City of White Salmon
Shoreline Master Program

Effective Date: Month XX, XXXX .

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Prepared for

City of White Salmon
White Salmon, Washington

Effective Date: Month XX, XXXX.

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CITY OF WHITE SALMON
SHORELINE MASTER PROGRAM

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ACRONYMS AND ABBREVIATIONS

The Act	Shoreline Management Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
City	City of White Salmon
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
GIS	geographical information system
Guidelines	Shoreline Master Program Guidelines
HPA	Hydraulic Project Approval
MTCA	Model Toxics Control Act
NRCS	Natural Resource Conservation Service
OHWM	ordinary high water mark
RCW	Revised Code of Washington
RD	Riverfrontage District
SEPA	State Environmental Policy Act
SMP	Shoreline Master Program
SR	State Route
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WRIA	Water Resource Inventory Area
WSMC	White Salmon Municipal Code

1.0 CHAPTER 1: INTRODUCTION

1.1 Title

This document shall be known and may be cited as the City of White Salmon Shoreline Master Program (SMP).

1.2 Adoption Authority

This SMP is adopted under the authority granted by the Shoreline Management Act (Act) of 1971 embodied in the Revised Code of Washington (RCW) Chapter 90.58, and is adopted in compliance with the Shoreline Master Program Guidelines contained in Washington Administrative Code (WAC) 173-26 as may be hereafter amended.

1.3 Purpose of the Shoreline Master Program

The purpose of this SMP is:

1. To guide the future development of the City of White Salmon's shorelines in accordance with local goals and objectives and in compliance with the requirements of the Act.

2. To ensure that development under the SMP will result in no net loss of ecological functions.

3. To provide for the preservation and enhancement of shoreline ecological resources as part of coordinated planning for new development in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.

4. To provide a fair and equitable process for applicants and the public to review and comment on development proposals within White Salmon's shorelines.

1.4 Shoreline Jurisdiction

1.4.1 Shoreline Management Act Jurisdiction Definition

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state applicable to White Salmon are streams whose mean annual flow is twenty (20) cubic feet per second or greater. Shoreline jurisdiction includes these waters, together with the lands underlying them and all lands extending landward two hundred (200) feet in all directions, as

measured on a horizontal plane from the ordinary high water mark (OHWM), as well as all associated wetlands.

The extent of the shoreline jurisdiction shall be determined for specific cases based on the actual location of the OHWM, floodway, and the presence and delineated boundary of associated wetlands as may be determined on a site-by-site basis based on adopted definitions and technical criteria.

1.4.2 Applicable Shoreline Area in White Salmon

The shoreline within the City of White Salmon is approximately one (1) mile long and located along the Columbia River, which is a shoreline of statewide significance as defined in this SMP and the Act. White Salmon's shoreline contains lands approximately one third of a mile east and west of the Hood River Bridge and a small portion of land in White Salmon's far western extents north of Highway 14 (see Appendix A). The City's shoreline jurisdiction also includes all lands within two hundred (200) feet of the OHWM of the Columbia River and all associated wetlands which are hydraulically connected to the Columbia River. At the time of adoption of this SMP, there are no other streams, lakes, or rivers that meet the definition of shorelines within the City of White Salmon.

1.4.3 Official Map of Shoreline Jurisdiction

1. Approximate shoreline jurisdiction and the shoreline environmental designations are delineated on a series of maps, hereby incorporated as a part of this SMP that shall be known as the "City of White Salmon Master Program Maps," (see Figures 1A and 1B in Attachment A to this SMP).

2. The boundaries of the shoreline jurisdiction on the maps are approximate. The actual extent of shoreline jurisdiction shall be based upon an on-site inspection and the definitions of "shorelines" and "shorelands" provided in accordance with sections 1.4.1 and 1.4.2 of this SMP, Chapter 8, and in accordance with RCW 90.58.030.

1.5 Shoreline Master Program Applicability to Development

1.5.1 General Applicability

The SMP shall apply to all land and waters under the jurisdiction of the City of White Salmon as identified in sections 1.4.1 and 1.4.2 above. If the provisions of the SMP conflict with other applicable local ordinances, policies, and regulations, the requirement that most supports the provisions of the Act as stated in RCW 90.58.020, and that provides the greatest protection of shoreline ecological resources, shall apply, as determined by the Shoreline Administrator.

1.5.2 Applicability to Federal Agencies

Federal agency actions and projects occurring within White Salmon's regulated shorelines must adhere to WAC 173-27-060. Direct federal agency activities affecting the uses or resources subject to the act must be consistent to the maximum extent

practicable with the enforceable provisions of the Act, regulations adopted pursuant to the Act, and the White Salmon SMP. The SMP, including the permit system, shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.

Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.

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1.5.3 Applicability to All Persons and Development

This SMP applies to all uses, activities and development by persons or parties on lands subject to the SMP as identified in sections 1.4.1 and 1.4.2. Please see section 2.5 below for more information on when a permit is required. Regardless of their exempt status, exempt uses or activities must continue to demonstrate compliance with the policies and regulations contained in the SMP.

1.6 Relationship to Other Plans and Regulations

In addition to obtaining authority to undertake development or activities in accordance with the SMP, applicants must also comply with all applicable federal, state, or local statutes or regulations. These may include, but are not limited to, a Section 404 Permit by the U.S. Army Corps of Engineers-, Section 401 Permit by the Washington Department of Ecology (Ecology), Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW), and State Environmental Policy Act (SEPA) approval (RCW Chapter 43.21 and WAC Chapter 197-11). White Salmon's Municipal Code also applies, including Title 16 "Land Divisions," Title 17 "Zoning," and Title 15 "Buildings and Construction," and all other applicable code provisions. Applicants must also comply with the White Salmon Comprehensive Plan.

The City's Shoreline Administrator or designee should inform applicants for shoreline development of all applicable regulations to the best of the Shoreline Administrator's knowledge; provided that the final responsibility for complying with all statutes and regulations shall rest with the applicant.

1.7 Liberal Construction

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

1.8 Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this SMP or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

1.9 Effective Date

This SMP and all amendments thereto shall take effect 14 days from the date of the Department of Ecology's written notice of final action (RCW 90.58.090(7)), and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.

1.10 Organization of this Shoreline Master Program

This SMP is divided into eight chapters:

Chapter 1: Introduction – Provides general background information on the purpose of the SMP, shoreline jurisdiction, the SMP's applicability to development and actions within the shoreline, and organization of the document.

Chapter 2: Applicability, Shoreline Permits, and Exemptions – Provides a system by which shoreline permits, including substantial development, conditional use, variance and statements of exemption, are considered.

Chapter 3: Shoreline Master Program Goals and Policies – Articulates the goals and policies of the SMP that establish the foundation for all other portions of the SMP.

Chapter 4: Shoreline Designations – Defines the environmental designations of all the shorelines of the state in the City's jurisdiction. Management policies and regulations specific to the three designated shoreline environments (Aquatic, High Intensity, and Urban Conservancy) are detailed in this chapter.

Chapter 5: General Shoreline Use and Development Regulations – Specifies the regulations that apply to all shoreline uses and developments regardless of type of use or location along the City's shorelines.

Chapter 6: Specific Shoreline Use Regulations – Details the use policies and regulations applicable to specific shoreline use categories such as, but not limited to, aquaculture, commercial, residential, transportation, utilities, and industrial uses.

Chapter 7: Shoreline Modifications – Sets in place the policies and regulations governing the activities that modify the physical configuration or qualities of the land-water interface, including dredging, fill, excavation, stabilization, and moorage uses and activities.

Chapter 8: Definitions - Provides definitions for words and terms used in the SMP.

2.0 CHAPTER 2: APPLICABILITY, SHORELINE PERMITS AND EXEMPTIONS

2.1 Purpose and Applicability

This Chapter establishes an administrative system assigning responsibilities for implementation of the SMP and shoreline permit review, prescribing an orderly process by which to review proposals and permit applications, and ensuring that all persons affected by this SMP are treated in a fair and equitable manner. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Act and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the White Salmon Municipal Code occur, this section shall prevail.

2.2 Shoreline Administrator

1. The City Administrator, herein referred to as the "Shoreline Administrator", or their designee, is hereby vested with:

    a. Overall responsibility for administering the Act and this SMP.

    b. Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of this SMP.

    c. Authority to make recommendations to the Planning Commission on shoreline substantial development, shoreline conditional use, and shoreline variance permits.

2. The duties and responsibilities of the Shoreline Administrator or designee shall include:

    a. Preparing and using forms deemed essential for the administration of this SMP.

    b. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this SMP.

    c. Making administrative decisions and interpretations of the policies and regulations of this SMP and the Act.

    d. Collecting applicable fees, as established by the City in WSMC 3.36.

    e. Determining that all applications and necessary information and materials are provided.

    f. Conducting field inspections, as necessary.

g. Reviewing, insofar as possible, all provided and related information deemed necessary for review of shoreline master program decisions.

h. Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.

i. Providing copies of permit applications and making permit applications publicly available to relevant staff, agencies and tribes for review and comment.

j. Conducting a thorough review and analysis of shoreline exemption, substantial development and conditional use permit applications; reviewing other staff, agency and tribal comments; making written findings and conclusions; and approving, approving with conditions, or denying exemptions.

k. Submitting shoreline variance permit applications, substantial development, and conditional use permit applications, and written recommendations and findings on such permits to the Planning Commission for consideration.

l. Investigating, developing, and proposing amendments to this SMP as deemed necessary to more effectively and equitably achieve its goals and policies.

m. Submitting shoreline master program amendment applications and written recommendations and findings on such permits to the Planning Commission.

n. Assuring that proper notice is given to appropriate persons and the public for all permit comment periods and hearings, consistent with WAC 173-27-110.

o. Providing technical and administrative assistance to the City's Planning Commission as required for effective and equitable implementation of this SMP and the Act.

p. Enforcing and seeking remedies for alleged violations of this SMP, the provisions of the Act and this SMP or of conditions of any approved shoreline permit issued by the City of White Salmon. The Shoreline Administrator may delegate these enforcement duties to a designated representative.

q. Acting as the primary liaison between local and state agencies in the administration of the Act and this SMP.

r. Forwarding shoreline permits to the Department of Ecology for filing or action.

s. Maintaining a shoreline permit filing system so that the cumulative impacts of shoreline development can be tracked over time and no net loss reports generated as required by future Ecology actions.

2.3 Permit Application Requirements

1. Proposals located within shoreline jurisdiction shall submit a Joint Aquatic Resource Permit Application (JARPA) and all information required by WAC 173-27-180 to the City along with the following:

   a. The OHWM of all water bodies 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 site plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline."

   b. Identification of all critical areas on the subject property

   c. Proposed mitigation for unavoidable impacts, if necessary

   d. Technical Assessments prepared by a Qualified Professional. The City may require the applicant to submit a technical assessment addressing how the proposal incorporates best available science. The technical assessment shall be adequate for the Shoreline Administrator to evaluate the development proposal and all probable adverse impacts to critical areas regulated by this chapter. If adequate factual information exists to facilitate such evaluation, the Shoreline Administrator may determine that a technical assessment is not necessary. The Shoreline Administrator will advise the applicant of existing technical information that may be pertinent to their property. Technical assessments shall be attached to the development permit application package.

   e. If the proposal will require a Shoreline Variance Permit, the applicant's plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

   f. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the Shoreline Administrator shall notify the applicant that additional studies as specified herein shall be provided.

2. All projects proposed within the shoreline area require a Pre-application Meeting. The Shoreline Administrator may waive this requirement if the applicant requests such in writing and demonstrates that the usefulness of a pre-application meeting is minimal.

3. Upon the review of materials submitted by an applicant the Shoreline Administrator can, at their discretion, require peer review be completed by a consultant chosen by the Shoreline Administrator, at the sole expense of the applicant.

4. The Shoreline Administrator shall review the information on the forms submitted by the applicant, the critical areas maps, and any other resource information available as part of the determination process. Additionally, they shall conduct a site visit to ascertain the characteristics of the subject property and to verify the presence of the critical area.

2.4 Permit Process

1. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Act and this SMP whether or not a permit is required.

2. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City.

3. Shoreline substantial development, conditional use permits, and variances are a Type III application and shall be processed according to the procedures in Chapter 19.10 WSMC.

4. Public notice. A notice of application shall be issued for all shoreline permit applications as provided for in WAC 173-27-110.

5. Application review. The Shoreline Administrator shall make recommendations to the Planning Commission on shoreline substantial development, shoreline conditional use, and shoreline variance permits.

6. The Planning Commission shall review applications for shoreline substantial development, shoreline conditional use and shoreline variance permits in an open-record public hearing and make recommendations to the City Council.

7. City Council action. The City Council shall review an application for a shoreline substantial development, shoreline variance and shoreline conditional use permit in a closed-record public hearing and make a final decision on shoreline substantial development permits and a recommendation to the Department of Ecology on shoreline conditional use permits and variances

8. The Shoreline Administrator, Planning Commission and City Council shall base their review, recommendation, and decision on: (1) the policies and procedures of the Act and related sections of the Washington Administrative Code; (2) this SMP and (3) written and oral comments from interested persons in a public hearing. The Planning Commission shall also base its recommendation on a report from the Shoreline Administrator and the City Council shall also base its decision on a report from the Planning Commission.

9. Filing with Department of Ecology. All applications for a permit or permit revision shall be submitted to the Department of Ecology, as required by WAC 173-27-130 or as subsequently amended.

10. After City approval of a Conditional Use or Shoreline Variance permit, the City shall submit the permit to the Department of Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. The Department shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City.

11. Hold on Construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with the Department of Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the City's final decision on substantial development permits differs from date of filing for a conditional use permit or variance. In the case of a substantial development permit, the date of filing is the date the City transmits its decision on the permit to the Department of Ecology. In the case of a variance or conditional use permit, the "date of filing" means the date the Department of Ecology's final order on the permit is transmitted to the City.

12. Duration of permits. Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Shoreline Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.

13. The time periods in Section 10, above, do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
14. Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity.

15. The application of this SMP should be consistent with constitutional and other legal limitations on the regulation of private property. The Shoreline Administrator should give adequate consideration to setback averaging, mitigation measures, variances, and other flexibility allowed within the SMP to prevent undue or unreasonable hardships upon property owners.

16. The applicant's proposal is vested under this SMP once a valid and technically complete shoreline substantial development, conditional use, or variance permit has been submitted. Submittal or approval of shoreline permits does not vest applicants for other City permits (i.e. preliminary plat, site plan, etc.).

2.5 Substantial Development Permits and Exemptions

1. Permits Required.

   a. A substantial development shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this Shoreline Master Program unless a shoreline substantial development permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.

   b. Any person wishing to undertake substantial development or exempt development on shorelines shall apply to the Shoreline Administrator for an appropriate shoreline permit or statement of exemption.

   c. If a development, use or activity cannot comply with the regulations of the SMP, a shoreline variance must be obtained before commencement of development or construction, or beginning the use or activity.

2. Determination of Exemption. The following guidelines shall assist in determining whether or not a development proposal is exempt from the substantial shoreline development permit.

   a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions in WAC 173-27-040, RCW 77.55.181, RCW 90.58.147, and any legislative updates listed therein. The Shoreline Administrator shall review the above citations for each development proposal to ensure the most accurate determination of exemption status.

   b. Shoreline Administrator shall review the above citations for each proposed development to ensure the most accurate determination of exemption status may be granted exemption from the substantial development permit process.

   c. An exemption from the substantial development permit process is not an exemption from compliance with the Act or this SMP, or from any other

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regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the Act. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a conditional use permit in accordance with this SMP even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a variance in accordance with the provisions of this chapter.

~~c.~~d. The burden of proof that a development or use is exempt from the permit process is on the applicant.

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

~~e.~~f. The City's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Act and this SMP.

~~2.~~3. Exempt activities related to any of the following shall not be conducted until a letter of exemption has been obtained from the Shoreline Administrator or designated signatory when the project is subject to one or more of the following Federal Permitting requirements: A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899; or a Section 404 permit under the Federal Water Pollution Control Act of 1972.

~~3.~~4. A Letter of Exemption shall expire one year after the date of issuance unless otherwise specified in the Letter of Exemption. The same measures used to calculate time periods for Shoreline Permits as set forth in WAC 173-27-090(4) shall be used for Letters of Exemption.

~~4.~~5. No written statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d).

~~5.~~6. A notice of decision for shoreline letters of exemption shall be provided to the applicant/proponent and any party of record. Such notices shall also be filed with the Department of Ecology, pursuant to the requirements of WAC 173-27-050.

~~6.~~7. All applications for a letter of exemption shall provide at a minimum, the Joint Aquatic Resource Permit Application (JARPA). Information shall be provided that is sufficient for the Shoreline Administrator or designated signatory to determine if the proposal will comply with the requirements of this SMP.

~~7.~~ 8. A denial of an exemption shall be in writing and shall identify the reason(s) for

the denial. The Shoreline Administrator's decision on a statement of exemption is not subject to administrative appeal.

~~a. Any development of which the total cost or fair market value, whichever is higher, is below the threshold established by the Act and any amendments to the Act, if such development does not materially interfere with the normal public use of the water or shoreline. The Substantial Development dollar threshold on the adoption date of this SMP is $. Under current law, the dollar threshold will be recalculated every five (5) years by the Office of Financial Management (OFM). The OFM will post updated dollar thresholds in the Washington State Register. See RCW 90.58.030(3)(e). The Legislature may change the dollar threshold at any time.~~

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~~b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" shall be defined by the Act.~~

~~c. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Act or this SMP. Emergency construction does not include development of new permanent protective structures where none previously existed.~~

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

~~e. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of multiple family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exemption applies if the fair market value of the dock does not exceed the threshold established by the Act, as amended.~~

~~f. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;~~

~~g. Any project with certification from the Governor pursuant to Chapter 80.50 RCW.~~
~~h. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under WAC 173 27 040(2)(m).~~

~~i. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020.~~

~~j. Watershed restoration projects as defined in WAC 173 27 040(2)(o).~~

~~A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the conditions identified in WAC 173 27 040(2)(p) apply~~.

2.6 Exceptions to local review.

1. Developments not required to obtain shoreline permits or other local reviews under the Shoreline Management Act are listed under WAC 173-27-044 and

WAC 173-27-045. Such developments include certain remedial actions; boatyard improvements; WSDOT facility improvements; projects consistent with an environmental excellence program agreement and projects authorized through the Energy Facility Site Evaluation Council process.

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~~k.~~

2.7 Variances

1. The purpose of a shoreline variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the SMP would impose unnecessary hardship on the applicant or thwart the policies set forth in the SMA.

2. Variances from the use regulations of the SMP are prohibited.

3. The Planning Commission shall, following an open-record public hearing, forward a recommendation to the City Council. Council shall have the authority to forward a recommendation to the Department of Ecology which makes the final decision. The Department of Ecology's decision may be appealed to the state Shoreline Hearings Board per the provisions of section 2.9 of this SMP.

4. To approve a Shoreline Variance Permit the applicant must demonstrate compliance with the following review criteria as listed in WAC 173-27-170:

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

    b. That the hardship described in (a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the 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 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.

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

5. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in this SMP, may be authorized provided the applicant can demonstrate all of the following:

   a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;

   b. That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

   c. That the public rights of navigation and use of the shorelines will not be adversely affected.

6. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

2.8 Conditional Use Permit

1. Purpose. The purpose of a conditional use permit is to provide a system within the SMP which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City of White Salmon or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the SMP. Uses that are specifically prohibited by this SMP may not be authorized with the approval of a conditional use permit.

2. The Planning Commission shall, following an open-record public hearing, forward a recommendation to the City Council. Council shall have the authority to forward a recommendation to the Department of Ecology which makes the final decision. The Department of Ecology's decision may be appealed to the state Shoreline Hearings Board per the provisions of section 2.9 of this SMP.

~~7.~~3. If a development, use or activity is listed as a conditional use by the SMP, it shall not be undertaken within shoreline jurisdiction unless a shoreline conditional use permit has been obtained, the appeal period has been completed, any appeals have been resolved, and/or the applicant has been given permission to proceed by the proper authority.

~~8.~~4. Conditional Use Permit Criteria. Uses which are classified or set forth as conditional uses in the SMP may be authorized, provided the applicant demonstrates that the conditional use criteria listed in WAC 173-27-160 are met.

a. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;

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 is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP;

d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

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

~~9.~~5. In the granting of all conditional use permits, consideration shall be given to the cumulative impact 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 also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

~~10.~~6. Other uses which are not classified or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the SMP.

~~11.~~7. Uses which are specifically prohibited by the SMP may not be authorized.

2.9 Nonconforming Development

"Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this SMP, or amendments thereto, but which does not conform to the use and development standards contained in Table 6-1 of this SMP. In such cases, the following standards shall apply:

~~12.~~1. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers, area, bulk, height or density may be maintained and repaired and may be enlarged or expanded in compliance with this SMP provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;

~~13.~~2. Uses that were legally established and are nonconforming with regard to the use regulations of the SMP may continue as legal nonconforming uses. Such uses shall be allowed to be repaired, maintained, expanded or modified consistent with this SMP and are permitted to expand an additional fifty (50) percent of the existing development footprint inclusive of the area dedicated to service areas occupied by the nonconforming use. Service areas are developed areas of the site which serve the primary uses such as roads, sidewalks, parking lots, and landscaped areas, and other accessory uses. Expansions may occur incrementally, or at one time, but in no case may exceed 50 percent of the existing development footprint. The development footprint is that which has been approved and is shown on permit records on file with the City at the time of adoption of this SMP, but does not include previously unauthorized footprint expansions that have not received City approval. Such expanded or redeveloped structures and uses shall be considered conforming. In no case shall a nonconforming use be allowed to expand to occupy additional parcels or additional lot area created by boundary line adjustment or lot combination, nor shall a nonconforming use be allowed to expand into an adopted shoreline setback area. In the event that the nonconforming use is located completely or partially within an adopted shoreline setback area, future expansion may not occur waterward of the existing primary structure.

~~14.~~3. A use which is listed as a conditional use, but which existed prior to adoption of the SMP or any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the SMP to the site and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

~~15.~~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.

~~16.~~5. 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 act and the SMP and as compatible with the uses in the area as the preexisting use.

c. 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 SMP and the Act and to assure that the use will not become a nuisance or a hazard.

