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised) and *Selecting Wetland Mitigation Sites Using a Watershed Approach* (Western Washington)(Publication #09-06-32, Olympia, WA, December 2009). The applicant or violator must receive written approval by the Administrator for the mitigation plan prior to the commencement of any wetland restoration, creation, or enhancement activity. In addition to those components required in section 1.3 above, the mitigation plan shall contain at least the following components:
- a. **Baseline Information.** A written assessment and accompanying maps of the impacted wetland, including, at a minimum, wetland delineation; wetland rating, existing wetland acreage; proposed or unauthorized wetland impacts; vegetative, faunal, and hydrologic characteristics; soil and substrate conditions; and topographic elevations. If off-site mitigation is proposed, baseline information should also include surface hydrology, existing and proposed adjacent land uses, proposed buffers, and a list of all property owners within five hundred feet of the edge of the wetland.
  - b. **Timing and Objectives.** The following shall be submitted in writing: proposed timing of the mitigation and a complete description of the functions and values intended to be created or enhanced.
  - c. **Monitoring.** Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not attained within the initial monitoring period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals in the mitigation plan are achieved.
  - d. The information and components recommended in *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1*, (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).

### 6.3 Frequently Flooded Areas

- A. **Classification.** All frequently flooded areas shall be the areas of special flood hazard identified in the scientific and engineering report entitled the *Flood Insurance Study for Wahkiakum County*, dated September 28, 1990 (1990 FIS), with accompanying Flood Insurance Rate Maps (FIRMs) prepared, or as updated, by the Federal Emergency Management Agency (FEMA), and all areas identified within Town's Flood Damage Prevention ordinance (Title 14.10 Cathlamet Municipal Code; CMC 14.10) . The flood insurance study and maps are on file at the Town Public Works Department.

- B. **Mapping.** All flood hazard areas are identified by the effective FIRMs.
- C. **Development performance standards.** Floodplains perform important hydrologic functions and may present risk to persons and property. In reviewing project proposals, the Town will consider the effects of flooding on human health and safety, public facilities and services, future flow floodplain necessary to contain and discharge the base flow at full buildout, the potential effects of extreme weather events, and greater surface runoff caused by increasing impervious surfaces. In addition to other applicable provisions of this Program, the flood damage prevention provisions of CMC 14.10.180 to .320 are incorporated by reference and shall regulate shoreline development within frequently flooded areas as classified and designated herein.

## 6.4 Geological Hazard Areas

- A. **Classification.** Per the designation criteria of WAC 365-190-120, geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological event. They pose a threat to the health, and safety of the public. The following definitions shall be used in classifying geologically hazardous areas:
  - 1. **Erosion Hazard Area.** Erosion is a common occurrence that can result from hydrologic and geologic characteristics, vegetative conditions and human land use. Erosion hazard areas include:
    - a. Areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils;
    - b. Areas containing highly erodible soils or having the potential to become highly erodible due to disturbance of ground cover.
    - c. Coastal erosion areas based on information provided by the Washington Coastal Atlas (Ecology); and
    - d. Areas impacted by shoreline and/or stream bank erosion, and those areas within a river's channel migration zone, including but not limited to areas identified in the 2017 ICR;
    - e. The Town may consider data provided by the USDA Natural Resource Conservation Service (NRCS)
  - 2. **Seismic Hazard Areas.** Seismic hazard areas are areas subject to a severe risk of earthquake induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting or tsunamis. For purposes of this classification, seismic hazardous areas are those areas that are underlain by cohesionless soils of low density, typically in association with a shallow groundwater table, and areas underlain by alluvium or faults as identified by United States Geologic Survey (USGS) or the Washington Geological Survey (DNR) .
  - 3. **Landslide Hazard Areas.** Landslide hazard areas are determined by a combination of geologic, topographic and hydrological factors and include areas susceptible to landslide because of any combination of unstable bedrock, soil, slope (gradient), slope aspect, structure, hydrology (springs and seeps), or other factors. These areas include:

- a. Areas identified by the Town of Cathlamet Comprehensive Plan,
  - b. 2002 (Figure 4-9, page 4-27).
  - c. Areas of historic failures or potentially unstable slopes, including bluffs, quaternary slumps, earthflows, mudflows, or landslides on maps published by the United States Geological Survey or WA Department of Natural Resources Division of Geology and provisions of the Uniform Building Code (UBC) as adopted by the Town of Cathlamet.
  - d. Hazard areas are identified on Sheet No. 163 of the Soil Survey of Wahkiakum County prepared by the Natural Resource Conservation Service (NRCS), 1986. See also the 2017 Inventory & Characterization Appendix E Map Folio, Map #20.
- B. **Designation.** Areas of the Town meeting the classification criteria for geologically hazardous areas are hereby designated as such.
- C. **Development performance standards.** All development within geological hazard areas shall adhere to the following standards:
1. New development, including land division, shall be prohibited when:
    - a. It will cause foreseeable risk from geological conditions to people or improvements during the life of the development;
    - b. It would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available, and no net loss of ecological functions will result, per the standards of this Program.
  2. Development, including appurtenant structures and uses, shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses during the life of the development.
  3. An erosion control plan shall be submitted to the administrator for approval prior to any clearing, construction or other development in an erosion hazard area. The erosion control plan shall be designed so that the hazard is or mitigated such that the site is rendered as safe as an area without erosion hazards.
  4. For landslide hazard areas with a slope of thirty (30) percent or steeper and with a vertical relief of ten or more feet except areas of consolidated rock, a geological analysis and landslide control plan shall be submitted to the Administrator for approval prior to activity which would change the hydrologic characteristics of the site, such as filling, building, clearing construction, or other development in said area. The geological analysis shall indicate that:
    - a. There is not significant risk to the development proposal or adjacent properties; or
    - b. That the proposal is designed so that the hazard is significantly eliminated or mitigated such that the site and adjacent property are rendered as safe as an area without geologic hazards.
  5. All proposed development on slopes greater than fifty percent over a vertical height of a least ten feet shall be avoided if possible. Proposals for development shall include technical studies that evaluate the subsurface conditions and offer engineering solutions, including increased slope stabilization methods.

