Camas Shoreline Master Program

Adopted by Ordinance No. 21-003 *(Red-line version)*

February 16, 2021

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CHAPTER 1 **INTRODUCTION**

1.1 Title

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

1.2 Adoption Authority

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

1.3 Background

The first Shoreline Master Program (SMP) for the City was published on October 24, 1977. This document provided the initial criteria for management of shorelines within the city in compliance with the SMA of 1971.

The State of Washington requires periodic updates to all shoreline master programs, which is the genesis for an update in 1997. In 1997, the City embarked on an update to their 1977 program by engaging citizens and collaborating with other municipalities. The SMP adopted by Ordinance #2191, on January 11, 1999, was entitled "Camas Shoreline Master Program, December 14, 1998". This SMP was created through the work of two committees: the Clark County Citizen Advisory Committee, which consisted of representatives from Washougal, Vancouver, La Center, and unincorporated Clark County; and the City's Citizen Advisory Committee. There was a limited amendment to the Program adopted on October 1, 2009, which was namely to allow for carefully constructed trails within Natural Shoreline Designations.

The 2003 Washington State Legislature enacted a law (Substitute Senate Bill 6012) for Washington cities and counties to amend their SMP's by December 2011 and offered grants to assist communities in meeting this deadline. In order to obtain the best value for limited state grant funds, the cities of Camas, Battleground, Vancouver, Washougal, Ridgefield, La Center, Town of Yacolt, and Clark County agreed to form a coalition by means of an interlocal agreement (Record #4570316 IA). The Clark County Coalition was established in 2009, to update the shoreline inventory, and to encourage public participation on the mandated SMP amendments.

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1.4 Acknowledgements

Although, it is difficult to thank everyone who contributed countless hours to the development and review of this document, the City would like to acknowledge and thank the following individuals:

City Council

Mayor, Barry McDonnell
Melissa Smith
Steve Hogan
Greg Anderson
Don Chaney
Bonnie Carter
Ellen Burton
Shannon Roberts

Planning Commission

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Shawn High
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Contributing Staff

Phil Bourquin, Community Development Director
Robert Maul, Planning Manager
Sarah Fox, Senior Planner
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Madeline Sutherland, Assistant Planner

1.5 Purpose and Intent

The purpose of this Program is:

1. To guide the future development of shorelines in the City in a positive, effective, and equitable manner consistent with the Act;

2. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and

3. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state:

> *"It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...*
>
> *In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.*
>
> *Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."*

1.6 Governing Principles

4. The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in Chapter 173-26 of the WAC. The goals, policies and regulations are informed by the Governing Principles in WAC 173-26-186, and the policy statements of RCW 90.58.020.

5. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.

6. Regulatory or administrative actions contained herein as Appendix 'B' Administration and Enforcement, must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

7. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.

8. The policies and regulations established by this Program must be integrated and coordinated with those policies and rules of the Camas Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.

9. Appendices A (Camas Shoreline Designations Map), B (Administration and Enforcement), C (Critical Area Regulations and Maps), and D (Restoration Plan) are governing documents and considered integral to this Program.

10. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecosystems from such impairments in the following ways:

    a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;

    b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.

    c. By including policies and regulations to address cumulative impacts, to include ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.

d. By including regulations and regulatory incentives designed to protect shoreline ecological functions and restore impaired ecological functions where such functions have been identified.

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 Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.8 Severability

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

1.9 Relationship to Other Plans and Regulations

1. Proponents of shoreline use, or development shall comply with all applicable laws prior to commencing any shoreline use, development, or activity.

2. Where this Program to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.

3. Uses, developments and activities regulated by this Program may also be subject to the provisions of the following: the City of Camas Comprehensive Plan; the 2007 Parks, Recreation and Open Space Comprehensive Plan (for the city); the Washington State Environmental Policy Act ("SEPA," RCW Chapter 43.21C and WAC Chapter 197-11); other provisions of Camas Municipal Code (CMC), specifically CMC Title 18 Zoning Code; and various other provisions of local, state and federal law, as may be amended.

4. In the event this Program conflicts with other applicable City policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated, the provisions that provide the most protection to shoreline ecological processes and functions shall prevail.

5. Projects in the shoreline jurisdiction that have been previously approved through local and state reviews are vested. Major changes that were not included in the originally approved permit will be subject to the policies and regulations of this Program.

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1.10 Effective Date

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

This program was adopted by city council with Ordinance # 21-003 and went into effect after final approval by Ecology on

CHAPTER 2 APPLICABILITY, SHORELINE PERMITS AND EXEMPTIONS

To be authorized, all uses and development activities in shorelines shall be carried out in a manner consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use is required.

2.1 Applicability

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

   Within the City of Camas the following waters are considered "shorelines" and are subject to the provisions of this Program: Lacamas Creek; Fallen Leaf Lake; Lacamas Lake; and Round Lake. The Columbia and Washougal Rivers are further identified as shorelines of statewide significance. A copy of the Camas Shoreline Designations Map and its UGA is shown in Appendix A.

   The City is pre-designating shorelines within its adopted UGA. Until annexation occurs, all development in these areas will continue to be regulated by the Clark County Shoreline Master Program. The City's SMP will apply concurrent with annexation and no additional procedures are required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is occurring as specified per Table 4-1 of this Program.

2. Maps indicating the extent of shoreline jurisdiction and shoreline designations are for guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Program.

3. This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act; and within the external boundaries of federally owned lands (including but not limited to, private in-holdings in national wildlife refuges).

4. Non-federal agency actions undertaken on federal lands must comply with this Program and the Act.

5. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this chapter shall affect any rights established by treaty to which the United States is a party.

6. Hazardous Substance remedial actions pursuant to a consent decree, order, or agreed order issued under RCW Chapter 70.105(D) are exempt from all procedural requirements of this Program.
7. Applicants that are responding to an emergency water withdrawals and facilities shall be provided an expedited permit decision from the Administrator, no longer than 15 days in accordance with RCW 90.58.370.
8. Certain forest practices that are not regulated by the Act and are regulated under RCW Chapter 76.09 are not subject to additional requirements of this Program.
9. The administrative regulations of this Program are superseded in authority by the terms and provisions of an environmental excellence program or agreement, entered into under RCW 43.21(K) Environmental Excellence Program. The environmental excellence agreement must meet the substantive requirements of this Program. An environmental excellence program agreement must achieve more effective or efficient environmental results than the results that would be otherwise achieved.
10. Shoreline development occurring in or over navigable waters may require a shoreline permit in addition to other approvals required from state and federal agencies.

11. This Program shall apply whether the proposed development or activity is exempt from a shoreline permit or not.

2.2 Shoreline Substantial Development Permit Required

1. Substantial development as defined by this program and RCW 90.58.030 requires a substantial development permit approval from the Shoreline Administrator (herein after referred to as "Administrator"), unless the use or development is specifically identified as exempt from a substantial development permit.

2. The Administrator may issue a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW 90.58; the provisions of WAC 173-27; Appendix B - Administration and Enforcement; and this Program.

3. Within an urban growth area a shoreline substantial development permit is not required on land that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the OHWM.

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2.3 Exemptions from a Shoreline Substantial Development Permit

2.3.1 General Exemption Requirements

1. Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this Program.

2. If the development or use does not require a substantial development permit, it may be listed as a conditional use pursuant to this Program or is an unclassified use or development and for this reason must obtain a shoreline conditional use permit.

3. When a development or use is proposed that does not meet the bulk, dimensional, and/or performance standards of this Program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.

4. If any part of a proposed development is not eligible for an exemption as defined in RCW 90.58.030(3)(e), WAC 173-27-040 and this section, then a substantial development permit is required for the entire proposed development project.

5. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

6. The burden of proof that a development or use is exempt is on the applicant or proponent of the development action.

2.3.2 List of Exemptions

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit pursuant to WAC173-27-040. Despite being exempt from a substantial development permit, the activity may still require a shoreline conditional use permit or other development permits under CMC or from other agencies.

1. Notwithstanding any of the other exemptions under this section, any development of which the total cost or fair market value does not exceed thousand, dollars ($ .00) **or as adjusted by the State Office of Financial Management** , if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment or materials.

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

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

4. 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 that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or this Program, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this chapter 90.58 RCW and this Program. As a general matter, flooding or other

seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.

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

7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level, and which meets all requirements of the City, other than requirements imposed pursuant to chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family or multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies when

   a. For

   b. he fair market value of the dock does not exceed dollars ($ .00).

   c. However, if subsequent construction occurs within five years of completion of the prior construction, the subsequent construction in shall be considered a substantial development for the purpose of this chapter.

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

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

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

12. Any project with a certification from the governor pursuant to RCW 80.50 (certification from the State Energy Facility Site Evaluation Council).

13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
    a. The activity does not interfere with the normal public use of surface waters;
    b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
    c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; and
    d. A private entity seeking development authorization under this section first post a performance bond or provides other evidence of financial responsibility to the local jurisdiction to assure that the site is restored to pre-existing conditions.

14. The process of removing or controlling aquatic noxious weeds as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed
published by the Departments of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.

15. Watershed restoration projects as defined in RCW 89.08.460. The Administrator shall determine if the project is substantially consistent with the local shoreline master program and provide this decision by letter to the project proponent.

    Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181* are determined to be consistent with this Program. Also a public or private project that is designed to improve fish or wildlife habitat or fish passage as reviewed by the Department of Fish and Wildlife (WDFW) when one of the following apply: (a) The project has been approved by the WDFW; (b) The project has received hydraulic project approval by the WDFW pursuant to chapter 77.55 RCW; or (c) The Administrator has determined that the project is substantially consistent with the local shoreline master program and provide this decision by letter to the project proponent. [*Previously RCW 77.55.290. Recodified as RCW 77.55.181 pursuant to 2005 c 146 § 1001]

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2.3.3 Statements of Exemption

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Administrator for such an exemption as prescribed in Appendix B, except that no written statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d).

2. The Administrator is hereby authorized to grant or deny requests for exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in this section.

3. Exempt activities related to any of the following shall not be conducted until a written statement of exemption has been obtained from the Administrator: dredging; flood control and in-water structures; archaeological or historic site alteration; docks; shore stabilization; or if permits from other state or federal agencies are required for the activity.

4. If a written exemption is issued for activities listed in #3 (above) then it shall be sent to Ecology, the applicant and maintained on file. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Program and Act.

5. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Administrator's decision on a statement of exemption may be reconsidered by submittal of an appeal to the

Commented [A7]: This clarifies that the city is not required to send a copy of every written exemption, only those required by law.

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2.4 Prohibited Uses

The following modifications and uses are prohibited in all shoreline designations and are not eligible for review as a shoreline conditional use or shoreline variance.

1. Uses not otherwise allowed in the underlying zoning district;
2. Discharge of solid wastes, liquid wastes, untreated effluents, other potentially harmful materials;
3. Solid waste or hazardous waste landfills;
4. Speculative fill;
5. Dredging or dredge material disposal in wetlands; and
6. Dredging or dredge material disposal to construct land canals or small basins for boat moorage or launching, water ski landings, swimming holes or other recreational activities.

7. Commercial timber harvest.

2.5 Nonconforming Development

2.5.1 Existing Development

Existing uses, structures and lots legally established prior to the effective date of this Program are allowed to continue. Where lawful uses, structures and lots exist that could not be established under the terms of this Program, such uses, structures and lots are deemed nonconforming and are subject to the provisions of this section, unless specific exceptions are provided for in this chapter.

2.5.2 Nonconforming Development

1. Additional development or expansion of any use or structure on a property where a nonconforming use or structure exists shall conform to this Program and the Act.

2. Change of ownership, tenancy, or management of a nonconforming development shall not affect its nonconforming status, provided that the use or structure does not expand or intensify.

3. If a nonconforming use is converted to a conforming use, a nonconforming use may not be resumed.

4. A nonconforming building or structure may be maintained or repaired, provided such improvements do not extend or expand the nonconformity of such building or structure and are consistent with the provisions of this Program, unless required by other law or ordinance.

5. If a nonconforming structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than sixty percent (60%) of the replacement cost of the structure or development, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:

    a. The reconstructed or restored structure will not cause additional adverse effects to adjacent properties or to the shoreline environment;

    b. The rebuilt structure or portion of structure shall not expand the original footprint or height of the damaged structure;

    c. No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible;

d. The submittal of applications for permits necessary to restore the development is initiated within twelve (12) months of the damage and completed within two years.

6. When a nonconforming structure, development, or use is vacated or abandoned for a period of twelve (12) consecutive months, the nonconforming rights shall be deemed extinguished and the future use and development of such property shall be in accordance with the permitted and conditional use regulations of this Program.

7. Normal maintenance and repair of a structure housing a nonconforming use may be permitted provided all work is consistent with the provisions of this Program.

2.5.3 Nonconforming Lots

Legally established, nonconforming, undeveloped lots located landward of the ordinary high water mark are buildable, provided that all new structures or additions to structures on any nonconforming lot must meet all setback, height and other construction requirements of the Program and the Act.

2.6 Shoreline Variance

1. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in the Act and this Program.

2. When a shoreline variance is requested, the hearings examiner shall be the final authority for the City, whose decision is then forwarded to Ecology. Shoreline variances must have final approval from Ecology, which shall have final approval authority. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA (RCW 90.58.020). In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

3. Shoreline Variances are processed according to the administrative provisions set forth in Appendix B of this Program.

4. The burden of proving that a proposed variance meets the criteria of this Program and WAC 173-27-170 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

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2.7 Shoreline Conditional Use Permit

1. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner that will be consistent with the policies of the Act and this Program, particularly where denial of the application would thwart the policies of the Act.

2. When a conditional use is requested, the hearings examiner shall be the final authority for the City, whose recommendation is then forwarded to Ecology. Shoreline conditional uses must have approval from Ecology, which shall have final approval authority under WAC 173-27-200.

3. A shoreline conditional use permit is processed in accordance with the administrative provisions of Appendix B of this Program.

4. Other uses not specifically identified in this Program are considered shoreline "unclassified uses" and may be authorized through a conditional use permit if the applicant can demonstrate consistency with WAC 173-27-160.

5. Uses specifically prohibited by this Program may not be authorized.

6. The burden of proving that a proposed shoreline conditional use meets the criteria of this Program and WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

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CHAPTER 3 SHORELINE MASTER PROGRAM GOALS AND POLICIES

This chapter describes overall 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 Program are to:

- Use the full potential of shorelines in accordance with the opportunities presented by their relationship to the surrounding area, their natural resource values, and their unique aesthetic qualities offered by water, topography, and views; and

- Develop a physical environment that is both ordered and diversified, and which integrates water and shoreline uses while achieving a net gain of ecological function.

3.2 Shorelines of Statewide Significance

Within the City of Camas, the Columbia River and the Washougal River are designated shorelines of statewide significance (SSWS). Shorelines of statewide significance are of value to the entire state. In accordance with RCW 90.58.020, SSWS 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; and
    g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
2. 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.

3.3 Archaeological, Historic, and Cultural Resources

3.3.1 Goal

The goal for archaeological, historic, and cultural resources is to preserve and prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value. Such sites include those identified by affected Indian tribes, the Department of Archaeology and Historic Preservation, Clark County Historic Preservation Commission, and other appropriate authorities.

3.3.2 Policies

1. Identify, protect, preserve, and restore important archaeological, historic, and cultural sites located in shorelands of the state for educational, scientific, and enjoyment of the general public.
2. Where appropriate, make access to such sites available to parties of interest, provided that access to such sites be designed and managed in a manner that protects the resource.
3. Encourage projects and programs that foster a greater appreciation of shoreline management, local history, maritime activities, environmental conservation, and maritime history.
4. Continue to contribute to the state and local inventory of archaeological sites enhancing knowledge of local history and understanding of human activities.

3.4 Conservation

3.4.1 Goal

The goal of conservation is to protect shoreline resources, vegetation, important shoreline features, shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

3.4.2 Policies

1. Shorelines that support high value habitat or high-quality associated wetlands should be considered for the highest level of protection to remain in an unaltered condition.
2. Impacts to critical areas should first be avoided, and where unavoidable, minimized and mitigated to result in no net loss of watershed processes and shorelines functions.
3. Management practices for natural resources (including agriculture, timber and mining) in shoreline areas should be developed and implemented to ensure the preservation of non-renewable resources, including unique, scenic and ecologically sensitive features, wetlands, and wildlife habitat.

4. Priority should be given to proposals to create, restore or enhance habitat for priority species.
5. Emphasize policies and standards to protect and conserve critical areas as larger blocks, corridors or interconnected areas rather than in isolated parcels.
6. Encourage the retention of existing vegetation along shorelines and where removal is unavoidable for physical or visual access to the shoreline, limit alteration such that habitat connectivity is maintained, degraded areas are restored, and the health of remaining vegetation is not compromised.

3.5 Economic Development

3.5.1 Goal

The goal for economic development is to create and maintain an economic environment that is balanced with the natural and human environment.

3.5.2 Policies

1. Current economic activity that is consistent with the policies of this SMP should continue to be supported.
2. Healthy economic growth is allowed and encouraged through those economic activities that will be an asset to the local economy and which will result in the least possible adverse effect on the quality of the shoreline and downstream environments.
3. New water-oriented industrial, commercial, and resource-based activities that will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline. Limit or discourage uses that are nonwater-oriented and are not accessory to a water-oriented use.
4. As an economic asset, the recreation industry should be encouraged along shorelines in a manner that will enhance the public enjoyment of shorelines, consistent with protection of critical areas and cultural resources.
5. Existing non-water-oriented commercial, industrial, and resource-based activities located in the shoreline jurisdiction are encouraged to protect watershed processes and shoreline functions.

3.6 Flood Prevention and Flood Damage Minimization

3.6.1 Goal

The goal for flood hazards is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

3.6.2 Policies

1. All shoreline development should be located, designed, and constructed to prevent flood damage and to the extent possible be located outside of shoreline jurisdiction.
2. Flood management works should be located, designed, constructed and maintained to protect: (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 ground water movement; (c) fish, vegetation, and other life forms and their habitat vital to the aquatic food chain; and (d) recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
3. Non-structural flood hazard reduction measures are preferred to structural measures. Flood hazard reduction measures should be accomplished in a manner that ensures no net loss of ecological functions and ecosystem-wide processes.
4. Flood protection measures that result in stream channelization or reduction in shoreline function should be discouraged.
5. Proposals for shoreline protection should clearly demonstrate that life, property, and natural resource values within the stream system will not be endangered.
6. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.
7. To ensure that those who occupy the areas that are flood prone assume responsibility for their actions and that potential buyers are notified of the special flood hazard status.
8. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

3.7 Public Access and Recreation

3.7.1 Goal

The goal of public access and recreation is to 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.

3.7.2 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 functions, private rights, and public safety.

2. Increase and diversify recreational opportunities by promoting the continued public acquisition of appropriate shoreline areas for public use and develop recreation facilities so that they are distributed throughout the community to foster convenient access.
3. Locate public access and recreational facilities in a manner that encourages variety, accessibility, and connectivity in a manner that will preserve the natural characteristics and functions of the shoreline. Public access includes both active and passive recreational activities (e.g. trails, picnic areas, viewpoints)
4. Coordinate public access provisions consistent with adopted city trail system.
5. 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.
6. 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 beneficial use.

3.8 Restoration

3.8.1 Goal

The goal of restoration is to re-establish, 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 SMP Restoration Plan and other approved restoration plans.

3.8.2 Policies

1. Shorelines that are biologically degraded should be reclaimed and restored to the greatest extent feasible. Restoration shall not result in the following: creating additional “dry land” or extend waterward more than necessary to achieve the intended results.
2. Restoration strategies should be developed and implemented such that ecosystem processes are sustainable in the long-term.
3. Restoration of shoreline functions should be encouraged during redevelopment.
4. Restoration efforts should include retrofitting existing stormwater control facilities to improve water quality.
5. Restoration projects should have adaptive management techniques including adjusting the project design, correcting problems (barriers to success), and implementing contingency measures.
6. Eradication of invasive species, including noxious weeds and non-native species, should be undertaken as needed.
7. Planting of vegetation that enhances shoreline function should be encouraged.

8. Education programs, namely informational signage should be developed for:
    a. Property owners about proper vegetation/landscape maintenance;
    b. Educate boaters about proper waste disposal methods, anchoring techniques, and other best boating practices.
9. Cooperative restoration actions involving local, state, and federal agencies, Native American tribes, non-government organizations, and landowners should be encouraged.

3.9 Shoreline Modification and Stabilization

3.9.1 Goal

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, achieve it in a way that best protects ecosystem processes, shoreline functions, and downstream properties. Shoreline stabilization activities should also be reviewed in balance with the provisions of Section 3.6 - Flood Prevention and Flood Damage Minimization of this Program.

3.9.2 Policies

1. New developments and uses, to include preferred uses and uses exempt from shoreline permits, should plan, design, locate, construct and maintain the use/development to avoid the need for shoreline stabilization measures.
2. When necessary, natural, non-structural shoreline stabilization measures are preferred over structural stabilization measures. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
    a. No action;
    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.
3. 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.
4. 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.
5. 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 safely compatible with the primary purpose. Shoreline stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.

6. 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.
7. Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed or replaced to restore shoreline ecological functions and processes.
8. 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.
9. Lower impact structures, including floating, portable or submerged breakwater structures, or several smaller discontinuous structures, are preferred over higher impact structures.
10. Materials used for construction of shoreline stabilization should be selected for durability, ease of maintenance, and compatibility with local shoreline features.
11. Development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions with the rivers and streams should be limited.
12. The City

Commented [A9]: Recommended change by Ecology. Refer to chart 2009/a

3.10 Shoreline Use and Development

3.10.1 Goal

The goal for shoreline use and development is to balance the preservation and development of shorelines in a manner that allows for mutually compatible uses. Resulting land use patterns will be compatible with shoreline designations and sensitive to and compatible with ecological systems and other shoreline resources. To help with this balance, shoreline and water areas with unique attributes for specific long term uses such as commercial, residential, industrial, water, wildlife, fisheries, recreational and open space shall be identified and reserved.

3.10.2 Policies

1. Uses in shorelines and water areas in priority order are (1) water-dependent, (2) water-related, and (3) water-enjoyment.