~~17.~~6. If a nonconforming structure is modified and the cost of the proposed development exceeds sixty (60) percent of the market value as determined by the Klickitat County Assessor, it shall be required to meet all applicable standards in the SMP.

~~18.~~7. In the event that any legally existing structure is damaged or destroyed by fire, explosion or other causality to an extent not exceed seventy-five (75) percent of the cost of the replacement of the entire building , it may be reconstructed to configurations existing immediately prior to the time the structure was damaged or destroyed, provided the application is made for the necessary permits within six months of the date the damage or destruction occurred and the restoration is completed within two (2) years of permit issuance or the conclusions of any appeal on the permit.

~~19.~~8. A nonconforming use that is discontinued for a period of twelve (12) continuous months shall not be allowed to be re-established as a nonconforming use.

~~20.~~9. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established prior to the effective date of the Act or the SMP, but which does not conform to the present lot size standards, 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 SMP and the Act.

2.10 Appeals

Any person aggrieved by the granting or denying of a substantial development permit, variance, or conditional use permit, the upholding of an exemption appeal, or by the rescinding of a permit pursuant to the provisions of this SMP, may seek review from the State of Washington Shorelines Hearing Board by filing a request for the same within twenty-one (21) days of receipt of the final order and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC. A copy of such appeal notice shall also be filed with the City of White Salmon.

2.11 Enforcement and Penalties

All provisions of this SMP shall be enforced by the Shoreline Administrator and/or a designated representative. The enforcement procedures and penalties contained in WAC Chapter 173-27 and RCW Chapter 90.58 are hereby incorporated by reference.

2.12 Shoreline Master Program Review

~~21.~~1. This SMP shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

~~22.~~2. The City's established permit tracking system, aerial photographs, review of other available data, and field observations as feasible shall be used to periodically evaluate the effectiveness of the SMP in achieving no net loss of shoreline ecological functions with respect to both permitting and exemptions.

~~23.~~3. As part of the required SMP update, an evaluation report assessing the effectiveness of the SMP in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.

~~24.~~4. The SMP review and update process shall be consistent with the requirements of WAC 173-26 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

2.13 Amendments to the Shoreline Master Program

1. Any of the provisions of this SMP may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC.

2. Amendments or revisions to the SMP, as provided by law, do not become effective until approved by the Department of Ecology and must meet the submittal and procedural requirements of WAC 173-26-110, or as amended therein.

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2.14 Severability

If any provisions of this SMP, or its application to any person or legal entity or parcel of land or circumstance, are held invalid, the remainder of the SMP, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

2.15 Conflict of Provisions

Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the City, the requirement that most supports the purposes and provisions of the Act, as detailed in RCW 90.58.020 shall apply, as determined by the City, except when constrained by federal or state law.

3.0 CHAPTER 3: SHORELINE MASTER PROGRAM GOALS AND POLICIES

This chapter describes overall Shoreline Master Program goals and policies. The general regulations in Chapter 5 and the specific-use regulations in Chapter 6 are the means by which these goals and policies are implemented.

3.1 General Shoreline Goals

The general goals of this SMP are to:

1. Reconnect White Salmon with its waterfront by planning for public access and recreational opportunities such as a park and trail system.

2. Preserve and enhance the shoreline environment by adequately identifying opportunities, planning and implementing for conservation and restoration opportunities within the financial resource constraints of the City and its partners.

3. Promote the full economic potential of White Salmon's shoreline to accommodate water-oriented uses that preserve full ecological function.

4. Allow lawfully established, non-water oriented uses to continue and expand subject to section 2.8 of this SMP while encouraging ecological restoration or enhancement consistent with maintaining no net loss of ecological function.

5. Coordinate with private and public property owners, such as the County, tribal governments, and the BNSF Railway to implement the goals and policies of this SMP.

3.2 Critical Areas

3.2.1 Goals

1. Critical areas, including fish and wildlife habitat conservation areas, geologically hazardous areas, flood hazard areas, wetlands, critical aquifer recharge areas and their buffers, should be protected within the shoreline jurisdiction to ensure no net loss of these critical areas and shoreline ecology.

2. Human uses of shoreline critical areas should be encouraged, provided; those uses do not result in a net loss of ecological functions.

3. Incentivize restoration of critical areas with degraded functions with development and redevelopment projects on private and public properties. Restoration should be consistent with the City's Shoreline Restoration Plan.

3.2.2 Policies

1. Critical freshwater habitats should be protected in recognition of their importance to the Columbia River ecosystem of the City of White Salmon and

the state of Washington. SEPA analysis of project alternatives should be conducted for any project proposed within mapped Critical Freshwater Habitat.

2. In compliance with WAC 173-26-221(2), space should be reserved for critical freshwater habitats, including waterfowl concentrations and wetland habitat on White Salmon's waterfront with the priority of maintaining habitat connectivity.

3. Water-dependent uses, including recreational facilities, piers and docks should be permitted in Critical Freshwater Habitat, provided the application demonstrates compliance with required mitigation sequencing and no net loss of ecological function.

4. Development should be directed away from geologic and flood hazard areas within shoreline jurisdiction in recognition of the dangers these areas present to humans, structures, and property.

5. Wetlands provide valuable ecological benefits including decreased erosion and sedimentation for adjacent streams and rivers, absorption of pollutants and preservation of rare plant and animal species. Development and uses should be directed away from wetlands and their buffers to preserve these functions and the potential for human enjoyment of these areas, such as wetland viewing and recreational activities adjacent to wetlands.

6. Critical aquifer recharge areas help protect groundwater quality and quantity for the public water supply and to maintain hydrologic functions of aquatic areas. Due to the prevailing geologic conditions associated with infiltration rates, aquifers have a high potential for contamination of ground water resources. No known aquifer recharge areas exist within White Salmon; however, development should generally be directed away from these areas in the shoreline, if they occur.

7. The natural character of the shoreline and its native vegetation should be preserved. If unavoidable, impacts to the natural character and native vegetation should comply with mitigation sequencing in section 5.1.

3.3 Flood Hazard Reduction

3.3.1 Goal

The goal for flood hazard reduction is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas. In the Columbia River system, a series of dams control flows on the river that control flooding, making new structural flood hazard reduction measures unlikely. If proposed, development and flood hazard reduction measures should adhere to the policies in this section.

3.3.2 Policies

1. All shoreline development should be located, designed, and constructed to prevent flood damage in accordance with local, state, and federal regulations.

2. Development within the flood hazard area should comply with mitigation sequencing to reduce impacts on habitat.

3. New structural flood hazard reduction measures shall only be allowed in support of a water-dependent, water-related or water-enjoyment use where it is demonstrated that structural improvements are necessary to protect existing development or proposed development and where nonstructural stabilization measures are not feasible. All impacts from the structural stabilization must be mitigated to achieve no net loss of shoreline functions, and vegetation must be planted consistent with this SMP.

4. Flood management works should be located, designed, constructed, and maintained to protect the following:

    a. The physical integrity and other properties of the shoreline and other properties that may be damaged by alterations of the geo-hydraulic system

    b. Water quality and natural groundwater movement

    c. Fish, vegetation, and other life forms and their habitat vital to the aquatic food chain

    d. Recreation resources and aesthetic values, such as bluffs, beaches, embayments, peninsulas, and naturally vegetated shorelines.

5. Structural stabilization measures should be located landward of associated wetlands and their buffers.

6. The removal of gravel for flood management purposes must be consistent with an adopted flood hazard reduction plan and with this chapter. The removal of gravel is allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

3.4 Archaeological, Historic, and Cultural Resources

The archaeological-historical-cultural element provides for protection and restoration of buildings, sites, and areas having archaeological, historical, cultural, or scientific value or significance.

3.4.1 Goal

Identify, protect, preserve and restore sites that contain resources of cultural, archaeological, historic, educational, or scientific value or significance.

3.4.2 Policies

The City should take, or cause project applicants to take, all reasonable or required actions to:

1. Minimize the risk of disturbing cultural, archaeological, and historic resources within the City's regulated shoreline jurisdiction.

2. Prevent the destruction of or damage to any site having cultural, archaeological, historic, scientific, or educational value as identified by the appropriate authorities, including the Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz Tribes and the Washington Department of Archaeology and Historic Preservation.

3. Consult with professional archaeologists, the Washington State Department of Archaeology and Historic Preservation (DAHP), and affected Indian tribes before permitting or otherwise approving shoreline development.

4. Consult with professional archaeologists, the DAHP, and affected Indian tribes to establish procedures for salvaging cultural, archaeological, or historic resources, and/or for maintaining such resources in an undisturbed condition.

5. Inspect and/or survey proposed project sites for cultural, archaeological, and historic resources to make informed specific land use decisions. Pursuant to RCW 27.53.070, documents pertaining to the location of archaeological sites are not considered public records that require disclosure.

6. Ensure the use of the best available information, technology, and techniques to identify, protect, preserve, and restore cultural, archaeological, and historic resources.

7. Consult with the DAHP and affected Native American tribes as necessary or requested in implementing the cultural, archaeological, and historic resources goals, objectives, policies, and regulations of this SMP.

8. The City should coordinate with involved private and public parties to achieve this SMP's archaeological, historical, and cultural element policies and regulations

3.5 Public Access

3.5.1 Goal

Promote a public access system along White Salmon's waterfront that will increase the ability of the general public to enjoy the water's edge, travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

3.5.2 Policies

1. Provide, protect, and enhance a public access system that is both physical and visual; utilizes both private and public lands; increases the amount and diversity of public access to the State's shorelines and adjacent areas; and is consistent with the shoreline character and ecological functions, private rights, and public safety.

2. Work with Klickitat County, BNSF Railway, and other land owners to provide public access to the waterfront from upland areas by identifying appropriate and safe public access points in the form of railroad overpasses or underpasses.

3. Provide a coordinated public access or trail system parallel to White Salmon's waterfront with publicly-owned land being the heart of the access system. Connections on private land, when required consistent with this SMP, should augment or connect to access on public lands. Shoreline access should connect to upland areas within the City and to downtown via Dock Grade Road.

4. During restoration projects, take into consideration wildlife migration and the potential need for a habitat crossing of the railroad and associated fencing when planning for public access.

5. Encourage public access provisions consistent with City and County trail system plans including the City of White Salmon Comprehensive Plan Parks, Open Space and Recreation Element.

6. Encourage public access as part of each development project by a public entity, and for all private development, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

7. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health, and safety, or is necessary to a proposed water-oriented use.

8. Consider private rights, public safety, and protection of shoreline ecological functions and processes when providing public access opportunities.

9. Encourage development design that minimizes adverse impacts on views enjoyed by a substantial number of residences.

3.6 Recreation

3.6.1 Goals

Develop active and passive recreational opportunities on White Salmon's waterfront.

1. Develop a park on White Salmon's waterfront with water-dependent and water-enjoyment recreational uses such as kayak or boat launches, picnic areas, trails. Large portions of the park should remain as natural areas.

2. Prioritize the planning, funding, and development for the waterfront park and recreational facilities within it.

3. The intensity of recreational use and the design of facilities should take into consideration the shoreline environment by preserving high-quality natural areas and directing recreational development to already degraded areas.

4. Recreational uses should be located and designed to be compatible with adjacent High Intensity uses to the east and the west of the future park site.

5. The City should work with BNSF Railway to ensure that any development of recreational facilities along the railroad incorporates public safety features for site users.

3.7 Vegetation Conservation

3.7.1 Goals

Shoreline vegetation provides many positive environmental benefits, including riparian shading, providing organic inputs and food critical to aquatic life, stabilizes banks, and improves water quality through filtration and nutrient uptake. The goal is to preserve native shoreline vegetation and to enhance it with new plantings while maintaining flexibility for the development of appropriate shoreline uses.

1. Preserve shoreline vegetation, placing a greater priority on vegetation nearest the water's edge.

2. Restrict clearing on steep slopes to maintain slope stability, to prevent erosion, and to maintain integrity of upland uses.

3. Enhance vegetative diversity using native species with new plantings at the time of development, redevelopment, and use expansions.

4. Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.

5. Maintain woody debris on the shoreline and in the water for habitat conservation purposes. Encourage retention of snags and decaying trees for future wood recruitment to the shoreline.

3.7.2 Policies

1. Preserve native vegetation. Native shoreline vegetation should be preserved, when new development, redevelopment, or uses are proposed to maintain shoreline ecological functions and/or processes. Vegetation restoration should be used to mitigate the direct, indirect, and/or cumulative impacts of shoreline development, wherever feasible.

2. Noxious and invasive weeds. Noxious weeds should be managed and controlled in a way that retains native vegetation, controls erosion, and preserves water quality. Use of nontoxic, mechanical or biological controls is preferred.

3. Clearing and grading should be restricted to the minimum necessary to accommodate proposed development. Vegetation should be preserved on bluffs and site design should incorporate retention of significant trees/stands and native understory vegetation. Pruning should be limited to no more than 1/3rd of branches of a tree and shall not compromise the health of the tree.

4. Provide incentives for the retention and planting of native vegetation, and discourage non-native vegetation and lawns due to their need for more water which can contribute to erosion and fertilizers which can negatively affect water quality. The City should explore financial incentives including development fee waivers/reductions, or opportunity for purchasing native plants for landscaping from the Underwood Conservation District.

5. Existing landscaping and structures. The City should encourage property owners to replace non-native plants with native plants in existing landscape areas. Existing ornamental landscaping and structures should be permitted to be maintained, including those that do not currently conform to vegetation conservation standards contained in this subsection or the setbacks contained in SMP section 6.2.

3.8 Water Quality and Quantity

3.8.1 Goal

The goal for water quality and quantity is to maintain or enhance shoreline ecological functions and to protect and enhance the quality and quantity of the region's water resources to ensure there is safe, clean water for the public's needs and enjoyment and to maintain ecological functions.

3.8.2 Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid, minimize and mitigate adverse impacts to water quality, water quantity, or hydrology.

2. The City should require reasonable setbacks, buffers, and stormwater facilities, and encourage low impact development techniques and materials to achieve the objective of minimizing impervious surfaces and lessening negative impacts on water quality.

3. Stormwater impacts should be addressed through the application of all applicable City and State stormwater regulations. The City encourages applicants to use the services of the Underwood Conservation District to implement low impact development stormwater techniques.

4. The City should provide general information to the public about the impacts of land and human activities on water quantity and quality. Applicants should consult with the Underwood Conservation District or the Klickitat County Noxious Weed Control Program.

5. Discourage use of chemical applications for commercial nurseries within shoreline jurisdiction. The City should provide reference to educational materials, websites, etc. which discuss the damage that can result from chemical applications within shoreline jurisdiction and the benefits from using alternative fertilizer or pesticides.

6. The City should study stormwater quantity and quality from existing uses in the shoreline, such as the Hood River Bridge and nursery, and promote stormwater treatment to current standards for these uses.

3.9 Shorelines of Statewide Significance

3.9.1 Goals

Within the city of White Salmon, the Columbia River is designated a shoreline of statewide significance (SSWS). Shorelines of statewide significance are of value to the entire state and will be managed as follows.

1. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:

    a. Recognize and protect the statewide interest over local interest

    b. Preserve the natural character of the shoreline

    c. Result in long-term over short-term benefit

d. Protect the resources and ecological function of the shoreline

e. Increase public access to publicly-owned areas of the shorelines

f. Increase recreational opportunities for the public in the shoreline

g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary

2. New uses that are not consistent with these policies should not be permitted on SSWS.

3. Those limited shorelines containing unique, scarce, and/or sensitive resources should be protected.

4. Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by (1) restricting or prohibiting development that would irretrievably damage shoreline resources, and (2) evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

3.10 Restoration

3.10.1 Goals

The goal of restoration is to reestablish, rehabilitate, and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the Shoreline Restoration Plan.

3.10.2 Policies

1. Shorelines that are biologically degraded should be reclaimed and restored to the greatest extent feasible. The Shoreline Restoration Plan shall be the guiding document for restoration actions on public and private lands in shoreline jurisdiction. Implementation of restoration projects identified in the Shoreline Restoration Plan take precedence over other restoration projects in shoreline jurisdiction.

2. Restoration projects should be incorporated into public shoreline development, such as the development of parks, trails, and shoreline access points where shoreline environmental functions are degraded.

3. Restoration projects on private land may be incorporated into development proposals to compensate for ecological impacts elsewhere on a site and should prioritize projects in the Shoreline Restoration Plan.

4. Restoration projects may include, but not be limited to, the following:

    a. Eradication of invasive species, including noxious weeds and non-native species

    b. Planting of native vegetation that enhances shoreline ecological function and plant diversity during development and redevelopment, consistent with vegetation conservation section of this SMP.

    c. Retrofitting existing or installation of new stormwater facilities to improve water quality with a preference for low impact development techniques.

    d. Consider wildlife movement across the railroad tracks with development of a public park, public infrastructure, and the development of private properties. The existing railroad undercrossing near the southeast corner of the RV Park property provides for wildlife movement across the railroad tracks and should be preserved or improvements to public properties should provide for other means of wildlife movement. In addition, work with property owners to remove the old fence line along the eastern boundary of the County-owned property to facilitate wildlife movement.

    e. Removing armor stones west of the Hood River-White Salmon Interstate Bridge that are located in the terrestrial environment, but within shoreline jurisdiction.

5. The City should provide educational materials for property owners for the following:

    a. Proper vegetation/landscape maintenance and the impacts of shore armoring and over-water structures.

    b. The harmful effects of application of chemical pesticides and fertilizers on shoreline vegetation used on private property and in commercial nurseries with reference to state laws pertaining to spraying near waterways.

6. Cooperative restoration actions involving local, state, and federal agencies, Native American tribes, non-government organizations, and landowners should be encouraged.

3.11 Shoreline Modification and Stabilization

3.11.1 Goals

The goal for shoreline modification and stabilization is to avoid or minimize the need for shoreline armoring along shorelines of the state, and when it is necessary, armor in a way that best protects ecosystem processes, shoreline ecological functions, and downstream properties. Shoreline modifications, such as dredge, fill, piers, docks,

breakwaters, jetties, and weirs should be allowed for water-dependent uses that achieve no net loss of shoreline ecological functions.

3.11.2 Policies

1. When necessary, natural, nonstructural shoreline stabilization measures are preferred over structural stabilization measures. Alternatives for shoreline stabilization should be based on the following hierarchy of preference.

    a. Set new development and modifications to existing development away from the shoreline such that stabilization is unnecessary

    b. Flexible stabilization works constructed of natural materials, including soft shore protection, bioengineering, beach nourishment, protective berms, or vegetative stabilization

    c. Rigid works constructed of structural materials, such as riprap or concrete

2. Allow new or expanded structural shore stabilization, including bulkheads, only where it is demonstrated to be necessary to protect an existing primary structure that is in danger of loss or substantial damage, and where such structures and structural stabilization would not cause a net loss of shoreline ecological functions and processes.

3. Shoreline stabilization should be located and designed to accommodate the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.

4. Provisions for multiple use, restoration, and/or public shore access should be incorporated into the location, design, and maintenance of shore stabilization for public or quasi-public developments whenever compatible with the primary purpose.

5. Shoreline stabilization projects should be developed in a coordinated manner among affected property owners and public agencies within a reach where feasible, particularly those that cross jurisdictional boundaries, to address ecological and geo-hydraulic processes and sediment conveyance.

6. Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed or replaced to restore shoreline ecological functions and processes.

7. Larger works, such as jetties, breakwaters, weirs, or groin systems should be permitted only for water-dependent uses and where mitigated to provide no net loss of shoreline ecological functions and processes.

8. Materials used for construction of shoreline stabilization should be selected for durability, ease of maintenance, and compatibility with local shoreline features.

3.12 Shoreline Use and Development

3.12.1 Goal

Support the gradual transition of shoreline uses to water-dependent, water-related, and water-enjoyment uses along White Salmon's waterfront by limiting expansions of non-water-oriented uses and permitting flexibility in design for water-oriented uses.

3.12.2 Policies

1. New uses in shorelines and water areas shall be allowed in the following priority order.
    a. Water-dependent uses
    b. Water-related uses
    c. Water-enjoyment uses
    d. Non-water-oriented uses
2. Allow for the continuation of non-water-oriented uses on White Salmon's waterfront under nonconforming use provisions of this SMP.
3. Uses, activities, and facilities should be located on shorelines in such a manner as to:
    a. Respect the property rights of others
    b. Ensure that proposed shoreline uses do not create risk or harm to neighboring or downstream properties
4. The following are encouraged in shoreline areas.
    a. The redevelopment of any area with low shoreline ecological functionality and with a High Intensity designation
    b. Master planning for large sites or projects
    c. Shared uses and joint-use facilities in shoreline developments
    d. Uses that allow for or incorporate restoration of shoreline areas that are degraded as a result of past activities or events

e. The preservation or development of shoreline areas designated Urban Conservancy with low impact uses, such as impervious trails and/or park facilities which avoid and minimize vegetation removal.

3.13 Transportation and Utilities

3.13.1 Goal

The goal for transportation and utility facilities is to coordinate and consolidate the provision of these facilities across and between properties in shoreline areas to avoid and minimize their impact on the shoreline environment.

3.13.2 Policies

1. Major utility and transportation corridors should generally be located outside of the shoreline jurisdiction.

2. Provide safe, reasonable, and adequate pedestrian, automobile, and bike circulation systems to shorelines where necessary which shall generally be located perpendicular to the shoreline so that routes will have the least possible adverse effect on shoreline ecological function and avoid creating barriers between adjacent uplands and the shoreline.

3. Encourage alternative modes of travel and provide multiple-use transportation corridors where compatible, if shoreline transportation development is necessary.

4. Locate utility and transportation corridors to avoid creating barriers between adjacent uplands and the shoreline, and to harmonize with the topography and other natural characteristics of the shoreline.

5. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance, and encourage development of physical and visual public access to the shoreline.

6. Utility and transportation facilities should be installed in the same corridors, where feasible, so as to minimize the impacts from multiple, disjointed transportation and utility corridors in the shoreline.

7. All new utility facilities should be located underground, provided that this placement does not conflict with known cultural or archaeological resources. .

3.14 Economic Development

3.14.1 Goals

The goal for economic development is to foster water-oriented uses while maintaining no net loss of shoreline ecological functions.

3.14.2 Policies

1. New water-oriented industrial and commercial uses that will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline.

2. As an economic asset, recreation enterprises that depend on access and location near the shoreline should be encouraged in a manner that will enhance the public enjoyment of shorelines and achieve no net loss of ecological function.