## 6.5 Aquifer Recharge Areas

- A. **None Present.** Municipal water is pumped directly from the Elochoman River and adjacent groundwater. There are no identified and mapped critical aquifer recharge areas within the Town’s shoreline areas.

## 6.6 Fish and Wildlife Habitat Conservation Areas

- A. **Classification.** Fish and wildlife habitat conservation areas (FWHCA) shall include all areas consistent with WAC 365-190-130, as classified according to Table 6 below:

**Table 6: Fish & Wildlife Habitat Conservation Area Classifications**

Classification	Criteria
Areas with which state or federal designated endangered, threatened, or sensitive species have a primary association.	Areas which, if significantly altered, may reduce the likelihood that the species will reproduce over the long term. Habitats associated with these species are those identified by Washington Department of Fish and Wildlife’s current system for mapping species of concern. These habitats are designated as critical areas, where endangered, threatened, and sensitive species are verified to have a primary association and include all Type S waters, other waters used by salmon, and other areas necessary to ensure all habitat associated with a listed species is included.
Species and habitats of local importance.	Habitat: All priority habitats occurring in the Town of Cathlamet as identified in the most current edition of the Washington State Department of Fish and Wildlife’s Priority Habitats and Species (PHS) List.  Species: All priority species occurring in the Town of Cathlamet as identified in the most current edition of the Washington State Department of Fish and Wildlife’s Priority Habitats and Species (PHS) List.
Surf smelt spawning areas.	Information from the Washington Department of Fish and Wildlife is used to identify smelt spawning areas.
Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat.	Naturally occurring ponds are waters with a surface area of less than 20 acres but greater than one acre and manmade ponds developed as mitigation as part of a permitting process or mitigation agreement. Naturally occurring ponds do not include ponds deliberately created such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years duration), and landscape amenities.
Waters of the state.	Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and water courses based on stream types, and shall be those defined in WAC 222- 16-030, Forest Practices Board, Definitions
Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.	Water bodies which regularly have game fish introduced, including those planted under the auspices of a federal, state, local, or tribal program or which supports priority fish species as identified by the WDFW.
State natural area preserves and natural resource conservation areas.	None currently established in the Town

<p>Areas of Rare Plant Species and High-Quality Ecosystems.</p>	<p>Areas of rare plant species and high-quality ecosystems are identified by the Washington State Department of Natural Resources through the Natural Heritage Program.</p>
---	---

B. **Designation.** Lands and water bodies fulfilling the classification criteria for FWHCA set forth in Table 6 above are hereby designated as such.

C. **Maps.** The approximate locations or extents of FWHCA may be shown on, but shall not be limited to, the following list of maps. The maps are for reference only and do not provide a final critical area designation.

1. Washington Department of Fish and Wildlife Priority Habitat and Species maps.
2. Washington State Department of Natural Resources Official Water Type Reference Maps, as amended.
3. Washington State Department of Natural Resources Natural Heritage Program maps.
4. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission.
5. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.
6. Washington State Department of Natural Resources Shore zone Inventory.

D. **FWHCA Report**

1. **When required.** In addition to the general critical area report requirements of this chapter, FWHCA reports must meet the requirements of this section, and are required in the following circumstances:
  - a. When the project area is located within 150 feet of the OHWM of Type S, F, Np, and Ns waters of the state
  - b. When the project area is in the, Aquatic or Town Conservancy SED.
  - c. When the project area is within one thousand feet of a point location (nests, dens, etc.) for any FWHCA.
  - d. When any FWHCA may be impacted by the project.
  - e. When this Program requires mitigation sequencing.
  - f. When SEPA review is required, the FWHCA Report will also be sent to WDFW and other appropriate state and federal agencies for comment along with the Environmental Checklist.
2. **Preparation by a qualified professional.** FWHCA reports shall be prepared by a qualified professional, as defined in Chapter 3 and consistent with the description of such professionals at Section 6.1(L)(5) of this chapter, with experience preparing reports for the relevant type of habitat.

3. **Areas addressed.** The following areas shall be addressed in a FWHCA report:
  - a. The project area of the proposed activity;
  - b. Areas subject to WDFW PHS management recommendations that are in or adjacent to the project area;
  - c. Riparian areas and their buffers applicable to the project area; and
  - d. All FWHCA identified in Table 6, shoreline areas, floodplains, other critical areas, and related buffers within 150 feet of the project area.
  
4. **Habitat assessment.** A FWHCA report shall contain a habitat assessment including, at a minimum, the following information:
  - a. Detailed description of vegetation and habitat characteristics within and adjacent to the site;
  - b. Identification of any endangered, threatened, sensitive, or candidate species that have a primary association with habitat on the site, and assessment of potential project impacts to use of the site by the species;
  - c. A map drawn to scale or survey showing the location of the project site and resulting activities and showing the critical habitat areas.
  
5. **Habitat plan.** A FWHCA report shall contain a habitat plan including, at a minimum, the following information:
  - a. Discussion of any federal, state, or local special management recommendations, including WDFW habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project site.
  - b. Discussion of recommendations developed in consultation with WDFW if management recommendations have not been created.
  - c. Discussion of the potential direct and indirect impacts of the project and proposed use and activities.
  - d. Discussion of the impacts that will not be avoided.
  - e. Discussion of the methods and measures that will be used to avoid, minimize and/or compensate for adverse impacts associated with the proposed development and associated use and activities, including but not limited to the standards of Critical Areas Regulation.
  
6. **FWHCA compensatory mitigation plan.** The FWHCA report shall include a compensatory mitigation plan if the project and resulting activities will create unavoidable habitat impacts. The compensatory mitigation plan shall:
  - a. Demonstrate, when implemented, that there shall be no net loss of ecological function of habitat; and
  - b. Identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the FWHCA and its associated buffer.
  
7. **Additional information required.** When appropriate due to the type of habitat, species present, or project area conditions; the Administrator may require the FWHCA report to include:

- a. An independent qualified professional's evaluation of the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; or,
- b. Consultation with the WDFW or other appropriate agency or tribe.