2. Uses, activities, and facilities should be located on shorelines in such a manner as to:
    a. Retain or improve the quality of shoreline function;
    b. Respect the property rights of others;
    c. Ensure that proposed shoreline uses do not create risk or harm to neighboring or downstream properties; and
    d. Preserve or restore, to the maximum reasonable extent, the shoreline's natural features and functions in conjunction with any redevelopment or revitalization project.
3. The following are encouraged in shoreline areas:
    a. Uses that enhance their specific areas or employ innovative features for purposes consistent with this program;
    b. The redevelopment of any area not suitable for preservation of natural features, based on its shoreline designation;
    c. Shared uses and joint use facilities in shoreline developments; and
    d. Uses that allow for restoration of shoreline areas that are degraded as a result of past activities or events.
4. The impact of uses proposed on lands adjacent to but outside of immediate shoreline jurisdiction should be considered whether they are consistent with the intent of this SMP.
5. A Medium Intensity shoreline designation is provided in the northeast portion of Lacamas Lake to provide a center for mixed use development that will include water dependent and water oriented uses that increase the public's ability to enjoy public waters and may include residential use in mixed use proposal. To mitigate impacts of development, Leadbetter Road should be relocated further from the shoreline and a continuous buffer of native vegetation provided, if feasible. Public access should be provided throughout the shoreline area.

3.11 Transportation, Utilities, and Essential Public Facilities

3.11.1 Goal

The goal for transportation, utilities, and essential public facilities is to provide for these facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

3.11.2 Policies

1. Locate essential public facilities, utilities and circulation systems that are not shoreline-dependent outside of the shoreline jurisdiction to the maximum extent possible to reduce interference with either natural shoreline functions or other

appropriate shoreline uses. Where possible, avoid creating barriers between adjacent uplands and the shoreline.

2. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will have the least possible adverse effect on shoreline function and existing ecological systems, while contributing to the visual enhancement of the shoreline.
3. Protect, manage, and enhance those characteristics of shoreline transportation corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.
4. Encourage alternate modes of travel and provide multiple-use transportation corridors where compatible if shoreline transportation development is necessary.
5. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance, and encourage development of physical and visual shoreline public access.
6. Where feasible, relocate existing utility and transportation facilities, such as transmission lines, rail lines, or freeways that limit public shoreline access or other shoreline uses and convert such rights-of-way to new public access routes.
7. Utilities and transportation facilities should be installed, and facilities designed and located in a coordinated manner that protects the shorelands and water from contamination and degradation.
8. Discourage the siting of public facilities in the shoreline jurisdiction, which restrict public access and enjoyment of the shoreline unless no practical alternatives exist.

3.12 Views and Aesthetics

3.12.1 Goal

The goal for views and aesthetics is to assure that the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, is protected to the greatest extent feasible.

3.12.3 Policies

1. Identify and encourage the protection of scenic vistas and areas where the shoreline has high aesthetic value.
2. Encourage development within the shoreline area that, provides visual and physical linkage to the shoreline, and enhances the waterfront.
3. Encourage development design that minimizes adverse impacts on views enjoyed by a substantial number of residences.
4. Landowners should not assume that an unobstructed view is guaranteed. Limited and selective pruning for views may be allowed when ecological functions are not

compromised. Maintaining well-vegetated riparian areas is preferred over clearing vegetation to create views.

3.13 Water Quality and Quantity

3.13.1 Goal

The goal for water quality and quantity is 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 protect wildlife habitat.

3.13.2 Policies

1. Encourage the location, construction, operation, and maintenance of shoreline uses, developments, and activities to be focused on maintaining or improving the quality and quantity of surface and ground water over the long term.
2. Minimize, through effective education, site planning, and best management practices, the inadvertent release of chemicals, activities that cause erosion, stormwater runoff, and faulty on-site sewage systems that could contaminate or cause adverse effects on water quality.
3. Encourage the maintenance and restoration of appropriate vegetative buffers along surface waters to improve water temperature and reduces the adverse effects of erosion and runoff.

CHAPTER 4 SHORELINE DESIGNATIONS

4.1 Introduction

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

Management policies are an integral part of the shoreline designations and are used for determining uses and activities that can be permitted in each shoreline designation. Chapters 5 and 6 contain development regulations to specify how and where permitted development can take place within each shoreline designation and govern height and setback.

4.2 Authority

Local governments are required under the State Shoreline Management Act of 1971 (RCW 90.58) and the Shoreline Master Program Guidelines (WAC 173-26) to develop and assign a land use categorization system known as "shoreline environment designations" for shoreline areas as a basis for effective shoreline master programs. For purposes of this Program "shoreline designation" is used in place of the term "shoreline environment designation" referred to in WAC 173-26.

The method for local government to account for different shoreline conditions is to assign a shoreline designation to each distinct shoreline section in its jurisdiction. The shoreline designation assignments provide the framework for implementing shoreline policies and regulatory measures for environmental protection, use provisions, and other regulatory measures specific to each shoreline designation.

4.3 Shoreline Designations

The City classification system consists of shoreline designations that are consistent with and implement the Act (RCW 90.58), the Shoreline Master Program Guidelines (WAC 173-26) and the City of Camas Comprehensive Plan. These designations have been assigned consistent with the corresponding criteria provided for each shoreline designation. In delineating shoreline designations, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. The five shoreline designations are:

- Aquatic;
- Natural;
- Urban Conservancy;
- Medium Intensity; and
- High Intensity.

4.3.1 Aquatic Shoreline Designation

4.3.1.1 Purpose

The purpose of the "Aquatic" shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

4.3.1.2 Designation Criteria

An Aquatic shoreline designation is assigned to lands and waters waterward of the ordinary high water mark.

4.3.1.3 Areas Designated

The Aquatic shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.1.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1) New over-water structures should be allowed only for water-dependent uses or ecological restoration.
2) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.
3) In-water uses should be allowed where impacts can be mitigated to ensure no net loss of ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline functions. Unavoidable impacts must be minimized and mitigated.
4) 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; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
5) Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.
6) Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
7) Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.
8) Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.

9) Given that the aquatic designation is waterward of the OHWM, then when the proposed use, development, activity or modification requires use of adjacent upland property, then it must also be allowed within the upland shoreline designation.

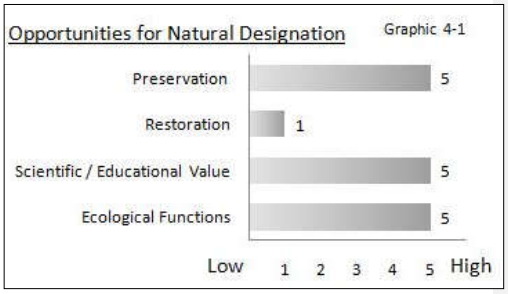
4.3.2 Natural Shoreline Designation

4.3.2.1 Purpose

The purpose of the "Natural" shoreline designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, restoration of degraded shorelines within this environment is appropriate.

4.3.2.2 Designation Criteria

The following criteria should be considered in assigning a Natural shoreline designation:



1) The shoreline's ecological functions are substantially intact and have a high opportunity for preservation and low opportunity for restoration (Graphic 4-1);
2) The shoreline is generally in public or conservancy ownership or under covenant, easement, or a conservation tax program.
3) The shoreline contains little or no development, or is planned for development that would have minimal adverse impacts to ecological functions or risk to human safety;
4) There are low-intensity agricultural uses, and no active forestry or mining uses;
5) The shoreline has a high potential for low-impact or passive recreation and is planned for park or open space uses as part of the comprehensive plan; or
6) The shoreline is considered to represent ecosystems and geologic types that have high scientific and educational value.

4.3.2.3 Areas Designated

The Natural shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.2.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

2) Scientific, historical, cultural, educational research uses, and low-impact, passive recreational uses may be allowed provided that ecological functions remain intact.
3) Vegetation should remain undisturbed except for removal of noxious vegetation and invasive species. Proposed subdivision or lot line adjustments, new development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
4) Uses that would deplete physical or biological resources or impair views to or from the shoreline over time should be prohibited.
5) Only physical alterations that serve to protect a significant or unique physical, biological or visual shoreline feature that might otherwise be degraded or destroyed; or those alterations that are the minimum necessary to support a permitted use should be allowed.
6) Only the following types of signs should be considered for location in the shorelines: interpretive, directional, navigational, regulatory, and public safety.
7) Residential development did not exist within the natural shoreline designation at the adoption of this Program. Further, the city will not designate shorelines with potential or existing residential development as natural.

4.3.3 Urban Conservancy Shoreline Designation

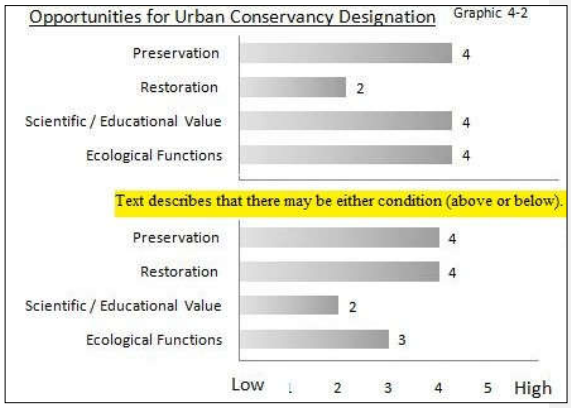
4.3.3.1 Purpose

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

4.3.3.2 Designation Criteria

The following criteria are used to consider an Urban Conservancy shoreline designation:

1) The shoreline has moderate to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration. Or the shoreline has low to moderate ecological function with moderate to high opportunity for restoration (Graphic 4-2);
2) The shoreline has open space or critical areas that should not be more intensively developed (e.g. steep slopes or flood-prone);



3) The shoreline is not highly developed and is likely in recreational use. The shoreline has the potential for development that is compatible with ecological restoration. The shoreline is planned for a park, or as open space; and
4) The shoreline has a potential for water-oriented recreational use where ecological functions can be maintained or restored.

4.3.3.3 Areas Designated

The Urban Conservancy shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.3.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1) Uses that preserve the natural character of the area or promote preservation of open space or critical areas either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the Urban Conservancy shoreline designation and the setting.
2) Single family residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.
3) Low-intensity public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated (e.g. trails).
4) Thinning or removal of vegetation should be limited to that necessary to (1) remove noxious vegetation and invasive species; (2) provide physical or visual access to the shoreline; or (3) maintain or enhance an existing use consistent with critical areas protection and maintenance or enhancement of shoreline ecological functions.
5) Low intensity water-oriented commercial uses may be permitted if compatible with surrounding uses.

4.3.4 Medium Intensity Shoreline Designation

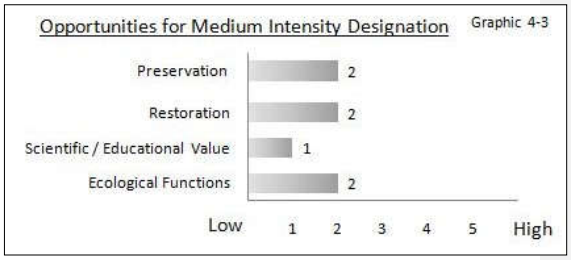
4.3.4.1 Purpose

The purpose of the "Medium Intensity" shoreline designation is to accommodate primarily residential development and appurtenant structures, but to also allow other types of development that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

4.3.4.2 Designation Criteria

The following criteria are used to consider a Medium Intensity shoreline:

1) The shoreline has low to moderate ecological function with low to moderate opportunity for restoration or preservation (Graphic 4-3);
2) The shoreline contains mostly residential development at urban densities and does not contain resource industries (agriculture, forestry, mining);
3) The shoreline is zoned for residential, commercial or industrial uses in the comprehensive plan; or
4) The shoreline has limited potential for recreational uses while protecting ecological functions.



4.3.4.3 Areas Designated

1) The Medium Intensity shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.
2) The Medium Intensity shoreline designation in the northeast portion of Lacamas Lake is intended to provide a center for mixed use development including:

   a) Water dependent uses that increase the public's ability to enjoy public waters.

   b) Water oriented uses as part of mixed-use development that increase opportunities for commercial and higher intensity residential use in a design that improves the public's ability to enjoy the physical and aesthetic qualities of the shoreline.

   c) To mitigate adverse impacts of higher intensity use on the shoreline, and the cumulative impacts of anticipated development of the contiguous upland parcel, no development approval shall be granted until substantial development permits are approved that include:

      i) Designation of the general mix of uses and facilities that improve the public's ability to enjoy the qualities of the shoreline

      ii) Relocation of the existing Leadbetter Road landward of its existing location to provide a minimum 100-foot shoreline buffer outside of the MI area together with removal of the road subgrade and provision of soil substrate and planting a community of native vegetation equivalent to a native climax forest.

      iii) Provision of a public trail parallel to the shoreline located to minimize impacts on ecological functions within the restored buffer area and including connections perpendicular to the water to provide direct access to the water's edge for uses such as fishing or viewing.

Deleted: low impact

4.3.4.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1) The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.
2) Public access and joint use (rather than individual) of recreational facilities should be promoted.
3) Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible and be the minimum necessary to adequately serve existing needs and planned future development.
4) Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
5) Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed as part of mixed-use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines.

4.3.5 High Intensity Shoreline Designation

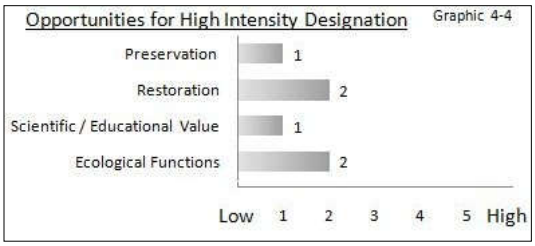
4.3.5.1 Purpose

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

4.3.5.2 Designation Criteria

The following criteria are used to consider a High Intensity shoreline designation:

1) The shoreline is located within city limits.
2) The shoreline has low to moderate ecological function with low to moderate opportunity for restoration (Graphic 4-4);



3) The shoreline contains mostly industrial, commercial, port facility, mixed-use, or multi-family residential development at high urban densities;

4) The shoreline may be or have been identified as part of a state or federal environmental remediation program;
5) The shoreline is planned or zoned for commercial or industrial uses in the comprehensive plan; or
6) The shoreline may support public passive or active water-oriented recreation where appropriate.

4.3.5.3 Areas Designated

The High Intensity shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.5.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1) Promote infill and redevelopment in developed shoreline areas with the goal of achieving full utilization of the shoreline, while encouraging environmental remediation and restoration of the shoreline, where applicable.
2) Encourage the transition of uses from non-water-oriented to water-oriented uses.
3) Water-oriented uses are encouraged, however new non-water-oriented uses may be allowed.
4) Visual or physical public access should be a priority. Where possible, industrial and commercial facilities should be designed to permit pedestrian waterfront activities.

4.4 Official Shoreline Map

4.4.1 Map Established

1) The location and extent of areas under the jurisdiction of this Program, and the boundaries of various shoreline designations affecting the lands and water of the City shall be as shown on the map entitled, "Camas Shoreline Designations Map." The official shoreline map and all the notations, references, amendments, and other information shown on the map are hereby made a part of this Program, as if such information set forth on the map were fully described herein.
2) In the event that new shoreline areas are discovered (including but not limited to, associated wetlands) that are not mapped and/or designated on the official shoreline map, these areas are automatically assigned an Urban Conservancy designation for lands within incorporated areas and urban growth areas, or Rural Conservancy – Residential if on lands within unincorporated areas until the shoreline can be re-designated through a master program amendment.
3) In the event of a mapping error, the city will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

4.4.2 File Copies

The Camas Shoreline Designations Map shall be kept on file in the office of the City of Camas Community Development Department and the Washington State Department of Ecology. attached as Appendix A.

4.4.3 Map Amendments

The Camas Shoreline Designations Map is an integral part of this Program and may be amended pursuant to a master program amendment, with approval by the City and Ecology, as provided under the Act.

4.4.4 Boundary Interpretation

If disagreement develops as to the exact location of a shoreline designation boundary line shown on the official shoreline map, the following rules shall apply:

1) Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
2) Boundaries indicated near a road or railway shall be respectively construed to encompass the width of the right of way in order to avoid parallel designations for the same span of roadway. The following boundaries are defined as follows:
   a) SR-14 at north bank of Camas Slough is designated HI fully within right of way;
   b) SE 6th at the western side of the Washougal River is designated Medium Intensity fully within road right-of-way;
   c) SE 6th with parallel BNSF[1]railway at the eastern side of the Washougal River is designated Urban Conservancy to the northern boundary of the railway right-of-way;
   d) NE 3rd Avenue at both banks that cross the Washougal River are designated Medium Intensity to the full extent of the right-of-way; and
   e) Lands adjacent to the existing Upper and Lower Lacamas Lake dams are designated Urban Conservancy.
   f) At the north east end of Lacamas Lake: Parcel #175720-000 and #177885-000, along with a triangular corner of parcel 177884-000 (200 feet of shoreline) are designated Medium Intensity (as described in Section 7 and Exhibit "E" Limited Shoreline Area, in the Development Agreement between the City and Lacamas Northshore Properties, signed August 2010).

      North of Leadbetter Road parcels 177858-000 and 001 are designated Medium Intensity. South of Leadbetter Road parcel 177896-000 is designated Urban Conservancy.

[1] BNSF was created on Sept. 22, 1995, from the merger of Burlington Northern Inc. (parent company of Burlington Northern Railroad) and Santa Fe Pacific Corporation (parent company of the Atchison, Topeka and Santa Fe Railway). On Feb. 12, 2010, BNSF became a subsidiary of Berkshire Hathaway, Inc.

Deleted: Unofficial copies of the map may be prepared for administrative purposes

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h)

3) Boundaries indicated as approximately parallel to or extensions of features indicated in (1) or (2) above shall be so construed.

4) Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Shoreline Administrator shall interpret the boundaries with deference to actual conditions. Appeals of such interpretation may be filed according to the applicable appeal procedures described in Appendix B, Administration and Enforcement.

4.4.5 Shoreline Designation Changes and Urban Growth Boundary Revisions

When a portion of shoreline jurisdiction is brought into or removed from an urban growth area, a new shoreline designation may need to be assigned. Shoreline designations shall be assigned in accordance with Table 4-1, Shoreline Designations for Urban/Rural Boundary Revisions. Where more than one designation could be appropriate according to Table 4-1, the shoreline designation criteria in this chapter shall be applied and the best-fitting shoreline designation assigned. Shoreline designation assignments shall occur concurrently with the annexation or other legislative action to remove a portion of shoreline jurisdiction from a city or urban area and to amend the shoreline map and shall be effective upon approval by Ecology (see Section 4.4.3).

Table 4-1. Shoreline Designations for Urban[1]/Rural[2] Boundary Revisions

SENDING Jurisdiction Shoreline Designation	Transfer From/To	RECEIVING Jurisdiction Shoreline Designation(s)
Aquatic	Rural/Urban	Aquatic
Natural	Rural/Urban	Natural
Rural Conservancy – Residential	Rural/Urban	Urban Conservancy Medium Intensity
Rural Conservancy – Resource Lands	Rural/Urban	Urban Conservancy Medium Intensity High Intensity
Urban Conservancy	Rural/Urban Urban/Rural	Urban Conservancy Rural Conservancy – Residential Rural Conservancy – Resource Lands
Medium Intensity	Urban/Rural	Rural Conservancy – Residential
High Intensity	Urban/Rural	Rural Conservancy – Resource Lands

[1]Urban = City or Urban Growth Area
[2]Rural = Unincorporated Clark County outside Urban Growth Areas

CHAPTER 5 GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS

All uses and development activities in shorelines 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. Shoreline uses and developments that are water-dependent shall be given priority.
2. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.
3. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures.
4. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals 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.
5. Single family residential development shall be allowed on all shorelines except the Aquatic and Natural shoreline designation, and shall be located, designed and used in accordance with applicable policies and regulations of this Program.
6. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with CMC Title 17 Land Development and CMC Title 18 Zoning.
7. 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; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
8. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.
9. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
10. 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 function is achieved. Applicants must comply with the provisions of Appendix C with a focus on mitigation sequencing per Appendix C, Section 16.51.160 *Mitigation Sequencing*. Mitigation Plans must comply with the

requirements of Appendix C, Section 16.51.170 *Mitigation Plan Requirements*, to achieve no net loss of ecological functions.

11. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.
12. Within urban growth areas, Ecology may grant relief from use and development regulations in accordance with RCW 90.58.580, and requested with a shoreline permit application.

5.2 Archaeological, Cultural and Historic Resources

When a shoreline use or development is in an area known or likely to contain archaeological artifacts as indicated on the *City of Camas Archaeological Probability* map, or as recorded at the state or county historical offices, then the applicant shall provide for a site inspection and evaluation by a professional archaeologist. Development permits may not be issued until the inspection and evaluation have been completed and the city has issued approval.

If an item of possible archeological interest is discovered on site, all work shall immediately cease and notification of such a find will be sent to the City, the Office of Archaeology and Historic Preservation and affected Native American tribes. Activities on site may resume only upon receipt of the City's approval.

5.3 Critical Areas Protection

Critical Areas Regulations are found in Appendix C of this program and are specifically at Chapters 16.51 through 16.61. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act, RCW Chapter 90.58, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction. These regulations are integral and applicable to this Program, except that:

1. Non-conforming uses and development within the shoreline jurisdiction shall be subject to both this Program and Appendix C, and where there is a conflict, the most protective of environmental functions shall apply;

2. The Fish and Wildlife Habitat Conservation Area buffers for Stream Type S in Appendix C, Section 16.61.040 are modified as follows for the following areas:
    a. Columbia River, SR-14 to SE Third Avenue[2] at twenty-feet (20').
    b. Washougal River, lots fronting on First Avenue between SE Garfield Street and NE Third Street, twenty-feet (20') from the top of slopes exceeding forty- percent (40%).
    c. Lacamas Lake buffers from OHWM shall not extend landward of NE Leadbetter Road.
    d. Columbia River, lots fronting on SE 12th Avenue and SE 11th Avenue between SE Polk Street and SE Front Street, shall be twenty-percent (20%) of lot depth as measured from the OHWM.

[2] This describes land that is zoned Heavy Industrial (HI) and at the adoption of this Program was occupied by the Georgia Pacific Mill.