3. Existing non-water-oriented commercial and industrial and agricultural activities are encouraged to protect watershed processes and shoreline ecological functions and may expand in compliance with provisions of this SMP, including the nonconforming use provisions, as applicable

4.0 CHAPTER 4: SHORELINE DESIGNATIONS

4.1 Shoreline Designations

1. The Act requires that each identified shoreline environment be given a designation, based on its physical condition and development pattern. The environmental designations shall be consistent with the description provided in WAC 173-26-211(4) and (5) unless the alternative designation provides equal or better implementation of the act.

2. The SMP has environmental designations based on the following:

    a. Ecosystem characteristics and environmental functions as documented in the *White Salmon Inventory, Analysis, and Characterization Report*;

    b. Restoration potential as documented in the *White Salmon Restoration Plan*;

    c. Community goals as expressed through the City's Comprehensive Plan

    d. Existing land use patterns; and

    e. Development and redevelopment potential.

4.1.1 Aquatic Shoreline Designation

Purpose

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

Designation Criteria

The Aquatic environment designation has been assigned to shoreline areas waterward of the OHWM.

Management Policies

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

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

3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

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

in-water and over-water uses shall take into consideration the WDFW mapped concentrations of waterfowl as well as anadromous fish migratory corridors located along the City of White Salmon's shoreline.

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

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 Section 5.1 of this SMP as necessary to assure no net loss of ecological functions.

7. The City should seek opportunities to increase habitat function in aquatic areas by creating shaded areas for habitat and preserving shoreline woody debris. Shoreline aquatic habitat restoration should be completed concurrently with the construction of park or recreational facilities along the shoreline.

4.1.2 Urban Conservancy Shoreline Designation

Purpose

The purpose of the Urban Conservancy environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Designation Criteria

The Urban Conservancy environment designation has been applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area. Areas designated Urban Conservancy generally have the following characteristics:

1. They are suitable for water-related or water-enjoyment uses;

2. They are open space, floodplain, parks, or other sensitive areas that should not be more intensively developed;

3. They have potential for ecological restoration;

4. They retain important ecological functions, even though partially developed; or

5. They have the potential for development that is compatible with ecological restoration.

Management Polices

1. Allowed uses are primarily those that preserve natural character, promote preservation of open space, floodplain or sensitive lands, or are appropriate for

restoration. Examples of such uses are parks, trails and viewing platforms, and water-oriented recreational facilities like kayak or non-motorized boat launches.

2. Water-dependent uses are given the highest priority followed by water-oriented uses. Non-water-oriented primary uses should generally be discouraged and only allowed when water-dependent and water-oriented uses are not feasible. Where non-water-dependent uses are proposed which are accessory to a water-oriented use, such as a parking lot for a park or recreational facility, they shall generally be located upland of the water-oriented use and outside of the riparian buffer.

3. Developments shall be consistent with White Salmon Riverfrontage Zoning District. When more than one primary use is proposed, shared use parking, circulation and access facilities are required. Secondary access, rather than direct access to Highway 14 is encouraged.

4. Proposed developments and uses in this environment designation shall adhere to all applicable portions of this SMP, including for stabilization, vegetation conservation, water quality, and shoreline modifications, that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values.

5. Public access and recreation shall be encouraged where feasible and where ecological impacts are avoided, and if avoidance is not possible, minimized and mitigated.

4.1.3 High Intensity Shoreline Designation

Purpose

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

Designation Criteria

A High Intensity environment designation is assigned to shoreline areas within incorporated municipalities and urban growth areas if they currently support high intensity uses related to commerce, transportation or navigation; or are suitable and planned for high intensity water-oriented uses.

Management Policies

1. First priority should be given to water-dependent uses over other uses. Second priority should be given to water-related and water-enjoyment uses. Non water-oriented uses should not be allowed except as part of mixed-use developments supporting water dependent uses. Non water-oriented uses may also be allowed

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

2. Full utilization of existing areas designated as High Intensity should be achieved before further expansion of intensive development is allowed.

3. 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.

4. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221 (4)(d) and in compliance with Sections 3.5 and 5.5 of this SMP.

5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, as prescribed in the Riverfrontage District zone (White Salmon Municipal Code, Chapter 17.50).

6. So as to minimize impacts on shoreline resources and provide for the efficient use of land and promote a better level of access to the shoreline, coordinated master planning between property owners is encouraged, including considering shared parking, stormwater, landscape, and shoreline access facilities.

7. Height limits in the High Intensity environment designation for properties located within the Riverfrontage Zoning District are forty-five (45) feet in accordance with the public interest stated for that zoning district in the White Salmon Municipal Code section 17.50.010 to encourage planned developments for recreational, commercial, light industrial, and accessory residential uses, particularly for those uses that are water-dependent. Outside of the Riverfrontage District, but within the High Intensity designation, building heights are limited to thirty-five (35) feet.

5.0 CHAPTER 5: GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS

1. All uses and development activities in the shoreline jurisdiction shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6.

5.1 General Shoreline Use and Development Regulations

1. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Act, Chapter 90.58 RCW, and to the policies and regulations of this SMP.

2. If provisions within this SMP conflict, or where there is a conflict with other City policies and regulations, the provisions most directly implementing the objectives of the Act, as determined by the Shoreline Administrator, shall apply unless specifically stated otherwise.

3. Land shall not be cleared, graded, filled, excavated, or otherwise altered prior to issuance of the necessary permits and approvals, including a Shoreline Statement of Exemption for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized, and mitigated to result in no net loss of ecological functions.

4. Shoreline uses and developments that are water-dependent shall be given priority, followed by water-related and water-enjoyment uses. Non-water-oriented uses shall not adversely impact or displace water-oriented shoreline uses.

5. The applicant shall demonstrate all reasonable efforts have been taken to avoid, and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority.

    a. Avoiding the impact altogether by not taking a certain action or parts of an action; may necessitate a redesign of the proposal

    b. Minimizing unavoidable 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; applicant shall seek to minimize fragmentation (i.e., shared public facility corridors) of the resource to the greatest extent possible

    c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment

    d. Reducing or eliminating the impact over time through preserving and maintaining critical areas and shoreline ecological functions.

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; compensatory mitigation shall be designed to achieve the functions as soon as practicable

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

6. Development subject to shoreline substantial development, conditional use, or variance permits shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions. Evaluation of cumulative impacts shall consider:

   a. Current circumstances affecting the shoreline and relevant natural processes;

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

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

   d. Effects of the development of similar facilities, uses, or activities on the shoreline as is proposed in the subject proposal."

7. In addition to compensatory mitigation, unavoidable adverse impacts may be further addressed through voluntary restoration efforts.

8. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.

9. On navigable waters or their beds, all uses and developments should be located and designed to:

   a. Minimize interference with surface navigation

   b. Consider impacts to public views

   c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration

10. Hazardous materials shall be properly disposed of and other steps taken to protect the ecological integrity of the shoreline area consistent with the other policies and regulations of this SMP, as amended, and all other applicable federal, state, and local statutes, codes, and ordinances. Environmental remediation actions pursuant to a consent decree, order, or agreed order issued under RCW 70.105(D) are exempt from the requirement to obtain a Shoreline Substantial Development Permit (SSDP), Shoreline Conditional Use Permit (SCUP), or Shoreline Variance (SVAR) under this SMP but must comply with the

substantive requirements of the Act and this SMP. Any development or redevelopment on a remediated site must occur consistent with any covenants running with the land, the Act, and this SMP.

11. The effect of proposed in-stream structures on bank margin habitat, and floodplain processes should be evaluated during permit review.

5.2 Archeological, Cultural, and Historic Resources

5.2.1 Regulations

1. When a shoreline use or development is in an area documented or likely to contain archaeological, cultural, or historic resources based on information from DAHP, a prior archaeological report/survey, or information from tribal sources, or other sources , the applicant shall provide for a site inspection or survey by a professional archaeologist prior to issuance or as a condition of any shoreline permit or approval including a Shoreline Statement of Exemption as determined by the City. Work may not begin until the inspection and evaluation have been completed and the City has issued its permit or approval.

2. The County hereby recognizes and adopts DAHP's statewide Archaeological Predictive Model and associated probability maps, as updated to reflect the best available information, as a source of best available information regarding cultural, archaeological, and historic resources.

3. The entirety of White Salmon's shoreline is located in "high risk" and "very high risk" areas for encountering archaeological, cultural, or historic resources according to DAHP's Washington Information System for Architectural and Archaeological Records Data (WISAARD). Archaeological site inspections are required for any site development activity within White Salmon's shoreline with the exception of those which have a low potential for impacts defined as those activities involving no ground disturbance or normal maintenance and repair of existing structures or facilities, or sites which have been archaeologically surveyed within the past five years.

4. Archaeological Survey Required. An archaeological survey shall be required prior to the County's issuance of a permit, exemption, or other project approval if any of the following occur:

    a. An archaeological survey is recommended by a professional archaeologist in a site inspection report.

    b. A proposed project includes ground disturbance and has an area of effect located:

        i. Within one quarter (1/4) mile of a recorded cultural, archaeological, or historic site; or

ii. Within five hundred (500) feet of a known but unrecorded cultural, archaeological, or historic site.

c. The County reasonably determines that a survey report is warranted based on comments received from the DAHP, affected Native American tribes, or others regarding a proposed project.

5. Cultural Resource Management Plans. If an archaeological site inspection or survey identifies the presence of significant cultural, archaeological, or historic resources, a cultural resource management plan shall be prepared prior to the City's approval of the project. A professional archaeologist and/or historic preservation management professional, as appropriate, shall prepare the cultural resource management plan. Cultural resource management plans shall, at a minimum, conform to the DAHP's current standards. In addition, a permit or other requirement administered by the DAHP pursuant to RCW 27.44 and RCW 27.53 may apply.

6. If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all work shall immediately stop, and the City, DAHP, and Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz Tribes shall be notified of the discovery, and a stop-work order will be issued. The shoreline permit will be temporarily suspended. Construction may recommence pursuant to RCW 27.44.040, RCW 27.53.040, and WAC 25.48.030. A notification stating this requirement shall be included in shoreline permits, exemptions, and other project approval documents.

7. If the discovery includes human skeletal remains, the find must be secured and protected from further disturbance; the Klickitat County Medical Examiner and local law enforcement shall be notified in the most expeditious manner possible. The County Medical Examiner will assume jurisdiction over the site and the human skeletal remains, and will make a determination of whether they are crime-related. If they are not, the DAHP will take jurisdiction over the remains and report them to the appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. The DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.

5.3 Critical Areas

5.3.1 General Regulations for All Critical Areas

1. Purpose. Critical areas within shoreline jurisdiction are hereby regulated for the following purposes:

Commented [DN7]: NOTE: Amendments to Section 5.3 are proposed as a result of a consistency review with the City's proposed edits to the critical areas ordinance regulations (WSMC 18.10). Comments are only included where further clarification of these edits are warranted.

a. Protect the public health, safety and welfare by preventing adverse impacts of development;

b. Protect the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, soils subsidence or steep slope failure;

c. Implement the goals, policies, guidelines and requirements of the Act, and this SMP.

d. Preserve and protect critical areas, with special consideration for the habitat of anadromous fisheries, as required by the Washington State Growth Management Act by regulating development within and adjacent to them, while allowing for the reasonable use of private property.

2. Types of critical areas regulated: The city of White Salmon (the city) shall regulate all uses, activities, and developments within, adjacent to, or likely to affect, one or more critical areas within shoreline jurisdiction, consistent with the provisions of this chapter. All areas within the city meeting the definition of one or more critical areas are subject to the provisions of this chapter. Shoreline critical areas regulated by this chapter include:

   a. Wetland areas.

   b. Critical aquifer recharge areas.

   c. Frequently flooded areas.

   d. Fish and wildlife conservation areas.

   e. Geologically hazardous areas.

3. Applicability.

   a. The provisions of this chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in shoreline jurisdiction, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns or leases land within the city of White Salmon. No person, company, agency, or applicant shall alter a critical area or its attendant buffer except as consistent with the purpose and requirements of this chapter.

   b. The city of White Salmon shall not approve any shoreline substantial development permit (SSDP), shoreline conditional use permit (SCUP),

shoreline variance (SVAR), or shoreline statement of exemption (SSOE) 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 shoreline critical area or associated buffer, without first assuring compliance with the requirements of this chapter and the SMP.

c. Approval of a SSDP, SCUP, SVAR, or SSOE permit or development proposal pursuant to the provisions of one section within this chapter does not discharge the obligation of the applicant to comply with other provisions of this chapter.

4. Designation: The city has designated critical areas by defining their characteristics in accordance with standard classifications in WAC 365-190. Through the process outlined in this chapter, including site visits by the City, submission of critical areas reports by the applicant, review of critical area maps, and review of critical area reports by the City or its consultants, the City shall determine whether a critical area exists and is regulated under this chapter, on or in close proximity to the subject property that would necessitate a setback or buffer required under this chapter.

5. Resources for Designation: The following resources will assist in determining the likelihood that a critical area exists. These resources may not identify all critical areas and should only be used as a guide. Actual field observations shall ~~supercede~~supersede information in these resources.

a. Critical area maps. Critical area maps are on file at the City. These maps provide only approximate boundaries of known features and are not adequate substitutes for more detailed maps and/or studies that will identify the locations of critical areas~~The map resource inventory lists all currently identified map resources. Additional maps may be added if they are identified as applicable and useful to the city or applicants in their efforts to identify critical areas~~.

b. Critical areas maps available to assist with critical area identification. The following table identifies maps available to assist with critical areas identification:

Source	MAP NAME/TYPE
Department of Ecology	National Wetlands Inventory Map - available online
Federal Emergency Management Agency	Flood Insurance Rate Maps - available online
Department of Natural Resources	General Geohazard Mapping – Steep Slopes Stream Classification – Interactive mapping available online Rare Plant Map – By grid block
Washington Department of Fish and Wildlife	Priority Habitat and Species Map – available online

c. Coordination with WDFW: Information about type and location of identified fish and wildlife conservation areas is the most frequently updated information affecting the city. Fish and wildlife inventory maps also contain sensitive information and will not be provided for broad public review. For these reasons shoreline permit applications will be routed through WDFW. The city will coordinate with WDFW in order to:

i. Accurately identify fish and wildlife habitat conservation areas;

ii. Determine when a critical areas report and wildlife management plan is required;

iii. Review and determine whether the scope of a proposed critical area report and wildlife management plan is sufficient to provide necessary information; and

iv. Ensure that protection or mitigation measures called for in a critical area report and management plan are sufficient to protect the resource in accordance ~~[to]~~ with this regulation.

d. Notice to WDFW: The city will work with WDFW to determine the type and location of actions ~~they wish to be notified of~~needing WDFW notification. Notice of shoreline permits will be sent to WDFW to seek input on determinations related to the applicability of this chapter as required by the notice process in SMP section 2.4 and WAC 173-27-110. WDFW may respond as they are able. The city will not rely solely on the response from WDFW. If an action is of interest to WDFW the agency will be noticed when/if the city receives the scope describing proposed methodology of a study and the expected contents of the critical area report and management plan. ~~WDFW may respond to the initial scope submitted as they are able. The city will not rely solely on the response from WDFW in its review of the proposed content for submittals.~~ A completed critical area report and ~~fish and wildlife~~ habitat management plan shall be submitted to WDFW for review and comment prior to granting conditional approval of a use requiring a critical area report to be prepared.

~~e. Additionally, the city has a series of maps, which approximate boundaries for the following critical areas within the city limits: fish and wildlife conservation areas, geologically hazardous areas, frequently flooded areas, wetlands, and critical aquifer recharge areas (for city water sources these are located outside city limits and urban growth boundary). These maps provide only approximate boundaries of known features and are not adequate substitutes for more detailed maps and/or studies that could identify~~

~~alternative locations of known features or additional critical area features not illustrated on the map. Mapped information may be sensitive in nature.~~ Copies of the maps available for public viewing may be found at White Salmon City Hall.

6. Bonds or Performance Security

   a. Prior to issuance of any SSDP, SCUP, SVAR, or SSOE or approval which authorizes site disturbance under the provisions of this chapter, the city may require performance security to assure that all work or actions required by this chapter are satisfactorily completed in accordance with the approved plans, specifications, permit or approval conditions, and applicable regulations and to assure that all work or actions not satisfactorily completed will be corrected to comply with approved plans, specifications, requirements, and regulations to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the health safety and general welfare of the public.

   b. The city shall require the applicant to post a performance bond or other security in a form and amount acceptable to the city for completion of any work required to comply with this code at the time of construction. If the development proposal is subject to mitigation, the applicant shall post a performance bond or other security in a form and amount deemed acceptable by the city to cover long term monitoring, maintenance, and performance for mitigation projects to ensure mitigation is fully functional for the duration of the monitoring period.

   c. The performance bond or security shall be in the amount of ~~one hundred twenty five (25)~~125 percent of the estimated cost of restoring the functions and values of the critical area at risk.

   d. The bond shall be in the form of an irrevocable letter of credit guaranteed by an acceptable financial institution, with terms and conditions acceptable to the city or an alternate instrument or technique found acceptable by the city attorney.

   e. Bonds or other security authorized for mitigation by this section shall remain in effect until the city determines, in writing, that the standards bonded have been met. Bonds or other security for required mitigation projects shall be held by the city for a minimum of five (5) years to ensure that the mitigation project has been fully implemented and demonstrated to function. The bond may be held for a longer period~~s~~ upon written finding by the city that it is still necessary to hold the bond to ensure the mitigation project has met all elements of the approved mitigation plan.

f. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

g. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within ~~thirty~~ 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the law or condition.

h. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

7. Notice on title.

a. To inform subsequent purchasers of real property of the existence of critical areas the owner of any real property containing a critical area or buffer on which a development proposal is submitted and approved shall file a notice with the city for review and approval as to form and content prior to recording the notice with the county. The notice shall run with the property and will be required whether the critical area is kept in a single ownership or is isolated in a separate critical area tract. The notice shall state:

i. The presence of the critical area or buffer on the property;

ii. The use of this property is subject to the "Title"; and

iii. That limitations on actions in or affecting the critical area and/or buffer may exist.

b. This notice on title may be required for a development proposal by a public agency or public or private utility within a recorded or adjudicated right-of-way or easement.

c. The applicant shall submit proof that the notice has been filed for public record prior to building permit approval or prior to recording of the final plat in the case of subdivisions.

8. Inspection and right of entry.

a. The city or its agent may inspect any development activity to enforce the provisions of this chapter. The applicant consents to entry upon the site by the city or its agent during regular business hours for the purposes of making reasonable inspections to verify information provided by the applicant and to

verify that work is being performed in accordance with the approved plans and permits and requirements of this chapter.

9. Buffers.

a. Measurement of Buffers. All buffers shall be measured perpendicularly from the critical area boundary as surveyed in the field. The width of the buffer shall be determined according to the category of the critical area and the proposed land use.

b. Standard Buffers. The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the critical area functions and values at the time of the proposed activity.

~~b.~~c. Isolated Buffers. When a road or railroad completely functionally isolates the buffer from the critical area, the regulated critical area buffer shall not extend beyond the edge of the road or railroad.

~~c.~~d. Averaging Buffers. The city or its agent will ~~consider the allowance~~authorize averaging of wetland or ~~stream~~ fish and wildlife habitat conservation area buffers ~~averaging~~ only when the buffer area width after averaging will not adversely impact the critical area and/or buffer functions and values. At a minimum, any proposed buffer averaging shall meet the following criteria, as demonstrated in the applicant's critical areas report:

i. The buffer area after averaging is no less than that which would be contained within the standard buffer.

ii. The buffer width shall not be reduced by more than ~~twenty-five (25)~~25 percent at any one point as a result of the buffer averaging.

iii. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

iv. The critical area has significant differences in characteristics that affect its habitat functions, so that the buffer is increased adjacent to the higher functioning area and decreased adjacent to the lower-functioning portion.

~~iii.~~v. The buffer area shall be enhanced where the buffer is averaged.

~~iv.~~vi. The additional buffer is contiguous with the standard buffer.

~~v.~~vii. Encroachment into the buffer does not occur waterward of the top of an associated steep slope.

~~vi.~~viii. Encroachment does not occur into the buffer of an associated wetland except as otherwise allowed.

~~d.~~e. Additional Buffers. The city or its agent may require increased buffer sizes as necessary to protect critical areas when either the critical area is particularly sensitive to disturbance or the development poses unusual impacts. Oversight and input from resource agencies will be relied upon heavily by the city in its determination of need for additional buffers.

~~e.~~f. Reducing Buffers. The city or its agent may ~~reduce~~ authorize a reduction up to ~~twenty five (25)~~25 percent of ~~the critical area~~a fish and wildlife habitat conservation area buffer if the reduction will not adversely impact the critical area and/or buffer functions and values. ~~requirement unless~~ Unless otherwise stipulated elsewhere in this regulation, the buffer reduction shall be subject to a critical area study performed by a qualified professional which finds:

i. The applicant has demonstrated avoidance, minimization of impact, and lastly mitigation of impact in that order in accordance with SMP section 5.1;

ii. The proposed buffer reduction shall be accompanied by a mitigation plan per SMP section 5.3.2.5 that includes enhancement of the reduced buffer area;

iii. The reduction will not adversely affect water quality or disrupt a significant habitat area; and

iv. The reduction is necessary for reasonable development of the subject property.

10. Land division and property line adjustment.

a. Subdivisions, short subdivisions, boundary line adjustments of land in or adjacent to critical areas and associated buffers are subject to the following:

i. Parcels of land shall not be wholly located within a critical area or buffer.

ii. Land that is wholly within a wetland or associated buffer may not be subdivided or the boundary line adjusted unless it can be demonstrated to qualify for and is granted a SVAR under SMP Chapter 2.

iii. Land that is partially within a wetland or associated buffer area may be subdivided or the boundary line adjusted provided that an accessible and contiguous portion of each new or adjusted lot is located outside the critical area and buffer and is large enough to accommodate the intended

use.

~~i.~~ b. Accessory roads and utilities serving the proposed subdivision may be permitted within the wetland or stream critical area and associated buffer only if the city determines that no other feasible alternative exists. And consistent with SMP section 6.2.10.