## E. Development Performance Standards

1. **No net loss standard.** No net loss of shoreline ecological functions shall result from a shoreline use, development, or modification of critical freshwater fish and wildlife habitat, including associated hyporheic zones. Measures to achieve no net loss of habitat function include meeting other standards of the Program, and may also include:
  - a. Prohibition or limitation of development activities within the critical habitat area, or within a riparian buffer surrounding the critical habitat area.
  - b. Locating buildings and other structures and uses to avoid and if that is not possible to minimize habitat impacts.
  - c. Clustering development to protect or enhance habitat in a connected system or corridor that provides connections to neighboring habitat areas.
  - d. Retention of native vegetation and/or revegetation of areas using native species appropriate for site specific conditions and habitat functions.
  - e. Removing and/or controlling any noxious, or undesirable species of plants as identified by the Wahkiakum County Noxious Weed Control Board.
  - f. Preserving trees, preferably in consolidated areas.
  - g. Preserving and introducing native plant species which serve as food, shelter from climatic extremes and predators, and structure and cover for wildlife reproduction and rearing.
  - h. Special construction techniques or seasonal restrictions on construction.
  - i. Habitat enhancement (i.e., fish passage barrier removal).
  - j. Preserving the natural hydraulic and ecological functions of drainage systems.
  - k. Maintaining stable channels, adequate stream flows, and managing stormwater runoff, erosion and sedimentation.
  - l. Managing access to fish and wildlife habitat conservation areas to protect species which are sensitive to human disturbance.
2. **Protection Standards.** For all FWHCAs classified and designated by this chapter, the following protection standards shall apply, as appropriate:
  - a. Riparian buffers and all other applicable provisions of this Program;
  - b. WDFW PHS management recommendations, or protections as otherwise developed in consultation with WDFW if PHS management recommendations have not been created.;
  - c. WDNR protections for state natural area preserves and state natural resource conservation areas;
  - d. The state Hydraulic Code;
  - e. The federal Clean Water Act; and/or
  - f. Other best management practices.

## F. Riparian Buffers

1. **Riparian buffers required.** Riparian buffers shall be required for all FWHCAs. All riparian buffers shall be measured outward in each direction, on the horizontal plane from the OHWM.
2. **Riparian buffer conditions.** Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the WDFW. FWHCAs and riparian buffers shall be preserved in perpetuity through the use of notices on title, the vegetation conservation, fill, excavation and grading, water quality and other applicable provisions of this Program.
3. **Activities in FWHCAs and riparian buffers.** Unless otherwise allowed by this Program, all structures and activities must be located outside of a FWHCA and riparian buffer. Use and development activities located in a FWHCA or riparian buffer may be allowed only if demonstrated that it will not degrade the functions and values of the habitat. Activities that result in alteration of FWHCAs and their riparian buffers are prohibited, with the following exceptions:
  - a. **Water-dependent** use and development shall be allowed when demonstrated to require a location in the FWHCA or riparian buffer;
  - b. **Water-related and water-enjoyment** use, and development activities may be allowed when no practical alternatives having a less adverse impact on the FWHCA or riparian buffer are available and appropriate mitigation measures are used;
  - c. **Non-water-oriented** commercial and residential use and development may only be allowed as part of mixed-use development where the primary use is water-dependent, and the other accessory uses are subordinate with respect to their cumulative size and intensity;
  - d. **Other non-water-oriented** activities are prohibited unless the criteria for a shoreline variance are met, all alternative designs of the proposed project to avoid adverse impacts to the riparian area are not feasible and appropriate mitigation measures are used. In such cases the activity shall be permitted only through a shoreline variance; and,
  - e. The following activities may be allowed consistent with the use and modification regulations, provided that impacts are minimized and when appropriate mitigation measures are used:
    - i. Public access facilities
    - ii. Docks serving residences, and a trail providing access to the dock.
    - iii. Essential public facilities, utilities and transportation facilities.
  - f. For legal existing development, the non-conforming provisions of this Program apply for expansion/enlargement, relocation, and replacement.
4. **Standard riparian buffer widths.** Riparian buffers on FWHCAs shall be in accordance with Table 7 below unless otherwise provided by this section.

Table 7: Standard Riparian Buffers by Shoreline Environment Designation

Environment Designation	Location Qualifier	Buffer Width (ft.)
Town Conservancy	All	200
Town Residential	On Elochoman Slough	50
Town Residential	On Cathlamet Channel	80
Mixed Waterfront	All	50

5. **Expanded riparian buffers.** If the Critical Areas Report identifies existing, on site riparian functions that are not adequately protected by the standard riparian buffers provided in this section, the riparian buffer shall be expanded to either the width recommended in the Critical Areas Report, the width recommended by a third party reviewer of the Critical Areas Report, the width recommended by WDFW, or a width consistent with WDFW priority habitats and species management recommendations, in order to protect those existing on site riparian functions.
6. **Termination at dike or road.** Where an existing public road, or dike maintained by a public entity is within the riparian buffer, the buffer shall instead terminate at the road or dike.
7. **Riparian buffer adjustment options**
  - a. Administrative buffer adjustment options (i.e. averaging and reduction methods) shall not be combined; only one may be used for any given site or project.
  - b. Buffer adjustment options shall not result in:
    - i. any portion of the buffer width being less than 50 ft. or 75% of the standard buffer width, whichever is greater; or,
    - ii. any unmitigated impacts or a net loss of ecological functions.
  - c. Buffer adjustment options shall only be permitted when recommended in the critical areas report after scientific analysis of associated ecological function impacts and benefits.
8. **Riparian buffer averaging.** Buffer averaging is a site-specific ‘give and take’ approach to configuring the buffer area. A riparian buffer may be averaged as follows:
  - a. One portion of the riparian buffer width can be reduced from the standard width if another portion of the same riparian buffer is correspondingly increased, such that the total buffer area and function of the riparian buffer are maintained. The whole buffer area must remain on the same parcel as the proposed project.
9. **Riparian buffer reduction.** The standard riparian buffer width may be reduced to accommodate shoreline views for a single-family residence upon the applicant’s demonstration that the standard buffer width would result in a substantial view blockage. This buffer reduction may be allowed as follows:
  - a. **Common Line reduction.** When only one existing primary structure is adjacent to the proposed single-family residence, the standard buffer width may be reduced to the same distance as the adjacent primary structure so that both are located at a ‘common line’ distance from OHWM; or
  - b. **Calculated reduction.** When more than one existing primary structure is adjacent to the proposed single-family residence, the standard buffer width may be reduced to a width established by calculating the average of 1) the standard buffer width required for the proposed residence plus 2) the established distance of all adjacent existing primary structures. To be considered in the calculation, adjacent existing primary structures:

- i. must have been built prior to the adoption of this Program;
  - ii. must be located within one hundred fifty (150) feet of the proposed single-family residence's foundation; and
  - iii. may not be separated from the project area by an SMA waterbody.
- c. For the purposes of calculating a reduced buffer, undeveloped neighboring property within one hundred fifty feet (150') shall be included in the calculation using the standard riparian buffer width.