5.3.1 Applicable Critical Areas

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

5.3.2 General Provisions

1. Shoreline uses, activities, developments and their associated structures and equipment shall be located, designed and operated to protect the ecological processes and functions of critical areas.
2. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction.
3. Where appropriate, new or redevelopment proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions, such as retention of channel migration zones, to the extent they are within the shoreline jurisdictional area to ensure no net loss of ecological functions.
4. Critical areas within the shoreline jurisdiction shall be regulated for any use, development or activity, as provided in accordance with this Program, and Appendix C, whether a permit or written statement of exemption is required.
5. If provisions of Appendix C and other parts of this Program conflict, the provisions most protective of ecological and historic resources shall apply.
6. Unless otherwise stated, critical area buffers shall be protected and/or enhanced in accordance with this Program and Appendix C. These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 2.1 Applicability.
7. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

5.4 Flood Prevention and Flood Damage Minimization

1. Development in floodplains shall not significantly or cumulatively increase flood hazard or be inconsistent with an adopted comprehensive flood hazard management plan.
2. New development or uses in the shoreline jurisdiction, including subdivision of land, shall not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.
3. Allow new structural flood hazard reduction measures in the shoreline jurisdiction only when it can be demonstrated by scientific and engineering analysis that they are necessary to protect existing development, that non-structural measures are

not feasible, and that impacts ecological function and priority species and habitats can be successfully mitigated so as to assure no net loss of shoreline ecological function.

4. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas. The best available information for flood hazard area identification as outlined in Appendix C, Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. In addition, Map 27 Potential Channel Migration Zone (CMZ) Areas (Inventory and Characterization Report Volume 1, Lewis and Salmon-Washougal is hereby incorporated by reference.

5. When necessary, in-stream structures shall be located, designed, and maintained in such a manner that minimizes flood potential and the damage affected by flooding.

6. Fills shall be avoided in the shoreline and in critical areas or buffers except where the applicant clearly demonstrates that the geohydraulic characteristics will not be altered in a way that increases flood velocity or risk of damage. See Section 5.7.2 of this Program for additional and specific requirements for fills placement. Pile or pier supports or other support methods shall be utilized instead of fills whenever feasible.

7. Dikes and levees shall not be placed in the floodway except for current deflectors necessary for protection of bridges and roads.

8. Removal of gravel for flood management purposes shall be consistent with the adopted flood hazard reduction plan, the provisions of this Program, and only allowed after a biological and geomorphological study determines that extraction has a long-term flood hazard reduction benefit and does not result in net loss of ecological functions.

9. Removal of beaver dams to control or limit flooding shall be avoided where feasible and allowed only in coordination with WDFW and receipt of all applicable state permits.

5.5 Public Access

1. Provisions for adequate public access shall be incorporated into all shoreline development proposals that involve public funding unless the proponent demonstrates public access is not feasible due to one or more of the provisions of Section 5.5 Regulation 2.a-e.

2. Provisions for adequate public access shall be incorporated into all land divisions and other shoreline development proposals, unless this requirement is clearly inappropriate to the total proposal. The nexus, proportionality, need and support for such a connection shall be based on the policies of this Program. Public access will not be required where the proponent demonstrates one or more of the following:
    a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
    b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
    c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;
    d. Significant environmental impacts that cannot be mitigated will result from the public access; or
    e. Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the City determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to: Regulating access by such means as maintaining a gate and/or limiting hours of use; Designing separation of uses and activities (including but not limited to, fences, terracing, landscaping); and Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
3. Public access sites shall be connected to a barrier free route of travel and shall include facilities based on criteria within the Americans with Disabilities Act Accessibility Guidelines.
4. Public access shall include provisions for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.
5. A sign indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.
6. Required public access shall be developed at the time of occupancy of the use or activity.
7. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
8. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, as a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval.

9. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
10. Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement approved by the Shoreline Administrator and recorded with the County Auditor's Office.

5.6 Restoration

1. Restoration of ecological functions and processes shall be encouraged and allowed on all shorelines and shall be located, designed and implemented in accordance with applicable policies and regulations of this Program and consistent with other City programs.
2. Impacts to shoreline functions shall be fully mitigated. Such mitigation may include elements from the Restoration Plan, where appropriate.
3. Elements of the Clark Coalition Shoreline Restoration Plan may also be implemented in any shoreline designation to improve shoreline function.
4. Restoration efforts shall be developed by a qualified professional, shall be based on federal, state, and local guidance and shall consider the following:
    a. Riparian soil conditions;
    b. In-stream fish habitats; and
    c. Healthy aquatic and terrestrial food webs.

5.7 Site Planning and Development

5.7.1 General

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. Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety.
3. When feasible, existing transportation corridors shall be utilized.
4. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.
5. Parking, storage, and non-water dependent accessory structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principle use.
6. Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.

7. Elevated walkways shall be utilized, 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; and d) reduce night sky effects to avoid impacts to fish and wildlife.
10. Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.
11. A use locating near a legally established aquaculture enterprise, including an authorized experimental project, shall demonstrate that such use would not result in damage to or destruction of the aquaculture enterprise, or compromise its monitoring or data collection.

5.7.2 Clearing, Grading, Fill and Excavation

1. Clearing and grading shall be scheduled to minimize adverse impacts, including but not limited to, damage to water quality and aquatic life.
2. Clearing and grading shall not result in substantial changes to surface water drainage patterns off the project site and onto adjacent properties.
3. Developments shall include provisions to control erosion during construction and to ensure preservation of native vegetation for bank stability.
4. Grading and grubbed areas shall be planted with a cover crop of native grasses until construction activities are completed.
5. Clearing, filling, or excavation shall not be conducted where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.
6. Fills shall be permitted only in conjunction with a permitted use and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.
7. Soil, gravel or another substrate transported to the site for fill shall be screened and documented that it is uncontaminated. Use of polluted dredge material or materials normally disposed of at a solid waste facility is prohibited.
8. Fills shall be designed and placed to allow surface water penetration into groundwater supplies where such conditions existed prior to filling.
9. Fills must protect shoreline ecological functions, including channel migration processes.

10. Fill waterward of OHWM shall only be allowed as a conditional use (except for beach nourishment or enhancement projects) and then only when necessary for the following activities: to support a water-dependent or public access use; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; expansion or alteration of transportation facilities of statewide significance under specific circumstances; mitigation action; and environmental restoration.

11. Fills for beach nourishment or enhancement projects are subject to a substantial development permit. In the Columbia River, fills shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created as mitigation.

12. Excavation below the OHWM is considered dredging and subject to provisions under that section in Chapter 6.

13. Upon completion of construction, remaining cleared areas shall be replanted with native species as approved by the city. Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.

14. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, and shall be limited to the minimum necessary to accommodate an approved use.

5.7.3 Building Design

1. Structures shall be designed to conform to natural contours and minimize disturbance to soils and native vegetation

2. Non-single family structures shall incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible.
3. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.
4. Façade treatments, mechanical equipment and windows in structures taller than two (2) stories, shall be designed and arranged to prevent bird collisions using the best available technology. Single-family residential structures shall be exempt from this provision.

5.8 Vegetation Conservation

1. Removal of native vegetation shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized to protect ecological functions.

2. If native vegetation removal cannot be avoided it shall be minimized and mitigated as recommended by a qualified biologist within a Critical Area Report and shall result in no net loss of shoreline 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 mitigation plan per Appendix C.
3. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly re-established in the disturbed area.
4. If non-native vegetation is to be removed, then it shall be replaced with native vegetation within the shoreline jurisdiction.
5. Pruning of trees is allowed in compliance with the National Arborist Association pruning standards. Pruning must meet the following criteria:

a. Removal of no more than twenty (20) percent of the limbs of any single tree may be removed; and

b. No more than twenty (20) percent of canopy in a single stand of trees may be removed in a given five (5) year period without a shoreline permit.

6. Topping trees is prohibited.
7. If the city determines that a tree is hazardous as verified by an arborist report, then only the hazardous portion shall be removed. Complete removal should be avoided to the extent possible. The remainder of the tree shall remain to provide habitat functions and slope stability. Mitigation may be required to compensate for reduced tree surface area coverage.
8. Natural features such as snags, stumps, logs or uprooted trees, which do not intrude on the navigational channel or threaten or public safety, and existing structures and facilities, shall be left undisturbed.
9. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
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 qualified professional.

5.9 Visual Access

Visual access shall be maintained, enhanced, and preserved as appropriate on shoreline street-ends, public utility rights-of-way above and below the ordinary high water mark. Any new or expanded building or structure over thirty-five (35) feet in height above average grade level that obstructs the shoreline view of a substantial number of

residences that are adjoining shorelines shall not be allowed in accordance with RCW 90.58.320.

5.10 Water Quality and Quantity

1. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site.
2. All shoreline development shall comply with the applicable requirements of CMC Chapter 14.02 Stormwater Control.
3. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development in substantial compliance with CMC Chapter 14.06 Erosion and Sediment Control.
4. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land except in accordance with CMC Chapter 14.04 Illicit Discharges, dumping and Illicit Connections. Potentially harmful materials shall be maintained in a safe and leak-proof condition
5. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a waterbody, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the final ruling in *Washington Toxics Coalition, et al., v. EPA* shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.
6. Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.
7. Conveyance of any substance not composed entirely of surface and stormwater directly to water resources shall be in accordance with CMC Chapter 14.02.
8. Septic systems should be located as far landward of the shoreline and floodway as possible. Where permitted, new on-site septic systems shall be located, designed, operated, and maintained to meet all applicable water quality, utility, and health standards.

CHAPTER 6 SPECIFIC SHORELINE USE REGULATIONS

6.1 General Provisions

1. This chapter contains the regulations that apply to specific uses, developments, and activities in the shoreline jurisdiction.

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

6.2 Shoreline Use, Modification, and Standards Tables

1. Each shoreline designation shall be managed in accordance with its designated purpose as described in this Program (see Chapter 4). Table 6-1 identifies those uses that are prohibited, may be permitted or permitted with a conditional use approval in each shoreline designation. In the event conflicts exist between the Table 6-1 and the text in this chapter, the text shall apply.

2. Table 6-1 also summarizes general setbacks and building heights for uses within each shoreline designation. These setbacks apply in conjunction with the requirements of the critical areas' requirements established in Chapter 5 and provided in Appendix C. Where heights of structures are allowed over thirty-five feet (35'), then a visual impact study may be required in accordance with Section 5.9 *Visual Access* of this Program. In the event a conflict exists between Table 6-1 and the requirements of Chapter 5, the most protective of shoreline functions shall apply.

3. In Table 6-1, setbacks are measured landward from the ordinary high water mark (OHWM) in the NT, UC, MI and HI Shoreline Designations. For transportation facilities and utilities, the setback from OHWM pertains to the right of way and not just the structure or pipeline. In the AQ Shoreline Designation, the setback is waterward of the OHWM.

Table 6-1 Shoreline Use, Modification and Development Standards

Abbreviations: X = Prohibited P = Permitted N/A = Not Applicable C = Conditional Use	**AQ**	**NT**	**UC**	**MI**	**HI**
Shoreline Designation	**Aquatic**	**Natural**	**Urban Conservancy**	**Medium Intensity**	**High Intensity**
Shoreline Uses					
Agriculture					
Agriculture	**X**	**X**	**X**	**X**	**X**
• *Building Setback*	N/A	N/A	N/A	N/A	N/A
• *Building Height*	N/A	N/A	N/A	N/A	N/A
Aquaculture					
Aquaculture, General	**P**	**X**	**C**	**C**	**C**
• *Building setback*	0'[1]	N/A	50'[1]	0'[1]	0'[1]
Boating Uses					
Motorized Boat Launches	**P**	**X**	**C**	**C**	**P**
Non-motorized Boat Launches	**P**	**C**	**P**	**P**	**P**
Marinas	**P**	**X**	**X**	**C**	**C**
• *Structure Setback*	0'	N/A	N/A	0'[1]	0'[1]
• *Structure Height*					
- 0-100' from OHWM	N/A	N/A	N/A	25'	35'
- >100 from OHWM	N/A	N/A	N/A	35'	45'
Docks, Piers, Mooring Buoys[3]	**P** [3]	**X**	**P** [3]	**P** [3]	**P**
Houseboat and Liveaboard Vessel					
Commercial Uses					
Water-dependent	**P**	**X**		**P**	**P**
• *Building Setback*	0'[1]	N/A	50'[1]	0'[1]	0'[1]
• *Building Height*	15'	N/A		45'	60'
Water-related, Water-enjoyment	**X**	**X**	**C**	**P**	**P**
• *Building Setback*	N/A	N/A	[2]		25' [2]
• *Building Height*			15'	45'	60'
Non-water-oriented	**X**	**X**	**X**	**C**	**C**
• *Building Setback*	N/A	N/A	N/A	100' [2]	100' [2]
• *Building Height*	N/A	N/A	N/A	45'	**60'**
Forestry					
Log Storage	**C**	**X**	**X**	**X**	**X**
Timber Harvest	**X**	**X**	**X**	**X**	**X**
Industrial Uses					
Water-dependent	**P**	**X**	**X**	**C**	**P**
• *Building Setback*	0'[1]	N/A	N/A	0'[1]	0'[1]
• *Building Height*					
- 0-100' from OHWM	45'	N/A	N/A	45'	60'
- >100 from OHWM	45'	N/A	N/A	45'	60'
Water-related	**X**	**X**	**X**	**C**	**P**
• *Building Setback*	N/A	N/A	N/A	100' [2]	50' [2]
• *Building Height*	N/A	N/A	N/A	45'	45'
Non-water-oriented	**X**	**X**	**X**	**X**	**P**
• *Building Setback*	N/A	N/A	N/A	N/A	50' [2]
• *Building Height*	N/A	N/A	N/A	N/A	45'
Institutional Uses					
Water-dependent	**P**	**X**	**X**	**P**	**P**
• *Building Setback*	0'[1,]	N/A	N/A	0'[1]	0'[1]
• *Building Height*					
- 0-100' from OHWM	15'	N/A	N/A	25'	35'
- >100 from OHWM	15'	N/A	N/A	35'	45'
Water-related	**X**	**X**	**X**	**C**	**P**
• *Building Setback*	N/A	N/A	N/A	100' [2]	25' [2]

Commented [A10]: Kim V. (Ecology) suggests prohibiting this use given that we don't have a marina.

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Commented [A11]: Proposal from TAC that commercial uses that are water-dependent are appropriate. Much of Lacamas Lake is Urban Conservancy designated.

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Abbreviations: X = Prohibited P = Permitted N/A = Not Applicable C = Conditional Use	**AQ**	**NT**	**UC**	**MI**	**HI**
Shoreline Designation	**Aquatic**	**Natural**	**Urban Conservancy**	**Medium Intensity**	**High Intensity**
• *Building Height*	N/A	N/A	N/A	35’	45’
Non-water-oriented	**X**	**X**	**X**	**C**	**C**
• *Building Setback*	N/A	N/A	N/A	100’ [2]	100’ [2]
• *Building Height*	N/A	N/A	N/A	35’	35’
Mining					
Gravel Mining	**C**[5]	**X**	**X**	**X**	**C**
• *Activity Setback*	N/A	N/A	N/A	N/A	200’
Hard Rock Mining	**X**	**X**	**X**	**X**	**X**
Parking					
Primary Use	**X**	**X**	**X**	**X**	**C**
• *Setback*	N/A	N/A	N/A	N/A	100’ [2]
Accessory Use	**X**	**X**	**C**	**P**	**P**
• *Setback*	N/A	N/A	150’	50’ [2]	50’ [2]
Recreational Uses					
Water-dependent	**P**	**C** [4]	**P**	**P**	**P**
• *Setback*	0’	0’ (buildings 100’)	[1],	0’ [1]	0’ [1]
• *Building Height*	15’	15’	15’	35’	45’
Water-related/enjoyment (trails, accessory buildings)	**C**	**P** [4]	**P**	**P**	**P**
• *Setback*	0’	20’ (Buildings 100’ [2])	20’ (Buildings 100’ [2]	50’ [2]	50’ [2]
• *Building Height*	15’	15’	15’	45’	60’
Non-water-oriented (golf courses, sports fields)	**X**	**X**	**X**	**C**	**C**
• *Setback*	N/A	N/A	N/A	100’ [2]	100’ [2]
• *Building Height*	N/A	N/A	N/A	45’	60’
Residential Uses					
Primary structure/house	**X**	**X**	**P**	**P**	**C**
• *Building Setback*	N/A	N/A	100’ [2]	35’ [2]	35’ [2]
• *Building Height*	N/A	N/A	35’	35’	45’
• *Density*	In accordance with the underlying zoning.				
Accessory Structures	**X**	**N/A**	**P**	**P**	**P**
• *Building Setback*	N/A	N/A	100’ [2]	35’ [2]	35’ [2]
• *Building Height*	N/A	N/A	15’	25’	25’
• *Density*	In accordance with the underlying zoning.				
Signs					
Interpretive/Educational or similar	**P**	**P**	**P**	**P**	**P**
Commercial/industrial-related	**C**	**X**	**X**	**C**	**P**
Transportation Uses					
Highways, Arterials, Railroads	**C**	**X**	**C**	**P**	**P**
• *Right-of-Way Setback*	0’	N/A	200’	100’	100’
Secondary/Public Access Roads	**X**	**X**	**C**	**P**	**P**
• *Right-of-Way Setback*	NA	N/A	100’	50’	50’
Bridges (perpendicular to shoreline)	**C**	**X**	**C**	**P**	**P**
Utility Uses					
Above-ground Utilities (parallel to shoreline)	**X**	**X**	**C**	**C**	**P**
• *Right-of-Way Setback*	N/A	N/A	200’	50’	50’
• *Structure Height*	N/A	N/A	15’	35’	60’
• *Distribution Pole Height*	N/A	N/A	45’	45’	45’
Electrical Transmission Lines	**C**	**C**	**C**	**C**	**C**

Commented [A12]: TAC recommendation. Should mirror the Natural or Medium shoreline for this use.

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Commented [A13]: Currently the 100-foot setback applies to the development of new trails. The TAC recommends a change to require only buildings to be set back 100’, not trails.

Abbreviations: X = Prohibited P = Permitted N/A = Not Applicable C = Conditional Use	**AQ**	**NT**	**UC**	**MI**	**HI**
Shoreline Designation	**Aquatic**	**Natural**	**Urban Conservancy**	**Medium Intensity**	**High Intensity**
Underground Utilities (parallel to shoreline)	**C**	**X**	**C**	**C**	**C**
• *Right-of-Way Setback*	0'	N/A	100'	50'	50'
Underground Utilities (perpendicular to shoreline)	**C**	**C**	**C**	**C**	**C**
• *Right-of-Way Setback*	0'	0'	0'	0'	0'
Unclassified Uses					
Unclassified Uses	**C**	**C**	**C**	**C**	**C**
• *Setback for water-oriented use*	0'	150'	75' [2]	50' [2]	50' [2]
• *Structure or Activity Setback for non-water-oriented use*	0'	150'	100'	100'	100'
• *Structure Height*	15'	15'	35'	35'	35'
Dredging and Dredge Material Disposal					
Non-maintenance Dredging	**C**	N/A	N/A	N/A	N/A
Maintenance Dredging	**P**	N/A	N/A	N/A	N/A
Dredge Material Disposal	**C[5]**	**X**	**X**	**C[5]**	**C[5]**
Dredging & Disposal as part of Ecological Restoration/ Enhancement	**P**	**C**	**P**	**P**	**P**
Flood Control Works and In-stream Structures					
Dams, Dikes, & Levees	**C**	**X**	**C**	**C**	**P**
Instream structures	**C**	N/A	N/A	N/A	N/A
Shoreline Restoration					
Ecological Restoration / Enhancement / Mitigation	**P**	**P**	**P**	**P**	**P**
Shoreline Stabilization					
Bioengineered/Non-Structural	**C**	**C**	**C**	**P**	**P**
Structural	**C**	**X**	**C**	**C**	**C**

Notes for Table:

[1.] Only water dependent facilities may be located waterward of Critical Area buffers and building setbacks and shall minimize disturbance at the water's edge. All other facilities not requiring a location at the water's edge shall meet buffer and setback requirements.

[2.] Uses may be set back less than the Critical Areas Type S buffer of 150-feet only as provided within Section 5.3 (2) for specific reaches or as provided in Appendix C Section 16.61.040(D)(2) Stream Buffer Area Reduction and Averaging.

[3.] Docks are prohibited on the Washougal River. New docks must be shared/joint-use only on Lacamas Lake.

[4.] Low intensity recreational development or uses only. Appropriately designed trails are allowed when developed consistent with the design and development standards of the *Camas Park, Recreation and Open Space Comprehensive Plan*, which include (among others) that the setback between the OHWM and the use is fully vegetated. For additional design and regulation standards refer to Section 6.3.11 Recreational Development of this Program.

[5.] Permitted outside of channel migration zones.

6.3 Use-specific Development Regulations

6.3.1 Agriculture

1. Agricultural practices shall prevent erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

2. Agricultural activities are non-conforming uses in the city, and any new or expansion to such use is prohibited. The conversion of agricultural land to permitted land uses within the underlying zone shall be consistent with the shoreline environment designation and the general and specific use regulations applicable to the proposed use and shall not result in a net loss of ecological functions associated with the shoreline.

3. The disposal of farm wastes, chemicals, fertilizers and associated containers and equipment within shoreline jurisdiction is prohibited. However, composted organic wastes may be used for fertilization or soil improvement.

6.3.2 Aquaculture

1. No aquatic species shall be introduced into City waters without prior written approval of the appropriate state or federal regulatory agency for the species proposed for introduction. Such approval(s) shall be submitted in writing to the City as part of the shoreline permit application.

2. Aquaculture facilities shall only be permitted where impacts to existing water-dependent uses can be fully mitigated.

3. Fish net-pens shall not occupy more than one (1) surface acre of water, excluding booming and anchoring equipment and shall be located greater than one (1) nautical mile from all other aquaculture facilities.

4. No processing of any aquaculture product, except for the sorting or culling of the cultured species and the washing or removal of surface materials or species after harvest, shall occur in or over the water. All other processing activities and facilities shall be located on land.

5. Periodic operational monitoring by a City-approved consultant (unless otherwise provided for) may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures on an annual basis and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.

6. Aquaculture uses and facilities not involving substantial substrate modification shall be located at least six hundred (600) feet from any wildlife refuge lands; those involving substantial substrate modification shall be located at least fifteen hundred (1,500) feet from such areas. Greater distances may be required if recommended by the reviewing resource agencies. Lesser distances may be authorized without a variance if the following are provided by the applicant: (1) it is demonstrated by the applicant that the fish and wildlife habitat resources will be protected; and (2) if the change is supported by the reviewing resource agencies.