11. Critical area tracts. Critical area tracts shall be established for all undeveloped portions of critical areas and their buffers, with the exception of fish wildlife habitat conservation area buffers. Critical areas tracts are legally created lots containing critical areas and their buffers that shall be developed in accordance with the provisions of the SMP. Critical area tracts shall be identified on all required plans for SSDP, SVAR, SCUP, and SCOE.

    a. Responsibility for maintaining tracts in compliance with the WSMC and all terms and conditions applied to the tract based on review of required critical area reports and studies shall be that of the property owners, homeowners association, condominium owners association, or other association of property owners who hold title to the critical area tract. Within three (3) years of creation of the critical areas tract, ownership and maintenance of the tract shall be vested in the association of property owners. The permit applicant, owner, or other appropriate entity deemed acceptable by the ~~city attorney~~City shall be responsible for maintaining the tract until such time as the homeowners association is duly formed.

    b. The following note shall appear on the face of all SSDP, SCUP, SVAR, SCOE plans and shall be recorded on the title for all affected lots:

        i. "NOTE: All lots adjoining separate critical areas tracts are jointly and severally responsible for the maintenance and protection of the tracts. Maintenance includes ensuring that no alteration occurs within the separate tract and that vegetation remains undisturbed unless the express written permission of the city of White Salmon ~~[h]as~~has been received."

    ~~c. The city may waive the requirement that a critical areas tract be created if it is determined that all or the critical majority of a tract will be contained in a single ownership without creation of a separate tract.~~

    ~~d. A critical area tract shall be incorporated in the area of the parent lot for purposes of subdivision density allocation and may be relied on by surrounding parcels to meet minimum lot size requirements. Any portion of the area within the critical area tract may only be included in the calculation of lot area for a single lot.~~

12. Marking and/or fencing.

Commented [DN8]: The critical area should either be in a conservation easement or tract, but shouldn't be exempt from both or damage will occur. Also suggested to remove in CAO.

Subsection "d" was suggested to be removed and replaced with residential density transfer. Not included here due to potential lack of applicability.

a. ~~Temporary~~ Construction Markers. The outer perimeter of a ~~wetland, stream, fish and wildlife conservation areas, steep slopes~~critical area and their associated buffer and the limits of these areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in a manner approved by the city so no unauthorized intrusion will occur. Markers or fencing are subject to inspection by the city or its agent or his designee prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until directed by the city or its agent, or until permanent signs and/or fencing, if required, are in place.

b. Permanent Markers. Following the implementation of an approved development plan or alteration, the outer perimeter of the critical area or buffer that is not disturbed shall be permanently identified. This identification shall include permanent wood or metal signs on treated wood or metal posts, or affixed to stone boundary markers at ground level. Signs shall be worded as follows:

   i. CRITICAL AREA BOUNDARY. "~~Protection of this natural area is in your care.~~ Alteration or disturbance of this critical area is prohibited. Please call the city of White Salmon for more information. Removal of this sign is prohibited."

c. Sign Locations. The city or its agent shall approve sign locations during review of the development proposal. Along residential boundaries, the signs shall be at least four inches by six inches (4 by 6 inches) in size and spaced one per centerline of lot or every ~~seventy-five (75)~~50 feet ~~for lots whose boundaries exceed one hundred fifty (150) feet~~. At road endings, crossings, and other areas where public access to the critical area is allowed, the sign shall be a minimum of eighteen inches by twenty-four inches (18 by 24 inches) in size and spaced one every ~~seventy-five~~50 feet. Alternate sign type and spacing may be approved by the city if the alternate method of signage is determined to meet the purposes of this section.

Commented [DN9]: Ecology guidance is every 50 feet

d. Permanent Fencing. The city or its agent shall require permanent fencing where there is a substantial likelihood of the intrusion into the critical area with the development proposal. The city or its agent shall also require such fencing when, subsequent to approval of the development proposal; intrusions threaten conservation of critical areas. The city or its agent may use any appropriate enforcement actions including, but not limited, to fines, abatement, or permit denial to ensure compliance. The fencing may provide limited access to the stream or wetland but shall minimize bank disturbance.

5.3.2 General Mitigation Requirements for All Critical Areas

~~6. The city of White Salmon will use the following general methods and mechanisms to accomplish the purposes of the critical areas regulations. This section shall be applied to all approved development applications and alterations~~

~~when action is taken to implement the proposed action.~~

1. Protection of critical areas shall observe the mitigation sequence outlined in SMP section 5.1~~, unless part of a restoration plan for a significantly degraded wetland or stream buffer, described under section 5.3.1.10, below:~~

2. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the critical area. For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways or other mowed or paved areas. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development, or when seasonally appropriate. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and water quality.

3. General mitigation requirements: The following section provides general mitigation requirements applicable to alteration of critical areas and their buffers. Additional specific mitigation requirements are found under the sections for the particular type of critical area.

    a. Restoration/rehabilitation is required when a critical area or its buffers has been altered on the site in violation of city regulations prior to development approval and as a consequence its functions and values have been degraded. Restoration is also required when the alteration occurs in violation of city regulations during the construction of an approved development proposal. At a minimum, all temporarily affected areas shall be restored to their previous condition pursuant to an approved mitigation plan.

    b. Restoration/rehabilitation is required when the critical area or it buffers will be temporarily altered during the construction of an approved development proposal. At a minimum, all temporarily affected areas shall be restored to their previous condition pursuant to an approved mitigation plan. A qualified professional should determine restoration is possible before any temporary disturbance occurs.

    c. Compensation. The goal of compensation is no net loss of critical area/or buffer functions on a development site. Compensation includes replacement or enhancement of the critical area or its buffer depending on the scope of the approved alteration and what is needed to maintain or improve the critical area and/or buffer functions. Compensation for approved critical area or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan:

        i. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer

Commented [DN10]: General statement is provided below under "General mitigation requirements"

Commented [DN11]: Mitigation sequencing should still apply

required for the category of the created, restored, or enhanced critical area. ~~For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways and other mowed or paved areas.~~

ii. On-site and In-kind. Unless otherwise approved, all critical area impacts shall be compensated for through restoration or creation of replacement areas that are in-kind, on-site, and of similar or better critical area category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success.

iii. Off-site and In-kind. The city or its agent may consider and approve off-site compensation where the applicant demonstrates that greater biological and hydrological functions and values will be achieved. The compensation may include restoration, creation, or enhancement of critical areas. The compensation ratios specified under the "on-site" compensation section for each critical area shall apply for off-site compensation as well.

iv. Increased Replacement Ratios. The city or its agent may increase the ratios under the following circumstances: (a) Uncertainty exists as to the probable success of the proposed restoration or creation due to an unproven methodology or proponent; or (b) A significant period will elapse between impact and replication of wetland functions; or (c) The impact was unauthorized.

v. Decreased Replacement Ratios. The city or its agent may decrease the ratios required in the "on-site" ratios specified under the compensation section of each critical area, when all the following criteria are met: (a) minimum replacement ratio of 1:1 will be maintained, (b) Documentation by a qualified specialist demonstrates that the proposed mitigation actions have a very high rate of success, (c) Documentation by a qualified specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the critical area being impacted; and (d) The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

vi. Critical Area Enhancement as Mitigation. (a) Impacts to critical areas may be mitigated by enhancement of existing significantly degraded critical areas only after a 1:1 minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance critical areas must produce a critical areas report that identifies how enhancement will increase the functions and values of the degraded critical areas and how this increase will adequately mitigate for the loss of critical area function at the impact site. (b) At a minimum, enhancement acreage, provided after a 1:1 replacement ratio has been satisfied, shall be double the acreage required

for creation acreage under the "on-site" compensation section specified under each critical area. The ratios shall be greater than double the required acreage when the enhancement proposal would result in minimal gain in the performance of critical area functions currently provided in the critical area.

d. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development, or when seasonally appropriate. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, water quality, and vegetation.

4. Mitigation plans.

a. Mitigation or alterations to critical areas shall achieve equivalent or greater biological functions and shall include mitigation for adverse impacts upstream and downstream of the development proposal site. Mitigation sites for wetlands, streams, and fish and wildlife habitat conservation critical areas shall be located to achieve contiguous habitat corridors in accordance with a mitigation plan that is part of an approved critical areas report to minimize the isolating effects of development on habitat areas. Mitigation of aquatic habitat shall be located within the same aquatic ecosystem as the area disturbed. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

b. ~~The scope and content of a mitigation plan shall be decided on a case-by-case basis: as the impacts to the critical area increase, the mitigation measures to offset these impacts will increase in number and complexity. The city of White Salmon~~During the review of the requested studies, the City shall determine ~~during the review of the requested studies~~ which of the components listed in ~~[~~sub~~]~~section ~~[C.]~~c, below shall be required as part of the mitigation plan. Key factors in this determination shall be the size and nature of the development proposal, the nature of the impacted critical areas, and the degree of cumulative impacts on the critical area from other development proposals.

Commented [DN12]: This statement implies arbitrary and capricious application, so recommend deleting.

c. At a minimum, the following components shall be included in a complete mitigation plan:

i. Baseline Information. Provide existing conditions information for both the impacted critical areas and the proposed mitigation site as described in "General critical area report requirements"~~ and "Additional report requirements" for each critical area~~.

ii. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including: (a) A description of the anticipated impacts to the critical areas, the mitigating actions proposed,

and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and (b) A review of the science supporting the proposed mitigation.

d. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

e. Detailed Construction Plan. These are the written specifications and descriptions of mitigation technique. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.

f. Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project, as detailed under SMP section 5.3.2.~~6~~5 below.

g. Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.

5. Monitoring.

a. The city will require long-term monitoring of development proposals where alteration of critical areas or their buffers are approved. Such monitoring shall be an element of the required mitigation plan and shall document and track impacts of development on the functions and values of critical areas, and the success and failure of mitigation requirements. Monitoring may include, but is not limited to:

i. Establishing vegetation transects or plots to track changes in plant species composition over time;

ii. Using aerial or other photography to evaluate vegetation community response;

iii. Sampling surface and ground waters to determine pollutant loading;

iv. Measuring base flow rates and stormwater runoff to model and evaluate water quantity predictions;

v. Measuring sedimentation rates; and

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity;

vii. Sampling of water temperatures for wetlands and streams.

viii. The property owner will be required to submit monitoring data and reports to the city on an annual basis or other schedule as required by the city or its agent. Monitoring shall continue for a minimum period of five (5) years or for a longer period if necessary to establish that the mitigation performance standards have been met.

ix. Performance Bond. Prior to issuance of any permit or approval, which authorizes site disturbance under this chapter, the city or its agent shall require performance security as specified in section 5.3.1.6, Administration.

6. Contingencies/adaptive management.

   a. When monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action. Contingency plans developed as part of the original mitigation plan shall apply, but may be modified to address a specific deviation or failure. Contingency plan measures shall be subject to the monitoring requirement to the same extent as the original mitigation measures.

7. Habitat management plans. A habitat management plan shall be required by the city when the critical area review of a development proposal determines that the proposed activity will have an adverse impact on wetland, stream, and fish and wildlife habitat conservation area critical areas.

   a. ~~A.~~ A habitat management plan, prepared by a qualified biologist in consultation with WDFW, shall address the following mitigation measures:

      i. Reduction or limitation of development activities within the critical area and buffers;

      ii. Use of low impact development techniques or clustering of development on the subject property to locate structures in a manner that preserves and minimizes the adverse effects to habitat areas;

      iii. Seasonal restrictions on construction activities on the subject property;

iv. Preservation and retention of habitat and vegetation on the subject property in contiguous blocks or with connection to other habitats that have a primary association with a listed species;

v. Establishment of expanded buffers around the critical area;

vi. Limitation of access to the critical area and buffer; and

vii. The creation or restoration of habitat area for listed species.

5.3.3 General Critical Areas Report Requirements

1. In addition to the information required for an SSDP, any development activity subject to the provisions of this chapter may be required to submit a critical areas report as described under SMP section 5.3.3.3.

2. Timing of Studies. When an applicant submits an application for any development proposal, ~~it shall indicate whether any critical areas or buffers are located on or adjacent to the site. The presence of critical areas may require additional studies and time for review. However, disclosure of critical areas early will reduce delays during the permit review process. If the applicant should disclose there are no known critical areas, further studies may be required for verification~~they shall provide a report describing all critical areas present that will be impacted by the proposal. The critical areas report shall meet the requirements of this section, as well as any additional requirements listed in the subchapter for the specific critical area type impacted.

3. When Studies are Required.

   a. The city or its agent may hire an independent qualified professional or seek input from a qualified representative of the appropriate resource agency to assist with the determination of whether a critical areas report is necessary when sufficient information to evaluate a proposal is not available.

   ~~b. The City will seek the assistance from a qualified representative of the appropriate resource agency to assist with the determination that a critical areas report is necessary. (e.g., WDFW regional representative may be consulted to determine if the presence of a fish and wildlife conservation area requires a critical areas study.)~~

   ~~c.~~b. If a critical area report is required, the city or its agent may retain independent qualified consultants, at the applicant's expense, to assist in review of studies that are outside the range of staff expertise. The city may develop a list of pre-qualified consultants that can be used by an applicant in order to preclude the need for peer review of submitted reports.

   ~~d.~~c. Critical area reports shall be written by a qualified professional~~, as defined in the definitions section of this chapter~~. A critical areas report shall

include all information required pursuant to SMP section 5.3.3.4, below. A monitoring and maintenance program shall be required to evaluate the effectiveness of mitigating measures.

~~c.~~d. Studies generated as part of an expanded SEPA environmental checklist or an environmental impact statement may qualify as a critical areas report if the project is developed in enough detail to have provided an evaluation of site-specific impacts and mitigation measures.

4. General Critical Areas Report Requirements.

   a. A critical areas report shall have three components: (a) a site analysis, (b) an impact analysis, and (c) proposed mitigation measures. More or less detail may be required for each component depending on the size of the project, severity, and potential impacts. The city or its agent may waive the requirement of any component when adequate information is otherwise available.

   b. In addition to the specific requirements specified under each critical area, all studies shall contain the following information unless it is already available in the SSDP, SCUP, SVAR, or SCOE permit application:

      i. Site map of the project area at a 1:20 or larger scale dimensioned, including: (a) Reference streets and property lines, (b) Existing and proposed easements, rights-of-way, trail corridors and structures, (c) Contour intervals (two [2] feet); steep slope areas to be highlighted (d) The edge of the one hundred-year floodplain, and edge of the floodway if appropriate , (e) Shoreline management program environmental designation and zone, (f) Hydrology: show surface water features both on and adjacent to the site; show any water movement into, through, and off the project area; show stream and wetlands classifications, show seeps, springs, and saturated soil zones; label wetlands not found on the city inventory maps as un-inventoried, (g) Identification of all site preparation, grading activities and dimensioned location of proposed structures, roads, stormwater facilities, impervious surfaces, and landscaping to critical areas (h) All drainage plans for discharge of stormwater runoff from developed areas, (i) Location of buffer lines (if required or proposed), (j) Location of sensitive area tract and/or easement.

      ii. Written report detailing: (a) How, when, and by whom the report was performed (including methodology and techniques), (b) Weather conditions during and prior to any field studies if relevant to conclusions and recommendations; (c) Description of the project site and its existing condition including degraded critical areas; (d) Description of existing

critical area and buffer functions and values; (e) Description of habitat features present and determination of actual use of the critical area by any endangered, threatened, rare, sensitive, or unique species of plants or wildlife as listed by the federal government or state of Washington, (f) The total acreage of the site in each type of critical area(s) and associated buffers, (g) The proposed action; including but not limited to description of filling, dredging, modification for storm water detention or discharge, clearing, grading, restoring, enhancing, grazing or other physical activities that change the existing vegetation, hydrology, soils or habitat, (h) When alteration to a critical area or its buffer is proposed provide an explanation why the impact is unavoidable and how it meets the criteria for a defined exception, (i) Description of potential environmental impact of the proposed project to the critical area(s) and demonstration of mitigation sequencing approach, and description of any proposed mitigation measures, (j) Habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and critical area functions, (k) The mitigation measures proposed to avoid or lessen the project impacts (during construction and permanently), (l) When alteration to the critical area or its buffer is proposed, include a mitigation plan as specified by this chapter, (m) A discussion of ongoing management practices that will protect habitat after the project site has been developed; including proposed monitoring and maintenance programs, (n) Description of local, state, and federal regulations and permit requirements.

iii. The city may waive or accept an alternative form of the required information if it determines, in consultation with the appropriate resource agency, that the alternate form of information provides sufficient detail to determine whether all applicable criteria and standards are met.

5.3.4 Fish and Wildlife Habitat Conservation Areas Designation, Mapping, and Classification

1. Purpose: The purpose of the fish and wildlife habitat conservation areas is to preserve and protect those areas with which anadromous fish, threatened and endangered species, and species of local importance have a primary association.

2. Designation.

   a. For purposes of these regulations, fish and wildlife conservation areas are those habitat areas that meet any of the following criteria:

      i. Documented presence of species and their critical habitat listed by the federal government or the state of Washington as endangered, threatened, and sensitive species;

ii. Priority habitats and species designated by the Washington Department of Fish and Wildlife;

iii. Waters of the state;

~~iv. Heritage tree sites.~~

Commented [DN13]: Regulation of heritage trees to move to Title 18, outside of critical areas regulations

b. All areas within the shoreline meeting one or more of the above criteria, regardless of any formal identification, are designated critical areas and are subject to the provisions of this chapter. The approximate location and extent of known fish and wildlife habitat conservation areas are shown on the critical area maps kept on file at the city. Wildlife data is sensitive~~,~~ and changes over time, and the requirements for protection ~~requirements~~ vary depending on specific site and area characteristics. WDFW will be consulted to verify the presence of critical habitat areas. Access to the maps ~~will~~ may be limited ~~to a need to know basis for individual project proposals, due to the~~City staff because of the sensitivity of the information in the maps.

5.3.5 Fish and Wildlife Habitat Conservation Areas Protection Standards

~~1. Riparian Habitat Conservation Area Buffer.~~

1. The Columbia River shall have a minimum 50-foot riparian habitat conservation buffer. Within this buffer area, no net loss of riparian habitat functions is achieved through the implementation of the standards of the fish and wildlife habitat conservation areas protection standards and the standards of this SMP.

~~2. Setbacks.~~

~~d.~~2. Riparian Setbacks. Development, building, and use setbacks from fish and wildlife habitat conservation areas shall meet the standards set forth in Table 6-1 of the SMP.

3. General performance standards. The requirements provided in this subsection supplement those identified in section 5.3.1 "General Regulations for All Critical Areas." All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this chapter. Additional standards follow:

a. Only development which adheres to the provisions of the SMP shall be allowed within a habitat conservation area or any associated buffer area with which state or federally endangered, threatened, or sensitive species have a primary association.

b. Whenever development is proposed adjacent to a fish and wildlife habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such areas shall be protected

through the application of protection measures in accordance with a critical areas report prepared by a qualified professional and approved by the city or its agent. WDFW should be consulted ~~to provide~~for a technical review and ~~an advisory role in defining~~to advise during the definition of the scope of the habitat study.

c. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

d. The city or its agent shall apply conditions of approval ~~of~~ to proposed activities ~~allowed~~ adjacent to a fish and wildlife habitat conservation area or its buffer, as necessary, per the approved critical area report and habitat management plan to minimize or mitigate any potential adverse impacts. Performance bonds as defined by this chapter may also be made a condition of approval in accordance with the provisions of this chapter.

e. Activities, uses, and alterations proposed to be located in the Columbia River shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, the following:

i. Activities shall be timed to occur only during the allowable work window as designated by ~~the state department of fish and wildlife~~WDFW;

ii. An alternative alignment or location for the activity is not feasible;

iii. The activity is designed so that it will minimize the degradation of the upstream and downstream functions or values of the fish habitat or other critical areas; and

iv. Any impact to the functions and values of the habitat conservation area are mitigated in accordance with an approved critical areas report.

f. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream and downstream migration of adult and juvenile fish.

5.3.6 Fish and Wildlife Habitat Conservation Areas Critical Area Reports

1. A critical areas report for fish and wildlife habitat conservation areas shall be prepared by a qualified biologist with experience analyzing aquatic and/or wildlife habitat and who has experience preparing reports for the relevant type of critical area. The city will ask the applicant to provide a scope describing the methodology of the study and the expected content of the report and mitigation plan. If provided, the scope will be forwarded to WDFW to help ensure the adequacy of work done relative to the extent of the habitat concerns present.

WDFW will respond as they are able. City will not rely solely on WDFW review of report scope. Notice will be provided in the interest of ensuring consultant work proposed is in line with agency expectations.

a. In addition to the requirements of SMP section 5.3.1 "General Regulations for All Critical Areas," critical area reports for wildlife habitat areas shall include the following additional information:

~~i. An assessment of habitats including gray squirrel habitat in Oregon White Oak woodlands with the following site and proposal related information;~~

~~ii.~~i. Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area~~, and assessment of potential project impacts to the use of the site by the species~~. The applicant shall include the qualities that are essential to maintain feeding, breeding, and nesting of listed species that use the habitat on or adjacent to the project area;

~~iii.~~ii. A discussion of any federal, state, or local species management recommendations, including the ~~state department of fish and wildlife~~most recent versions of the WDFW habitat management recommendations~~,~~ for priority habitats and species, and by any recovery and management plans prepared by the WDFW for the listed species pursuant to WAC 232-12-297(11)~~that have been developed for species or habitat located on or adjacent to the project area~~.

~~iv.~~iii. On the site map: (a) The location of the OHWM, (b) The toe of any slope ~~twenty five (~~25~~)~~ percent or greater within ~~twenty five (~~25~~)~~ feet of the OHWM, (c) The location of any proposed or existing stream crossing.

~~v.~~iv. In the report: (a) Characterization of riparian (streamside) vegetation species, composition, and habitat function, (b) Description of the soil types adjacent to and underlying the stream, using the U.S Department of Agriculture Natural Resources Conservation Service ~~Soil Conservation Service~~ soil classification system, (c) Determination of the presence or absence of fish, and reference sources; and (d) When stream alteration is proposed, include stream width and flow, stability of the channel including erosion or aggradation potential, type of substratum, discussions of infiltration capacity and biofiltration as compared to the stream prior to alteration, presence of hydrologically linked wetlands, analysis of fish and wildlife habitat, and proposed floodplain limits.