## CHAPTER 7 – ADMINISTRATION, PERMITS, & ENFORCEMENT

### 7.1 Responsibilities, Permit Tracking, and Periodic Review

#### A. Administrative Responsibilities

1. **Shoreline administrator.** The Shoreline Administrator for the Town of Cathlamet is the Mayor or his/her designee. The Shoreline Administrator is vested with the authority to:
  - a. Interpret, apply, and enforce the provisions of this Shoreline Master Program to ensure that the proposed action is consistent with all applicable requirements.
  - b. Advise interested persons and prospective applicants as to the administrative procedures and substantive requirements of this Shoreline Master Program.
  - c. Conduct field inspections as needed and prepare or require reports on shoreline permit applications.
  - d. Make administrative decisions and interpretations of the policies and regulations of this Shoreline Master Program and the Shoreline Management Act.
  - e. Withhold, condition, approve or deny:
    - i. Exemptions from shoreline substantial development permits;
    - ii. Shoreline substantial development permits;
    - iii. Administrative approvals or authorizations; and
    - iv. Time extensions to shoreline permits and their revisions.
  - f. Develop and implement administrative procedures consistent with, and to effectuate the purposes of, this Program, and prepare and require the use of related forms as necessary.
  - g. Engage consultants to review technical reports (e.g. feasibility, critical areas, habitat management, mitigation plans), in instances where Town lacks the staff resources or expertise to review these materials. A project proponent may be required to pay for or reimburse the Town for cost incurred for the technical review.
  - h. Make written recommendations regarding the implementation of or amendments to this Shoreline Master Program to the Town Planning Commission or Town Council as necessary.
  - i. Issue Stop Work Orders pursuant to the procedure set forth in WAC 173-27-270 upon a person or entity undertaking an activity on shorelands in violation of RCW 90.58 or this Shoreline Master Program and seek remedies for alleged violations of this Shoreline Master Program, provisions of the Shoreline Management Act, or conditions attached to a shoreline permit issued by the Town.
2. **State Environmental Policy Act official.** The Town's responsible State Environmental Policy Act official or his/her designee is authorized to conduct environmental review of all use and development activities subject to this Shoreline Master Program, pursuant to WAC 197-11 and RCW 43.21C. The responsible State Environmental Policy Act official is the designated Shoreline Administrator.
3. **Town Council.** The Town Council is vested with authority to:
  - a. Initiate an amendment to the Town's Shoreline Master Program.
  - b. Adopt all amendments to this Shoreline Master Program, after consideration of the recommendation of the Town Planning Commission, if provided. Amendments shall become effective 14 days from the date of Ecology's written notice of final approval.
  - c. Grant or deny shoreline conditional use permits.
  - d. Grant or deny shoreline variance permits.

- e. Decide on appeals of administrative decisions issued by the Shoreline Administrator.

## B. Permit Tracking and Cumulative Effects

1. **Tracking.** The Shoreline Administrator shall prepare and maintain a spreadsheet, database or similar mechanism to document all permit review actions within shoreline jurisdiction, including shoreline exemptions, shoreline substantial development permits, shoreline conditional use permits, shoreline variance permits, and administrative approvals, and summarize such actions on an annual basis.
2. **Cumulative effects.** The Shoreline Administrator shall, on an annual basis; review the permit tracking summary to evaluate the cumulative effects of authorized actions on shoreline conditions and make a written determination on whether there may or may not have been a net loss of shoreline functions. The determination shall be made in consultation with applicable local entities, state resource managers, and affected tribal agencies and consider the baseline findings of the 2017 Inventory & Characterization and 2017 Cumulative Impacts Analysis.

## C. Periodic Review

1. The Shoreline Administrator shall conduct a periodic review of this Shoreline Master Program once every eight years, or as required by RCW 90.58.080. Using the information provided by the annual permit tracking and review and the cumulative effects evaluation, this periodic review will be conducted to:
  - a. Ensure consistency with state laws and rules,
  - b. Reflect changes to the Town Comprehensive Plan and development regulations,
  - c. Address changes in local circumstance, new information, improved data, and errors or implementation challenges,
  - d. Propose necessary SMP amendments that also reflect the community vision and ensure no net loss of shoreline ecological functions.

## 7.2 Interpretation

- A. The Shoreline Administrator may initiate or any shoreline permit applicant, Town resident, owner of real property within jurisdiction of this SMP, or party of record may request an interpretation of the meaning or application of the policies and regulations contained within this SMP.
  1. All requests for interpretations must be written and concisely identify the issue and the provisions of the SMP for which interpretation is requested.
  2. The Shoreline Administrator shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of RCW 90.58 and WAC 173-26.
  3. The Shoreline Administrator must provide a written administrative interpretation within 45 days of receipt of the request.

### 7.3 Application Requirements

- A. **Shoreline permit application requirements.** A complete application for a shoreline permit shall contain, as a minimum, the following information, as well as any other application requirements identified in the Shoreline Master Program or by the Shoreline Administrator. 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.
1. The name, address, and phone number of the applicant and any applicant representatives.
  2. The name, address, and phone number of the property owner, if other than the applicant.
  3. Location of the property. This shall, at a minimum, include the property address and identification of the section, township, and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open-water areas away from land shall provide a longitude and latitude location.
  4. Identification of the name of the shoreline waterbody with which the site of the proposal is associated. This should be the waterbody from which jurisdiction of the Shoreline Management Act over the project is derived.
  5. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
  6. A general description of the property as it now exists including its physical characteristics, improvements, and structures.
  7. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures, and improvements, intensity of development, and physical characteristics.
  8. A site-development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information; photographs; and text that shall include:
    - a. The boundary of the parcel(s) of land upon which the development is proposed.
    - b. The OHWM of all waterbodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the OHWM is neither adjacent to nor within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.
    - c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
    - d. Mapped wetland areas within 300 ft. of the proposed project.