7. Aquaculture structures and activities that are not water-dependent (including but not limited to, warehouses for storage of products, parking and loading facilities) shall be located landward of the OHWM and landward of water dependent portions of the project and shall minimize detrimental impacts to the shoreline.

8. For aquaculture projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock. Materials, which are not necessary for the immediate and regular operation of the facility, shall not be stored waterward of the OHWM.

9. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation. All wastes shall be disposed of in a manner that will ensure strict compliance with all applicable waste disposal standards.

10. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and application.

11. Prior to use of any agents such as antibiotics, vaccines, growth stimulants, or anti-fouling agents, approval must be obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, Ecology, WDFW, and the Department of Agriculture, as required, and proof thereof is submitted to the City.

12. Only non-lethal, non-abusive predator control methods shall be used. Double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters are approved methods of predator control. The use of other nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

6.3.3 Boating Uses

6.3.3.1 General Requirements

1. All boating uses, development and facilities shall protect the rights of navigation.

2. Shared moorage with more than 10 berths and boat launching facilities are regulated under this section as marinas, Section 6.3.3.3 Joint-use/shared moorage facilities with 10 or less berths are regulated under this section as moorage, Section 6.3.3.4

3. Boating facilities shall locate on stable shorelines in areas where the following are available: adequate water mixing and flushing; such facilities will not adversely affect flood channel capacity or create a flood hazard; and water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities.

4. Boating facilities shall not be located in the following areas: along braided or meandering river channels where the channel is subject to change in alignment; on point bars or other accretion beaches; or where channel dredging will be required.

5. Boating facilities should not be located in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.

6. Boating facilities located in or over aquatic lands shall meet DNR requirements as well as other state guidance to ensure no net loss of ecological functions.

7. Boating facilities shall locate and shall be designed so that lawfully existing or planned public shoreline access is not obstructed nor made dangerous.

8. Boating uses and facilities shall be located a minimum of 50-feet from public beaches commonly used for swimming, fishing, and aquaculture harvest areas, or waterways used for commercial navigation to alleviate any adverse impacts, safety concerns and potential use conflicts.

9. Accessory uses at boating facilities shall be limited to water-oriented uses, including uses that provide physical or visual shoreline access to the general public.

10. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

11. All marinas and public launch facilities shall provide restrooms/hand-sanitizing facilities for boaters' use that are designed, constructed and maintained to be clean, well-lighted, safe and convenient for public use. One restroom and hand washing facility shall be provided for every seventy-five (75) marina moorage sites or twenty (20) boat launch parking spaces.

12. Installation of boat waste disposal facilities such as pump-outs and portable dump stations shall be required at all marinas and shall be provided at boat launches to the extent possible. The locations of such facilities shall be considered on an

individual basis in consultation with the Washington Departments of Health, Ecology, Natural Resources, Parks, and Fish and Wildlife, as necessary.

13. All utilities shall be placed at or below dock levels, or below ground, as appropriate.

14. All signage shall adhere to the standards for signs in this chapter and the City sign code CMC Chapter 18.15, except that a marina or boat launch may have one advertising sign oriented towards the water that does not exceed twenty-four (24) square feet in area and fifteen (15) feet in height above the OHWM.

15. Marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal

16. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking and other components that may come 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 for use in moorage facilities.

17. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

6.3.3.2 Boat Launch Facilities

1. Launch facilities, haul-out facilities and minor accessory buildings, shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

2. When permitted, boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

3. Rail and track systems shall be preferred over concrete ramps or similar facilities.

4. Private boat launches shall be allowed only when public boat launches are unavailable within one-half (1/2) mile.

5. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot (e.g.: one dock or one boat ramp, not both).

6.3.3.3 Marinas

1. Proposals for new marinas must provide sufficient evidence that existing marinas cannot be expanded and are inadequate to meet regional demand.

2. Backshore dry-moorage marinas shall be preferred over foreshore marinas.

3. Where foreshore marinas are permitted, open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

4. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.

5. Marinas shall be designed to include the following: (1) provide thorough flushing of all enclosed water areas; (2) allow the free movement of aquatic life in shallow water areas; and (3) avoid and minimize any interference with geo-hydraulic processes and disruption of existing shore forms.

6. To the maximum extent practicable, marinas and accessory uses shall share parking facilities.

7. New marina development shall provide public access amenities as described in Chapter 5 of this Program, under Public Access.

8. Marinas shall have adequate facilities and procedures for the following: (1) fuel handling and storage, and (2) the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.

9. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control.

10. Live-aboard watercraft are restricted to marinas that provide potable water, waste handling and other sanitary services.

11. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste.

12. No commercial or sport fish-processing discharge or discarding of unused bait, scrap fish, or viscera shall be permitted within any marina.

13. Marinas shall be subject to the development standards as provided at Section 6.3.3.4, regulations 6 through 10, 13 through 17, 20, and 23-28.

Commented [A14]: Kim V. (Ecology) suggests prohibiting this use given that we don't have a marina.

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Deleted: Live-aboard vessels may occupy up to twenty (20) percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility.

6.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys

1. Moorage facilities shall be located so as to minimize interference with the use of navigable waters.

2. Mooring buoys shall be used instead of docks and piers whenever feasible.

3. Mooring buoys shall be placed as specified by WDFW, DNR, and the U.S. Coast Guard to balance the goals of protecting nearshore habitat and minimizing obstruction to navigation. Anchors and other design features shall meet WDFW standards.

4. Mooring buoys shall be discernible from a distance of at least one hundred (100) yards and shall be equipped with reflectors for nighttime visibility. Only one mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the applicant, for example: if there is a community park with recreational users or a residential development with lot owners both on and away from the shoreline needing moorage.

5. Mooring buoys for residential use on a river shall be securely anchored to pilings to allow for changes in river level and shall be designed to withstand the one-hundred (100) year flood or be seasonably removable.

6. Moorage facilities should not be located in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.

7. Piles or other in-water portions of the moorage structure shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ACZA piling are proposed, the applicant will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers. Any paint, stain, or preservative applied to the overwater structure shall be completely dried or cured prior to installation.

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

9. Covered moorage shall be prohibited.

10. Moorage facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.

11. Existing residential moorage facilities shall be allowed as follows:

a. Existing, legally-established, private recreational docks and floats for individual lots in existing subdivisions and for existing individual single-family developments are considered conforming uses and structures.

b. If an existing dock or float is abandoned, becomes hazardous, or is removed for any reason, then a new dock or float must meet the requirements of this section, which may include provisions for use of mooring buoys or to share the new dock (e.g. Locate along property lines for future expansion), and are consistent with other policies and regulations of this Program.

12. One recreational moorage allowed as follows :

    a. For individual residential lots, the applicant shall demonstrate that existing facilities such as marinas and shared moorage are not adequate or not available for use.

    b. each shoreline lot, or parcel, or contiguous group of lots or parcels in a single ownership that existed on the effective date of this Program , if shared moorage is unavailable within one-quarter (1/4) mile of proposed facility

13. Only a single, joint-use moorage facility may be permitted in association with hotels, motels, land divisions, and multi-family residences. The application shall demonstrate a need and public benefit for moorage.

14. Provisions for waste discharge shall be made in all proposals for public moorage facilities and shall include oil containment barriers when required by the U.S. Coast Guard under provisions of the Federal Water Pollution Control Act.

15. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the moorage owner or lessee.

16. Overwater structures shall be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water or stoppers should be installed to prevent grounding out on state-owned aquatic lands.

17. Docks and piers are prohibited along braided or meandering river channels, or where the river channel is subject to change in direction or alignment (e.g. Washougal River).

18. Docks and piers shall be located to avoid fish spawning locations to the extent practicable.

19. Fixed-piers shall not be permitted for residential use on rivers. Floating docks shall be required in rivers and streams unless it can be demonstrated that fixed

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Commented [A17]: Moved this subsection "c" above to new #13 for clarity. No changes to the text of the item were made.

docks will result in substantially less impact on geo-hydraulic processes and flood hazards can be minimized or mitigated.

20. Docks for residential use on a river shall be securely anchored to pilings to allow for changes in river level, and shall be designed to withstand the one-hundred (100) year flood or be seasonably removable

21. All docks shall include stops that serve to keep the floats off the lake or river beds at low water levels. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.

22. New subdivisions (more than two lots) with shoreline frontage shall provide joint-use moorage facilities if any are proposed. Proposed moorage facility shall include no more than one mooring space for each lot with shoreline frontage. Moorage to serve upland lots without water frontage shall be regulated as a marina.

23. Applicants for joint-use docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties.

24. The maximum dimensions of a dock or pier shall be no greater than necessary but may be adjusted to protect sensitive shoreline resources.

    a. A dock or pier (gangway and floating structure combined) shall be long enough to obtain a depth as required by WDFW at its landward edge. dock may be extended until the water depth reaches eight (8) feet in depth at ordinary low water, , or to a maximum of -hundred ( ) feet, whichever is reached first.

    b. To prevent damage to shallow water habitat, piers and/or ramps shall extend at least twenty (20) feet perpendicular from the OHWM.

    c. Piers and ramps shall be no more than four feet (4) in width.

    d. The bottom of the fascia boards on the pier or bottom of the landward edge of the ramp shall be elevated at least two (2) feet above the horizontal plane of the OHWM

    e. Grating or clear translucent material shall cover the entire surface area of the pier and ramp. The open area of grating shall have a minimum of sixty percent (60%) open. Clear translucent material shall have greater than ninety percent (90%) light transmittance as rated by the manufacturer.

    f. Docks and piers shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to or upon

Commented [A18]: Most new docks require a variance on the length. This change is to better accommodate the characteristic of the river and reduce the number of variances needed in the future.

Commented [A19R18]: Jack – Noted that ramp lengths for three newest docks were between 235 and 300 feet long. Suggests 300 foot length maximum.

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a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.

g. The Administrator may adjust the dimension in this section by equal to or less than ten (10) percent on a case-by-case basis if there are factors such as safety, ADA accessibility, or potential environmental damage. If the proposal requires more than a ten (10) percent deviation, than a Shoreline Variance permit will be required.

25. Docks used for motor boats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.

26. Recreational floats shall be allowed only when located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas. Floats shall be unattached to other structures and be constructed as follows:
    a. That the deck surface is not higher than one (1) foot above the water surface. Reflectors for nighttime visibility shall be incorporated into their design.
    b. Floats shall not exceed dimensions of one-hundred-sixty (160) square feet. For private-use structures a maximum of one float shall be installed. A maximum of two floats shall be installed for joint-use structures.
    c. Freeboard height on floats shall be at least ten (10) inches.
    d. Grating or clear translucent material shall cover at least fifty-percent (50%) of the surface area of floats.

27. Pilings shall be constructed as follows:
    a. Piling diameter shall be minimized to meet the structural requirements of expected loads. piling shall not exceed four (4) inches in diameter. If a piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed five (5) inches. In rivers
    b. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment. Minimum pile spacing is eighteen (18) feet on the same side of any component of the overwater structure.

28. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.

29. Overhead wiring or plumbing shall not be permitted on docks or piers

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Commented [A20]: All of the new docks on the river have submitted engineering that indicates that a minimum of 12" diameter piling is needed. Each of the applicants had to request a variance, which was supported and approved given that it was supported by their engineer. This change will reduce the number of Shoreline Variances for this typical construction method in our river.

6.3.4 Commercial Uses

1. New commercial development that is water-dependent or water-related shall be permitted outright within the shoreline designations of Medium Intensity and High Intensity.

2. New commercial uses and development shall demonstrate that there will not be a net loss of ecological function or have significant adverse impacts to other shoreline resources or another shoreline uses.

3. For mixed use proposals, a nonwater-oriented commercial use may be permitted, if the majority of the use or building is devoted to a water-related or water-enjoyment use. Allowed water-enjoyment commercial uses shall be evaluated in terms of whether the use facilitates a state-wide interest, including ecological restoration and public access and may include specific provisions for restoration and public access.

4. Non-water-oriented commercial uses are allowed as a conditional use where:
    a. Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way, or steep slopes such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program.
    b. Proposed on a site where navigability is severely limited.
    c. All non-water-oriented commercial uses are prohibited in shoreline jurisdiction on parcels that abut the water's edge unless the use provides significant public benefit with respect to the objectives of the Act by:
        i. Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers and in accordance with the Restoration Element of this plan.
        ii. The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in accordance with Section 5.5.

5. Loading and service areas shall be screened from view using native plants combined with fencing or masonry walls.

6. Where water-related and water-enjoyment commercial uses are allowed as a conditional use in the Urban Conservancy shoreline environment, then the use must increase the public use, enjoyment, or access to the shoreline.

6.3.5 Forest Practices

1. Commercial timber harvesting shall not be permitted.

2. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent

to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to Conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent conversion proposals for a period of six years from date of Forest Practices application approval per RCW 76.09.060(3)(d), (e) and (f), RCW 76.09.460, and RCW 76.09.470.

3. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses or developments shall not be considered forest practices and shall be reviewed in accordance with the provisions for the proposed non-forestry use, and the general provisions of this Program, including vegetation conservation.

6.3.6 Industrial Uses

1. Water-dependent industrial uses and development are preferred.

2. Water-related uses and nonwater-oriented uses shall not displace existing water-dependent uses or occupy space designated for water-dependent uses identified in a substantial development permit or other approval.

3. Non-water-oriented industrial uses may be permitted where:
    a. Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way, or steep slopes such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program.
    b. Proposed on a site where navigability is severely limited.
    c. All non-water-oriented industrial uses are prohibited in shoreline jurisdiction on parcels that abut the water's edge unless the use provides significant public benefit with respect to the objectives of the Act by:
        i. Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA Salmon Restoration Plans.
        ii. The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in conformance with Section 5.5.
4. Waterward expansion of existing non-water-oriented industry is prohibited unless all critical area buffer and building setback requirements are met.

5. Proposed developments shall maximize the use of legally-established existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new

industrial and port developments shall demonstrate the need for expansion into an undeveloped area.

6. Proposed large-scale industrial developments or major expansions shall be consistent with Camas' Comprehensive Plan and other related development plans that are adopted by the city.

7. New facilities for shallow-draft shipping shall not be allowed to preempt deep-draft industrial sites.

8. Ship, boat-building, and repair yards shall employ best management practices (BMPs) with regard to the various services and activities they perform and their impacts on surrounding water quality.

9. Industrial water treatment and water reclamation facilities may be permitted only as conditional uses and only upon demonstrating that they cannot be located outside of shoreline jurisdiction. They shall be designed and located to be compatible with recreational, residential, or other public uses of the water and shorelands.

6.3.7 Log Storage

1. Log booming, rafting and storage in the Aquatic shoreline designation shall comply with WAC 332-30-145 or its successor.

2. Log storage shall be permitted in public waters only where (1) water quality standards can be met at all times; (2) grounding will not occur; (3) associated activities will not hinder other beneficial uses of the water, such as small craft navigation; and (4) fish and wildlife habitat conservation areas can be avoided.

3. No log raft shall remain in the Aquatic shoreline designation for more than one year, unless specifically authorized in writing.

4. Log storage facilities shall be sited to avoid and minimize the need for dredging in order to accommodate new barging and shall be located in existing developed areas to the greatest extent feasible. If a new log storage facility is proposed along an undeveloped shoreline, an alternatives analysis shall be required.

5. Log booming shall only be allowed offshore in sub-tidal waters in order to maintain unimpeded nearshore migration corridors for juvenile salmonids and to minimize shading of nearshore habitat from log rafts.

6. A Debris Management Plan describing the removal and disposal of wood waste must be developed and submitted to the City. Debris monitoring reports shall be provided, where stipulated. Positive control, collection, treatment, and disposal methods for keeping leachate, bark, and wood debris (both floating and sinking particles) out of surface water and groundwater shall be employed at log storage areas, log dumps, raft building areas, and mill-side handling zones. In the event

that bark or wood debris accidentally enters the water, it shall be immediately removed. Surface runoff from log storage areas shall be collected and discharged at only one point, if possible.

7. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under ESA shall be re-evaluated if use is discontinued for one (1) year, or if more than fifty (50) percent of the facility needs repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water, or, if the site should be used for other purposes that would have lesser impacts on ESA-listed species. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.

6.3.8 Institutional Uses

1. Water-oriented institutional uses and developments are preferred.

2. Where allowed, nonwater-oriented institutional uses may be permitted provided that a significant public benefit such as public access or ecological restoration are provided.

3. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible. Loading and service areas shall be screened from view with native plants in combination with fencing or walls.

4. Where institutional uses are allowed as a conditional use then the use must provide substantial public benefit by increasing the public use, enjoyment or access to the shoreline.

6.3.9 Mining

1. Mining and associated activities may be permitted as a shoreline conditional use within the High Intensity designation, if the applicant demonstrates that it is dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a).

2. Mining activities, other than mining of river point bar material, shall be set back pursuant to Table 6-1 and maintain a vegetated buffer between the mining site and the adjacent water body.

3. Mining and associated activities shall be designed and conducted to result in no net loss of shoreline ecological functions and processes, and will only be allowed if they will not cause:

a. Damage to or potential weakening of the structural integrity of the shoreline zone that would change existing aquatic habitat or aquatic flow characteristics;

b. Changes in the water or exchange of water to or from adjacent water bodies that would damage aquatic or shoreline habitat; and

c. Changes in groundwater or surface water flow that would be detrimental to aquatic habitat, shoreline habitat, or ground water.

4. Mining within the active channel(s) or channel migration zone of a stream shall not be permitted unless:

   a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect instream habitat or the natural processes of gravel transport for the stream system as a whole.

   b. The mining and any associated permitted activities, such as flood hazard reduction (Section 5.4), will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

5. All applicable permits and approvals, including but not limited to, Hydraulic Project Approvals (HPA) from WDFW, shall be obtained and all applicable provisions attached thereto shall be adhered to.

6. A reclamation plan that complies with the format and detailed minimum standards of RCW 78.44 and WAC 332-18 and that meets the provisions of this Program shall be included with any shoreline permit application for mining. The proposed subsequent use of mined property must be consistent with the provisions of the shoreline designation in which the property is located. Reclamation of disturbed shoreline areas shall provide appropriate ecological functions consistent with the setting.

7. Aggregate washing and ponding of waste water are prohibited in floodways.

8. Disposal of overburden or other mining spoil or non-organic solid wastes shall comply with fill policies and regulations of this Program.

9. In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the City shall require compliance with this Program.

10. The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231.

6.3.10 Parking

1. Parking as a primary use is prohibited.

2. Parking as an accessory use may serve uses that are not physically within shoreline jurisdiction but are located on the same parcel.

3. Parking facilities shall be designed and landscaped to minimize adverse environmental and aesthetic impacts. Parking shall be located landward of the use it is serving, only if it is not located along the primary street frontage. The city prefers buildings entrances (not a parking lot) to benefit from the city's extensive sidewalk and trail network.

4. Parking areas shall be landscaped along the perimeter. Landscaping shall consist of native vegetation, which is planted prior to final inspection of project, and will provide effective screening within three years of planting.

5. Parking facilities shall be designed to prevent surface water runoff from contaminating water bodies. Permit shall include evidence of financial surety for ongoing maintenance program that will assure proper functioning of facilities over time.

6.3.11 Recreational Development

1. Water-oriented recreational uses and developments are preferred.

2. Trails shall be designed and constructed in substantial compliance with the standards of the *Camas Park, Recreation and Open Space Comprehensive Plan*, Design & Development Guidelines (2007, Appendix A), with the constructed width varying by trail type and critical area protection.

3. Recreation areas or facilities on the shoreline shall provide physical or visual public access in accordance with Section 5.5.

4. Parking areas that are accessory to recreational uses shall be located upland a minimum of one hundred and fifty (150) feet away from the immediate shoreline, with pedestrian trails or walkways providing access to the water.

5. All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways. The Administrator may grant exceptions for non-intensive minor accessory uses (including but not limited to, picnic tables or playground equipment).

6. Parks and trailheads shall be provided with restrooms with hand washing facilities in accordance with public health standards and without adversely altering the natural features attractive for recreational uses.

7. Recreational facilities shall make adequate provisions, such as densely vegetated buffer strips, screening, fences, and signs, to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.

8. Provisions shall be made for the protection of water areas from drainage and surface runoff in all recreational developments requiring the use of fertilizers and pesticides in areas adjacent to shorelines, such as in play fields and golf courses.

9. Golf course structures (clubhouses and maintenance buildings) that are non-water-oriented shall be located no closer than one hundred (100) feet from the OHWM.

10. Tees, greens, fairways, golf cart routes, and other site development features shall be located no closer than two hundred (200) feet from the OHWM to the extent practicable. If golf cart routing is combined with public access trails, it may be located one hundred (100) feet from OHWM.

11. Golf course water hazards and stormwater drainage basins shall be managed for wildlife through appropriate plantings and measures to maintain or enhance water quality.

6.3.12 Residential Development

1. Residential developments shall include provisions to ensure preservation of native vegetation and control erosion during construction.

2. New residential construction shall be located so as not to require shoreline stabilization measures.

3. New residential development shall be prohibited in, over, or floating on the water.

4. New residential development shall be located and designed that the bulk and density of structures minimizes view obstructions to and from the shoreline.

5. Clustering of residential units shall be allowed where appropriate to minimize physical and visual impacts on shorelines.

6. In those areas where only onsite sewage systems are available, density shall be limited to that which can demonstrably accommodate protection of surface and groundwater quality.

7. New residential development, including sewage disposal systems, shall be prohibited in floodways and channel migration zones.

8. Appurtenances, accessory uses, and facilities serving a residential structure shall be located outside setbacks and critical areas and buffers unless otherwise allowed under this Program to promote community access and recreational opportunities.

9. New residential units or lots created through land division in the shoreline shall be sized and configured in accordance with the city's zoning ordinance and shall only be permitted when the following standards are met:

a. Flood hazard reduction measures are not required and will not be necessary during the life of the development or use in accordance with Appendix C, Chapter 16.55 Frequently Flooded Areas.

b. Shoreline stabilization measures are not required.

6.3.13 Signs

1. Free-standing signs shall be for informational purposes such as directional, navigational, educational/interpretive, and safety purposes, unless otherwise allowed under this Program and as specified in Table 6-1.

2. Signs for commercial purposes shall be limited to fascia or wall signs and as regulated by CMC Chapter 18.15 Signs, unless otherwise provided for in this chapter for specific uses.

3. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access corridors to the shoreline.

4. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.

5. Illuminated signs shall be limited to informational, directional, navigational or safety purposes and shielded so as to eliminate glare when viewed from surrounding properties or watercourses.