2. Habitat Study. Shoreline development proposals or alterations shall prepare, and

submit, as part of its critical areas study, a habitat study which identifies which, if any, priority species ~~listed in 5.3.4.2.a.ii~~ are using the subject property or if any priority habitats ~~listed in 5.3.4.2.a.iii~~ are found within the subject parcel. If one or more listed species or habitats are using the property, the following additional requirements shall apply:

a. The applicant shall include in its critical areas study a habitat management plan which identifies the qualities that are essential to maintain feeding, breeding, and nesting of listed species using the fish and wildlife habitat conservation area and which identifies measures to minimize the impact on these ecological processes from proposed activities. The applicant shall be guided by the ESA Recovery Plan for the Lower Columbia River (NMFS, June 2013) and by the document Management Recommendations for Washington's Priority Habitats and Species, issued by the ~~Washington Department of Fish and Wildlife~~WDFW, as amended, and by any recovery and management plans prepared by the ~~Washington Department of Fish and Wildlife~~WDFW.

b. Conditions shall be imposed, as necessary, based on the measures identified in the habitat management plan, to achieve no net loss of shoreline habitat.

c. Approval of alteration of land adjacent to the habitat conservation area, buffer or any associated setback zone shall not occur prior to consultation with the state department of fish and wildlife and the appropriate federal agency.

~~**5.3.7 Heritage Trees Designation, Mapping, and Classification**~~

~~1. Purpose and Applicability. The requirements provided in this section supplement those identified in SMP section 5.3.1 "General Regulations for All Critical Areas." All heritage trees qualifying for protection provide valuable local habitat and shall be protected as critical areas. The tree protection area shall be equal to ten times the trunk diameter of the tree or the average diameter of the area enclosed within the outer edge of the drip line of the canopy, whichever is greater.~~

~~2. To be considered a heritage tree the tree must be nominated by the landowner of the ground sustaining the tree and be accepted by the city onto the inventory list of heritage trees compiled and maintained by the city. Heritage trees include:~~

~~a. Oregon White Oaks with a trunk diameter larger than fourteen (14) inches,~~

~~b. All other tree species with a trunk diameter greater than eighteen (18) inches, or~~

~~c. Any tree designated as a heritage tree by the city council in accordance with the nomination process detailed below.~~

Commented [DN14]: Heritage tree regulations to be moved to Title 18, but outside of the critical areas regulations

3. Heritage trees may be designated in accordance with the following nomination and designation process:

a. Trees with smaller trunk diameters may also be nominated for heritage status by the property owner, by submitting a map, a photograph, and a narrative description including the location, species, approximate age, and the specific characteristics and reasoning on which the nomination is based. To receive such a designation, a tree must be an outstanding specimen, especially old or large, or of distinctive form, location, or of ecological, cultural or historical significance.

b. The city shall inspect the tree, consider public comments, consult with a certified arborist if relevant, and decide whether or not the tree is to be designated a heritage tree. Notice of the city's decision shall be mailed to the land owner and any other parties participating in the evaluation process.

c. The council may be asked to reverse its designation of a heritage tree.

4. Tree inventory is required.

a. The city shall maintain a list of heritage trees designated within the city limits in response to the voluntary nomination process. The inventory may include a map identifying the location of the trees and a brief narrative description of each heritage tree.

5.3.8 Heritage Trees Protection Standards

1. Maintenance and preservation of heritage trees is required.

a. Any owner or applicant shall use reasonable efforts to maintain and preserve all heritage trees located thereon in a state of good health pursuant to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter. Reasonable efforts to protect heritage trees include:

i. Avoidance of grading, excavation, demolition and soil compaction or construction activity within the heritage tree protection area where possible.

ii. Grading, excavation, demolition or construction activity within the heritage tree protection area shall require submittal of a tree protection plan, prepared in accordance [with] applicable guidelines for a critical area report and habitat management plan per SMP section 5.3.3., "General Critical Areas Report Requirements."

iii. Consideration of the habitat or other value of mature trees in the request for a shoreline variance may require listing of the tree as a heritage tree. Once listed for protection, approval of shoreline variances or modification of standards are considered reasonable actions and not the result of a self-created hardship.

b. Building set back lines stipulated by subsection SMP section 5.3.1.11 shall be measured from the outer line of the tree protection area for heritage trees.

c. Review and approval of the critical areas report and tree protection plan by the city is required prior to issuance of any permit for grading or construction within the heritage tree protection area.

d. A heritage tree protection easement (HTPE) shall be required. A HTPE is an easement granted to the city for the protection of a heritage tree protection area. HTPEs shall be required as specified in these rules and shall be recorded on final development permits and all documents of title and with the county recorder at the applicant's expense. The required language is as follows:

i. "Dedication of a Heritage Tree Protection Easement (HTPE) conveys to the public a beneficial interest in the land within the easement. This interest includes the preservation of existing heritage tree for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The HTPE imposes upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public of the city of White Salmon, to leave undisturbed all heritage trees within the easement. The heritage tree protection area may not be impacted by grading, excavation, demolition or construction without express permission from the city of White Salmon, which permission must be obtained in writing."

e. .Heritage tree removal and major pruning is prohibited. It is unlawful for any person to remove, or cause to be removed any heritage tree from any parcel of property in the city, or prune more than one fourth of the branches or roots within a twelve month period, without obtaining a SSDP, SCUP, SVAR, or SSOE permit; provided, that in case of emergency, when a tree is imminently hazardous or dangerous to life or property, it may be removed by order of the police chief, fire chief, the director of public works or their respective designees. Any person who vandalizes, grievously mutilates, destroys or unbalances a heritage tree without a SSDP, SCUP, SVAR, or SCOE permit or beyond the scope of such an approved permit shall be in violation of this chapter.

f. Exceptions to the provisions in this section include:

i. A heritage tree can be removed if it is dead, dangerous, or a nuisance, as attested by an arborist's report, submitted to the city and paid for by the

tree owner or by order of the police chief, fire chief, the director of public works or their respective designees.

ii. A heritage tree in or very close to the "building area" of an approved single family residence design can be replaced by another tree. A heritage tree can be removed if its presence reduces the building area of the lot by more than fifty (50) percent after all potential alternatives including possible setbacks to minimum yard depth and width requirements have been considered.

iii. Any person desiring to remove one or more heritage trees or perform major pruning shall apply for an exception pursuant to procedures established by this section.

iv. It is the joint responsibility of the property owner and party removing the heritage tree or trees, or portions thereof to obtain exception. The city may only issue a permit for the removal or major pruning of a heritage tree if it is determined that there is good cause for such action. In determining whether there is good cause, the city shall consult with a certified arborist, paid for by the applicant, as appropriate. The city shall also give consideration to the following: (a) The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services, (b) The necessity to remove the tree or trees in order to construct proposed improvements to the property (c) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters (d) The long-term value of the species under consideration, particularly lifespan and growth rate, (e) The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species (f) The number, size, species, age distribution and location of existing trees in the area and the effect the removal would have upon shade, privacy impact and scenic beauty (g) The number of trees the particular parcel can adequately support according to good arboricultural practices; and (h) The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s). The applicant shall retain downed or cut heritage trees on the property as fish and wildlife habitat wherever feasible.

5.3.9 Heritage Trees Critical Area Reports

1. The critical area report for purpose of this section shall include a heritage tree protection plan and shall be prepared by a certified arborist. The plan shall address issues related to protective fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and

~~construction. The city may impose conditions on any permit to assure compliance with this section. (Note: Some provisions in section 5.3.1, such as 5.3.1.10 Buffers, 5.3.1.13 Native growth protection easement, 5.3.1.14 Critical areas tracts, and 5.3.1.15 Marking and/or fencing requirements; may not be applicable to protection areas for heritage trees.)~~

~~5.3.10~~5.3.7 Geologically Hazardous Areas Designation, Mapping, and Classification

1. ~~To~~ The purpose of this section is to prevent incompatible development activity ~~to be conducted~~ in or near geologically hazardous areas in order to reduce the risk to public health and safety.

2. Designation. Areas susceptible to one or more of the following types of hazards shall be designated as geologically hazardous areas:

~~e.~~ Erosion hazard areas. Erosion hazard areas are ~~at least~~ those areas identified by the

a. U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) as having "severe" or "very severe" ~~rill and inter-rill~~ erosion hazard.

~~a.~~b. Landslide hazard areas (including steep slopes). Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as further defined in Chapter 7 of this document.

~~b.~~c. Seismic hazard areas. Seismic hazard areas are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface failure. ~~The strength of ground shaking is primarily affected by~~ These areas are indicated by:

i. A Zone D1 or higher rating as defined by the seismic design category maps for residential construction in Washington by the WDNR (2007 or as updated) and the International Residential Code; and areas with Site Class C to D, D, D to E, E, and F; as defined by the "Site Class Map of Klickitat County," by the WDNR and the International Building Code ~~The magnitude of an earthquake~~;

~~ii.~~ Areas of "low to moderate" or greater liquefaction susceptibility. These areas are as mapped by the WDNR on its "Liquefaction Susceptibility Map of Klickitat County, Washington" (September 2004 or as updated) ~~The distance from the source of an earthquake;~~

~~iii. The type and thickness of geologic materials at the surface;~~

~~iv.~~ii. ~~The type of subsurface geological structure~~.

~~c.~~d. Volcanic hazard. Volcanic hazard areas must include areas subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

~~d.~~e. Other geological events including, mass wasting, debris flows, rock falls, and differential settlement.

~~6.~~ **5.3.8 Geologically Hazardous Areas Protection Standards**

~~a.~~1. Critical facilities shall not be sited within geologically hazardous areas unless there is no practical alternative~~On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and associated buffers~~.

~~b.~~2. Pipelines containing hazardous substances (i.e., petroleum) are prohibited in geologically hazardous areas.

~~c. Slopes between fifteen (15) and forty (40) percent are generally considered buildable, however, the city or its agent may require an applicant to provide substantial evidence that a slope between 15 and 40 percent is geologically stable if there is evidence that similarly situated slopes have demonstrated substantial instability in the past.~~

~~d. Lands with slopes of forty (40) percent or greater are considered unbuildable and development is not allowed.~~

~~7.~~3. Performance standards.

a. All projects shall be evaluated to determine whether the project is proposed to be located in a geologically hazardous area, the project's potential impact on the geologically hazardous area, and the potential impact on the proposed project. The city or its agent may require the preparation of a critical area report to determine the project's ability to meet the performance standards.

b. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

i. The city determines no other feasible alternative route or location exists.

ii. Will not increase the threat of the geological hazard to or need for buffers on adjacent properties beyond pre-development conditions;

iii. Will not adversely impact other critical areas;

iv. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

v. Are certified as safe as designed and under anticipated conditions by a

qualified geotechnical engineer or geologist, licensed in the state of Washington.

c. Vegetation shall be retained unless it can be shown that the removal will not increase the geologic hazards, and a vegetation management plan is submitted with the request.

d. Approved clearing shall only be allowed from May 1st to October 1st of each year provided that the city may extend or shorten the dry season on a case-by-case basis depending on the actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practices permit issued by WDNR.

~~8.~~4. Special provisions—Erosion and landslide hazard areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:

a. Buffers required. A buffer shall be established for all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the city or its agent to eliminate or minimize the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical areas report prepared by a qualified professional.

b. Minimum buffers. The minimum buffer shall be equal to the height of the slope, or ~~fifty (~~50~~)~~ feet, whichever is greater.

c. Buffer reduction. The buffer may be reduced to a minimum of ~~ten (~~10~~)~~ feet when a qualified professional demonstrates to the city or its agent's satisfaction that the reduction will adequately protect the proposed development, adjacent developments and, uses and the subject critical area.

d. Increased buffer. The buffer may be increased when the city or its agent determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

e. Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and certifies that:

i. The development will not increase surface water discharge or sedimentation to adjacent properties beyond the pre-development condition;

ii. The development will not decrease slope stability on adjacent properties; and

iii. Such alteration will not adversely impact other critical areas.

~~9.~~5. Design standards—Erosion and landslide hazard areas. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

a. Structures and improvements shall be clustered to avoid ~~geologically hazardous~~ erosion or landslide areas ~~and other critical areas~~;

b. Structures and improvements shall minimize alterations to the natural contours of the slope and foundations shall be tiered where possible to conform to existing topography;

c. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

d. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

e. The use of a retaining wall that allows the maintenance of existing natural slopes are preferred over graded artificial slopes; and

f. Development shall be designed to minimize impervious lot coverage.

~~10.~~6. Critical area tract. As part of the implementation of approved development applications and alterations, geologically hazardous areas and any associated buffers that remain undeveloped pursuant to the critical areas regulations, shall be designated as critical area tracts as applicable.

~~5.3.2~~5.3.9 Geologically Hazardous Areas Critical Area Reports

1. When required by SMP section 5.3.3, a critical areas report for a geologically hazardous area shall be prepared by an engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrogeologic, and ground water flow systems, and who has experience preparing reports for the relevant type of hazard.

2. In addition to the requirements of SMP section 5.3.1 "General Regulations for All Critical Areas," critical area reports are required for geologically hazardous areas shall include the following additional information:

   a. On the site map:

i. All geologically hazardous areas within or adjacent to the project area or that have potential to be affected by the proposal;

ii. The top and toe of slope (Note: these should be located and flagged in the field subject to city staff review);

b. In the report:

i. A geological description of the site;

ii. A discussion of any evidence of existing or historic instability, significant erosion or seepage on the slope;

iii. A discussion of the depth of weathered or loosened soil on the site and the nature of the weathered and underlying basement soils;

iv. An estimate of load capacity, including surface and ground water conditions, public and private sewage disposal system, fill and excavations, and all structural development;

v. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement;

vi. A complete discussion of the potential impacts of seismic activity on the site;

vii. Recommendations for management of stormwater for any development above the top of slope;

viii. A description of the nature and extent of any colluviums or slope debris near the toe of slope in the vicinity of any proposed development; and

ix. Recommendations for appropriate building setbacks, grading restrictions, and vegetation management and erosion control for any proposed development in the vicinity of the geologically hazardous areas.

~~5.3.3~~5.3.10 Critical Aquifer Recharge Areas

1. Currently there are no known CARAs in the City of White Salmon or its shoreline. If, in the future any CARAs are identified within the shoreline based on development of additional public drinking water or other potable water sources, the city shall adopt standards and criteria to protect the resulting critical areas in compliance with the Shoreline Master Program Guidelines.

~~5.3.4~~5.3.11 Wetland Designation, Mapping, and Classification

1. Purpose: The purpose of the wetland critical areas provisions is to protect existing wetlands and maintain no net loss of their functions and values.

2. Identification and Rating. Wetlands shall be identified and delineated by a

qualified wetland professional in accordance with WAC 173-22-035 and ~~designated~~ based on the definitions, methods and standards set forth in the currently approved Federal Wetland Delineation Manual and applicable regional supplements.

3. Determination of wetland ratings will be based on the entire extent of wetlands, unrelated to property lines or ownership patterns. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the *Washington State Wetland Rating System for Eastern Washington: 2014 Update*~~Washington State Wetland Rating System for Eastern Washington~~, or as amended.

4. Illegal modifications. Wetland rating categories shall not change because of illegal modifications made by the applicant or with the applicant's knowledge.

~~5.3.5~~5.3.12 Wetland Protection Standards

1. Standard Buffers. Standard wetland buffer widths based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Eastern Washington are shown in Table 5-1 below.~~If the vegetation within the standard buffer width is inadequate to serve the purpose or functional value of the riparian area, then the buffer width shall be increased or the buffer shall be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity, are as follows:~~

Table 5-1 Standard Wetland Buffers

Wetland Category	Habitat Score 3-5 points	Habitat Score 6-7 points	Habitat Score 8-9 points	Buffer width based on special characteristics
Category I & II: Based on rating of functions (and not listed below)	75	110	225	NA
Category I & II: Forested	75	110	150	NA
Category I: Bogs, calcareous fens, and Wetlands of High Conservation Value	NA	NA	NA	190
Category I: Alkali	NA	NA	NA	150
Category II: Vernal pool	NA	NA	NA	150
Category III	60	110	150	NA
Category IV	40	40	40	NA

2. Conditions for use of Standard Buffer Widths.

a. For wetlands that score 6 points or more for habitat function: the buffers in Table 5-1 can be used only if all of the following criteria are met:

i. The measures in Table 5-2 are implemented, where applicable, to minimize the impacts of the adjacent land use; and

a) A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and (a) A legally protected, relatively undisturbed and vegetated area (e.g., Priority Habitats, compensatory mitigation sites, wildlife areas/refuges, national, county, and state parks where they have management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve, or (b) An area that is the site of a Watershed Project identified within, and fully consistent with, a Watershed Plan as defined by RCW 89-08-460, or (c) An area where development is prohibited according to the provisions of the local shoreline master program, or (d) An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW.

b) The corridor is permanently protected for the entire distance between the wetland and the shoreline or legally protected area by a conservation easement, deed restriction, or other legal means.

c) Presence or absence of the shoreline or Priority Habitat must be confirmed by a qualified biologist or shoreline Administrator.

b. For wetlands that score 5 or fewer habitat points, only the measures in Table 5-2 are required for the use of the buffers in Table 5-1.

c. If an applicant does not apply the mitigation measures in Table 5-2 or is unable to provide a protected corridor, then the buffers in 5-3 shall be used.

d. The buffer widths in Tables 5-1 and 5-3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is un-vegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or be widened to ensure that the buffer provides adequate functions to protect the wetland.

~~1.~~

Table 5-2 Required Measures to Minimize Impact to Wetlands

Example of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Lights	• Parking lots • Commercial/industrial • Residential • Recreation (e.g. athletic fields) • Agricultural buildings	• Direct lights away from wetland • Only use lighting where necessary for public safety and keep lights off when not needed • Use motion-activated lights • Use full cut-off filters to cover light bulbs and direct light only where needed • Limit use of blue-white colored lights in favor of red-amber hues • Use lower-intensity LED lighting • Dim light to the lowest acceptable intensity
Noise	• Commercial • Industrial • Recreation (e.g. athletic fields, bleachers,etc.) • Residential • Agriculture	• Locate activity that generates noise away from wetland • Construct a fence to reduce noise impacts on adjacent wetland and buffer • Plant a strip of dense shrub vegetation adjacent to wetland buffer
Toxic runoff	• Parking lots • Roads • Commercial/industrial • Residential areas • Application of agricultural pesticides • Landscaping • Agriculture	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management (Note: these examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site)
Stormwater runoff	• Parking lots • Roads • Residential areas • Commercial/industrial • Recreation • Landscaping/lawns • Other impermeable surfaces, compacted soil, etc.	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns

Example of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Pets and human disturbance	• Residential areas • Recreation	• Use privacy fencing • Plant dense vegetation to delineate buffer edge and to discourage disturbance • Place wetland and its buffer in a separate tract • Place signs around the wetland buffer every 50-200 ft., and for subdivisions place signs at the back of each residential lot • When platting new subdivisions, locate greenbelts, stormwater facilities, or other lower-intensity land uses adjacent to wetland buffers
Dust	• Tilled fields • Roads	• Use best management practices to control dust

Table 5-3 Increased Wetland Buffers if Table 5-2 is Not Implemented or Habitat Corridor Not Provided

Wetland Category	Habitat Score 3-5 points	Habitat Score 6-7 points	Habitat Score 8-9 points	Buffer width based on special characteristics
Category I & II: Based on rating of functions (and not listed below)	100	150	200	NA
Category I & II: Forested	100	150	200	NA
Category I: Bogs, calcareous fens, and Wetlands of High Conservation Value	NA	NA	NA	250
Category I: Alkali	NA	NA	NA	200
Category II: Vernal pool	NA	NA	NA	200
Category III	80	150	200	NA
Category IV	50	50	50	NA

3. Increased Wetland Buffer Width. Buffer widths shall be increased on a case by-case basis as determined by the Administrator when a wider buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the

functions and values of the wetland. The documentation shall include but not be limited to the following criteria:

a. The wetland is used by a state or federally listed plant or animal species. These species would be those listed under WAC 220-610-010, 50 CFR 17-11, 50 CFR 17-12, or other state or federal regulations.

b. The wetland has critical habitat; or a priority area for a priority species as defined by WDFW; or Wetlands of High Conservation Value as defined by the Washington Department of Natural Resources' Natural Heritage Program.

c. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts.

d. The adjacent land has minimal vegetative cover.

e. The land has slopes greater than 30 percent.

4. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

a. 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.

b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical area report from a qualified wetland professional.

c. The total area of the buffer after averaging is equal to the area required without averaging.

d. The buffer at its narrowest point is never less than either 75 percent of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

5. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:

a. No feasible alternatives to the site design could be accomplished without buffer averaging.

b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical area report from a qualified wetland professional.

c. The total buffer area after averaging is equal to the area required without averaging.

d. The buffer at its narrowest point is never less than either 75 percent of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

6. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law, and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

    a. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

    b. Passive recreation facilities designed in accordance with an approved critical area report, including:

        i. Walkways and trails, provided that they are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant, old growth, or mature trees. They should be limited to pervious surfaces no more than five (5) feet in width and designed for pedestrian use only. Raised boardwalks utilizing nontreated pilings may be acceptable.

        ii. Wildlife-viewing structures.

    c. Educational and scientific research activities.

    d. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

    e. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

    f. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not alter the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

    g. Enhancement of a wetland buffer through the removal of non-native, invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds should be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

h. Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.

7. Functionally Disconnected Buffer Area. Buffers may exclude areas that are functionally and effectively disconnected from the wetland by an existing public or private road or legally established development, as determined by the Administrator. Functionally and effectively disconnected means that the road or other significant development blocks the protective measures provided by a buffer. Significant developments shall include built public infrastructure such as roads and railroads, and private developments such as homes or commercial structures. The Administrator shall evaluate whether the interruption will affect the entirety of the buffer. Individual structures may not fully interrupt buffer function. In such cases, the allowable buffer exclusion should be limited in scope to just the portion of the buffer that is affected. Where questions exist regarding whether a development functionally disconnects the buffer, or the extent of that impact, the Administrator may require a critical area report to analyze and document the buffer functionality.