- e. A general indication of the character of vegetation found on the site.
- f. The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities.
- g. Where applicable, a landscaping plan for the project.
- h. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project including information consistent with the requirements of this section.
- i. Quantity, source, and composition of any fill material that is to be placed on the site, whether temporary or permanent.
- j. Quantity, composition, and destination of any excavated or dredged material.
- k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties.
- l. Where applicable, a depiction of obstruction to views of the shoreline from existing residential uses and public areas that may be caused by the project.

**B. Additional requirements for shoreline variance permit applications.** On all shoreline variance permit applications, the plans shall clearly indicate where development could occur without approval of a shoreline variance permit, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

## 7.4 Public Notice

- A. The following notice shall be provided for each shoreline permit application for a substantial development permit, conditional use permit, and variance permit as least 30 days prior to a decision.
- B. Within 14 days after the Town has made a determination of completeness on a project permit application, the Town shall issue public notice that includes the following:
  - 1. The date of application, the date of the notice of completion for the application, and the date of the notice of application;
  - 2. A description of the proposed project action;
  - 3. a list of the project permits , a list of any studies required under RCW 36.70B.070, 36.70B.090 and WAC 173-27-180 and a list of any existing documents that evaluate the environmental impacts of the proposed project;
  - 4. The identification of other necessary permits not included in the application to the extent known by the Town;
  - 5. A statement of the public comment period, which shall be not less than 30 days following the date of the notice of application;
  - 6. A statement of the rights 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, provided that the public record may be kept open for

written statement after closing of the hearing, or, if no open record hearing is provided, prior to the decision on the project permit;

7. The date, time, place, and type of hearing, if applicable and scheduled by the date of notice of the application;
  8. A statement of the preliminary determination, if one has been made by the time of notice, of those development regulations that will be used for project mitigation and of consistency with the SMP; and
  9. Any other information deemed appropriate.
- C. Public notice shall include:
1. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least 300 feet of the boundary of the property upon which the development is proposed;
  2. Posting at the project site;
  3. Publication in a newspaper of general circulation in the general area of the proposal. If an open-record public hearing is required, notice shall include the time and place of the hearing, or an additional notice shall be provided at least 15 days prior to the hearing; and
  4. Notice and a statement summarizing the actions and dates of such actions taken under RCW 43.21C to all agencies with jurisdiction as required by RCW 43.21C, the State Environmental Policy Act.

## 7.5 Substantial Development Exemptions

- A. Specific uses and development activities are exempt from the requirement to obtain a shoreline substantial development permit. Exemption from the substantial development permit process does not constitute exemption from compliance with the policies and use regulations of the SMA; the provisions of this Shoreline Master Program, or other applicable County, Town, state or federal permit requirements. A Shoreline Exemption must still comply with no net loss of ecological functions, which may require mitigation.
- B. Exemptions shall be construed narrowly. Only the developments that meet the precise terms of one or more of the listed exemptions at WAC 173-27-040 may be granted an exemption from the shoreline substantial development permit process, per RCW 90.58.030(3)(e).
- C. To be authorized, all exempt uses and developments must be consistent with the provisions of this Master Program and the Shoreline Management Act.
- D. The burden of proof that a development or use is exempt from the requirement to obtain a substantial development permit is on the applicant.

- E. If any part of a proposed development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development.
- F. If any part of a proposed development can only be permitted under conditional use permit, the entire proposed development shall be reviewed under the conditional use permit process.
- G. The Town may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Master Program.
- H. **Letter of Exemption.** The Town shall issue a letter of exemption as required by WAC 173-27-050 for projects that require a federal Section 10 (structures in navigable waters) or Section 404 (dredge and fill) permit. The exemption approval letter shall:
  - 1. Be addressed to the project applicant and the Department of Ecology;
  - 2. Indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development;
  - 3. Provide a summary of the Town's analysis of the consistency of the project with this Program and the SMA; and
  - 4. Be issued prior to commencement of the development.
- I. Otherwise, the exemption status shall be documented in the project application file and the permit tracking system.
- J. The Administrator may issue a letter of exemption to ensure all applicable provisions and conditions of this Program are identified for the applicant and satisfied project implementation.

## 7.6 Permit Review Exceptions

- A. **Shoreline permits, and local review not required.** Consistent with WAC 173-27-044 and -045, 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:
  - 1. **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 RCW 70.105D, or to the Department of Ecology when it conducts a remedial action under RCW 70.105D.
  - 2. **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 (NPDES) storm water general permit.
  - 3. **WSDOT facility maintenance and safety improvements.** Pursuant to RCW 90.58.356, Washington State Department of Transportation (WSDOT) 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.
  - 4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
  - 5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter RCW 80.50.

## 7.7 Shoreline Permit Review Criteria

### A. Review Criteria for all Development

1. No authorization to undertake use or development on shorelines of the state shall be granted unless upon review the use or development is determined to be consistent with the provisions of the Shoreline Management Act and the Shoreline Master Program.

### B. Special Procedures for State Highways

1. Permit review time for WSDOT projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
2. Optional process. Pursuant to RCW 90.58.140, WSDOT 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.

### C. Review Criteria for Shoreline Substantial Development Permit

1. A substantial development permit shall be granted by the Shoreline Administrator only when the development proposed is consistent with the following criteria:
  - a. The policies and procedures of the SMA; and
  - b. The goals, objectives, policies, and regulations of this SMP.
2. If any application does not substantially comply with the criteria listed in this section, the review authority may deny such application or attach any terms or conditions that are deemed suitable and reasonable given the purpose and objectives of this SMP. Upon a determination of compliance with the criteria listed in this section, the Shoreline Administrator shall issue the permit, or issue the permit with conditions.
3. Ecology shall be notified by return receipt request mail within eight days of any substantial development permit decision made by the approval authority. The Shoreline Administrator shall file the following with the Department of Ecology and the Attorney General:
  - a. A copy of the complete application pursuant to WAC 173-27-180;
  - b. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with review criteria for substantial development permits;
  - c. The final decision of the review and approval authority;
  - d. The permit Data Sheet and Transmittal Letter (Appendix A to WAC 173-27-990);
  - e. Where applicable, Shoreline Administrator shall also file the applicable documents required by RCW 43.21C, the State Environmental Policy Act, or a statement summarizing the actions and dates of such actions taken under RCW 43.21C; and
  - f. Affidavit of public notice.
4. Ecology then notifies the Shoreline Administrator and the applicant of the “date of filing” by telephone or electronic means followed by written communication. The date of filing for substantial development permits filed concurrently with conditional use and/or variance permits is the date Ecology transmits its decision on the conditional use and/or variance permit. “Date of filing” is the date of Ecology’s actual receipt of the final decision on the substantial development permit.