6.3.14 Transportation Uses

1. All transportation facilities shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.

2. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction or set back from the ordinary high water mark far enough to make shoreline stabilization, such as rip rap, bulkheads or jetties, unnecessary.

3. Transportation facilities shall not adversely impact existing or planned water-dependent uses by impairing access to the shoreline.

4. All roads shall be set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.

5. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible to

reduce shade impacts. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.

6. Fills for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this program.

   Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies where feasible.

6.3.15 Utilities Uses

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

1. Whenever feasible, all utility facilities shall be located outside shoreline jurisdiction. Where distribution and transmission lines (except electrical transmission lines) must be located in the shoreline jurisdiction they shall be located underground .

2. Where overhead electrical transmission lines must parallel the shoreline, they shall be no closer than one hundred (100) feet from OHWM unless topography or safety factors would make it unfeasible, then a shoreline conditional use permit shall be required.

3. Utilities shall be designed, located and installed in such a way as to preserve the natural landscape, minimize impacts to scenic views, and minimize conflicts with present and planned land and shoreline uses.

4. Transmission, distribution, and conveyance facilities shall be located in existing rights of way and corridors or shall cross shoreline jurisdictional areas by the

shortest, most direct route feasible, unless such route would cause significant environmental damage.

5. Utility production and processing facilities, such as power plants and wastewater treatment facilities, or parts of those facilities that are nonwater-oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that no other feasible option is available and will be subject to a shoreline conditional use permit.

6. Stormwater control facilities, limited to detention, retention, treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the following provisions are met:

    a. The stormwater facility is designed to mimic and resemble natural wetlands and meets the standards of CMC 14.02 Stormwater and the discharge water meets state water quality standards;

    b. Low impact development approaches have been considered and implemented to the maximum extent feasible.

7. New and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to those habitats.

8. Water reclamation discharge facilities (e.g. injection wells) are prohibited in the shoreline jurisdiction, unless the discharge water meets State Department of Ecology Class A reclaimed water standards. Proponents for discharge of Class A reclaimed water in the shoreline jurisdiction shall demonstrate habitat benefits of such discharge.

9. Where allowed under this program, construction of underwater utilities or those within the wetland perimeter shall be scheduled to avoid major fish migratory runs or use construction methods that do not cause disturbance to the habitat or migration.

10. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall provide automatic shut off valves.

11. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is fully established. Plantings at installation shall be at least 2" minimum caliper at breast height if trees, five-gallon size if shrubs, and ground cover shall be planted from flats at 12" spacing, unless other mitigation planting is recommended by a qualified biologist and approved by the Administrator.

6.4 Shoreline Modification Regulations

6.4.1 General Requirements

1. Structural shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect allowed 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.

2. Modifications shall only be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions.

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

6.4.2 Dredging and Dredge Material Disposal

6.4.2.1 Dredging

1. New dredging shall be permitted only where it is demonstrated by a qualified professional that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.

2. Maintenance dredging of established navigation channels and basins shall be restricted to management of previously dredged or existing authorized location, depth and width.

3. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places, the Washington Heritage Register, or the Clark County Historic Register until such time that they have been reviewed and approved by the city and the Department of Archaeology and Historic Preservation (DAHP).

4. Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created to mitigate for the dredging project.

5. New dredging activity is prohibited in the following locations:

a. Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered, or irretrievably lost;

b. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity which result in the need for continual maintenance dredging;

c. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife;

6. Dredging and dredge disposal shall be scheduled to protect biological productivity (including but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (including but not limited to, drift netting and crabbing) during a fishing season unless specifically addressed and mitigated for in the permit.

7. Dredging techniques that cause minimum dispersal and broadcast of bottom arterial shall be used, and only the amount of dredging necessary shall be permitted.

8. Dredging waterward of the OHWM shall be permitted only:

a. For navigation or navigational access;

b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;

c. As part of an approved habitat improvement project;

d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;

e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.

6.4.2.2 Dredge Material Disposal

1. Dredge material disposal shall be avoided. Dredge disposal shall be permitted only where it is demonstrated by a qualified professional that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.

2. Near shore or landside disposal of dredge materials shall not be located upon, adversely affect, or diminish:

    a. Stream mouths, wetlands, or significant plant communities (approved mitigation plans may justify exceptions);

    b. Prime agricultural land except as enhancement;

    c. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;

    d. Designated or officially recognized wildlife habitat and concentration areas;

    e. Water quality, quantity, and drainage characteristics; and

    f. Public access to shorelines and water bodies.

3. Dredged material shall be disposed of on land only at sites reviewed and approved by the USACOE and the Shoreline Administrator. Applicants shall demonstrate that the proposed site will ultimately be suitable for a use permitted by this Program. Disposal shall be undertaken such that:

    a. The smallest possible land area is affected, unless dispersed disposal is authorized as a condition of permit approval for soil enhancement or other purposes;

    b. Shoreline ecological functions and processes will be preserved, including protection of surface and ground water;

    c. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and

    d. Sites will be adequately screened from view of local residents or passersby on public rights-of-way to the maximum extent practicable (e.g. combination of fencing and vegetation).

4. The following conditions shall apply to land disposal sites:

    a. Underground springs and aquifers shall be identified and protected.

    b. Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling.

    c. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainage ways.

    d. There shall be a single point of ingress and egress for removal of the de-watered material.

e. Runoff shall be directed through grassy swales or other treatment features that assures protection of water quality and a location that maximizes circulation and fishing.

f. Sites shall be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions;

g. Vegetation shall be maintained to ensure continued existence by the property owner; and

h. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within the jurisdiction of this Program, shall comply with the fill regulations.

5. Dredged material shall be disposed of in water only at sites approved by the USACOE and the Administrator. Disposal techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only if:
   a. Land disposal is infeasible, less consistent with this Program, or prohibited by law;
   b. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;
   c. Offshore habitat will be protected, restored, or enhanced;
   d. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
   e. Shifting and dispersal of spoil will be minimal; and
   f. Water quality will not be adversely affected.
6. The deposition of dredged materials in water or wetlands shall be permitted only:
   a. To improve wildlife habitat;
   b. To correct material distribution problems adversely affecting fish habitat;
   c. To create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit;
   d. When land deposition is demonstrated to be more detrimental to shoreline resources than water deposition; or
   e. In approved, open-water disposal sites.

6.4.3 Flood Control Works and In-stream Structures

6.4.3.1 Flood Control Works

1. Dikes and levees shall be authorized by conditional use permit only when it can be demonstrated by a scientific and engineering analysis that:
   a. They are necessary to protect existing development;

   b. Nonstructural measures are not feasible;
   c. Impacts on ecological functions and critical areas can be successfully mitigated so as to assure no net loss; and
   d. Appropriate vegetation conservation actions are undertaken.
2. Dikes and levees shall protect the natural processes and resource values associated with stream including but not limited to wildlife habitat.

3. Underground springs and aquifers shall be identified and protected.

4. Public access shall be provided in accordance with public access policies and regulations of the property owner and this master program. If the project is publicly funded, then where feasible the design must not restrict appropriate public access to the shoreline, improve public access to the shoreline, and provide ecological restoration.

5. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification.

6. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or stream area unless part of a comprehensive flood and habitat enhancement plan, and then only by conditional use.

6.4.3.2 Flood Control Works – Design

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Hydraulic Project Approval, and in consideration of resource agency requirements and recommendations.

2. Structural flood hazard reduction measures shall be placed landward of associated wetlands and vegetation conservation areas unless there is no other feasible alternative to reduce flood hazard to existing development.

3. Dikes and levees shall be setback at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion. Where bank dikes have already cut off point bars from the edge of the floodway, consideration should be given to their relocation in order to lower flood stages and current velocities.

4. Where dikes are necessary in intermediate gradient floodways to protect fringe areas, tangent diking is preferred over bank levees. Dikes and levees shall be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity.

5. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.

6. The outside face of dikes shall be sloped at 1.5:1 (horizontal to vertical) or flatter and seeded with native grasses.

6.4.3.3 In-stream Structures

1. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The city may condition the permit to achieve this objective such as setbacks, buffers, or storage basins.

2. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.

3. In-stream structures shall provide for adequate upstream or downstream migration of anadromous fish, where applicable.

4. In-stream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.

6.4.3.4 In-stream Structures – Design & Placement

1. In-stream structures and their support facilities shall be located and designed to avoid the necessity for shoreline defense structures. Shoreline defense structures shall be minimized and any impacts mitigated. All diversion structures shall be designed to permit natural transport of bedload materials.

2. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body, including a wetland, by erosion, from drainage, high water, or other vectoring mechanisms.

3. All heavy construction equipment, and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline functions. Powerhouses, but not raceways, shall be located farther than two hundred (200) feet from the OHWM unless there is no feasible alternative and any unavoidable impacts are minimized and mitigated. Penstocks shall be located, designed, and constructed so as to present as low a profile as possible. Powerhouses and penstocks shall be located and designed to return flow to the stream in as short a distance as possible.

4. Mitigation plans that details the objectives of the mitigation activities shall be prepared by the applicant and be subject to approval by the Administrator and WDFW.

6.4.4 Shoreline Restoration and Enhancement

1. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes as well as shoreline features should be targeted toward meeting the needs of sensitive or regionally important plant, fish, and wildlife species shall be given priority.

2. Shoreline restoration, enhancement, and mitigation activities designed to create dynamic and sustainable ecosystems to assist the City achieve no net loss of shoreline ecological functions are preferred.

3. Restoration activities shall be carried out in accordance with an approved shoreline restoration plan, and in accordance with the provisions of this Program.

4. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the Clark County Coalition Shoreline Restoration Plan.

5. Habitat and beach creation, expansion, restoration, and enhancement projects may be permitted or exempt from permits subject to required state or federal permits when the applicant has demonstrated that:
   a. The project will not be carried out within spawning, nesting, or breeding fish and wildlife habitat conservation areas;
   b. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected.
   c. Water quality will not be degraded;
   d. Flood storage capacity will not be degraded;
   e. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
   f. The project will not interfere with the normal public use of the navigable waters of the state.

6.4.5 Shoreline Stabilization – General

1. New shoreline stabilization for new development is prohibited unless it can be demonstrated that the proposed use cannot be developed without shore protection or is necessary to restore ecological functions or hazardous substance remediation.
2. Pursuant to WAC 173-26-231(3) (a) (B), new or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves not, for example, from upland conditions such

as poorly managed stormwater or vegetation removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The erosion control structure will not result in a net loss of shoreline ecological functions.

3. Proposed designs for new or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines using best available science. The applicant shall provide the following information in a report by a qualified professional: (a) evidence that alternative solutions (non-structural) are not feasible or do not provide sufficient protection; and (b) demonstrate that future stabilization measures would not be required on the project site.

4. Land subdivisions or lot line adjustments shall be designed to assure that future development of the newly-created lots will not require structural stabilization for subsequent development to occur.

5. New or expanded structural shoreline stabilization for existing structures (e.g. roads, railroads, 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 years as a result of shoreline erosion caused by stream processor waves, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions or processes.

6. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities (e.g. roads, bridges, railways, and utility systems) from erosion caused by stream undercutting or wave action; provided that the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Proposed designs for new or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines and certified by a qualified professional.

7. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

8. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

9. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 may be exempt and regulated under the

state process. Stabilization projects that are not part of such a fish enhancement project will be regulated by this Program.

10. Small-scale or uncomplicated shoreline stabilization projects (e.g. tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.

11. Large-scale or more complex shoreline stabilization projects (e.g. Projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The city may require that a qualified professional monitor construction or to construct the project.

12. If the project is publicly funded then it must include appropriate provisions for public access to the shoreline, not create barriers to public access if in existence, and incorporate ecological restoration measures if feasible.

13. Standards for new stabilization structures when found to be necessary include limiting the size to minimum, using measures to assure no net loss of shoreline ecological functions, using soft approaches, and mitigating for impacts.

6.4.6 Bioengineered Stabilization

1. All bioengineered projects shall be designed in accordance with best available science and use a diverse variety of native plant materials including but not limited to trees, shrubs, forbs, and grasses, unless demonstrated infeasible for the particular site.

2. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that within three years all vegetation is fully re-established. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.

3. Bank protection in the form of a buffer zone of at least 25-feet from OHWM shall be provided for a minimum of three (3) years. The buffer zone shall exclude livestock, vehicles, and/or other activities that could disturb the site.

4. All bioengineered projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.

5. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

6.4.7 Structural Stabilization

Naturally regenerating systems for the prevention and control of shoreline erosion shall be used instead of structural solutions where (1) the length and configuration of

shoreline will accommodate such systems; (2) such protection is a reasonable solution to the needs of the specific site; and (3) the project will:

a. Recreate or enhance natural shoreline conditions;

b. Create or enhance natural habitat;

c. Reverse otherwise erosional conditions; or

d. Enhance access to the shoreline, especially to public shorelines.

6.4.7.1 Bulkheads

A. Bulkheads - General

1. All bulkheads must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

2. Bulkheads shall be allowed only when evidence is presented that conclusively demonstrates that one of the following conditions exists:

   a. Serious wave erosion threatens an established primary use or primary building(s) on upland property;

   b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this Program, provided that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options), and that such bulkheads meet other policies and regulations of this chapter; or

   c. Proposals for bulkheads have first demonstrated that use of natural materials and processes and nonstructural solutions to bank stabilization are unworkable in protecting existing development.

3. Use of a bulkhead to protect a platted lot where no structure presently exists is prohibited.

4. Natural materials and processes such as protective berms, drift logs, brush, beach feeding, or vegetative stabilization shall be utilized to the maximum extent possible.

5. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.

6. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.

B. Bulkhead Location

1. Bulkheads shall not be located on shores where valuable geohydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marches, wetlands, or accretion shore forms such as spits, hooks, bars, or barrier beaches.

2. Bulkheads are to be permitted only where local physical conditions such as foundation bearing material, surface, and subsurface drainage are suitable.

3. On all shorelines, bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural), and generally parallel to the natural shoreline. In addition:

    a. On bluff or bank shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the bank as possible, and in no case shall it be more than three (3) feet waterward from the toe of the natural bank.

    b. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that (1) the adjoining bulkheads were built at or near the OHWM, and (2) the new bulkhead does not extend more than three feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM and shall be contoured to minimize the land area waterward of the required setback, that shall be met on the side not abutting an existing bulkhead.

4. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead, provided that replacement bulkheads shall not be authorized abutting an abandoned or neglected bulkhead, or a bulkhead in serious disrepair that is located more than three feet waterward of OHWM. Replacement of such bulkheads shall be located at OHWM.

C. Bulkhead Design

1. Bulkhead design and development shall conform to all other applicable state agency policies and regulations, including the WDFW criteria governing the design of bulkheads.

2. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.

3. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.

4. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.

5. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.

6. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of it.

7. Materials used in bulkhead construction shall meet the following standards:

    a. Bulkheads shall utilize stable, non-erosional, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials that will accomplish the desired end with the maximum preservation of natural shoreline characteristics.

    b. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit, and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.

8. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this Program are feasible, because of their limited durability and the potential hazard to shore users and the shoreline environment.

9. Fill behind bulkheads shall be considered landfill, and shall be subject to the provisions for landfill, and the requirement for obtaining a shoreline substantial development permit.

6.4.7.2 Revetments

A. Revetments - General

1. Revetments (e.g. rip rap) must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

2. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.

3. Design of the proposed revetment shall incorporate proper consideration of a) data on local geophysical conditions; b) data on stream flow, velocity, and/or flood capacity; and c) effects on adjacent properties

4. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.

5. Revetments shall only be used when habitat-friendly alternatives are not feasible.

B. Revetment - Design

1. When permitted, the siting and design of revetments shall be performed using appropriate engineering principles, including guidelines of the Natural Resources Conservation Service and the U. S. Army Corps of Engineers.

2. Revetment shall be constructed using techniques and materials that will enhance natural shoreline values and functions, including fish and wildlife habitat, water quality, vegetation, and aesthetics. The following techniques and materials shall be used:

   a. Riprap material shall consist of clean quarried rock, free of loose dirt and any pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action. Tires, automobile bodies, scrap metal paper products, and other inappropriate solid waste materials shall not be used for riprap.

   b. Use of downed logs, snags, or rock-work to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate.

   c. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion, provide cover, shade and habitat, and improve the natural appearance of the shoreline, consistent with the applicable vegetation management provisions of this Program.

3. If an armored revetment is employed, the following design criteria shall be met.

   a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;

   b. Filter cloth must be used to aid drainage and help prevent settling; and

   c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action for the anticipated life of the project.

4. The area shall be restored as nearly as possible to pre-project condition, including replanting with native species and maintenance care until the newly planted vegetation is established.

6.4.7.3 Breakwaters, Jetties, Rock Weirs, and Groins

A. Breakwaters, Jetties, Rock Weirs, and Groins- General

1. All breakwaters, jetties, rock weirs, and groins are allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

2. Breakwaters, jetties, rock weirs, and groins shall only be permitted by conditional use for navigational purposes, industrial activities, and marinas, harbor, marina, or port where water-dependent uses are located waterward of the OHWM, and where protection from strong wave action is essential.

3. Applicants proposing groins, jetties, and solid breakwaters shall notify all shoreline landowners within one mile of the project proposal or within the same drift sector, whichever is greater.

4. The effect of proposed breakwaters, jetties, rock weirs, and groins on sand movement shall be evaluated during permit review. The beneficiaries and owners of large-scale defense works that substantially alter, reduce, or block littoral drift, and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach feeding program either by artificially transporting sand to the downdrift side of an inlet with jetties or by artificial beach feeding in the case of groins, breakwaters, and rock weirs.

5. The effect of proposed breakwaters, jetties, rock weirs, and groins on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

B. Breakwaters, Jetties, Rock Weirs, and Groins - Location

1. Breakwaters shall be prohibited in lakes.

2. Jetty, rock weir, or groin development that would result in a net adverse impact on adjacent and nearby properties and shorelines is prohibited.

C. Breakwaters, Jetties, Rock Weirs, and Groins– Design

1. Proposed designs for new or expanded breakwaters, jetties, rock weirs, and groins shall be designed and certified by a civil engineer, registered in the State of Washington.

2. The design of breakwaters, jetties, rock weirs, and groins shall conform to all applicable requirements established by the Washington Departments of Fish and Wildlife, and the U.S. Army Corps of Engineers. Breakwaters, jetties, rock weirs, and groins shall be designed and constructed in a manner that will prevent detrimental impacts on water circulation, sand movement, and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.

3. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access such as sightseeing and public fishing if it is determined such access is feasible and desirable. Open-pile or floating breakwaters shall be the only type

allowed unless it can be shown that solid breakwaters will have no significant adverse effect on the aquatic biology and shore processes, or that such adverse effects can be adequately mitigated.

4. Materials used for the construction of breakwaters, jetties, rock weirs, and groins shall exhibit the qualities of long-term durability, ease of maintenance, and compatibility with local shore features, processes, and aesthetics. The use of solid waste, junk, or abandoned automobiles, asphalt, or any building demolition debris is prohibited.

5. Floating breakwaters shall be used in place of solid, rubble mound types wherever they can withstand anticipated wave action in order to maintain sand movement and protect fish and aquatic habitat.

CHAPTER 7 **DEFINITIONS**

A

1. **Accessory Structure** – a subordinate building incidental to the use of the main building.
2. **Accessory Use** – any use or activity incidental and subordinate to a primary use or development.
3. **Accretion** – the growth of a beach by the addition of material transported by wind and/or water. Included are such shore forms as barrier beaches, points, spits, hooks, and tombolos.
4. **Act** - Washington State Shoreline Management Act of 1971, as amended, RCW 90.58.
5. **Adjacent Lands** – lands adjacent to the shorelines of the state (not within shoreline jurisdiction) *(RCW 90.58.340)*.
6. **Agricultural Activities -** agricultural uses and practices including, but not limited to: producing, breeding or increasing agricultural products; rotating and changing agricultural crops; agricultural crops; allowing land used for agricultural activities to lie fallow in that it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation *(WAC 173-26-020(3)(a))*.
7. **Agricultural Land** – those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to the state guidelines adopted December 17, 2003, as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.
8. **Amendment** - means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.
9. **Anadromous fish** -means fish that migrate downstream in their juvenile life stages; live their adult lives in the ocean; then migrates upstream from the ocean to breed in fresh water.
10. **Appurtenance** - A structure or development incidental to a primary use. *See also, "Normal appurtenance"*
11. **Aquaculture** - means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck

associated with the state managed wild stock geoduck fishery. (WAC 173-26-020(6)).

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

13. **Average Grade Level** - the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure: For structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure *(WAC 173-27-030(3))*.

B

14. **Beach Enhancement or Restoration**– means the process of restoring a beach to a state more closely resembling a natural beach, using as non-intrusive means as applicable.

15. **Beds of Navigable Waters -** or "**Bedlands**" - mean those submerged lands, including tidelands where appropriate, underlying navigable waters.

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

17. **Best Available Science** – means the most reliable and available scientific information, most often used in the context of local government compliance with the State Growth Management Act (RCW 36.70A.172) for developing policies and development regulations regarding critical areas (WAC 365-195).

18. **Best Available Technology (BAT)** – means the most effective method, technique, or product available that is generally accepted in the field, and which is demonstrated to be reliable, effective, and preferably low maintenance.

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

20. **Bioengineering -** means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation *(WAC 220-110-020(12))*.

21. **Boat** - See "Vessel."

22. **Boat Launch Facility**- a facility or structure providing access in and out of the water for vessels, by means of ramps, rails, or lift stations.
23. **Boat House** - means a structure designed for storage of vessels located over water that is not a residence.
24. **Breakwater** - a structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.
25. **Buffer Area** – A strip of land that is designed and designated to permanently remain vegetated to protect an adjacent aquatic or wetland resource from landward impacts, improve water quality, and to provide habitat for fish and wildlife.
26. **Bulkhead** - a solid, open-pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective vertical wall resistant to water and wave action.
27. **Buoy -** See "Mooring Buoy."