~~Table 5-1. Buffers Required to Protect Wetlands in Eastern Washington Considering Impacts of Proposed Land Use~~

~~Types of Buffers and Their Requirements~~		
~~1. Category I~~		
~~a.~~	~~Adjacent to High Intensity Uses~~	~~250 feet~~
~~b.~~	~~Adjacent to Moderate Intensity Uses~~	~~190 feet~~
~~c.~~	~~Adjacent to Low Intensity Uses~~	~~125 feet~~
~~2. Category II~~		
~~a.~~	~~Adjacent to High Intensity Uses~~	~~200 feet~~
~~b.~~	~~Adjacent to Moderate Intensity Uses~~	~~150 feet~~
~~c.~~	~~Adjacent to Low Intensity Uses~~	~~100 feet~~
~~3. Category III~~		
~~a.~~	~~Adjacent to High Intensity Uses~~	~~150 feet~~
~~b.~~	~~Adjacent to Moderate Intensity Uses~~	~~110 feet~~
~~c.~~	~~Adjacent to Low Intensity Uses~~	~~75 feet~~
~~4. Category IV~~		
~~a.~~	~~Adjacent to High Intensity Uses~~	~~50 feet~~
~~b.~~	~~Adjacent to Medium Intensity Uses~~	~~40 feet~~
~~c.~~	~~Adjacent to Low Intensity Uses~~	~~25 feet~~

~~Table 5-2. Buffers Required to Protect Habitat Functions in Category I Wetlands~~

~~Habitat Score in the Rating Form~~	~~Low Intensity Use~~	~~Moderate Intensity Use~~	~~High Intensity Use~~
~~4 points or less~~	~~See Table 5.3.14-1~~	~~See Table 5.3.14-1~~	~~See Table 5.3.14-1~~
~~5~~	~~130 ft.~~	~~200 ft.~~	~~260 ft.~~

~~6~~	~~135~~	~~210~~	~~270~~
~~7~~	~~140~~	~~215~~	~~280~~
~~8~~	~~145~~	~~220~~	~~290~~
~~9~~	~~150~~	~~225~~	~~300~~

Table 5-3. Buffers Required to Protect Habitat Functions in Category II Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 5.3.14-1	See Table 5.3.14-1	See Table 5.3.14-1
5	110 ft.	160 ft.	210 ft.
6	115	165	220
7	120	170	230
8	125	175	240
9	130	180	250

Table 5-4. Buffers Required to Protect Habitat Functions in Category III Wetlands

Habitat Score in the Rating Form	Low Intensity Use (ft)	Moderate Intensity Use (ft)	High Intensity Use (ft)
4 points or less	See Table 5.3.14-1	See Table 5.3.14-1	See Table 5.3.14-1
5	80	115	160
6	85	120	170
7	90	125	180
8	95	130	190
9	100	135	200

Table 5-5. Land Use Intensity Matrix[1]

Parks and Recreation		Streets and Roads	Stormwater Facilities	Utilities	Industrial	Commercial/ Residential
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	NA
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density less than 1 unit per acre
High	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing	Public and private streets, security fencing, retaining walls	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.	All site development	Density higher than 1 unit per acre

1 The planning official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 5.3.14-5.

2 Measured as density averaged over a site, not individual lot sizes.

~~a.~~ 8. Any wetland created as compensation for approved wetland alteration shall have the standard buffer required for the new classification of the created wetland. Wetlands to be created shall be located such that the new associated wetland buffer does not cross onto adjacent property, unless the same property owner owns the adjacent property.

~~b.~~ 9. Un-inventoried wetlands shall be assigned a rating based on the wetland report and field verification, and the appropriate buffer shall apply.

~~2.~~ 10. General Performance Standards: The requirements provided in this section supplement those identified in SMP section 5.3.1 "General Regulations for All Critical Areas." Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided by the SMP.

~~3.~~ 11. ~~Permitted Alterations~~Activities Allowed in Wetlands: The following activities may only be permitted in a wetland or wetland buffer if the applicant can demonstrate that the activity will result in no net loss to shoreline ecological functions. The city or its agent may require the preparation of a critical area report to confirm compliance with the requirements of this chapter.

a. Conservation or preservation activities that improve the function of the wetland.

b. Modifications to existing structures where no further alteration or increase in footprint will occur.

c. Trails. Public and private trails may be allowed within all wetland buffers where it can be demonstrated in a critical areas report that the wetland and wetland buffer functions and values will not be degraded by trail construction or use. Trail planning, construction, and maintenance shall adhere to the following criteria:

i. Trail alignment shall follow a path beyond a distance from the wetland edge equal to ~~fifty (~~50~~)~~ to ~~seventy-five (~~75~~)~~ percent of the buffer width for wetlands and equal to the setback distance for trails specified in Table 6-1 for fish and wildlife habitat conservation areas except as needed to access viewing platforms. Trails may be placed on existing levees or railroad grades within these limits;

ii. Trails and associated viewing platforms shall be constructed of pervious materials, unless necessary for conformance to the Americans with Disabilities Act. The trail surface shall meet all other requirements, including water quality standards set forth in the Washington State

Department of Ecology Stormwater Management Manual for Eastern Washington, September 2004 or as revised;

iii. Trail alignment shall avoid trees in excess of six (6) inches in diameter of any tree trunk at a height of four and a half (4.5) feet above the ground on the upslope side of the tree;

iv. Trail construction and maintenance shall follow the U.S. Forest Service Trails Management Handbook (FSH 2309.18, June 1987) and Standard Specifications for Construction of Trails (EM-7720-102, June 1984 or as revised);

v. Access trails to viewing platforms within the wetland may be provided. Trail access and platforms shall be aligned and constructed to minimize disturbance to valuable functions of the wetland or its buffer and still provide enjoyment of the resource;

vi. Buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and

vii. Equestrian trails shall be located or measures provided to assure that runoff from the trail does not directly discharge to the wetland.

d. Public Roads and Utilities. Footprint expansion of public roads and utilities may occur to maintain locally established levels of service, and to provide for and protect public safety when no lesser impacting option is feasible and the width of the corridor is minimized to the maximum extent possible. Public and private utility corridors, not covered by the exceptions section in this chapter, may be allowed within wetland buffers for Category II, III, and IV wetlands when no lesser impacting alternative alignment is feasible, and wetland and wetland buffer functions and values will not be degraded. Utilities, whenever possible, shall be constructed in existing, improved roads, drivable surface or shoulder, subject to compliance with road maintenance BMPs, or within an existing utility corridor. Otherwise, corridor alignment, construction, restoration and maintenance shall adhere to the following criteria:

i. Corridor alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five (75) percent of the buffer width, except when crossing a Category IV wetland and its buffer;

ii. Corridor construction and maintenance shall maintain and protect the hydrologic and hydraulic functions of the wetland and the buffer;

iii. Corridors shall be fully revegetated with appropriate native vegetation upon completion of construction; and

iv. Utilities requiring maintenance roads shall be prohibited in wetland buffers unless the following criteria are met: (a) There are no lesser impacting alternatives, (b) Any required maintenance roads shall be no greater than fifteen (15) feet wide. Roads shall closely approximate the location of the utility to minimize disturbances; and, (c) The maintenance road shall be constructed of pervious materials and designed to maintain and protect the hydrologic functions of the wetland and its buffer.

e. In Category II, III, and IV wetlands within shoreline jurisdiction, water-dependent, water-related or water-enjoyment recreational activities may be permitted within the Urban Conservancy designation provided the applicant has demonstrated the following:

i. Compliance with mitigation sequencing in SMP section 5.1

ii. That the proposed project will result in no net loss of shoreline ecological resources in the wetland critical areas report. If a wetland or its buffer is proposed to be impacted by a water-dependent, water-related, or water-enjoyment use, the mitigation for such impacts shall preferably be within the same wetland or wetland buffer, but if, that is not feasible given the size or scale of the water-oriented use, then mitigation shall occur on the same property.

iii. That the basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland or its buffer using other design techniques, project location or configuration on the same project site.

~~5.3.6~~5.3.13 Wetland Critical Area Reports

1. In addition to the general requirements for critical areas reports provided under SMP section 5.3.1 "General Regulations for All Critical Areas", wetland critical area reports shall include the following:

a. On the site map:

~~i. Wetlands shall be identified and delineated by a qualified wetland professional in accordance with WAC 173-22-035 and designated based on the definitions, methods and standards set forth in the currently approved Federal Wetland Delineation Manual and supplements.;~~

Commented [DN15]: Repetitive from earlier

~~ii.~~i. The location of any proposed wetland area(s) to be created through mitigation measures; and

~~iii.~~ii. The location of any proposed wetland alteration or fill.

b. In the report:

i. Description of the wetland by classification per the Washington State Wetland Rating System for Eastern Washington (Ecology Publication #14-06-030 or as revised);

ii. General condition of wetland;

iii. Description of vegetation species and community types present in the wetland and surrounding buffer;

iv. Description of soil types within the wetland and the surrounding buffer using the USDA ~~Soil Conservation Service~~NRCS soil classification system;

v. Description of hydrologic regime and findings.

~~5.3.7~~5.3.14 Wetland Compensatory Mitigation

1. No net loss of wetland functions and values shall occur as a result of the overall project. If a wetland alteration is allowed, then the associated impacts will be considered unavoidable. In addition to the requirements in SMP section 5.3.1 "General Regulations for All Critical Areas", the following mitigation measures to minimize and reduce wetland impacts shall be required:

a. Mitigation shall achieve equivalent or greater biological functions. Mitigation plans shall be consistent with the state Department of Ecology Wetland Mitigation in Washington State: Part 2 - Developing Mitigation Plans, 2006, or as revised.

b. Preference of mitigation actions. Mitigation actions that require compensation shall occur in the following order of preference:

i. Restoring wetlands on upland sites that were formerly wetlands.

ii. Creating wetlands on disturbed upland sites such as those with vegetation cover consisting primarily of non-native introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is designed.

iii. Enhancing significantly degraded wetlands only after a minimum 1:1 replacement ratio has been met.

c. On-site and off-site mitigation. Unless otherwise approved, all wetland

impacts shall be compensated for through restoration or creation of replacement wetlands that are in-kind, on-site, and of similar or better wetland category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success. The following ratios shall apply to wetland restoration and creation for mitigation:

Table 5-~~6~~4. Standard Wetland Mitigation Ratios

Wetland to be Replaced	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation and Rehabilitation	Reestablishment or Creation and Enhancement	Enhancement
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
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	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 Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I, Natural Heritage Site	Not Considered Possible	6:1 Rehabilitate a Natural Heritage Site	N/A	N/A	Case-by-Case

~~**Table 5-7. Wetland Preservation Ratios for Category I and II Wetlands**~~

	~~In Combination With Measures in Table 5-6~~		~~As the Only Means of Mitigation~~	
~~Habitat Function of Wetland to be Replaced~~	~~Full and Functioning Buffer~~	~~Reduced and/or Degraded Buffer~~	~~Full and Functioning Buffer~~	~~Reduced and/or Degraded Buffer~~
~~Low (<20 points)~~	~~10:1~~	~~14:1~~	~~20:1~~	~~30:1~~
~~Moderate (20—30 points)~~	~~13:1~~	~~17:1~~	~~30:1~~	~~40:1~~
~~High (>30 points)~~	~~16:1~~	~~20:1~~	~~40:1~~	~~50:1~~

Commented [DN16]: Table removed as it was not referenced nor included in the CAO

2. Fee-in-lieu-mitigation. For Category IV wetlands of one thousand (1,000) square feet or less, mitigation may be accomplished by compensating for wetland loss through a fee-in-lieu based on a 1:1 ratio, where allowed by the shoreline regulations and the Corps of Engineers. Fee-in-lieu shall be based on the cost to replace the wetland at an offsite location, including land costs, wetland construction, and monitoring.

~~2.~~3. Wetland Mitigation Banking. Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.

Commented [AP17]: Periodic Checklist 2009b

5.4 Flood Hazard Reduction

5.4.1 Regulations

1. No flood insurance study for White Salmon has been prepared by the Federal Insurance Administration. The flood insurance map (FIRM) has not been revised or updated in recent history and must be used very cautiously. Because no base flood elevations are provided by the FIRM maps, the city will require necessary technical assessment of local site-specific information to determine extent of flood hazard area on specific parcels.

~~1.~~2. Flood hazard areas located within the City of White Salmon's shoreline jurisdiction are regulated by the Flood Hazard Regulations contained Ordinance No. 1981-5-363.

5.5 Public Access

5.5.1 Regulations

1. Except as provided in Regulations 2 through 4 below, public access shall be required to the extent allowed by law for all shoreline substantial developments and conditional uses when any of the following conditions are present:

    a. The project is publicly funded or occurs on public lands, provided that such access would not result in a net loss of ecological function.

    b. The proposed development would create or increase demand for public access to the shoreline.

    c. The project adversely impacts existing public access by creating a physical obstruction or discourages use of existing access.

    d. The development interferes with public use of waters of the state.

    e. The proposed use is not water-dependent and is not a preferred use under the Act. Preferred uses include ports, shoreline recreational uses, water-dependent industrial and commercial developments and other developments that provide public access opportunities.

2. Additional public access shall not be required where public access is already provided by an existing public facility on or adjacent to the site and the Shoreline Administrator makes a finding that the proposed development would not negatively impact existing visual or physical public access or create a demand for shoreline public access that could not be accommodated by the existing public access system and existing public recreational facilities in the immediate vicinity.

3. Public access shall not be required on site where one or more of the following conditions apply.

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

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

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

d. Unacceptable environmental harm will result from the public access which cannot be mitigated.

e. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

4. To meet any of the conditions under Regulation 4 above, the applicant must first demonstrate and the Shoreline Administrator must determine that all reasonable alternatives have been exhausted, including but not limited to the following

   a. Regulating access by such means as limiting hours of use to daylight hours

   b. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping

   c. Providing access that is physically separated from the proposal, such as a nearby street end, an off-site viewpoint, or a trail system

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

5. For projects that meet the criteria of Regulation 4 above, the City may consider off-site public access or, if approved by the Shoreline Administrator and agreed to by the applicant, the applicant may contribute a proportional fee to the local public access fund (payment in lieu).

6. If the City determines that public access is required pursuant to Regulation 1 above, the City shall impose permit conditions requiring the provision of public access that is roughly proportional to the impacts caused by the proposed use or development. The City shall demonstrate in its permit decision document that any such public access has a nexus with the impacts of the proposed development and is consistent with the rough proportionality standard.

7. Public access sites shall be connected directly to the nearest public street or non-motorized trail through a parcel boundary, tract, or easement, wherever feasible.

8. Public access sites shall be made barrier-free for the physically disabled where feasible and conform to all provisions of the Americans with Disabilities Act.

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

10. Public access easements shall be recorded through a conveyance recorded with the auditor or on the face of a plat as applicable, or short plat as a condition running in perpetuity with the land. Recording with the Klickitat County Auditor's Office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval).

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

12. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.

13. Physical public access shall be designed to prevent significant impacts to sensitive natural systems, and shall be constructed and maintained in a manner that does not result in a net loss of shoreline ecological function.

14. Minimum width of public access easement shall be at least eight (8) feet, unless the Shoreline Administrator determines that undue hardship to the proponent would result. In such cases, easement width may be reduced to the minimum necessary to relieve the hardship.

15. Where public access is to be provided, the following requirements shall apply.

    a. The access shall be a minimum of six (6) feet in total improved width, which may include 1-foot gravel shoulders. Not including landscaping, no more than 6 feet of improved surface is preferable in most cases.

    b. Packed gravel, pervious pavement, or boardwalk should be used for public access within the shoreline management area unless the Shoreline Administrator determines that such use is not in the public interest because of safety, durability, or functionality concerns.

    c. Where feasible, the public access shall be placed at least twenty-five (25) feet from the OHWM, except where there is no other feasible location for the trail, or where the design incorporates overlooks or other access features that do not result in a loss of ecological function, as approved by the Shoreline Administrator.

d. Landscaping should be native and site appropriate.

e. Other specific conditions described in a trail or parks plan or other City approval.

16. Development, uses, and activities shall be located, designed, and operated to minimize obstruction or degradation of shoreline views from public parks, roads, and walkways. In providing visual access to the shoreline, natural vegetation shall not be excessively removed either by clearing or by topping.

17. The Shoreline Administrator may require the applicant to prepare a view study when the City determines based on available information that views from public property may be significantly impacted by proposed shoreline development.

18. If a view study is required by the Shoreline Administrator in accordance with subsection 18 above, required mitigation shall be determined by a view study and other available information that addresses the following factors.

    a. The nature, significance, and extent or expanse of existing public shoreline views across the property, including the number and location of points from which such views exist, the content and quality of the view available from such viewpoints and the extent to which views might be impacted by new development on other property, both shoreline and non-shoreline in the immediate area of both the project site and viewpoints.

    b. The nature, significance, and extent of public shoreline view loss or gain that would likely result from the proposed development, including the number and extent of viewpoints impacted, whether views within an officially recognized view corridor would be impacted, whether views would be enhanced or created by the new project, and whether there would be a net gain or loss of public shoreline views.

    c. The extent to which public shoreline views are already being preserved or enhanced by the applicant's development proposal.

    d. The extent to which the application of view preservation requirements and limitation on the subject proposal would reduce the value of the subject property.

    e. The extent to which development or facilities on other properties in the immediate area have already degraded or preserved public shoreline views.

19. When a proposed development would completely obstruct or significantly reduce the aesthetic quality of public views as determined by the Shoreline

Administrator based on the factors in Regulation 19 above, mitigation shall be required to address view impacts.

a. The City may require administrative modifications to standard setbacks, impervious surface limits, clustering of proposed structures, and modifications to landscaping and building massing when the Shoreline Administrator determines that such modifications are necessary to maintain public views of the shoreline.

b. The City shall work with the applicant to minimize the economic impacts of view mitigation. While upper story setbacks and other changes to building placement and form may be required to provide view corridors, in no case shall the applicant be required to reduce the maximum building height.

c. The City shall require specific public access improvements, such as public viewing decks, as mitigation in lieu of more significant modifications to site and building design when the Shoreline Administrator determines that such modifications would be an unreasonable financial burden on the applicant.

20. The Shoreline Administrator may require recorded easements when necessary to ensure public view corridors or other public access improvements associated with this subsection are maintained in perpetuity.

5.6 Vegetation Conservation

5.6.1 Regulations

1. Applicability: The following provisions apply to any activity, development, or use that result in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities.

2. Removal of native vegetation should be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized and mitigated to result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved shoreline mitigation plan and the priority vegetation system described below.

3. Shoreline mitigation plan. All activities that include clearing of native vegetation or surface grading within the shoreline setback stated in Table 6-1 shall include a shoreline mitigation plan for review and approval by the City. The planting of native species, modification of existing nonconforming development that does

not include expansion, or the removal of hazard trees shall not require a shoreline mitigation plan.

4. Clearing and grading for new development, redevelopment, or use expansions shall be limited to the minimum necessary to accommodate the use or expansion. In-tact stands of native vegetation shall be shown on project plans and new uses shall avoid removing vegetation in these areas, unless there is no other feasible location onsite for the proposed use as demonstrated in an alternatives analysis. If no other feasible location onsite exists, vegetation removal shall be mitigated to achieve no net loss.

5. Any undeveloped area of the required shoreline setback listed in Table 6-1 shall be planted with native species as part of the shoreline mitigation plan required by this section.

6. Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views. Pruning for views shall be undertaken in compliance with this section.

7. Topping of trees is prohibited.

8. Pruning should be limited to no more than 1/3rd of the branches of a tree and shall not compromise the health of the tree.

9. Natural features, such as snags, stumps, logs, or uprooted trees, which support wildlife, fish and other aquatic systems; do not intrude on the navigational channel; or threaten public safety, existing structures, and facilities, shall be left undisturbed unless it is infeasible to do so.

10. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a professional certified applicator for control of nuisance species. Applicants shall consult with the Washington Department of Ecology and the Klickitat County Noxious Weed Control Board staff to determine appropriate removal methods for aquatic weeds.

5.7 Water Quality and Quantity

5.7.1 Regulations

1. All shoreline development, both during and after construction, shall avoid, minimize or mitigate for impacts related to surface runoff through control, treatment, and release of surface water runoff and its supplements such that there is no net loss of receiving water quality in the shoreline environment.

2. Shoreline development and uses shall adhere to all required setbacks, buffers, and standards for stormwater facilities.

3. The City shall require applicants for new development within shoreline jurisdiction to connect to the City's sanitary sewer system.

5.8 Site Planning and Development

5.8.1 Regulations

1. Land-disturbing activities, such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation.

2. Development shall be designed and land-disturbing activities conducted to avoid impacts to healthy trees such that they are likely to become hazard trees.

3. Impervious surfacing for parking lot/space areas, trails, and pathways shall be minimized through the use of alternative surfaces where feasible.

4. When feasible, existing transportation corridors shall be utilized. Ingress/egress points shall be designed to minimize potential conflicts with and impacts upon vehicular and pedestrian traffic. Pedestrians shall be provided with safe and convenient circulation facilities.

5. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, and alteration of topography and natural features, and designed to accommodate wildlife movement.

6. Parking, storage, and non-water dependent accessory and appurtenant structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principal use.

7. Elevated walkways shall be used, as appropriate, to cross sensitive areas, such as wetlands.

8. Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.

9. Exterior lighting shall be designed, shielded and operated to:

    a. Avoid illuminating nearby properties or public areas

    b. Prevent glare on adjacent properties, public areas, or roadways

    c. Prevent land and water traffic hazards

    d. Reduce night sky effects to avoid light pollution and impacts to fish and wildlife

10. Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.

6.0 CHAPTER 6: SPECIFIC SHORELINE USE REGULATIONS

6.1 General Provisions

1. This chapter contains the regulations that apply to specific uses, developments, and activities on White Salmon's shorelines. "Uses" refers to uses, structures, and/or developments as applicable.

2. These regulations are intended to work in concert with all sections of this SMP and in particular the Goals and Policies (Chapter 3) and General Use and Development Regulations (Chapters 5).

3. Allow work below the OHWM of the Columbia River shall comply with all requirements of the Columbia River Gorge National Scenic Area Act.

6.2 Shoreline Use Table

The following table indicates the allowable shoreline uses, modifications, and development standards applicable to the environmental designations. Where there is a conflict between the table and written provisions of the SMP, the written provisions shall apply.