#### **D. Review Criteria for Conditional Use Permits**

1. The purpose of a conditional use permit is to allow case-by-case review of a development or use that may have a greater potential for impacts due to uncommon design, operation, or location factors, while providing limited flexibility of the use regulations as consistent with the policies of RCW 90.58.020. Conditional use permits address cumulative impacts, unanticipated uses not classified in this Program, and allow specially tailored environmental analysis or design criteria for types of use or development that would otherwise be inconsistent with the established environment designation. The following types of use and development should require a conditional use permit:
  - a. Those that may significantly impair or alter the public's use of the water areas of the state.
  - b. Those which, by their intrinsic nature, may have a significant ecological impact on shoreline ecological functions or shoreline resources depending on location, design, and site conditionsIn these cases, allowing a given use as a conditional use provides greater flexibility than if the use were prohibited outright. Ecology is the final approval authority for conditional use permits pursuant to WAC 173-27.
2. Uses that are not classified or set forth herein may be authorized as conditional uses only if the applicant can demonstrate that the criteria set forth for conditional uses are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects on the shoreline environment.
3. Pursuant to WAC 173-27-160, the criteria below shall constitute the minimum criteria for review and approval of a conditional use permit. Uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following:
  - a. That the proposed use will be consistent with the policies of RCW 90.58.020, the policies of this SMP, and other applicable plans, programs and/or regulations;
  - b. That the proposed use will not interfere with the normal public use of public shorelines;
  - c. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under this shoreline master program;
  - d. That the proposed use will cause no significant adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be incompatible with the environment designation in which it is to be located; and
  - e. That the public interest suffers no substantial detrimental effect.
4. In the granting of all conditional use permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
5. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

6. Notice to Ecology. Within eight days of the approving authority's final decision, the Shoreline Administrator shall file by return receipt request mail the following with the Department of Ecology and the Attorney General:
  - a. A copy of the complete application pursuant to WAC 173-27-180;
  - b. Findings and conclusions that establish the basis for the decision including but not limited to, identification of shoreline environment designation, applicable master program policies and regulations, and the consistency of the project with review criteria for the applicable shoreline permit;
  - c. The final decision of the approval authority;
  - d. The permit data sheet (Appendix A to WAC 173-27-990);
  - e. The applicable documents required by RCW 43.21C, the State Environmental Policy Act, or a statement summarizing the actions and dates of such actions taken under RCW 43.21C;
  - f. Affidavit of public notice; and,
  - g. The final approved plans.
  
7. Ecology final review and decision will include:
  - a. Written notice provided to the Shoreline Administrator and the applicant of the "date of filing." Date of filing" is the date of transmittal of Ecology's final decision on the conditional use permit.
  - b. Review the complete file submitted by the Shoreline Administrator on conditional use permits and any other information submitted or available that is relevant to the application.
  - c. A determination to approve, approve with conditions, or deny a conditional use permit based on consistency with the policy and provisions of the SMA, this SMP, and the criteria in WAC 173-27-160.
  - d. The rendering and transmittal to the Shoreline Administrator and the applicant the final decision approving, approving with conditions, or denying the permit within 30 days of the date of the Shoreline Administrators submittal to Ecology. The Shoreline Administrator will notify parties of record of the decision.

#### E. Review Criteria for Shoreline Variance Permits

1. The purpose of a shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP where there are extraordinary circumstances relating to the physical character or configuration of the property such that the strict application of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
2. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist, and the public interest shall suffer no substantial detrimental effect.
3. **Landward of the OHWM.** Shoreline variance permits for developments and/or uses that are proposed to be located landward of the OHWM, as defined in RCW 90.58.030(2)(c), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided that the applicant can demonstrate all of the following:
  - a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes, or significantly interferes with, reasonable use of the property;

- b. That the hardship in subsection (a) of this section 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 this SMP, 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 SMP 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.
4. **Waterward of the OHWM.** Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(c), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
- a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes all reasonable use of the property;
  - b. That the proposal is consistent with the criteria established under subsection (3)(b) though (f) of this section; and
  - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
5. **Cumulative impacts.** In the granting of all shoreline variance permits, consideration shall be given to the cumulative impacts of additional request for like actions in the area. For example, if a shoreline variance were granted to other developments and/or uses in the area where similar circumstances exist, the total of the shoreline variances shall also remain consistent with the polices of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
6. **Use regulations.** Variances from the use regulations of this SMP are prohibited.
7. **Notice to Ecology.** The same procedure identified above in conditional use permits, shall be required for variance permits.

## 7.8 Time Limit Requirements for Shoreline Permits

- A. **Applicability.** The time requirements of this section shall apply to all shoreline permits authorized under this Shoreline Master Program.
- B. **Different time limits.** Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the provisions of this Shoreline Master Program, the Town may adopt different time limits from those set forth in regulation 7.7 (3) and regulation 7.7 (4) as a part of action on a shoreline permit.
- C. **Commencement.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of the shoreline permit. However, the Town 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

before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.