C

28. **Channel** – an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stock watering channels *(WAC 173-27-030(8b))*.
29. **Channel Migration Zone (CMZ)** - the area along a river within that the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
30. **Clean Water Act** – the primary federal law providing water pollution prevention and control previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.
31. **Clearing** - the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.
32. **Commercial** - a business use or activity at a scale greater than a home occupancy business involving retail or wholesale marketing of goods and services. Commercial uses are further defined in CMC Title 18 Zoning.
33. **Commercial dredging** - applies to establishments engaged in the dredging of sand, gravel or rocks for resale or wholesale marketing.
34. **Commercial Fishing** - is the activity of capturing fish and other seafood under a commercial license.
35. **Conditional Use** – a use, development, or substantial development that is classified as a conditional use, or is not classified within this Program, and requires a shoreline conditional use permit pursuant to WAC 173-27-160.

36. **Covered Moorage** – means a boat moorage, with or without walls, that has a roof to protect a vessel.

37. **Critical Aquifer Recharge Area -** Areas with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act and as designated in Appendix C, CMC Chapter 16.55 of this Program.

38. **Critical Areas -** include fish and wildlife habitat conservation areas, wetlands, frequently flooded areas, critical aquifer recharge areas, and geologic hazard areas as regulated in Appendix C of this Program.

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

D

40. **Date of Filing - means** the date upon actual receipt by Ecology of the city's decision except as provided for below:

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

41. **Development -** an activity 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 that may interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level *(RCW 90.58.030(3d*)).

42. **Development Regulations -** the controls placed on development or uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto *(WAC 173-26-020(8))*.

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

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44. **Dock** – means a landing or moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.

    Residential dock means a dock that is for the non-commercial use and enjoyment of a residential lot.

    Recreational dock means a dock that is designed for pleasure or leisure craft only that may be privately or publicly owned and operated for joint-use to support adjacent recreational land uses.

45. **Dolphin –** A cluster of piles bound together**.**

46. **Dredge Material** – the material removed by dredging.

47. **Dredging -** is the removal or displacement of earth or sediments such as gravel, sand, mud, silt, or debris from below the OHWM of any stream, river, lake, or water body or wetland.

E

48. **Ecological Functions** or **Shoreline Functions** - the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments which constitute the shoreline's natural ecosystem *(WAC 173-26-200 (2)(c))*.

49. **Ecosystem-wide Processes** - the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions *(WAC 173-26-020(14))*.

50. **Effective Date of Permit** – means for Shoreline Substantial Development, Conditional Use and Variance Permits is the date of filing as provided in RCW 90.58.143 that includes completion of all appeals or legal actions.

51. **Emergency/Emergency Construction -** is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this Program and WAC 173-27. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency *(RCW 90.58.030(3)(e)(iii) and WAC 173-27-040(2)(d))*.

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

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

54. **Essential Public Facilities –** are broadly defined as being those types of facilities that are typically difficult to site. This definition includes but is not limited to, airports, state education facilities, state and regional transportation facilities, state and local correctional facilities, solid waste handling facilities, medical care facilities, mental health facilities, and group homes *(RCW 36.70A.200(1))*.

55. **Exempt/Exemption -** developments that are set forth in Chapter 2 (Exemptions from Substantial Development Permit) of this Program that are not required to obtain a Shoreline Substantial Development Permit, but which must otherwise comply with applicable provisions of the act and this Program.

F

56. **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))*.

57. **Feasible –**means, for the purpose of this Program, that 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 these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining infeasibility, the city may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

58. **Feeder Bluff** - any bluff (or cliff) experiencing periodic erosion from waves, sliding, slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a drift way to an accretion shore form. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.

59. **Fill -** means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land *(WAC 173-26-020(14))*.

60. **Fish and Wildlife Habitat Conservation Areas –** means habitat for Endangered, Threatened and Sensitive species as defined and protected under the provisions of CMC Chapter 16.61 and Appendix C of this Program.

61. **Fish Habitat Enhancement Project** – a fish habitat enhancement project specifically meeting the criteria established in RCW 77.55.181.
62. **Float -** a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft.
63. **Floating Home -** a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed. (Also see "houseboat")
64. **Flood Hazard Reduction** - measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.
65. **Floodplain -** synonymous with the one hundred-year floodplain and refers to the land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Act *(WAC 173-26-020(17))* and (WAC 173-22-030(2).
66. **Floodway** - means the area, as identified in a master program that has been established in federal emergency management agency flood insurance rate maps or floodway maps. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.
67. **Forb** - an herbaceous, non-woody plant other than grass.
68. **Foreshore –** in general terms, the beach between mean higher high water and mean lower low water.
69. **Forest Practices** – any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control *(WAC 222-16-010(21)).*
70. **Frequently Flooded Areas -** the areas of special flood hazard which are commonly identified as critical areas in local government development regulations.

G

71. **Gabions** – structures composed of masses of rocks, rubble, or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action, to reduce mass wasting, or as foundations for breakwaters or jetties.

72. **Geologic Hazard Areas -** include areas of landslide, liquefaction and dynamic settlement, ground shaking amplification, fault rupture, soil erosion, and bank erosion hazard areas as identified in Appendix C, Chapter 16.59 Geologically Hazardous Areas.

73. **Geotechnical Report** - or "geotechnical analysis" means a scientific study or evaluation of geological, hydrological, geochemical, and/or geomorphological aspect(s) of a site conducted by a licensed Geotechnical Engineer.

74. **Grading -** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land *(WAC 173-26-020(17))*.

75. **Grassy Swale** – a vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

76. **Groin** or "spur dike" or "rock weir" - a barrier-type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of material.

77. **Groundwater -** That part of the subsurface water that is in the saturated zone, including underground streams, from which wells, springs, and ground water runoff are supplied.

H

78. **Harbor Area** - the area of navigable waters between the inner and outer harbor lines identified by the Board of Natural Resources acting as the State Harbor Lines Commission and as established by Section 1 of Article XV of the Washington State Constitution.

79. **Hazardous Material** - any product, substance, commodity, or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all "dangerous wastes" and "hazardous substances" that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

80. **Height -** the distance measured from the average grade level to the highest point of a structure: Provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the master program provides otherwise): Provided further that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).

81. **Hook** – a spit or narrow cape of sand or gravel that turns landward at its outer end.

82. **Houseboat** or **Live-aboard Vessel** - a vessel, principally used as an over-water residence, which are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a vessel.

Houseboats are not boathouses.

Commented [A23]: Kim V. (Ecology) suggests prohibiting this use given that we don't have a marina.

I

83. **Inner Harbor Line -** the line established by the State in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the "bulkhead line").

84. **Institutional Use –** means that a structure(s) and related grounds are used for the provision of educational, medical, cultural, social and/or recreational services to the community, including but not limited to such uses as schools, colleges, museums, community centers.

85. **In-stream Structure -** a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structure does not apply to stormwater outfalls.

86. **Interested Party** – means all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-27-030 *(WAC 173-27-030(12)).*

87. **Invasive –** means a nonnative plant or animal species that either:

a. causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;

b. Threatens or may threaten natural resources or their use in the state;

c. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

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

J

88. **Jetty-** a structure usually projecting out into the water for the purpose of protecting a navigation channel, a harbor, or to influence water currents.

L

89. **Lake** – a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of elevation of the lake's ordinary high water mark within the stream *(WAC 173-22-030(4)2) (f)(iv)) ;).*

90. **Levee** – a large dike or embankment, often having an access road along the top that is designed as part of a system to project land from floods.

91. **Limited Utility Extension –** the extension of a utility service that is categorically exempt under RCW 43.21C for natural gas, electricity, telephone, water or sewer to service an existing use and does not extend more than twenty-five hundred (2500) linear feet within the shorelines of the state.

92. **Littoral** – The area of the shore from the OHWM waterward to a depth of two meters below ordinary low water or to the maximum extent of non-persistent emergent plants.

93. **Littoral Drift** –The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and current.

94. **Live-aboard Vessel –** See "Houseboat."

95. **Log Booming** – includes the placement or removal of logs and log bundles into and from the water, and the assembly and disassembly of rafts for waterborne transportation.

M

96. **Maintenance Dredging -** refers to dredging for the purpose of maintaining a previously authorized width and depth of a channel, boat basin or berthing area. Authorization is from a federal, state, or local permit as part of a specific waterway project.

97. **Marina** - a water-dependent commercial use (public or private) that consists of a system of piers, buoys, or floats which provides moorage for more than ten boats. Boat launch facilities and supplies and services for small commercial or pleasure craft are often associated with marinas. Uses accessory to marinas may include fuel docks and storage, boating equipment sales and rental, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

"Foreshore marinas" are marinas located waterward of the ordinary high water mark.
"Backshore marinas" are marinas located landward of the ordinary high water mark. There are two common types of backshore marinas: (1) a wet-moorage marina that is dredged out of the land artificially creating a basin; and (2) a dry-moorage marina that has upland storage with a hoist, marine travel lift, or ramp for water access.

98. **Marine Travel Lift** – a mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.

99. **Marine Railway** – a set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

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

101. **Merchantable Trees -** live trees, 6 inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability.
102. **Mitigation** – to avoid, minimize or compensate for adverse impacts to shoreline ecological functions and processes.
103. **Moorage -** a pier, dock, buoy or float, either fixed or floating, to which boats may be secured. *(see related terms: shared moorage, docks, and marinas)*
104. **Mooring Buoy** – means a floating object anchored to the bottom of a water body that provides tie-up capabilities for boats or watercraft.
105. **Must -** means a mandate; the action is required.

N

106. **Natural Riparian Habitat Corridor** – The streamside environment that is maintained primarily for fisheries and wildlife habitat, water quality improvements, and secondarily for flood control works. Public access (where allowed) will be controlled to avoid damage to the resource.
107. **Natural Topography** (or **"existing topography**") means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling *(WAC 173-27-030)*.
108. **Navigational Channels -** are those routes on the waters of state beyond the outer harbor line, commonly used by ships for useful commerce.
109. **Navigable Waters -** a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court *(WAC 332-30-106)*.
110. **Non-conforming development –** a structure or use that was lawfully constructed or established prior to the effective date of the applicable Act or Program provision, and which no longer conforms to the applicable shoreline provisions *(WAC 173-27-080(1))*.
111. **Non-maintenance dredging –** dredging to expand or deepen (or both) berthing areas and channels beyond their previously approved dimensions as authorized by local, state and/or federal permits.
112. **Non-Water-Oriented Use or Activity –** describes those uses which have little or no relationship to the shoreline. Examples include, but are not limited to: professional offices, mini-storage facilities, residential development, department stores and gas stations. A use or activity that is not water-dependent, water-related, or water-enjoyment.
113. **Normal Appurtenance** – means development that is incidental to a residential development for the use and enjoyment of that residence, which may include the following: garage; deck; driveway; utilities; fences; septic tank or drain field; and grading or fill that does not exceed 250 cubic yards. No additional interpretations of

normal appurtenances shall apply in this jurisdiction. None of the foregoing appurtenances may impact an associated wetland or be located waterward of the OHWM.

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

115. **Normal Repair -** to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment *(WAC 173-27-040(2)(b))*. See also "normal maintenance".

116. **Noxious Weeds -** Non-native plants that are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

O

117. **Operation(s) -** Industrial, commercial, institutional, or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary facilities, equipment, transport vehicles, or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state, or local government entities.

118. **Ordinary High Water Mark** (OHWM) - that mark found by examining the bed and banks of a body of water and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or Ecology: Provided that in any area where the ordinary high water mark cannot be found, the OHWM adjoining fresh water shall be the line of mean high water *(RCW 90.58.030(2)(b) and WAC 173-22-030(6))*.

119. **Outer Harbor Line -** the line located and established by the State Department of Natural Resources in navigable waters that delineates the extent of water area that may be leased to private interests.

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

P

121. **Parking, Accessory** - is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves a permitted use.

122. **Parking, Principal or primary** - means an area of land where the principal use is the parking of motorized vehicles and is not accessory to another use.

123. **Party of Record -** includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

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

125. **Permitted Use** – a use that is allowed under the rules and regulations of this Program.

126. **Person -** an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or city however designated.

127. **Pier -** a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

128. **Pierhead Line** - the waterward limit to which open pile work may be constructed as designated by the Federal government.

129. **Point** – a low profile shoreline promontory of more or less triangular shape, the top of which extends seaward. A point may be the wave cut shelf remnant of a headland bluff or a purely accretional deposit that began as a hooked spit and becomes a point by subsequently closing the lagoon gap between the headland and the tip of the hook. Points are characterized by converging berms that normally enclose a lagoon, marsh, or meadow, depending on the point's stage of development.

130. **Port** – a municipal corporation that is a special purpose district of local government authorized by the Washington State Constitution and regulated by RCW Chapter 53.

131. **Potentially Harmful Materials –** Hazardous materials as well as other materials such as the following which, if discharged or improperly disposed, may present a risk to water resources:

    1) Petroleum products including but not limited to petroleum fuel and petroleum based coating and preserving materials; 2) oils containing PCB' s; 3) antifreeze and other liquid automotive products; 4) metals, either in particulate or dissolved form, in concentrations above established regulatory standards; 5) flammable or explosive materials; 6) radioactive material; 7) used batteries; 8) corrosives, acids, alkalis, or bases; 9) paints, stains, resins, lacquers or varnishes; 10) degreasers; 11) solvents; 12) construction materials; 13) drain cleaners and other toxic liquid household products; 14) pesticides, herbicides, fungicides or fertilizers unless applied in

accordance with local, state and federal standards; 15) steam cleaning and carpet cleaning wastes; 16) car wash water; l7) laundry wastewater; 18) soaps, detergents, ammonia; 19) swimming pool backwash; 20) chlorine, bromine, and other disinfectants; 21) heated water; 22) domestic animal wastes; 23) sewage; 24) recreational vehicle waste; 25) animal carcasses, excluding salmonids; 26) food wastes; 27) collected lawn clippings, leaves or branches; 28) trash or debris; 29) silt, sediment, or gravel; 30) dyes; and 31) untreated or unapproved wastewater from industrial processes.

132. Practicable alternative - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in overall project purposes

133. Priority Habitat – a habitat type with unique or significant value to one or more species as defined by the Washington State Department of Fish and Wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(24)).

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

a. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

b. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

c. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered *(WAC 173-26-020(25))*.

135. Provisions - policies, regulations, standards, guideline criteria or environment designations.

136. Public Access - is the physical 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 *(WAC 173-26-221)*.

137. Public Facility – means any facility for public purposes financed in whole or in part by any port district, county, city, town, or special utility district of the state of Washington, including, but not limited to, sewer or other waste disposal facilities,

arterials, bridges, access roads, port facilities, or water distribution and purification facilities *(WAC 133.40.020(2))*.

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

Q

139. **Qualified Professional** - a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4).

Commented [A24]: Kim (Ecology): Consider revising to include the following: A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

Commented [A25R24]: Ken – Suggested that there are several scientific specialties that are applicable to wetland work (e.g. biologist, hydrogeologist)

Deleted: wetland

R

140. **Recreational Development -** includes commercial, private and public facilities designed and used to provide recreational opportunities.

141. **Recreational Use –**

a. High intensity uses are those which involve indoor or outdoor activities and athletics which often require a moderate to high level of infrastructure development for structures and equipment as well as high levels of maintenance to support recreational pursuits. Facilities and uses generally support a large number of participants or teams for recreational activities. Sports fields, golf courses, skate parks, and motorized boating are examples of active recreational facilities or use.

b. Passive and Low Intensity uses are those that generally require a low or moderate level of infrastructure development, maintenance and support. These uses and/or associated facilities are compatible with open space and natural resource protection such as wildlife viewing, non-vehicular trails, fishing, canoeing and picnicking.

142. **Recreational Vehicle** – a vehicle licensed, designed and operated for recreational purposes as temporary living quarters, that has a means of self-propulsion or is readily towable by a car or pickup truck, and is not used as a residence in any one location for extended periods of time (i.e., more than three months).

143. **Residential Development/Residence -** means a dwelling structure (or structures) that is designed and intended for single-family (or multi-family) occupancy, which has its own housekeeping and kitchen facilities. Hotel, motel, and bed & breakfast businesses are primarily for transient tenancy and are not considered to be

residential development for the purposes of this Program. Residential development includes their normal appurtenances, and the creation of new residential lots through land division.

144. **Restore, Restoration, Ecological Restoration**– means the activities to reestablish or upgrade impaired ecological 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.

145. **Revetment -** a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead that is a vertical structure.

146. **Rip-Rap -** is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.

S

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

148. **Shall -** a mandate; the action must be done.

149. **Shared or Joint-Use Moorage –** are interchangeable terms in this Program. These terms mean moorage constructed and utilized by more than one waterfront property owner or by a homeowner's association that owns waterfront property. Shared moorage includes moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft.

    If a shared moorage provides moorage for more than ten slips then it is a marina. If proposed shared moorage includes a swinging boom or davit style hoist, then it shall be reviewed under the provisions as a marina.

150. **Shorelands** or **Shoreland Areas** - those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

151. **Shoreline Administrator** or **Administrator** - is the local government official or designee, responsible for administering this Program.

152. **Shoreline Designations -** the categories of shorelines established by this Program in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

153. **Shoreline Functions – see Ecological Functions**

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

155. **Shoreline Jurisdiction -** all "shorelines of the state" and "shorelands" as defined in this Program at Section 2.1 and per RCW 90.58.030.

156. **Shoreline Master Program** or "**Program**" - means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under chapter 90.58 RCW shall be considered an element of the City of Camas' Comprehensive Plan. All other portions of this Program adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the City of Camas' development regulations.

157. **Shoreline Modifications –** those actions that modify the physical configuration or qualities of the shoreline area, and as defined per WAC 173-26-231 Shoreline Modifications.

158. **Shoreline Substantial Development Permit -** is the permit required by this Program for uses that are substantial developments in shoreline jurisdiction.

159. **Shorelines -** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes. See RCW 90.58.030(2)(d) and WAC 173-18, 173-26 and 173-22.

160. **Shorelines of Statewide Significance** –a select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special policies apply.

161. **Shorelines of the State –** are the total of all "shorelines" and "shorelines of statewide significance" within the state.

162. **Should –** means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action. (WAC 173-26-020(40)).

163. **Solid Waste Facility** or "**Transfer Facility**" - refers to any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

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

165. **Stormwater -** runoff during and following precipitation and snowmelt event, including surface runoff, drainage, and interflow.

166. **Stream -** a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel *(WAC 173-22-030(8))*.

167. **Structure**- a permanent or temporary edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water*, except for vessels (WAC 173-27-030(18))*.

168. **Substantial Development -** "Substantial development" shall mean any development of that the total cost or fair market value exceeds , or as adjusted by the State Office of Financial Management , or any development that materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3e) and WAC 173-27-040. See also definition of "development" and "exemption".

Deleted: five thousand seven hundred and eighteen dollars ($5,718)

169. **Substantially Degrade** - to cause significant ecological impact *(WAC 173-26-020(35))*.

170. **Subtidal** – any substratum that is constantly submerged.

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

T

172. **Terrestrial** – of or relating to land as distinct from air and water.

173. **Transmit -** to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination *(WAC 173-27-030(16))*.

174. **Transportation Facility -** includes roads, railways, bridges and related structures such as culverts, fills, embankments, causeways, for the purpose of moving people using motorized or non-motorized means of transport.

U

175. **Upland** – generally described as the dry land area above and landward of the OHWM.

176. **Utilities -** services and facilities that produce, convey, store, or process power, water, wastewater, stormwater, gas, communications, oil, and the like. On-site

utility features serving a primary use, such as water, sewer, or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

V

177. **Variance -** is a means to grant relief from the specific bulk, dimensional or performance standards set forth in Program and not a means to vary a use of a shoreline. Variance permits must be approved, approved with conditions, or denied by Ecology. See RCW 90.58.160. *(WAC 173-27-030(17))*.

178. **Vegetation Conservation -** includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species *(WAC 173-26-221).*

179. **Vessel – See "boat".** Includes ships, boats, barges, or any other floating watercraft that are designed and used for navigation and do not interfere with the normal public use of the water *(WAC 173-27)*.

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

W

181. **Water-dependent use -** a use or portion of a use that cannot exist in a location which is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples include but are not limited to: aquaculture, marinas, or float plane facilities.

182. **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 that through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Examples include but are not limited to: aquariums, scientific reserves, parks, and piers.

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

184. **Water Quality -** the characteristics of water within shoreline jurisdiction, including water quantity, hydrological, chemical, aesthetic, recreation-related, and biological characteristics.

185. **Water Quantity** - where used in this program, the term refers only to development and uses regulated and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020(42)).

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

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods.

187. **Watershed Restoration Plan** - a plan, developed or sponsored by WDFW, Ecology, DNR, the Washington Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, a special purpose agency such as the Lower Columbia Fish Recovery Board, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.

188. **Watershed Restoration Project -** a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities (RCW 89.08.460):

a. A project that involves less than ten miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

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

190. **Wetlands -** areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances

do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland 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 wetland 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 nonwetland areas to mitigate the conversion of wetlands WAC 173-22-030(10). See also Appendix C, Chapter 16.53 Wetlands.

Appendix B

APPENDIX B –ADMINISTRATION AND ENFORCEMENT

Applicability

A. All uses and developments within the jurisdiction of the Shoreline Management Act shall be planned and carried out in a manner that is consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required. The reviewing official shall assure compliance with the provisions of this Program for all permits and approvals processed by the city. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted.
B. Exemptions to the requirement for substantial development permits are listed in Chapter 2 of this Program and shall be construed narrowly. Only those developments that meet the precise provisions of the listed exemptions may be granted an exemption from the substantial development permit process. An exemption from the substantial development permit process is not an exemption from compliance with this Program or the Act, or from any other regulatory requirements.
C. The burden of proving that the proposed development is consistent with these criteria in all cases shall be on the applicant.
D. The city shall not issue any permit for development within shoreline jurisdiction until approval has been granted pursuant to this Program.
E. A development or use that does not comply with the bulk, dimensional or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.
F. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

I. Administrative Authority and Responsibility

A. Shoreline Administrator. The community development director is appointed the city's shoreline administrator (herein after shall be called the “Administrator”) of the provisions of this Program and shall have the authority to act upon the following matters:
   1. Interpretation, enforcement, and administration of this Program;

3. Modifications or revisions to approved shoreline permits as provided in this Program; and
4. Requests for statements of exemption.

B. The Administrator shall document all project review actions in shoreline areas in order to periodically evaluate the cumulative effects of authorized development on shoreline conditions per WAC 173-26-191(2)(a)(iii)-Documentation.

C. The Administrator shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of Chapter 90.58 RCW and the applicable guidelines.