Table 6-1. Shoreline Use and Development Standards Table

	Shoreline Environment Designations								
Shoreline Use	**Aquatic**	**Setbacks[1]**	**Height**	**HI**	**Setbacks[1]**	**Height**	**UC**	**Setbacks[1]**	**Height**
Agriculture									
Primary (nursery or farm)	X	N/A	35'	X	130'	N/A	X	N/A	N/A
Aquaculture	X	N/A	N/A	X	N/A		X	N/A	N/A
Boating Facilities									
Private joint-use piers	See adjacent upland environment	N/A	35'	P	0'	35'	X	0'	35'
Private exclusive use piers		N/A		C	0'		X	0'	
Public piers		N/A		P	0'		P	0'	
Boat or kayak launch		N/A		P	0'		P	0'	
Marinas		N/A		C	0'		C	0'	
Commercial, Industrial, Institutional									
Water-dependent	P	0'	Unl	P	0'	45'[2]	P[3]	0'	35'
Water-related, water-enjoyment	X	N/A	N/A	P	50'		C[3]	75'	35"
Non-water-oriented	X	N/A	N/A	C	100'	45'[2]	X	N/A	N/A
Flood Hazard Reduction	P	0'	35'	P	0'	45'[2]	P	0'	35'
Forest Practices[11]	X	N/A	N/A	P	50'	N/A	X	N/A	N/A
Recreation:									
Water-dependent	P	0'	35'	P	0'	35'	P	0'	35'
Water-related, water-enjoyment[4]	P	25'	35'	P	50'		P	75'	35'
Non-water-oriented	X	N/A	N/A	C	100'		C	N/A	N/A
Residential									
Single-family	X	N/A	N/A	X	N/A	N/A	X	N/A	N/A
Multifamily	X	N/A	N/A	P[5]	50'	45'[3]	X	N/A	N/A
Restoration Activities	P	0'	35'	P	0'	35'	P	0'	35'
Transportation facilities:									
Local Access Roads[6,7,8]	X	N/A	N/A	P	130'	35'	C	150'	35'
Pervious trails generally parallel to the shoreline[6, 8, 9]	X	N/A	N/A	P	25'	N/A	P	50'	N/A
Public access paths located perpendicular to the shoreline	P	0'	N/A	P	0'	N/A	P	0'	N/A
Railroad[6, 8]	X	N/A	N/A	C	150'		C	175'	
Bridges[6]	C	0'	Unl	C	0'	Unl	C	0'	Unl
Parking - Accessory use	X	N/A	N/A	P	130'	35'	P	175'	35'
Parking - Primary use	X	N/A	N/A	X	N/A	N/A	X	N/A	N/A
Utilities:									
Primary[10]	C	0'	35'	C	100'	35'	C	100'	35'
Accessory	P	0'	35'	P	0'	35'	P	0'	35'

Note on abbreviations: HI = High Intensity, UC = Urban Conservancy, P = Permitted Use, C = Conditional Use, X = Prohibited Use, N/A = Not Applicable, Unl = Unlimited Height

[1] Setbacks shall be measured from the OHWM.

[2] Within the Riverfrontage District, the height limit is 45 feet. Outside Riverfrontage District the height limit is 35 feet in the HI designation

[3] Accessory, water-oriented commercial uses, such as kayak and non-motorized boat rentals, are allowed in the UC and Aquatic designations.

[4] Water-related and water-enjoyment recreation facilities, such as hiking trails and picnic tables, are permitted in all shoreline designations provided they achieve no net loss.

[5] Multifamily residential is allowed as an accessory use to a primary permitted use in the HI environment, per the requirements of the Riverfrontage District zone in Chapter 17.50 of the White Salmon Municipal Code.

[6] Maintenance, repair, and replacement activities for existing facilities are allowed outright, subject to demonstration of no net loss.

[7] Setbacks apply to local access roads.

[8] Allowed provided there is no other feasible location as demonstrated in an alternatives analysis.

[9] Shoreline public access is allowed within the setback area provided it is generally perpendicular to the shoreline. Parallel trails, walkways, boardwalks, etc. shall be setback 25 feet. Trails shall be developed in compliance with section 5.3.14.

[10] Stormwater and sewer outfalls located generally perpendicular to the shoreline are allowed within the shoreline setback. All other utilities must adhere to shoreline setbacks.

[11] A forest practice that only involves timber cutting is not a development under the act and does not require a shoreline substantial development permit or shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the act and may require a substantial development permit, as required by WAC 222-50-020.

Commented [AP18]: Periodic Checklist 2017e

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6.2.1 Aquaculture

Applicability

1. Aquaculture is the culture or farming of fish, shellfish, or other aquatic plants and animals. Due to the limited opportunities for development of White Salmon's waterfront and the community's desire to prohibit aquaculture as incompatible with the vision for its shorelines, aquaculture uses are not allowed on White Salmon's shorelines.

6.2.2 Boating Uses

Applicability

1. This section applies to a public moorage structures (including marinas).

Policies

1. Boating facilities should be designed in a manner that will achieve no net loss of shoreline ecological functions.

2. Boating facilities should be designed and located to be aesthetically compatible with adjacent areas.

3. Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

4. Boating facilities should incorporate public access and viewing opportunities, overwater where possible, and with regard for public safety.

Regulations

1. All facilities shall be constructed so as not to interfere with or impair the navigational use of the Columbia River.

2. New boating facilities shall only be permitted where it can be demonstrated that

    a. the proposed site has the flushing capacity required to maintain water quality;

    b. adequate facilities for the prevention and control of fuel spillage are incorporated into the proposal;

    c. there shall be no net loss of ecological functions as a result of the development of boating facilities and associated recreational opportunities; and

    d. The proposed design will minimize impediments to fish migration, including consideration for light filtration.

3. Public access facilities shall be incorporated into all new joint-use and public marinas where it can be safely provided.

4. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed, nor made dangerous.

5. Boating facilities shall be located far enough from public swimming beaches, fishing, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns, and potential use conflicts.

6. Accessory uses at marinas or launch ramps, including parking, waste storage, stormwater management facilities, and utilities, shall be permitted provided they are consistent with all other provisions of this SMP (including those for parking, transportation, and utilities).

7. Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch facilities shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations.

8. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

9. Where appropriate, boat launch facilities shall install public safety signs to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.

10. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials used for submerged portions, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol, or other similarly toxic materials is prohibited.

11. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and provided that lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

12. Live-aboard vessels are prohibited.

6.2.3 Commercial Uses

Applicability

1. Commercial development means those uses that are involved in business trade including, but are not limited to, occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, and privately operated recreational uses.

Policies

1. Multiple use concepts, which include open space and recreation, should be encouraged in commercial developments.

2. First preference shall be given to water-dependent uses over non-water-dependent commercial uses, with second preference to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses.

Regulations

1. Non-water-oriented commercial developments on the shoreline are prohibited except when:

   a. navigability is severely limited; or

   b. it is part of a mixed-use development that includes a water-dependent use; or

   c. the site is physically separated from the shoreline by a separate property or public right-of-way.

2. When a non-water-oriented commercial use meets one of the conditions in subsection 1 above, the proposal is required to provide shoreline restoration and public access as specified in Sections 3.10 and 5.5 of this SMP, respectively. Access requirements will be in proportion to the proposal.

3. All new water-related and water-enjoyment commercial development and redevelopment proposals will be reviewed by the Shoreline Administrator for ecological restoration and public access opportunities where practical and feasible. When restoration and/or public access plans indicate opportunities exist and within constitutional limits, the Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.[1]

4. Non-water-dependent commercial uses over water are prohibited except where necessary to support water-dependent uses.

[1] Constitutional limitations require that the cost of restoration be roughly proportional to the impact of the development. See Dolan v. City of Tigard, 512 U.S. 374 (1994)

6.2.4 In-Stream Structures

Applicability

1. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood risk reduction, transportation, utility service transmission, fish habitat enhancement, or other purpose.

2. This section is applicable to both the structures themselves and their support facilities and applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.

Policies

1. In-stream structures should be planned and designed to be compatible with appropriate multiple uses of resources over the long-term. Appropriate multiple uses include, but are not limited to, public access, recreation, and fish and wildlife migration.

Regulations

1. In-stream structures shall be sited and designed consistent with applicable guidance documents from the Washington State Department of Fish and Wildlife, and shall incorporate elements from applicable watershed management and restoration plans and/or surface water management plans.

2. In-stream structures shall be designed by a qualified expert. In-stream structures shall allow for natural surface water movement and surface runoff, and shall preserve valuable recreation resources and aesthetic values. Instream structures shall not be a safety hazard.

3. In-stream structures provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, hydrogeological processes, and natural scenic vistas.

~~6.2.4~~6.2.5 Industrial Uses

Applicability

1. Industrial uses include facilities for processing, manufacturing, and storing finished or semi-finished goods, and shipping.

Policies

1. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

~~3.~~2. Preference shall be given first to water-dependent uses, then to water-oriented industrial uses.

~~4.~~ 3. In the City of White Salmon, water-oriented industrial development is

permitted on the Columbia River Shoreline within the High Intensity environment associated with the Riverfrontage District. Non-water-oriented industry existing within the shoreline should phase out over time.

Regulations

1. Storage and/or disposal of industrial wastes are prohibited within the shoreline jurisdiction.

2. Stormwater best management practices (BMPs) shall be followed by the City of White Salmon in accordance with the Stormwater Management Manual for Eastern Washington when considering industrial development in the shoreline.

3. Where industrial development is allowed, it shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.

4. New non-water-oriented industrial development shall be prohibited within shoreline jurisdiction except when

   a. navigability is severely limited; or

   b. it is part of a mixed-use development that includes a water-dependent use; or

   c. the site is physically separated from the shoreline by a separate property or public right-of-way; and

   d. A conditional use permit is approved.

5. When a non-water-oriented industrial use meets one of the conditions in Subsection (4) above, the proposal is required to provide shoreline restoration and public access, as specified in Sections 3.10 and 5.5 of this SMP, respectively. Such requirements will be in proportion to the proposal.

~~6.2.2~~6.2.6 Parking

Applicability

1. This section applies to all parking facilities, whether surface facilities or structures for vehicles.

Policies

~~5.~~1. Because of their potential to create additional, untreated runoff, which can impact shoreline resources and water quality, parking facilities should be prohibited, if they are a primary facility, or located as far away from the shoreline as possible, if an accessory facility.

2. Parking facilities should be designed to minimize their visual impact on surrounding shoreline uses through the use of landscaping and screening.

3. The City prefers pervious surfaces and using low impact development stormwater BMPS in parking areas to avoid and minimize water quality impacts.

Regulations

1. Parking as a primary use is prohibited on White Salmon's shorelines.

2. Where parking is allowed as accessory to a permitted use, it shall be located as far as possible landward of the primary structure or use, or within the primary structure.

3. Parking facilities shall be screened from adjacent, dissimilar uses through the use of perimeter landscaping in accordance with White Salmon Municipal Code, Chapter 17.50.

~~6.2.5~~6.2.7 Recreational Uses

Applicability

1. Recreational uses can include public and private (commercial) facilities for recreational activities, such as hiking, fishing, photography, viewing, and birdwatching, and more intensive uses, such as parks with sports facilities, and other outdoor recreation areas.

Policies

~~1.~~2. Shoreline recreational developments should be consistent with the City's Parks and Recreation Element in the Comprehensive Plan.

~~2.~~3. The City should complete a Parks and Recreation Plan supplement per policy P&R-6 of the White Salmon Comprehensive Plan, which includes planning for a future shoreline park in coordination with Klickitat County.

~~3.~~4. Water-dependent recreational uses, such as fishing, boating, and swimming should have priority over water-enjoyment uses, such as picnicking. Water-enjoyment uses should have priority over non-water-oriented recreational uses, such as baseball or soccer fields. Priority should be given to recreational development for access to and use of the water.

~~4.~~5. Water-enjoyment and water-related recreational facilities such as hiking trails, bicycle or exercise paths, and picnic tables, which benefit from proximity to the water for views, should be permitted provided they achieve no net loss and adhere to shoreline setbacks.

~~5.~~6. Waterfront recreational or park facilities should include accessory parking facilities located upland of water-dependent and water-enjoyment recreational uses.

~~6.~~7. Work with private property owners and developers adjacent to the park to help fund park improvements which will draw people to the waterfront and benefit adjacent businesses.

Regulations

1. Water-oriented recreational development shall be given priority and shall be

primarily related to access, enjoyment, and use of the water and shorelines.

2. Non-water-oriented recreational developments may be permitted only where it can be demonstrated that

   a. a water-oriented use cannot feasibly locate on the proposed site due to topography and/or other physical features, surrounding land uses, or the site's separation from the water;

   b. the proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses; or

   c. The proposed use will be of appreciable public benefit by increasing ecological functions together with public use, enjoyment, or access to the shoreline.

3. Recreation facilities shall demonstrate that they are located, designed, and operated in a manner consistent with the purpose of the environmental designation in which they are located and will result in no net loss of shoreline ecological functions or ecosystem-wide processes.

~~6.2.6~~6.2.8 Residential Development

Applicability

1. Residential development includes single-family residences, multi-family development, and the creation of new lots through land division. In the City of White Salmon, no single-family residential development along the shoreline exists or is planned.

Policies

~~1.~~2. Development of single-family residences is prohibited within White Salmon's shorelines based on the underlying zoning which is primarily "Riverfrontage District" (RD). Areas zoned R1 "Single-family Residential" (R1) adjacent to SR 14 are located at the toe of a talus slope and have no development potential for single-family uses.

~~2.~~3. Multi-family uses should be allowed when they are part of a mixed-use project and accessory to a permitted use per WSMC Chapter 17.50.

~~3.~~4. New multi-family residential development allowed as part of a mixed-use project should be designed so as to not cause significant ecological impacts or significant adverse impacts to shoreline characteristics, public access and views, and to improve public use of the shoreline and the water.

~~4.~~5. Multi-family residential development should be designed to take advantage of public access opportunities to the shoreline, including joint use for community recreation facilities.

~~5.~~6. New over-water residences and floating homes should be prohibited on White Salmon's shorelines.

Regulations

1. New over-water residences and floating homes are prohibited.

2. All new multifamily residential structures are only permitted in shoreline jurisdiction when they are consistent with this SMP and are also allowed in the underlying White Salmon Municipal Code.

3. All multi-family residential structures are subject to the public access provisions found in Section 5.5 of this SMP.

4. The creation of new lots shall be prohibited unless all of the following can be demonstrated.

    a. A multi-family structure can be built on each new lot without any of the following being necessary:

        iv. New structural shoreline stabilization.

        v. New structures in the required shoreline setback, frequently flooded critical areas, geologically hazardous areas, wetlands, required wetland buffer, wildlife habitat conservation areas, or wildlife habitat conservation area buffers.

        vi. Significant erosion or reduction in slope stability.

        vii. Increased flood risk of erosion in the new development or to other properties.

    b. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions.

5. Multifamily development may be allowed per WSMC 17.50 as an accessory use to those permitted in the Riverfrontage District and when part of a mixed-use project in the High-Intensity designation.

~~6.2.7~~6.2.9 Transportation Uses

Applicability

1. Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, and railroad facilities.

2. The policies and regulations identified in this section pertain to any project, within any environment that proposes to change existing transportation facilities or introduce new such facilities.

Policies

1. Circulation system plans should include systems for pedestrian, bicycle, and public transportation where appropriate.

2. Given that the City's shoreline is bisected by the BNSF railroad, the City should explore opportunities for the placement of a pedestrian overpass linking the upland areas with its waterfront.

3. Transportation facilities should be designed so as to minimize the impact on shoreline resources. Primary transportation facilities should be located outside the shoreline and comply with the City of White Salmon Comprehensive Plan, unless it is not feasible to do so as demonstrated through an alternatives analysis. Local access streets may be located within shoreline jurisdiction, but should comply with mitigation sequencing in section 5.1 of this SMP.

4. The City should coordinate in planning efforts for replacement or rehabilitation of the Hood River-White Salmon Interstate Bridge with the Columbia River Gorge Commission, Port of Hood River, State of Washington, and federal government. Planning for public access in the Urban Conservancy Environment in White Salmon's shoreline should consider potential connections to the new/rehabilitated bridge.

Regulation

1. Applications for redevelopment of transportation facilities in shoreline jurisdiction shall include :

    a. an analysis of alternative alignments or routes, including, where feasible; alignments or routes outside shoreline jurisdiction;

    b. description of construction, including location, construction type, and materials; and, if needed,

c. A description of mitigation and restoration measures.

2. Proposed transportation projects are required to plan, locate, and design where routes will have the least possible adverse effect on unique or fragile shoreline features, and will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Alternative designs for transportation facilities that have less impact on shoreline resources (i.e. narrower rights of way) shall be considered in compliance with the WSMC.

3. As a general rule, major transportation facilities, such as collector and arterial roadways and railroads, shall be located as far away from the shoreline as possible, with local access facilities generally located perpendicular to the shoreline providing site access to uses on the shoreline. One way to reduce impacts of transportation facilities on the shoreline environment is to locate them further away from the shoreline and upslope from the use they serve.

4. Wherever feasible and in compliance with the White Salmon Municipal Code Chapter 17.50, transportation facilities, including local access roads and surface parking facilities, shall be shared across shoreline uses to reduce the need for redundant facilities.

5. All new transportation facilities in shoreline jurisdiction shall be consistent with the Comprehensive Plan and applicable capital improvement plans. The City shall seek opportunities to construct a pedestrian connection over or under the railroad connecting upland areas with White Salmon's shoreline. The pedestrian facility shall be constructed at the same time or prior to the redevelopment of White Salmon's shorelines with high-intensity uses. The City shall place the pedestrian connection in its capital improvement plan and may require it as a condition of approval for major new shoreline development.

6. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with this SMP.

7. Circulation routes to and on shorelands shall include systems for pedestrian, bicycle, and public transportation, where appropriate.

~~6.2.8~~6.2.10 Utilities

~~1.~~ Applicability

1. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, natural gas, water, sewage, solid waste, stormwater, telecommunications, etc.

2. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or

transfer facilities, gas distribution lines and storage facilities, and wireless telecommunications. Accessory utilities that provide small-scale distribution services connected directly to uses along the shoreline shall be considered as part of the primary use and not subject to review under this section.

Policies

1. Primary utility facilities should be located outside shoreline areas unless no other feasible option exists as demonstrated by an alternatives analysis. Exceptions should be made for sewer and stormwater outfalls.

2. Utility facilities should be located in existing rights-of-way and easements wherever feasible.

3. Utility facilities should be designed, located and maintained to achieve no net loss of shoreline ecological functions.

Regulations

1. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

2. Primary utility production and processing facilities that are non-water-related, such as power plants and sewage treatment plants or parts of those facilities, shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.

3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimal harm to the shoreline and shall be located outside of shoreline jurisdiction where feasible as demonstrated by an alternatives analysis.

4. Utilities shall be located in existing rights-of-way and corridors whenever possible.

5. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.

6. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

7.0 CHAPTER 7: SHORELINE MODIFICATIONS

Shoreline modifications are structures or actions undertaken in support of or in preparation for a shoreline use. A single use may require several different shoreline modification activities. Examples include, but are not limited to bulkheads, rip rap, docks, piers, floats, filling, clearing, grading, and dredging.

7.1.1 General Requirements

1. Structural shoreline modifications should only be allowed where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

2. The adverse effects of shoreline modifications should be reduced and, as much as possible, shoreline modifications should be limited in number and extent.

3. Only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed should be permitted.

4. The City of White Salmon should assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This outcome is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

5. Where applicable, base provisions on scientific and technical information and a comprehensive analysis of reach conditions for the Columbia River should be prepared.

6. The City should encourage the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, the City shall require that applicants incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

7. Shoreline modifications should adhere to mitigation sequencing in section 5.1 of this SMP.

8. Work below the OHWM of the Columbia River should comply with all requirements of the Columbia River Gorge National Scenic Area Act.

7.1.2 Shoreline Modifications Table

Table 3 below describes whether a specific shoreline modification is allowed within each of the shoreline environments. See standards following the table for a full explanation of activities and required conditions for permitted activities.

Table 7-1. Shoreline Modifications

P = Permitted C = May be permitted as a conditional use X = Prohibited, not eligible for a variance or CUP N/A = Not applicable	Aquatic	High Intensity	Urban Conservancy
Shoreline Stabilization	See Adjacent Upland Environment		
Shoreline restoration and Enhancement		P	P
Soil Bio-engineering, other Non-structural		P	P
Structural Stabilization		P	C
Breakwaters, jetties, and groins		C	C
Clearing and grading		P	C
Dredging			
Maintenance		P	P
For Fill		X[1]	X[1]
Dredge disposal		C	C
Fill			
Fill upland of OHWM		P	C
Fill waterward of OHWM		C	C
Overwater Structures			
Recreational Float (Not Associated with a Pier or Dock)		X	X
Overwater Boathouse		X	X
Piers and Docks (Incuding Pier/Float Combinations)		P	C
Moorage Ball and Buoy		C	X
Marina		C	C
Boat Ramp		P	C
Launching Rails		X	X
Boat Lifts		X	X
Boat Lift Canopies		X	X
Covered Moorage and Boat Houses		X	X

[1]Dredging for fill is generally prohibited except for projects associated with a Model Toxics Control Act (MTCA) or Comprehensive Environmental Response Compensation and Liability (CERCLA) habitat restoration projects approved by a shoreline conditional use permit.

7.1.3 Dredging and Dredge Material Disposal

Applicability

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt, and/or other material or debris) from a river, stream, or associated wetland.

Maintenance dredging includes the removal of earth or sediment within established navigation channels and basins.

Policies

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

Regulations

1. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.

2. Dredging shall only be permitted:

    a. in conjunction with a water-dependent use of water bodies or adjacent shorelands;

    b. for projects associated with MTCA or CERCLA habitat restoration project approved by a shoreline conditional use permit;

    c. for any other significant restoration effort approved by a shoreline Conditional Use Permit, or

    d. For U.S. Army Corps of Engineers dredging activities.

3. 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. When allowed, the site where the fill is to be placed must be located waterward of the OHWM.

4. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary to assure safe and efficient accommodation of existing navigational uses, and then, only when significant ecological impacts are minimized and when mitigation is provided.

5. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

6. Disposal of dredge material within the Columbia River is discouraged and, if allowed, requires a shoreline conditional use permit. This regulation is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel.

7. Dredge material disposal shall be in compliance with the Dredge Management Materials Program administered by the Department of Natural Resources and applicable provisions of the Water Resources Inventory Area (WRIA) 29 watershed planning by the Washington State Department of Ecology.

8. Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats.

7.1.4 Fill

Applicability

~~1.~~

~~2.~~1. Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

~~3.~~2. Any fill activity conducted within shoreline jurisdiction must comply with the policies and provisions herein.