- D. **Termination.** Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. However, the Town 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 before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.
- E. **Effective date.** The effective date of a shoreline permit shall be the date of receipt as provided in RCW 90.58.140(6). The permit time periods in regulation 7.7(3) and regulation 7.7(4) do not include the time during which a use or activity was not actually pursued due to pending 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.
- F. **Revisions.** Revisions to permits may be authorized after original permit authorization has expired, provided that this procedure shall not be used to extend the original permit time requirements or to authorize shoreline substantial development after the time limits of the original permit.
- G. **Notification to Ecology.** The Town shall notify Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

## 7.9 Shoreline Permit Revisions

- A. A permit revision is required whenever an applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit, prior to construction/project completion. Changes are substantive if they alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP and/or the policies and provisions of RCW 90.58. Changes that are not substantive in effect do not require approval of a revision.
- B. When a revision of a shoreline permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the standards of this section pursuant to WAC 173-27-100.
- C. The revision shall be approved if the proposed changes are determined by the Shoreline Administrator or their representative to be within the scope and intent of the original permit, are consistent with the SMA (RCW 90.58), the Guidelines in WAC 173-26, and this SMP, and provided that:
  - 1. No additional over-water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less;
  - 2. Ground area coverage and height may be increased a maximum of ten percent from the provision of the original permit;

3. The revised permit does not authorize development to exceed height, lot coverage, setbacks, or any other requirements of this SMP except as authorized under a shoreline variance granted as the original permit or part thereof;
  4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP; and
  5. The use authorized pursuant to the original permit is not changed.
- D. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes that are consistent with this section and that would not require a permit for the development or change proposed under the terms of RCW 90.58, this regulation and this SMP. If the proposed change constitutes substantial development, then a new permit is required. Provided, this regulation shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- E. The project proponent shall apply for a new permit if the sum of the revision and any previously approved revisions under former WAC 173-14-064 of this section violate the provisions in provision (3) above.
- F. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173.27.180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the Town shall notify parties of record of the action taken.
- G. If the revision to the original permit involves a shoreline conditional use permit or shoreline variance permit, the Town shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this regulation. Ecology shall render and transmit to the Town and the applicant its final decision within 15 days of the date of Ecology's receipt of the submittal from the Town. The Town shall notify parties of record of Ecology's final decision.
- H. The revised substantial development permit is effective immediately upon final decision by the Town, or upon final action by Ecology in the case of conditional use or variance permits.
- I. In accordance with RCW 90.58.180 appeals shall be based only upon contentions of noncompliance with provision 7.8(3) of this section. and shall be filed as follows:
1. Substantial development permits: within 21 days from the date Ecology receives the County/Town's action; and,
  2. Conditional use and variance permit: Per section 7.8(7), within 21 days from the date Ecology's final decision is transmitted to the County/Town and the applicant.
- J. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no effect on the validity of the original permit.

## 7.10 Request for Review of Final Permit Decisions

1. All requests for review of any final permit decisions under RCW 90.58 and WAC 173-27 are governed by the procedures established in RCW 90.58.180 and WAC 461-08.

## 7.11 Legal Nonconforming Uses, Structures, and Lots

- A. **Applicability.** Nonconforming uses, structures, developments, and lots shall adhere to the following regulations. In the event of a conflict with Title 18 (Town of Cathlamet Municipal Code), this section shall prevail.
- B. **Nonconforming Structures.**
  1. Structures that were legally established and are used for a conforming use but are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may continue as legal nonconforming structures and may be maintained and repaired.
  2. Nonconforming structures may be enlarged or expanded provided that said enlargement meets the applicable provisions of the master program. In the absence of other more specific regulations, proposed expansion shall not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures, unless a shoreline variance permit is obtained.
  3. Nonconforming single-family residences that are located landward of the ordinary high-water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040 (2)(g) upon approval of a conditional use permit.
  4. 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.
  5. In the absence of other more specific regulations, a structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
    - a. No reasonable alternative conforming use is practical; and
    - b. The proposed use will be at least as consistent with the policies and provisions of the SMA 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 the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.
  6. A nonconforming structure which is moved any distance must be brought as closely as practicable into conformance with the applicable master program and the act.
  7. 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 two years of the date the damage occurred.

### **C. Nonconforming Uses**

1. Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses.
2. In the absence of other more specific regulations in the master program, such uses shall not be enlarged or expanded, except upon approval of a conditional use permit.
3. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire, and any subsequent use shall be conforming unless re-establishment of the use is authorized through a conditional use permit which must be applied for within the two-year period.
  - a. The Administrator may allow a one (1) year extension to the permit application deadline in situations with extenuating circumstances such as resolution of an estate, demonstration of a bona fide intention to sell or lease the property, or widespread economic or natural disaster has occurred
  - b. Construction must commence within two years of the issuance of permits.
  - c. The determination of a legal nonconforming use as being expired, as considered in the specified timeframe above, shall be determined by due process. The burden is on the Town to prove that the use was legally abandoned by the land owner prior to a determination of the use as being expired under this provision.
  - d. A deprived party shall have the right to his/her procedural due process rights and shall have the opportunity to argue his/her legal nonconforming use status as a defense.
  - e. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use includes phased or rotational operations as part of typical operations.
  - f. A use authorized pursuant to subsection (2)(e) of this section shall be considered a conforming use for purposes of this section.

### **D. Nonconforming Lot.**

1. A nonconforming lot may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

## **7.12 Vesting**

- A. A proposed project shall become vested the day an application has been submitted and received by the Shoreline Administrator. The application shall be reviewed under the existing version of the Shoreline Master Program in effect on the date of application. In the event that the applicant substantially changes the proposal after submitting the application, the entire application shall be reviewed under the Shoreline Master Program in effect on the date of the revised application submittal. Vesting of the proposed project expires once the shoreline permit has expired. Future applications proposed within the same project area affected by a previous approval issued under a shoreline permit shall not be considered vested and must comply with the current Shoreline Master Program in effect at the time of application.

## **7.13 Enforcement**

- A. The Town shall apply WAC 173-27 Part II, Shoreline Management Act Enforcement, to enforce the provisions of this Program.

## 7.14 Amendments

- A. Amendments to this Program, whether locally-initiated or per mandated periodic review, shall be processed according to the procedures prescribed in WAC 173-26-090 to -110. The Town may use the standard local review process or the optional joint review process (WAC 173-26-100 or -104, respectively) prior to sending a complete SMP submittal package to Ecology for state review and approval. Appeals of an Ecology final decision on an amendment shall be made to the Washington Growth Management Hearings Board, per RCW 90.58.190.