II. Review and decision process

A. shall consider SMP Section 1.6 supporting data submitted by the applicant written public comments submitted in response to the notice. Based upon this and other relevant information, the shall evaluate the nature and scope of the project in its relationship with the overall public interest, shall determine the significance of the proposed action and bonding requirements for improvements take one of the following actions:

may approve or deny issuance of a permit.. is forwarded to Ecology and the Attorney General for

b.

III. Hearings examiner decision process

A. Report. he Administrator or designee shall prepare a report on all aspects of the proposed development to include and what conditions, if any, should be imposed.

B. Public Hearing. . At the public hearing, the hearings examiner shall receive testimony from staff, from the applicant, and from the public.

C. Decision. The hearings examiner may decide either: (1) to approve the application; (2) to deny the application; or (3) to approve the application only if certain specific conditions are met. For conditional use and variance permits, the hearings examiner decision is the , forwarded to Ecology and the Attorney General for a final decision. The hearings examiner issues the final decision substantial development permits when .

IV. Conditions imposition

In granting a permit, the decision maker may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use, or regarding their effect upon the shorelines, as it deems necessary to carry out the spirit and purposes of this Program, and the Act, and to be in the public interest. The decision maker, as a condition to granting any permit, may require that the applicant post with the city, as a

Deleted: <#>Shoreline management review committee--created¶
There is created a shoreline management review committee (SMRC), which shall consist of the community development director, who shall be an ex-officio member, the chair of the planning commission, the chair of the parks and recreation commission, and a council person to be appointed by the mayor and confirmed by the council. A chair shall be elected by the committee annually, or as needed. The SMRC shall convene as often as necessary on the call of the Administrator.¶
Committee—

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Commented [A26]: Ecology suggested adding a reference to the SMA, WAC and other governing regulations. This additional sentence is meant to respond to that suggestion.
Kim (Ecology wrote:
I recommend you add language regarding consistency with the SMP, the SMA and the appropriate review criteria in WAC 173-27. None of that is stated in this section.

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Deleted: A written decision (if substantial development) or recommendation (if shoreline variance or conditional use)

Deleted: <#>If the significance of the project is such that it is likely to involve public concern over the proposed use of the shoreline, it shall refer the application in a written decision to the Hearings Examiner for a public hearing. ¶

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Deleted: a recommendation from the SMRC as to whether the permit should be issued

Deleted: In the case of developments requiring a public hearing for other permit actions staff will make all reasonable attempts to schedule the public hearings concurrently. If appropriate, the report and recommendation may be incorporated as part of the staff report on other such action, so that the public hearings may be conducted simultaneously

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prerequisite to permit approval, a bond or other security approved as to form by the Administrator.

V. Application

A. Applications for shoreline substantial development permits, conditional use permits or variance permits shall be made to the community development department. The application shall be made by the property owner; lessee, contract purchaser, or other person entitled to possession of the property, or by an authorized agent, and shall be accompanied by a filing fee in such amount as may be set from time to time by resolution of the city council.

B. The following items are required, in quantities specified by the Administrator, for a complete shoreline substantial development, conditional use, or variance permit application. Items may be waived if, in the judgment of the Administrator, they are not applicable to the proposal.

1. Completed general application form with the applicable application fee.
2. A current (within thirty days prior to application) mailing list and mailing labels of owners of real property within three hundred (300) feet of the subject parcel, certified Clark County assessor.
3. A completed copy of the Joint Aquatics Resource Application (JARPA), if other state and federal permits are required.
4. A completed State Environmental Policy Act (SEPA) checklist.
5. A complete and detailed narrative that describes the proposed development, existing site conditions, existing buildings, public facilities and services, and other natural features. The narrative shall respond to the applicable Program policies that will be affected by the proposed development or action and how the proposal complies with the regulations of the Program.
6. Vicinity map showing location of the site and water bodies within 300-feet.
7. Site and development plans which provide the following information:

a. The location of the ordinary high water mark (OHWM);

b. The names of owners of adjacent land and the names of any adjacent subdivisions;

c. Names, locations, widths and dimensions of existing and proposed public street rights-of-way, public and private access easements, parks and other open spaces, reservations, and utilities;

d. Location, footprint and setbacks of all existing structures on the site with a lineal distance from OHWM;

e. Location of sidewalks, street lighting, and street trees;

f. Location of proposed building envelopes and accessory structures and the lineal distance from OHWM;

g. Location, dimensions and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements;

h. Location of any proposed dedications;

i. Existing and proposed topography at two-foot contour intervals, extending to five feet beyond the project boundaries;

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j. Location of any critical areas and critical area buffers, to indicate compliance with all applicable provisions of the critical areas legislation, as required ;

k. Preliminary stormwater plan and report;

l. Description, location and size of existing and proposed utilities, storm drainage facilities, and roads; and

m. A survey of existing significant trees.

n. For properties with slopes of ten percent or greater a preliminary grading plan will be required with the development application that shows:

i. Two-foot contours;

ii. The proposed development and existing topography;

iii. The proposed development with proposed topography; and

iv. Total quantities of cut and fill.

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VI. Notice of application

Generally, within fourteen (14) days of the Administrator finding that the application is complete, the city shall notify the public of the proposal.

A. Content. Mailed notices and posted signage shall include the following information:
   1. The date of application and the date of completeness.
   2. A description of the proposed project action, a list of project permits included in the application, and, if applicable, a list of any studies requested;
   3. The identification of other permits not included in the application, to the extent known by the city;
   4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
   5. A statement of the limits of the public comment period, which shall be thirty (30) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in meetings, request a copy of the decision once made, and any appeal rights;
   6. The date, time, and place of the public meeting, if applicable and known;
   7. Any other information determined appropriate by the city.

B. Sign. For a technically complete application, the applicant shall install a sign on the subject parcel within view of the public-right-of-way. The content of the sign must match that of the required notices.
   1. The sign must measure four-foot by eight-foot and attached to the ground with a minimum of two four-inch by four-inch posts or better.
   2. The sign shall be installed remain posted and in reasonable condition until expiration of the public comment period.
   3. The applicant shall provide to the city an affidavit of posting on site.

C. Mailed. The city will mail a notice of application to all owners of record of the subject property, all owners of real property located within three hundred (300) feet of the subject property based on Clark County GIS records, and to all agencies with jurisdiction per RCW 43.21. The city shall affirm by affidavit that the notices were

mailed at least thirty days prior to the

D. Publishing in local paper. If the application requires a public hearing, notice of the hearing will be published in the local newspaper .
E. Response/Comment . All persons who submit their views or notify the Administrator of interest in the project shall be entitled to receive a copy of the action taken upon the application.

VII. Variances

permit
specific bulk, dimensional or performance criteria where, owing to conditions pertaining to a specific piece of property, the literal interpretation and strict application of the criteria would cause undue and unnecessary hardship . Variances shall not be granted from the use regulations of this Program.

A. A request for a variance to a development may be authorized when the applicant can demonstrate all of the following:
   1. That the
      The fact that there is the possibility that the property might make a greater profit by using the property in a manner contrary to the intent of the Program is not a sufficient reason for a variance;
   2. That the hardship is specifically related to unique conditions of the property (e.g. irregular lot shape, size or natural features) and not, for example, from deed restrictions or the applicant's own actions;

   4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
   5. That the variance requested is the minimum necessary to afford relief;
   6. That the public welfare and interest will
   7. If proposed waterward of the OHWM,
      the
      public rights of navigation and use will not be adversely affected.

B. If the proposed variance is , then the hearings examiner shall also include findings in regard to the cumulative impact of additional requests for like actions in the vicinity of the proposed use.
C. Final approval of variances is the authority of Ecology. The city shall send its decision to Ecology and shall forward that decision pursuant to Appendix B, XI (B and C) of this Program, for Ecology to render Final Approval.

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Commented [A28]: Kim (Ecoloy) commented that some of the required Variance criteria was missing. These amendments fix the deficiency.

Commented [A29R28]: Technical Advisory Committee suggested that this section match the order of the state law, for ease between applicant and Department of Ecology. A few provisions were moved to match the order of state law.

Deleted: if the applicant complies with the provisions of the Program then they cannot make any reasonable use of the property. …

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Moved up [1]: <#>That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area; ¶

Deleted: <#>That the design of the project will be in harmony with the other authorized uses in the area, and the intent of the Program; and¶

Deleted: <#>be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.

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VIII. Conditional use

A. For any use activity which may not be compatible with the shoreline environment in which it is proposed, as defined in the Program, a conditional use permit shall be required. The hearings examiner may recommend performance standards to make the use more compatible with other desirable uses within that area. Conditional use approval may be approved only if the applicant can demonstrate all of the following:

1. The proposed use is consistent with the Program, and the Act

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

4. The use will cause no significant adverse effects on the environment or other uses;

5. Cha

B. If the proposed use is found to be compatible, then the hearings examiner shall also include findings in regard to the cumulative impact of additional requests for like actions in the vicinity of the proposed use.

C. Uses that are specifically prohibited by this Program may not be authorized as a conditional use. However, if other uses which are not classified or set forth in this Program can demonstrate consistency with the requirements of this Program and this section, then they may be ultimately approved by Ecology.

D. Final approval of conditional use permits is the authority of Ecology. The city shall send its decision to Ecology pursuant to Appendix B, XI (B and C) of this Program, for Ecology to render Final Approval.

IX. Exemptions

An exemption from a substantial development permit is not an exemption from compliance with this Program, nor any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Program. The burden of proof that the proposed shoreline development is exempt is on the applicant, owner, or lessee of the subject parcel.

A. If exempt from a substantial development permit, the Administrator shall issue a letter to this effect only if the project requires state or federal permits . In accordance with WAC173-27-050 the letter of exemption will be addressed to the applicant and to the Department of Ecology .

B. No written statement of exemption is required for emergency development.

C. For any other project within shoreline jurisdiction that does not require other state or federal permits a letter of exemption from the Administrator will not be issued, however the development will be tracked with all other development activities to allow the Administrator to evaluate the cumulative effects of authorized development (See Section II).

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Commented [A31]: Technical Advisory Committee requested that the order of the criteria match that of state law (WAC 173-27-160)

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Commented [A32]: Moved. This statement was within the opening statement of this section. However it is one of the required criteria of state law – WAC 173-27-160 (1)(e).

Moved up [3]: <#>The use will not interfere with normal public use of public shorelines;¶

Deleted: <#>Design of the use or development will be compatible with the surrounding authorized uses, the Program, and the comprehensive plan; and¶

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X. ermit

A. Notification .
After final action, the Administrator shall notify the applicant and all persons of record. Construction shall not begin and no building permits shall be issued until conclusion of review period as provided for in this Program

B. Notification to the Department of Ecology.
Any action on an application under authority of this Program, whether it is an approval or denial, shall be mailed by the Administrator to Ecology and the attorney general, as required by WAC 173-27-130 and RCW 90.58.140(6). When a Substantial Development Permit and either a Conditional Use or Variance Permit are required for a development, the issuance of the permits shall be made concurrently.

C. The Administrator shall send the following by certified US Post with return receipt to Ecology and the Attorney General:

1. The final decision of the City;
2. The permit data sheet per WAC 173-27-190(Appendix A);
3. A copy of the complete application per WAC 173-27-180;
4. Findings and conclusions as provided in the staff report; and
5. If applicable, the State Environmental Policy Act (SEPA) checklist.

XI. Permit validity and expiration

A. For a substantial development permit, construction permits (e.g.: building, grading, preliminary site work, or other construction permits) may be issued by the city and authorized to begin after twenty-one (21) days from the date the decision was "filed" with Ecology, and after all review proceedings are terminated. "Date of filing" means the date of actual receipt by the Ecology by evidence of the date on the return receipt, pursuant to .

B. For a conditional use permit or variance, development may commence the date that the decision of Ecology is transmitted to the city or the applicant, pursuant to . .

C. Construction may be commenced no sooner than thirty (30) days after the date of the appeal of the State Shorelines Hearings Board (SHB).

D. Expiration.

1. For approved substantial development permits, construction activities must be commenced, or where no construction activities are involved, the use or activity must be commenced within two years of the effective date of the permit.
2. Authorization to conduct construction activities shall terminate five years after the effective date of a substantial development permit.
3. The Administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has

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been filed before the expiration date. Notice of the proposed extension shall be mailed to Ecology and parties of record.

XII. Permit revision

A. Where an applicant seeks to revise a substantial development or variance permit previously granted, they shall submit to the Administrator detailed plans and a narrative describing the proposed changes, in accordance with the application procedures of this Program. he Administrator comments within twenty-one (21) days of mailing . Copies of the proposed revisions will also be sent to Ecology, the attorney general, and the latest recorded real property owners within three hundred (300) feet of the boundary of the subject property. Generally, within thirty (30) days after mailing of the application materials, the consider the proposed revisions and written comments .

B. If the determines that the proposed changes are within the scope and intent of the original permit, then the may approve the application for a revision. In accordance with WAC173-27-100, the revised substantial development permit is effective immediately upon the decision, or if a conditional use permit then upon the decision of Ecology.

C. If the determines that the proposed changes are not within the scope and intent of the original permit, the shall deny the revision .

D. "*Within the scope and intent of the original permit*" means all of the following: (1) no additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less; (2) ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit; (3) the revised permit does not authorize development to exceed height, lot coverage, setback or any other applicable requirements of the Program or CMC except as authorized under a variance granted as the original permit or part thereof; (4) additional landscaping is consistent with conditions (if any) attached to the original permit and currently adopted Program; (5) the use authorized pursuant to the original permit is not changed; and (6) no adverse environmental impact will be caused by the project revision.

E. The revised permit shall be issued generally within fourteen (14) days of the date of the decision, and the Administrator shall follow the permit issuance procedures of this Program, which includes notification to Ecology, the attorney general and property owners within three-hundred (300) feet of subject development.

XIII. Permit rescission

Any substantial development permit may be rescinded by the hearings examiner at a public hearing with adequate notice to the permit holder. The hearings examiner must issue findings, based upon a report that a permittee has not complied with conditions of the permit, and no further development shall be allowed after such

Commented [A34]: The changes to this section are namely removing procedures to send revisions to the SMRC.

Deleted: Generally within fourteen (14) days of a complete application, copies of the proposed revisions will be provided to the SMRC, along with any pertinent information including whether t…

Deleted: considers that a new substantial development permit shall be required, and a request for

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rescission, and/or action may be taken against the financial surety if posted as a condition of the permit.

XIV. Permit appeal

A. Any person aggrieved by a decision of the may have such decision reviewed by the hearings examiner by filing an appeal within fourteen (14) working days of the date of the .

B. Any person aggrieved by a decision of the hearings examiner under this Program may seek review from the State Shorelines Hearings Board (SHB) by filing a request for the same with Ecology and the attorney general within twenty-one (21) days of the date of filing of the hearings examiner's decision, as provided for in RCW 90.58.180(1). Copies of the appeal shall likewise be filed with the city attorney and with the Administrator

C. The burden of proof shall in all cases be upon the person seeking such review.

D. Form of Appeal. An appeal shall take the form of a written statement of the alleged reason(s) the decision was in error or specifying the grounds for appeal. The failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal. The following information, accompanied by an appeal fee, shall be submitted to the City Clerk's Office:

1. An indication of facts that establish the appellant's right to appeal.
2. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion.
3. The requested relief from the decision being appealed.
4. Any other information reasonably necessary to on the appeal.

XV. Civil enforcement

A. Cease and Desist Order. The city shall have the authority to serve upon any person a cease and desist order if an activity is being undertaken on the shorelines of the city in violation of this Program. The cease and desist order shall set forth and contain:

1. A description of the specific nature, location, extent and time of violation and the damage or potential damage; and
2. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.
3. The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.
4. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

B. Injunctive Relief. The city attorney shall bring such injunctive, declaratory, or other actions as are necessary no uses are made of the shorelines of the state in conflict with the provisions of the act and this Program, and to otherwise enforce the provisions of the act and the Program.

C. Civil Penalty.

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1. Violation. Any person who fails to conform to the terms of a permit issued under this Program, or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the Program, or who fails to comply with a cease and desist order issued under regulations shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.
2. Aiding and Abetting. Any person who, through an act of commission or omission proceeds, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
3. Notice of Penalty. The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same from the city. The notice shall include the content of order specified in subsection A of this section.
4. Remission and Joint Order. Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the city for remission or mitigation of such penalty. Upon receipt of the application, the city may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the city shall be subject to review by the city council. In accordance with RCW 90.58.050 and 90.58.210(4), any penalty jointly imposed by the city and the department of ecology shall be appealed to the shorelines hearings board. When a penalty is imposed jointly by the city and the department of ecology, it may be remitted or mitigated only upon such terms as both the city and the department agrees.

D. Property Lien. Any person who fails to pay the prescribed penalty as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The city attorney shall file such lien against the affected property in the office of the county auditor. In addition to filing the lien with the auditor of the county, a copy of the lien shall be served upon the person indebted by certified mail, return receipt requested. Any such lien may be foreclosed in the manner provided for the foreclosure of mortgages.

E. Mandatory Civil Penalties. Issuance of civil penalties is mandatory in the following instances:

1. The violator has ignored the issuance of an order or notice of violation;
2. The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the city;
3. A person causes, aids or abets in a violation within two years after issuance of a similar regulatory order, notice of violation, or penalty by the city or the department against such person.

F. Minimum Penalties.

1. Regarding all violations that are mandatory penalties, the minimum penalty is two hundred fifty dollars.
2. For all other penalties, the minimum penalty is one hundred dollars.

3. Permits obtained following, rather than prior to, the establishment of a development or use shall be three (3) times the normal amount. This provision is in addition to the enforcement measures contained in this Program.

XVI. General criminal penalty

In addition to any civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the act or the Program shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days for each separate offense, or by both such fine and imprisonment; provided, that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred dollars nor more than ten thousand dollars.

XVII. Prohibition on issuance of permits

No building permit, septic tank permit, or other development permit shall be issued for any parcel of land developed or divided in violation of the Program. All purchasers or transferees of property shall comply with provisions of the act and the Program, and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the act or the Program, including any amount reasonably spent as a result of inability to obtain any development permit, and spent to conform to the requirements of the act or the Program, as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to modifying the subject property to these requirements, rescind the sale, transfer, or lease and recover cost of investigation and reasonable attorney's fees occasioned thereby from the violator.

XVIII. Severability

If any provision of this Program or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Program.

APPENDIX C

CAMAS CRITICAL AREA REGULATIONS[3] AND MAPS

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Chapters:

Maps:

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[3] The City of Camas critical areas regulations within shoreline jurisdiction are contained within this Appendix. These regulations may only be modified as an amendment to the shoreline master program, in compliance with the Shoreline Management Act (RCW 90.58)(WAC 173-26).

All uses and development activities located within shoreline jurisdiction shall be subject to the following critical areas regulations. These are in addition to the applicable regulations in Chapters 5 and 6 of the Camas Shoreline Master Program **(hereinafter referred to as the "Program").**

APPENDIX C CRITICAL AREAS

CHAPTER 16.51 - GENERAL PROVISIONS OF CRITICAL AREAS

16.51.010 - Purpose

A. The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas, and to protect these areas, their functions and values, while allowing for some reasonable use of property.

B. The City finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the City of Camas and its residents, and/or may pose a threat to human safety, or to public and private property.

C. Goals. By managing development and alteration of critical areas, this chapter seeks to:

1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;
2. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters;
3. Direct activities not dependent on critical area resources to less ecologically sensitive sites, and mitigate necessary impacts to critical areas by regulating alterations in and adjacent to critical areas; and
4. Prevent cumulative adverse environmental impacts to critical aquifer recharge and frequently flooded areas.

D. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act, and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.

E. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property.

F. The City's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

16.51.020 - Authority

As provided herein, the director shall mean the community development director or designee. The director is given the authority to interpret and apply, and the responsibility to enforce this chapter to accomplish the stated purpose.

16.51.030 - Relationship to other regulations

A. The

These critical area regulations shall apply as an overlay and in addition to zoning and other regulations, including the City of Camas Design Standards Manual, adopted by the City.

. These critical area regulations applied concurrently with review conducted under the State Environmental Policy Act (SEPA), other development review as adopted.

. In the event of a conflict with any other provisions of this chapter, that which provides more protection to the critical areas shall apply.

. Compliance with the provisions of this chapter does not constitute compliance with other federal, state and local regulations and permit requirements that may be required (HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with all requirements, apart from the process established in this chapter.

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Deleted: for example, shoreline substantial development permits,

16.51.040 - Severability

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

16.51.070 - Critical areas—Regulated

A. Critical areas regulated by this Appendix include wetlands (Appendix C - Chapter 16.53), frequently flooded areas (Appendix C - Chapter 16.57), geologically hazardous areas (Appendix C - Chapter 16.59), and fish and wildlife habitat conservation areas (Appendix C - Chapter 16.61).

B. All areas within the City meeting the definition of one or more critical area, platted natural open space area, and conservation covenant areas, regardless of any formal identification, are designated critical areas and are subject to these provisions.

16.51.080 - Best available science

A. Best Available Science to be Used Must be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

B. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the director shall:

1. Limit development and land use activities until the uncertainty is sufficiently resolved; and
2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:
    a. Address funding for the research component of the adaptive management program,
    b. Change course based on the results and interpretation of new information that resolves uncertainties, and
    c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries.

16.51.090 - Applicability

Land proposals below are subject to the criteria, guidelines, report requirements, conditions, and performance standards in Appendix C - Chapters 16.51 through 16.61:

A. Binding site plan;
B. Blasting permits;
C. Commercial development;
D. Conditional use permit;
E. Light industrial or industrial development;
F. Planned residential development;
G. Short plat;
H. Subdivision;
I. Shoreline substantial development permit
;
J. Unclassified use;
K. Any grading, filling, or clearing of land, or logging or removal of timber on land characterized in a critical area described in Appendix C - Section 16.51.070(A); and
L. Other activities as specified within Appendix C - Chapters 16.51 through 16.61

16.51.100 - Exemptions

A. Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this title; provided, that they are otherwise consistent with the provisions of other local, state and federal laws and requirements:

1. Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions.

An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s); in addition, they must have the least possible impact to the critical area or its management zone. The person or agency undertaking such action shall notify the City within four days following commencement of the emergency activity. If the director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;

2. After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and management zones resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner;

3. Operation, Maintenance or Repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area or management;

4. Passive Outdoor Activities: education activities; scientific research that does not degrade the critical area; and low-impact recreation including fishing, hiking, and bird watching. Trails must be constructed pursuant to Appendix C - Section 16.51.110(C)(4); and

5. Forest Practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from City of Camas' jurisdiction, provided that forest practice conversions are not exempt.