Policies

1. Fills should be permitted in all shoreline environments only when tied to a specific development proposal or mitigation action that is permitted by this SMP, and when they are located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.

2. Where permitted, fill coverage should be the minimum necessary to provide for the proposed use.

3. Fills waterward of the OHWM should be restricted to the minimum necessary to support water-dependent uses, public access, cleanup and disposal of contaminated sediments as part of an interagency clean-up plan, disposal of dredged sediments in accordance with DNR rules, expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and for mitigation actions, environmental restoration and enhancement projects.

4. All fills should only be permitted through a conditional use permit.

Regulations

1. Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions. All fill activities shall submit temporary erosion control plans showing erosion will be prevented during construction.

2. Fill waterward of OHWM may be permitted only when necessary to support:

   a. a water-dependent use or public access permitted by this SMP;

b. cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;

c. disposal of dredged material considered suitable under, and conducted in accordance with, the Dredge Management Materials Program of the Department of Natural Resources or U.S. Army Corps of Engineers;

d. expansion or alteration of a transportation facilities of statewide significance currently located on the shoreline, if alternatives to fill are shown not to be feasible; or

e. As part of a mitigation action, environmental restoration project, beach nourishment, or enhancement project.

3. Fills shall be designed, constructed, and maintained to prevent, minimize, and control material movement, erosion, and sedimentation from the affected area.

4. All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture that are consistent with shoreline stabilization standards and all other standards of this SMP.

5. Refuse disposal sites, solid waste disposal sites, or sanitary fills shall be prohibited within the shoreline jurisdiction.

7.1.5 Shoreline Restoration and Enhancement

Applicability

1. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in the shoreline.

2. The White Salmon Shoreline Restoration Plan identifies ecological enhancement and restoration measures which focus on potential habitat and natural system enhancement projects.

Policies

1. All shoreline restoration projects should be consistent with the White Salmon Shoreline Restoration Plan or existing state or federal recovery or restoration plans wherever feasible.

2. Native vegetation should be used and invasive, non-native vegetation removed in restoration areas to assist in restoration of the natural character and ecological functions of the shoreline.

Regulations

1. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:

    a. The project's purpose is the restoration of natural character and ecological functions of the shoreline; and

    a. It is consistent with the implementation of an approved comprehensive restoration plan, or the project will provide a proven ecological benefit and is consistent with this SMP.

2. To the extent possible, restoration and enhancement shall be integrated and coordinated with other parallel natural resource management efforts.

3. Implementation of restoration projects identified in the White Salmon Shoreline Restoration Plan that are focused on restoring degraded habitat in shoreline jurisdiction shall take precedence over other restoration projects.

4. Restoration and enhancement projects may apply for relief from expansion of Act jurisdiction in accordance with the requirements of RCW 90.58.580. The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

5. Restoration may be required to address impacts from development when it is proportional to the impacts created.

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7.1.6 Shoreline Stabilization

~~1.~~ **Applicability**

~~2.~~1. Structural shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect a legally existing shoreline use or primary structure that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline or bed lands for an allowed water-dependent use or for shoreline mitigation or enhancement purposes.

~~3.~~2. Enlargement of existing shoreline stabilization structures shall be subject to the same provisions as for new structures.

~~4.~~3. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.

~~5.~~4. WAC 173-27-040(2)(b) (Developments Exempt from Substantial Development Permit Requirement) defines normal replacement and repair of existing structures and notes that normal maintenance and repair actions are not exempt

from Shoreline Substantial Development Permits if they are anticipated to "cause substantial adverse effects to shoreline resources or the environment."

Policies

1. Shoreline stabilization measures should be allowed only when conclusive evidence, which is documented by geotechnical analysis, shows that one of the following conditions exists:

    a. High water or erosion threatens public works and properties, including roads, bridges, railroads, and utility systems.

    b. High water or significant erosion damages or threatens a primary structure, including residences.

    c. High water or significant erosion damages threatens to damage existing commercial and industrial uses and developments.

    d. The project is an ecological restoration/toxic clean-up remediation project.

2. Ensure that publicly financed or subsidized shoreline erosion control measures do 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.

Regulations

1. Nonstructural stabilization methods such as building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization are preferred over "soft" or structural stabilization structures.

2. Soft shoreline stabilization measures along the shoreline that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed when geotechnical analysis demonstrates nonstructural measures to be infeasible. Soft stabilization techniques are preferred to structural shoreline stabilization.

3. Structural shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary, as demonstrated by a geotechnical analysis, to support or protect a legally existing shoreline use or primary structure that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline or bed lands for an allowed water-dependent use or for shoreline mitigation or enhancement purposes.

4. Shoreline stabilization measures along the shoreline that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed when geotechnical analysis demonstrates nonstructural measures to be infeasible.

5. New development shall be located and designed to:

    a. Avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur, as demonstrated by geotechnical analysis of the site and shoreline characteristics.

    b. Be setback from steep slopes or bluffs sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

    c. Minimize significant impacts on down-current and shoreline areas. New development that would require shoreline stabilization that causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.

6. New or expanded structural shoreline stabilization for existing primary structures, including roads, railroads, and public facilities, is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three (3) years as a result of shoreline erosion, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

7. When new stabilization structures are found to be necessary, standards shall include limiting the size to the minimum necessary to achieve the stabilization objective, using measures to assure no net loss of shoreline ecological functions, and mitigating for impacts. Soft approaches, as discussed in WAC 173-26-231 (3)(a), shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

8. New stabilization structures are allowed in support of water-dependent development when all of the conditions below apply:

    a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

    b. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

d. The erosion control structure will not result in a net loss of shoreline ecological functions.

9. New stabilization structures, including enlargement of existing structures, are allowed in support of new non-water-dependent development when all of the conditions below apply:

    a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

    b. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.

    d. The erosion control structure will not result in a net loss of shoreline ecological functions.

10. Construction of stabilization structures are allowed for the protection of projects for the restoration of ecological functions or hazardous substance remediation projects, pursuant to Chapter 70.105D RCW, when all of the conditions below apply:

    a. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

    b. The erosion control structure will not result in a net loss of shoreline ecological functions.

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

    a. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.

    b. Waterward encroachment of replacement structure is only allowed for residences occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

c. Soft shoreline stabilization measures that provide restoration of ecological functions may be permitted waterward of the OHWM.

12. Public access is required as a part of publicly financed shoreline erosion control measures, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

13. Impacts to sediment transport from structural stabilization are required to be avoided or minimized.

14. Repair of existing shoreline stabilization within existing footprint measures is allowed.

7.1.7 Moorage Structures (Piers and Docks)

Applicability

1. Moorage structures are over-water and in-water-facilities for the moorage of watercraft. These include piers, docks, floats, mooring buoys, boat ramps, marine railways, and float plane facilities associated with a water-dependent use, or for public access.

2. Marinas, public recreational facilities, and moorage structures associated with multi-family residential uses are regulated by the boating facilities section.

Policies

1. New moorage facilities should be allowed for water-dependent uses and public access, restricted to the minimum size necessary, and demonstrate that they are needed.

2. Multiple-use and expansion of legally existing piers and docks should be encouraged over the addition of new structures. Joint-use structures are preferred over new single-use piers, docks, and floats.

Regulations

1. New mooring structures shall be allowed only for water-dependent uses or public access.

2. Mooring structures shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

3. New residential development of more than two dwellings is required to provide joint-use or community docks, rather than individual docks.

4. Moorage structures shall be sited and designed to avoid, minimize, and mitigate for potentially significant ecological impacts, including impacts on sediment movement, water circulation and quality, and fish and wildlife habitat. Moorage

structures are required to be made of materials that have been approved by applicable state agencies.

5. Moorage structures shall not significantly interfere with use of navigable waters or maintained navigational channels.

7.1.8 Breakwaters, Jetties, Rock Weirs, and Groins

Applicability

Breakwaters, jetties, weirs, and groins consist of any shoreline or in-water structure that has the primary purpose of diverting, capturing, or altering the natural flow or transport of water or sediment.

Policies

1. Breakwaters, jetties, weirs, and groins should only be constructed to the extent necessary to provide protection for upland water-dependent uses, public access, stabilization, or other public purposes. Breakwaters, jetties, weirs, and groins should be located and designed so as to minimize adverse impacts on fish and wildlife resources and habitats.

Regulations

1. When located waterward of the OHWM, structures shall be allowed only where necessary to support:

    a. Water-dependent uses

    b. Public access

    c. Shoreline stabilization

    d. Public facilities or utilities

    e. Existing or restored natural features, with special emphasis on protecting and restoring priority habitats and species, but only where part of an approved restoration plan

2. A shoreline conditional use permit is required for all breakwaters, jetties, weirs, and groins, except for those for protection and restoration projects that require a substantial development permit.

3. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall adhere to mitigation sequencing per section 5.1 of this SMP.

8.0 CHAPTER 8: DEFINITIONS

Act – the Shoreline Management Act (Chapter 90.58 RCW and WAC Chapter 173-27).

Accessory use or **accessory structure** – a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

Adjacent – immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located: a. on site immediately adjoining a critical area; or b. a distance equal to or less than the required critical area buffer width and building setback.

Alteration – any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

Anadromous Fish – fish that spawn in fresh water and mature in the marine environment.

Applicant – a person who files an application for a permit and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

Appurtenance – a structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed two hundred fifty cubic yards (250) [except to construct a conventional drain field] and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark) (See WAC 173-27-040(2)(g)).

Aquaculture – the culture or farming of fish, shellfish, or other aquatic plants and animals.

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

Aquifer Recharge Area – an area that, due to the presence of certain soils, geology, and surface water, acts to recharge ground water by percolation.

Archaeological – having to do with the scientific study of material remains of past human life and activities.

Archaeological Object – 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 byproducts.

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

Archaeological Site Inspection – means a preliminary archaeological investigation of a project area, which includes, but is not limited to, a review of archaeological databases, walking the site in a series of transects, and the use of shovel test probes of the subsurface as necessary. When archaeological deposits are identified, sufficient shovel test probe examination shall be conducted to determine whether the discovery meets the definition of an archaeological site RCW 27.53.030. A Washington State Archaeological Site Inventory form shall be completed and submitted for the identified site. Site inspection reports shall be professionally reasoned and sufficiently detailed to allow another archaeologist to repeat the investigation and reach a similar conclusion.

Archaeological Survey – means a formal archaeological study that includes background research and adheres to DAHP's survey and reporting standards.

Archaeology – systematic, scientific study of the human past through material remains.

Area of Known Historic/Archaeological Resources – areas that are lying within five hundred (500 feet) of an historic or prehistoric property or location identified by the Washington State Department of Archaeology and Historic Preservation's GIS layer of archaeological historic sites

Associated Wetlands – those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to RCW 90.58.030

Base flood – the flood having a one-percent chance of being equaled or exceeded in any given year.

Baseline – the existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this Shoreline Master Program is approved.

Beach – the zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

Best Available Science – the current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through WAC 365-195-925.

Best management practices (BMPs) – conservation practices or systems of practices and management measures that: a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment; b. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands; c. Protect trees, vegetation and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and Provide standards for proper use of chemical herbicides within critical areas. Bioengineering - see Soil bioengineering

BMPs – see Best Management Practices.

Boating Facility – a public moorage structure (including marinas) or a private moorage structure serving more than four residences.

Breakwater – an off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave- caused erosion.

Buffer – the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

CERCLA – – the Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA.

City – the City of White Salmon, or the city designee or authorized agent.

Clearing – the destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

Commercial Development – those uses that are involved in business trade including, but are not limited to, occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, and privately operated recreational uses.

Commercial Use – an activity with goods, merchandise or services for sale or involving a rental fee.

Comprehensive Plan – the document, including maps adopted by the city council that outlines the City's goals and policies relating to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

Conditional Use – a use which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effect on surrounding property and for other similar reasons, may be allowed in certain zones only after review by the hearing examiner and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity or zone. "Conditional use" shall also mean any use, development, or substantial development classified as a conditional use or is not classified within the applicable master program. Refer to WAC 173-27-030(4).

Critical Aquifer Recharge Area – areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

Critical Areas – any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, and wetlands, as defined in Chapter 36.70A RCW and this title.

Critical Freshwater Habitats – Critical areas as defined by RCW 36.70A.030(5), the Columbia River and associated channels, wetlands and floodplains.

Cumulative Impact – the combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

Degrade – to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Development – a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d3a)). Development does not include dismantling or removing structures if there is no other associated development or re-development.

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Dock – a basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands providing for the securing of a boat or vessel.

Dredging – the removal or displacement of earth or sediment (gravel, sand, mud, silt, and/or other material or debris) from a river, stream, or associated wetland. Maintenance dredging includes the removal of earth or sediment within established navigation channels and basins.

Ecological Functions – the work performed or the 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.

Emergency – an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

Enhancement – alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Erosion – the wearing away of land by the action of natural forces.

Erosion Hazard Area – those areas that, because of natural characteristics, including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

Excavation – the artificial movement of earth materials.

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

Feasible – for the purpose of this SMP, an action, such as a development project, mitigation, or preservation requirement, 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. In cases where certain actions are required unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City and State may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames

FEMA – the Federal Emergency Management Agency. The agency that, oversees the administration of the National Flood Insurance Program (44 CFR).

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

Fish and Wildlife Habitat Conservation Areas – areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include: (a) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association; (b) Habitats of local importance, including, but not limited to, areas designated as priority habitat by the department of fish and wildlife; (c)Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat; (d)Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the state of Washington; (e) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; (f) State natural area preserves and natural resources conservation areas; and (g) Land essential for preserving connections between habitat blocks and open spaces.

Float – a floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or may be a standalone structure, such as platforms used for swimming and diving

Flood Insurance Rate Map (FIRM) – the official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones (CFR 44 Part 59).

Flood Insurance Study – the official report provided by the Federal Insurance Administration that includes the flood profiles and the FIRM (CFR 44 Part 59).

Flood – a general and temporary condition of partial or complete inundation of normally dry land areas from: 1. the overflow of inland or tidal waters; 2. the unusual and rapid accumulation or runoff of surface waters from any sources.

Floodplain – synonymous with 100-year floodplain and means the land area susceptible to being inundated by stream derived waters with a 1-percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the Act (WAC 173-26-020).

Flood proofing – any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway—the area that has been established in the effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can be reasonably 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.

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Functions and Values – the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation enjoyment and other values.

Buffer Areas - Areas that are functionally separated from a critical area and do not protect the critical area from adverse impacts due to preexisting roads, railroads, 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. It is also important to recognize that some functions and values may still occur on the landward side of roads, railroads, structures or vertical separation, such as shading, stabilization, hydraulic connectivity and/or hyporheic influence, even if they may outwardly appear to provide no function or value.

Geologically Hazardous Areas – areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events (as designated by WAC 365-190-080(4)) may not be suited to development consistent with public health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.

"**Geotechnical report**" **or** "**geotechnical analysis**" - a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and

recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading – the movement or distribution of the soil, sand, rock, gravel, sediment or other material on a site in a manner that alters the natural contour of the land.

Groin – means a barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its up drift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

Ground Water – water in a saturated zone or stratum beneath the surface of land or a surface water body.

Habitat – the place or type of site where a plant or animal naturally or normally lives and grows

Habitable floor – any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Hazard Areas – areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions, including steep slopes.

Hazard Tree – any tree or tree part that with a combination of structural defect and/or disease which makes it subject to a high probability of failure, and a proximity to persons or property.

Hearing Examiner – a quasi-judicial hearing officer empowered to hear appeals from orders or determinations made by an administrative official charged with the enforcement of this title and to vary or modify certain provisions of this title relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this title is observed, public safety and welfare secured and substantial justice done.

Historic Preservation Professional – those individuals who hold a graduate degree in architectural history, art history, historic preservation, or closely related field with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following: (1) at least two (2) years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution (2) substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history

Historic Site – 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 White Salmon Council.

Homeowners Association – an association created and managed pursuant to RCW Chapter 64.38 and this chapter. The landowner shall establish a Washington nonprofit corporation for the homeowners' association. Articles and bylaws of the homeowners' association shall be prepared in a form acceptable to the city attorney [and] shall be recorded with the county auditor and shall be binding on all heirs, successors and transferees of landowner, guaranteeing the following: a. The continued use of such land consistent with the CAO approval; b. Availability of funds required for such maintenance; and c. Adequate insurance protection of community facilities.

Hyporheic Zone – the area under or beside a stream channel or floodplain that contributes water to the stream.

Impervious Surface Area – any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas and excluding landscaping and surface water retention/detention facilities.

Instream 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 hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. Stormwater outfalls and overwater structures such as piers, docks, gangways, and ells associated with moorage or public access are not an in-stream structure. **Lake** – an area permanently inundated by water in excess of two meters deep and greater than twenty acres in size measured at the ordinary high water mark

Landslide Hazard Areas – areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

Landslide – episodic down slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earth flows.

Levee - a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to reduce risk from temporary flooding (see Code of Federal Regulations 44 CFR 59.1).

Marina – means a private or public facility providing the purchase or lease of a slip for storing, berthing and securing more than ten motorized boats or watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boat.

Marine – pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries, and inlets associated therewith.

May – the action is acceptable, provided it conforms to the provisions of this SMP

Minor Utility Project – the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than seventy-five (75) square feet.

Mitigation – the process of minimizing or compensating for adverse environmental impact(s) of a proposal on a critical area. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference: (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; (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 during the life of the action; (e) Compensating for the impact by replacing or providing substitute resources or environments; or (f) Monitoring the impact and taking appropriate measures to achieve the identified goal.

Mitigation Ratio – The quantitative relation between two amounts showing the number of times one value contains or is contained within another.

Monitoring – the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

Native Vegetation – plant species or communities indigenous to the region, including extirpated species.

Nonconforming Use—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 the master program.

Nonconforming Development or Structure—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 the master program.

Nonconforming Lot—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 the master program.

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Ordinary High Water Mark - 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 a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water;

Practical Alternative – an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas

Priority Habitat – habitat types or elements with unique or significant value to one or more species as classified by the state department of fish and wildlife.

Professional Archaeologist – a person with qualifications meeting the federal secretary of interior's standards for professional archaeologists.

Public Access – the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public Use – to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332-30-106.

Qualified Professional – a person with experience and training in the pertinent scientific discipline, and who is a qualified expert with expertise appropriate for the

relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a BS or BA or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or related field, and two (2) years of related work experience. (a) A qualified professional for habitats or wetlands must have a degree in biology or a related environmental science and professional experience related to the subject. (b) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington. (c) A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments

RCW – the Revised Code of Washington.

Reasonable Use – a legal concept articulated by federal and state courts in regulatory taking cases.

Recharge – the process involved in the absorption and addition of water to ground water.

Recreational Uses – public or private facilities meant for the enjoyment of the public and can include facilities for recreational activities such as hiking, fishing, photography, viewing, and birdwatching, and more intensive uses, such as parks with sports facilities, and other outdoor recreation areas.

Residential Development – development which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single family development, multi-family development and the creation of new residential lost through land division.

Restoration, **Restore**, **Restoration,** or **Ecological Restoration** – the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, 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.

Riparian – of, on, or pertaining to the banks of a river, stream or lake

Riparian Habitat – areas adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other.

Riprap – a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Riverine – relating to, formed by or resembling a river (including tributaries),

stream, brook, etc.

Runoff – water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Salmonid – a member of the fish family Salmonidae. Including but not limited to chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

Sediment means the fine grained material deposited by water or wind.

Seismic Hazard Areas means area[s] that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction

SEPA – the Washington State Environmental Policy Act, Chapter 43.21C RCW.

Setback – a required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark to a use or structure.

Shall – a mandate; the action must be done

Shoreline Administrator - The City Administrator or his/her designee, charged with the responsibility of administering the shoreline master program.

Shoreline Habitat and Natural Systems Enhancement Projects – those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in the shoreline.

Shoreline Jurisdiction – the term describing all of the geographic areas covered by the Act, related rules and the applicable master program. Also, such areas within a specified local government's authority under the Act.

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

Shoreline Modification – those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Permit – a substantial development, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

Shoreline Stabilization – 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 measures such as bulkheads and nonstructural methods such as soil bioengineering.

Shorelines – all of the water areas of the state, including reservoirs and their associated uplands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

Shorelines of Statewide Significance – a select category of shorelines of the state, defined in RCW

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

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

Species – any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Steep Slopes – those slopes forty (40) percent or steeper within a vertical elevation change of at least ten (10) feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

Stream – any portion of a watercourse, either perennial or intermittent, where the surface water flow is sufficient to produce a defined channel or bed. Streams also include natural watercourses modified by humans. Streams do not include irrigation ditches, canals, stormwater run-off facilities, or other entirely artificial watercourses.

Substantial Development – any development of which the total cost or fair market value exceeds $8,5046,416, or any development which materially interferes with normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the office of financial management every five (5) years, beginning July 1, 2007. Substantial development does not include development actions specifically exempted in WAC 173-27-040 RCW 77.55.181, RCW 90.58.147, and any legislative updates listed therein. (2).

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Terrestrial – of or relating to land as distinct from air or water.

Transportation Facilities – those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, and railroad facilities.

Unavoidable – adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

Upland – generally described as the dry land area above and landward of the ordinary high water mark.

Uses – uses, structures, and/or developments as applicable.

Utilities – services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, stormwater, sewage and communications.

Utilities, Accessory – utilities composed of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.

Utilities, Primary – utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities, sewage lift stations and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

Variance – a way by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.

Vegetation – plant life growing below, at, and above the soil surface.

WAC – Washington Administrative Code.

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

Water Typing System – the system used to classify freshwater surface water systems. Current regulations establish interim water typing (1-5) until fish habitat water type maps are available for permanent water typing (S, F, Np, Ns) (WAC 222-16-031).

Water-Dependent Use – a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.
Water-Enjoyment Use – a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for 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.

Water-Oriented Use – any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an all-encompassing definition for priority uses under the Act. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the Act. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

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

Wetlands or **Wetland Areas** – areas that are inundated or saturated by surface or ground water 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.

Wetlands Rating System – the *Washington State Wetland Rating System for Eastern Washington: 2014 Update*, Washington Department of Ecology, October 2014. (Ecology Publication No. 14-06-030, or as revised and approved by Ecology).

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Appendix A
Shoreline Environment Designation Maps