## 7.15 Appeals

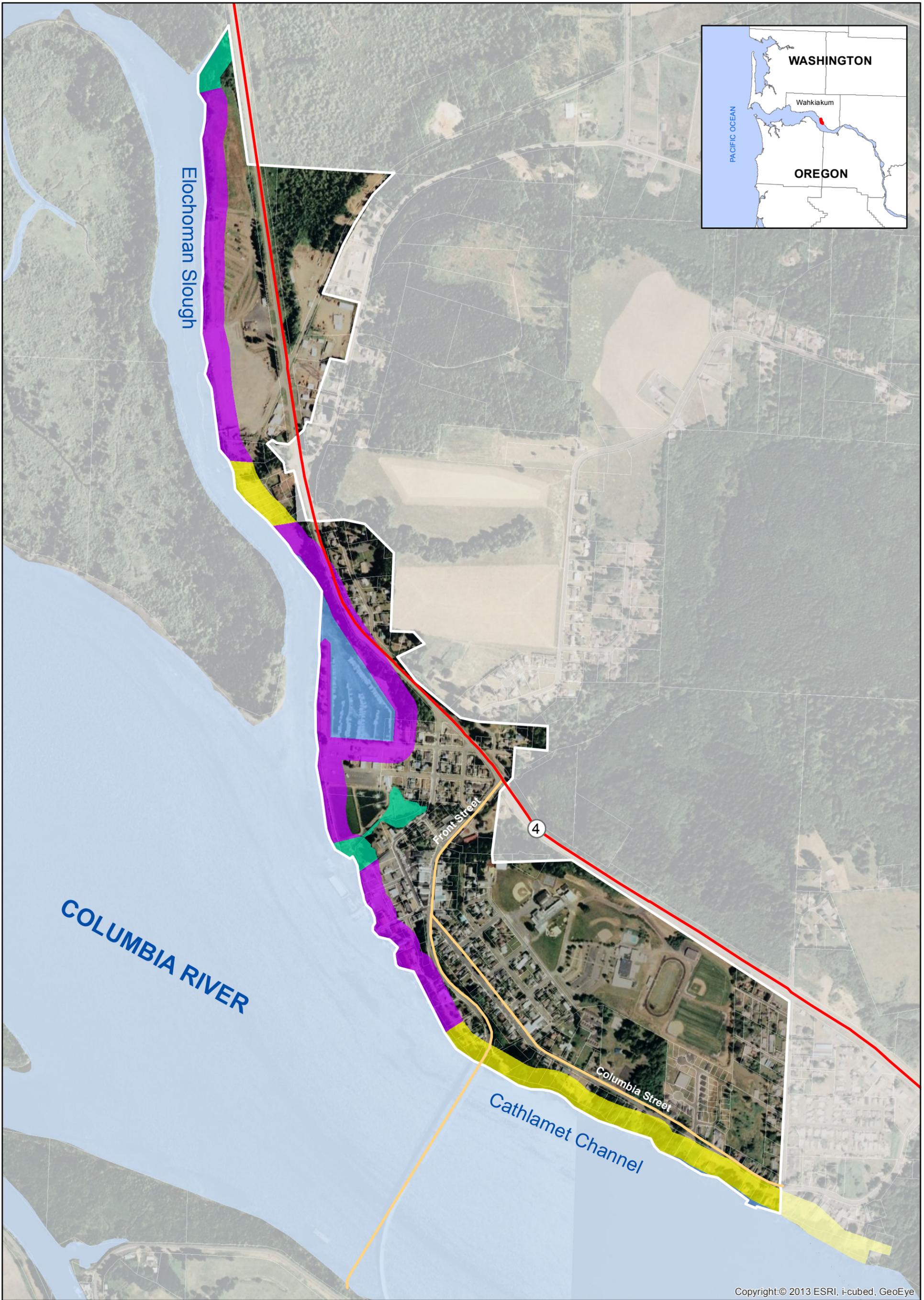
- A. **Local appeal of administrator's decision.** Any decision made by the Shoreline Administrator may be appealed to the Town of Cathlamet Council. Local appeals are subject to the following provisions:
  - 1. Appeals shall be submitted in writing to the Town Clerk for Cathlamet by 5:00 p.m. of the fifteenth calendar day following the date of the decision. When the last day of the comment period so computed is a Saturday, Sunday, or federal or county/town holiday, the period shall run until 5:00 p.m. on the next business day. The appeal shall state specific objections to the decision and the relief sought. The appeal shall be accompanied by any applicable filing fees.
  - 2. The record established by the hearing body (including testimony, exhibits, comment letters, plans, staff reports, etc.) shall be the record used by the hearing body unless it is supplemented by the hearing body pursuant to this section. A request to supplement the record shall be made in a separate document that is attached to the appeal. The appeal shall not mention or refer to the material that is proposed to be added to the record. A request to supplement the record shall include a brief description of the nature of the material to be added and a separate, attached copy of the material to be added. The request to supplement the record must clearly establish that the new evidence or information to be added to the record was not available or could not have been reasonably produced at the time of the permit review by the Shoreline Administrator.
  - 3. The hearing body may affirm, modify, or reverse the Shoreline Administrator's decision, remand to the Shoreline Administrator with directions for further review, or grant other appropriate relief. If the hearing body reverses or modifies the Shoreline Administrator's decision, the hearing body shall enter findings and/or conclusions to support the decision.
  - 4. The Shoreline Administrator's decision on appeal shall be given equal weight.
  - 5. Appeals of decisions by the local hearing body shall be made to the State Shoreline Hearing's Board.
- B. **Appeal to State Shoreline Hearings Board.** All appeals of any final permit decisions are governed by the procedures established in RCW 90.58.180, RCW 90.58.140(6), and WAC 461-08, the rules and procedures of the Shorelines Hearing Board. Appeals must be made to the Shoreline Hearings Board within 21 days after the Town's final decision concerning the shoreline permit or revisions of the permit.

## 7.16 Fees

- A. The applicant shall be responsible for the initiation, preparation, submission, and expense of any required reports, assessments, studies, plans, and other work prepared in support of or necessary to review the application

**APPENDIX 1: Shoreline Environment Designation Map**

*Blank Page*



Copyright:© 2013 ESRI, i-cubed, GeoEye

- Aquatic
- Mixed Waterfront
- Town Conservancy
- Town Residential
- Parcels\_MB
- Town of Cathlamet

### Cathlamet SMP Appendix 1. Shoreline Environment Designation Map

July 2019



Shoreline jurisdiction and environment designation boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm or modify the information shown on this map. Shoreline jurisdiction will be determined at time of project review using the best available site-specific information.