B. Exempt Activities Shall Avoid Impacts to Critical Areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

16.51.110 - Allowed activities

A. Critical Area Report not Required. Activities which have been reviewed and permitted or approved by the City, or other agency with jurisdiction, for impacts to

critical or sensitive areas, do not require submittal of a new critical area report or application under this chapter, unless such submittal was required previously for the underlying permit.

B. Required Use of Best Management Practices. All allowed activities shall be conducted using the best management practices, adopted pursuant to other provisions contained in this code, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall monitor the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

C. Allowed Activities. The following activities are allowed:

1. Permit Requests Subsequent to Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits) and construction approvals (such as building permits) if all of the following conditions have been met:

   a. There have been no material changes in the potential impact to the critical area or management zone since the prior review,

   b. There is no new information available that is applicable to any critical area review of the site or particular critical area,

   c. The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval, and

   d. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured;

2. Modification to Existing Structures. Structural modifications, additions to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or management zone, and where there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;

3. Activities Within the Improved Right-of-Way. Replacement, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a City-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater;

4. Public and Private Pedestrian Trails.

   a. Existing public and private trails established consistent with the City of Camas parks and open space plan may be maintained, replaced, or extended, provided there is no increase in the impact to the critical area or management zone.

b. Other public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their management zones, subject to the following:

i. The trail surface shall meet all other requirements including water quality standards set forth in the City of Camas Design Standards Manual,

ii. Critical area and/or management zone widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas, and

iii. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion, and in accordance with an approved geotechnical report;

5. Selective Vegetation Removal Activities. The following vegetation removal activities

Camas-Washougal Fire

* More information on commercial and residential use of chemicals can be found in Department of Ecology "Critical Aquifer Recharge Areas: Guidance Document," Publication #05-10-028.

Vegetation removal permit

Commented [A35]: The provisions concerning trees was amended with the Camas Tree Ordinance adoption on 9/4/18 (Ord#18-014)

Deleted:

Commented [A36]: Ellen B. – name of fire department is "Camas-Washougal"

Deleted: f

Deleted: , provided that no vegetation shall be removed from a critical area or its management zone without approval from the director, are allowed: ¶

a. The removal of invasive plant species including Himalayan blackberry (Rubus discolor, R. procerus), Evergreen blackberry (Rubus laciniatus), English Ivy as well as any other noxious weed or invasive plant species acknowledged by the City, with hand labor and light equipment (e.g., push mowers, powered trimmers, etc.), ¶

b. The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and management zones, provided that: ¶

i. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees, ¶

ii. Tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by a qualified professional. Where limbing or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree, ¶

iii. The landowner shall replace any trees that are felled or topped with new trees at a ratio of two replacement trees for each tree felled or topped within one year in accordance with an approved restoration plan. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used, ¶

iv. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts, and ¶

v. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation, may be removed or topped by the landowner prior to receiving written approval from the City; provided, that within fourteen days following such action, the landowner shall submit a restoration plan that demonstrates compliance with these provisions, ¶

c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW, and Camas fire department requirements; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan; ¶

6. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency;* ¶

7. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not requ ... [1]

Commented [A37]: This section was adopted into Camas Municipal Code through Ordinance 18-014 as part of the Camas Tree Ordinance. No changes to the text other than adding this section into the SMP were made.

native and indigenous

Commented [A38]: Ellen B. – Due to climate change we may want to review this provision. Native trees such as Western Red cedar, Douglas fir and hemlocks are dying.

16.51. - Review required

Deleted: 120

Mapping. The approximate location and extent of critical areas are shown on the adopted critical area maps. These maps are to be used as a guide for the City, project applicants, and/or property owners, and may be continually updated as new critical areas are identified. They are a reference and do not provide a final critical area designation or delineation. If the proposed activity is within, adjacent to, or is likely to impact a critical area, the City shall require a critical area report from the applicant that has been prepared by a qualified professional. If the report concludes that there is a critical area present then the City of Camas shall:

A. Review and evaluate the critical area report;

B. Determine whether the development proposal conforms to the purposes and performance standards of these provisions;

C. Assess potential impacts to the critical area and determine if they are necessary and unavoidable; and

D. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare

concerns consistent with the goals, purposes, objectives, and requirements of these provisions.

16.51. - Critical area reporting evaluation—Requirements

Deleted: 130

A. Incorporating Best Available Science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and the likelihood of all probable adverse impacts to critical areas in accordance with these provisions.

B. Minimum Report Contents. At a minimum, the report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
2. A copy of the site plan for the development proposal showing identified critical areas, management zones, property lines, limits of any areas to be cleared, and a description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
3. The dates, names, and qualifications of the persons preparing the report, and documentation of any fieldwork performed on the site;
4. Identification and characterization of critical areas, wetlands, water bodies, and management zones within the proposed project area;
5. A description of reasonable efforts made to avoid, minimize, and mitigate impacts to critical areas;
6. A proposal for financial guarantees to ensure compliance; and
7. Any additional information required for the critical area, as specified in the corresponding chapter.

C. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations, or previously prepared for and applicable to the development proposal site, as approved by the director.

16.51. - Critical area report—Modifications to requirements

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A. Limitations to Study Area. The director may limit or extend the required geographic area of the critical area report as deemed appropriate, so long as it is within the proposed site.

B. Modifications to Required Contents. The applicant may consult with the director prior to or during preparation of the critical area report to obtain City written approval for modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the probable critical area impacts and required mitigation.

C. Additional Information May be Required. The director may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with these provisions. Additional information that may be required, includes, but is not limited to:

1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
2. Grading and drainage plans; and
3. Information specific to the type, location, and nature of the critical area.

16.51. - Mitigation requirements

Deleted: 150

A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in these provisions, if alteration to the critical area is necessary, all adverse impacts to or from critical areas and management zones resulting from a development proposal or alteration shall be mitigated in accordance with an approved critical area report and SEPA documents.

B. Mitigation should be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

C. Mitigation shall only be implemented after City approval of a critical area report that includes a mitigation plan; and mitigation shall be in accordance with the provisions of the approved critical area report.

16.51. - Mitigation sequencing.

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Applicants shall demonstrate that reasonable efforts have been examined with the intent to mitigate impacts to critical areas. When an alteration to a critical area is proposed, mitigation can be accomplished through a variety of methods. Generally, avoiding the impact altogether is the preferred option. Methods to reduce impacts and mitigate for them should follow a series of steps taken in sequential order:

A. Avoiding the impact altogether by not taking a certain action or parts of an action (usually by either finding another site or changing the location on the site);

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project design, developable area configuration, relocation, or timing, to avoid or reduce impacts;

C. Rectifying the impact to critical areas by repairing, rehabilitating, or restoring the affected environment;

D. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

E. Compensating for the impact to critical areas by replacing, enhancing, or providing substitute resources or environments; and

F. Monitoring the impact or other required mitigation and taking remedial action when necessary;

In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

16.51. - Mitigation plan requirements

Deleted: 170

When mitigation is required, the applicant shall submit to the City a mitigation plan as part of the critical area report. The mitigation plan shall include:

A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:

1. 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 completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and
2. An analysis of the likelihood of success of the mitigation project.

B. 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 these provisions have been met.

C. Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, including but not limited to, the proposed construction sequence, timing and duration; grading and excavation details; erosion and sediment control features; a planting plan specifying plant species, quantities, locations, size, spacing and density; and, measures to protect and maintain plants until established. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

D. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, and five after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

F. Financial Guarantees. The mitigation plan shall include financial guarantees, as determined by the approval authority, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted consistent with these provisions.

16.51. - Innovative mitigation

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The City may encourage, facilitate, and approve innovative mitigation projects. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

A. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;

B. The group demonstrates the organizational and fiscal capability to act cooperatively;

C. The group demonstrates that long-term management of the habitat area will be provided;

D. There is a clear potential for success of the proposed mitigation at the identified mitigation site; and

E. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.

16.51. - Unauthorized critical area alterations and enforcement

Deleted: 190

A. When a critical area or its management zone has been altered in violation of these provisions, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of these provisions.

B. Restoration Plan Required. Where a violation has occurred, all development work shall remain stopped until a restoration plan is submitted by the property owner and/or violator (applicant) and approved by the City. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the intent of requirements described in subsection C of this section. The director may, at the applicant's expense, seek expert advice in determining the adequacy of the plan and may impose additional requirements to mitigate critical areas issues.

C. Minimum Performance Standards for Restoration.

1. For alterations to critical aquifer recharge areas and frequently flooded areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

a. The historic structural and functional values shall be restored, including water quality and habitat functions;

b. The historic soil types and configuration shall be replicated;

c. The critical area and management zones shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and

d. The historic functions and values should be replicated at the location of the alteration.

Am

Commented [A39]: Provision was amended to CMC with Ord. 18-014

2. For alterations to frequently flooded and geological hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

a. The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;

b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and

c. The hazard area and management zones shall be replanted with native vegetation sufficient to minimize the hazard.

A

Commented [A40]: All of the following additions, were amended to the CMC with Ord. 18-014

16.51. - Critical area markers, signs and fencing

A. Temporary Markers. The outer perimeter of the management zones and/or critical areas may be required to be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and verified by the director prior to the commencement of permitted activities. This temporary marking, if required, shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.

B. Permanent Signs. The City may require, as a condition of any permit or authorization issued pursuant to this chapter, that the applicant install permanent signs along the boundary of a critical area or management zone to City standards.

C. Fencing. installation

Deleted: D. Enforcement. Violations and compliance issues under these provisions are subject to enforcement under CMC Chapter 18.55

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Commented [A41]: This section was amended in 2017 with Ordinance #17-002

16.51. - Notice on title

A. The proponent of any new development proposal which involves a critical area or management zone may be required to file a notice with the Clark County recording division of the county auditor's office. The notice, if required, shall state the presence of the critical area or management zone on the property, of the application of these provisions to the property, and the fact that limitations on actions in or affecting the critical area or management zone may exist. The notice shall run with the land.

B. This notice on title shall not be required for a development proposal by a public agency, or public or private utility:

1. Within a recorded easement or right-of-way;
2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or

Deleted: 1. The director may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence to City specifications at the edge of the habitat conservation area or management zone, when, in the opinion of the City, fencing will reasonably minimize or prevent future impacts to the habitat conservation area. ¶
2. Fencing installed as part of a proposed activity, or as required in this subsection, shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts. ¶

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3. On the site of a permanent public facility.

C. The applicant shall submit proof that the notice has been filed for public record before the City approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

16.51. - Critical area protective mechanism

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A. Identified critical areas and their associated buffer or management zones shall be protected and preserved through a permanent protective mechanism acceptable to the City. This may include placing the critical area and its associated buffer or management zone in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffer or management zone to a public agency, or public or private land trust. The mechanism shall provide for maintenance of the critical area and its associated buffer or management zone.

B. If the protective mechanism includes placing the critical area and its associated buffer or management zone in a separate tract, then the critical area tract(s) shall:

1. Be recorded on all documents of title of record for all affected lots;
2. Be designated on the face of the plat or recorded drawing in a format approved by the City. The designation shall include the following restriction:
   a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, management zoning, and protecting plants and animal habitat; and

   b. The right of the City to enforce the terms of the restriction.

C. The City may require that any required critical area tract be dedicated to the City, or held by an incorporated homeowner's association or other legal entity.

16.51. - Bonds to ensure mitigation, maintenance, and monitoring

Deleted: 230

A. When mitigation required pursuant to a development proposal is not completed prior to the City final permit approval, such as final plat approval, the City shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the City. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the City to ensure mitigation is fully functional.

B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions, or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.

C. The bond may be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the City Attorney.

D. Bonds or other security authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met.

E. 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.

F. Public development proposals may be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for 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 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 City code or any other law.

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

CHAPTER 16.53 - WETLANDS

16.53.010 - Purpose, applicability and exemptions

Deleted: ¶

A. Purpose.

1. Wetlands constitute important natural resources which provide significant environmental functions including: the control of floodwaters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provision of significant habitat areas for fish and wildlife. Uncontrolled urban-density development in and adjacent to wetlands and designated buffers can eliminate or significantly reduce the ability of wetlands to provide these important functions, thereby detrimentally affecting public health, safety, and general welfare.

2. It is the purpose of this chapter to provide balanced wetland protection measures which:

a. Further the goal of no net loss of wetland acreage and functions;

b. Encourage restoration and enhancement of degraded and low quality wetlands;

c. Provide a greater level of protection for higher-quality wetlands;

d. Maintain consistency with federal and state wetland protective measures; and

e. Respect the rights of property owners by allowing reasonable use of property.

B. Applicability.

1. The provisions of this chapter apply to all lands, all land uses and development activity, and all structures and facilities in the City, whether or not a permit or permit authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. No person, company, agency, or applicant shall alter a wetland or wetland buffer except as consistent with this chapter.

2. The City will not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a wetland or wetland buffer, without first ensuring compliance with the requirements of this chapter, including, but not limited to, the following development permits:

a. Building permit;
b. Grading permit;
c. Forest practices conversion permit;
d. Conditional use permit;
e. Shoreline conditional use permit;
f. Shoreline substantial development permit;

g. Shoreline variance;
h. Short subdivision;
i. Subdivision;
j. Planned residential development;
k. Master plan;
l. Binding site plan; or
m. Site plan or site plan review.

C. Exemptions.

1. Exempt Activities and Impacts to Wetlands. All exempted activities shall use reasonable methods to avoid potential impacts to wetlands and buffers. Exemptions from permits are not exemptions from wetland stewardship responsibilities. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter; provided that they are otherwise consistent with the provisions of this Program, other local, state, and federal laws and requirements:

a. Reconstruction of damaged or destroyed structures within the same building footprint. Expansion or reconstruction within a new or expanded footprint that affects a nonexempt wetland or wetland buffer is subject to the provisions of this title.

b. The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.

c. Existing agricultural activities and structures:

i. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands not associated with a riparian corridor are exempt from regulation under this chapter,

ii. Changes in agricultural practices within the same "footprint" as the existing agricultural activities in subsection (C)(1)(c)(i) of this section, including reconstruction of existing agricultural structures, or construction of new agricultural structures, are exempt from regulation under this chapter,

iii. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands associated with riparian corridors shall be regulated through Appendix C -Chapter 16.61

d. The removal or eradication of noxious weeds or other exotic nuisance plants including nonnative blackberries; provided, that ground disturbing heavy machinery (scraping, ripping, etc.,) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed.

e. Site investigative work necessary for land use application submittals such as surveys, soil logs, and percolation tests.

f. Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of the hazard tree as necessary to remediate the hazard.

g. Clearing necessary for the emergency repair of utility or public facilities. Notification of emergency work that causes substantial degradation to functions and values must be reported in a timely manner.

h. Clearing for operation, maintenance, or repair of existing utilities or public facilities that does not further increase the impact to, or encroach further within, the wetland or wetland buffer.

i. Clearing, as minimally necessary, for placement of fencing, private wells, septic systems, or individual lot sewer, water, electrical, or utility connections in wetland buffers, where practical alternatives do not exist.

j. Clearing, as minimally necessary, for stream bank restoration, for native replanting, or enhancements in wetlands and wetland buffers.

k. Clearing, as minimally necessary, for soil, water, vegetation, and resource conservation projects having received an environmental permit from a public agency in wetlands and wetland buffers.

l. Clearing, as minimally necessary, for creating a four-foot or narrower path using natural, wood-based, or vegetated pervious surfacing in wetlands and wetland buffers.

m. Land disturbance in wetlands and wetland buffers cumulatively less than five cubic yards in volume and three hundred square feet in area; provided, that the wetland hydroperiod is not significantly affected.

2. Exempted Wetlands within shoreline jurisdiction. This chapter shall not apply to artificial wetlands. Wetlands intentionally created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, and landscape amenities; provided, that wetlands created as mitigation shall not be exempted.

D. Interpretation.

1. This chapter shall apply in addition to zoning and other regulations adopted by the City.

2. When there is a conflict between any provisions of this chapter or any other regulations adopted by the City of Camas, that providing the most protection to affected critical areas shall apply.

3. Compliance with this chapter does not constitute compliance with other federal, state and local regulations and permit requirements (for example, shoreline substantial development permits, hydraulic project approval (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollutant Discharge Elimination System (NPDES) permits, or DOE Section 401 Water Quality Certification). The applicant is responsible for complying with all requirements, apart from the provisions of this chapter.

16.53.020 - Rating system

A. Designating Wetlands. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, 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 adapted for life in saturated soil conditions. All areas within the City of Camas meeting the wetland designation criteria in the approved federal wetland delineation manual and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

B. Wetland Rating System. Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system found in Washington State Wetlands Rating System for Western Washington-2014 Update, (Revised, Ecology publication No. 14-06-029, October 2014) or most current edition. The rating system document contains the definitions and methods for determining if the criteria below are met:

1. Wetland Rating Categories.

a. Category I. Category I wetlands are those that meet one or more of the following criteria:

i. Wetlands that are identified by scientists of the Washington Natural Heritage Program, Department of Natural Resources (DNR) as wetlands with high conservation value;

ii. Bogs;

iii. Mature and old growth forested wetlands larger than one acre;

iv. Wetlands that perform many functions well, as indicated by scoring twenty-three points or more in the rating system.

Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.

b. Category II. Category II wetlands are those with a moderately high level of functions, as indicated by scoring between twenty and twenty-two points in the Ecology rating system.

> Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but they still need a relatively high level of protection.

c. Category III. Category III wetlands are those with a moderate level of functions, as indicated by scoring between sixteen and nineteen points in the Ecology rating system. Generally, wetlands in this category have been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

d. Category IV. Category IV wetlands have the lowest levels of functions and are often heavily disturbed. They are characterized by a score of fewer than sixteen points in the rating system. These are wetlands that should be replaceable, and in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

2. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

16.53.030 - Critical area report—Additional requirements for wetlands

A. Prepared by a Qualified Professional. A critical areas report for wetlands shall be prepared by a qualified professional who is a wetland biologist with experience preparing wetland reports.

B. Area Addressed in Critical Area Report. In addition to the requirements of Appendix C - Chapter 16.51, the following areas shall be addressed in a critical area report for wetlands:

1. Within a subject parcel or parcels, the project area of the proposed activity;
2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;
3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area within the subject parcel or parcels;
4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity; and

5. Written documentation from the qualified professional demonstrating compliance with the requirements of this chapter.

C. Wetland Determination. In conjunction with the submittal of a development permit application, the responsible official shall determine the probable existence of a wetland on the subject parcel. If wetland or wetland buffers are found to be likely to exist on the parcel, wetland delineation is required.

D. Wetland Delineation

1. Methodology. Wetland Delineation shall be determined in accordance with the approved federal wetland delineation manual and applicable regional supplements.

2. Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the department. The report shall include the following information:

a. USGS quadrangle map with site clearly defined;

b. Topographic map of area;

c. National wetland inventory map showing site;

d. Soil conservation service soils map showing site;

e. Site map, at a scale no smaller than one inch equals one hundred feet (a scaling ratio of one is to one thousand two hundred), if practical, showing the following information:

i. Wetland boundaries,

ii. Sample sites and sample transects,

iii. Boundaries of forested areas,

iv. Boundaries of wetland classes if multiple classes exist;

f. Discussion of methods and results with special emphasis on technique used from the approved federal wetlands delineation manual and applicable regional supplements;

g. Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design;

h. All completed field data sheets per the approved federal wetlands delineation manual and applicable regional supplements, numbered to correspond to each sample site.

E. Wetland Analysis. In addition to the minimum required contents of subsection D of this section, and in addition to Section 16.51.140, a critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

1. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
2. Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
    a. Existing and proposed wetland acreage;
    b. Vegetative, faunal, and hydrologic conditions;
    c. Relationship within watershed, and to existing water bodies;
    d. Soil and substrate conditions, topographic elevations;
    e. Existing and proposed adjacent site conditions;
    f. Required wetland buffers; and
    g. Property ownership.
3. A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.

When deemed appropriate, the director may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis, and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

16.53.040 - Standards

A. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter.
B. Wetland Buffers. Wetland buffer widths shall be determined by the responsible official in accordance with the standards below:
1. All buffers shall be measured horizontally outward from the delineated wetland boundary or, in the case of a stream with no adjacent wetlands, the ordinary high water mark as determined in consultation with Ecology.
2. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Tables 16.53.040-1, 16.53.040-2, 16.53.040-3 and 16.53.040-4. For Category IV wetlands, the required water quality buffers, per Table 16.53.040-1, are adequate to protect habitat functions.

Table 16.53.040-1. Buffers Required to Protect Water Quality Functions

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use

Category I	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

Table 16.53.040-2. Buffers Required to Protect Habitat Functions in Category I and II Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 16.53.040-1	See Table 16.53.040-1	See Table 16.53.040-1
5	70	105	140
6	90	135	180
7	110	165	220
8	130	195	260
9 points or greater	150	225	300

Table 16.53.040-3 Buffers Required to Protect Habitat Functions in Category III Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 16.53.040-1	See Table 16.53.040-1	See Table 16.53.040-1
5	60	90	120
6	65	100	135
7	75	110	150
8	130	195	260
9	150	225	300

Table 16.53.040-4 Land Use Intensity Matrix[1]

	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial / Industrial	Residential [2]
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated	Underground and overhead utility lines, manholes, power poles	NA	Density at or lower than 1 unit per 5 acres

	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial / Industrial	Residential [2]
			detention basins, overflows	(without footings)		
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density between 1 unit per acre and higher than 1 unit per 5 acres
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 responsible official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 16.53.060-4.

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

3. Where a residential plats and subdivisions is proposed within shoreline jurisdiction, wetlands and wetland buffers shall be placed within a non-buildable tract unless creation of a tract would result in violation of minimum lot depth standards.

4. Adjusted Buffer Width in shoreline jurisdiction.

a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer width are authorized by Section 16.53.050( ) of this section upon issuance of a wetland permit.

Commented [A42]: The reference to "D" was in error.

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b. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts shall be treated as follows:

i. Preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;

ii. Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than five points shall not be subject to the habitat function buffers

designated in Tables 16.53.040-2 and 16.53.040-3 if all of the following criteria are met:

(A) The area of reduced habitat function is at least one acre in size,

(C) The area does not meet any WDFW priority habitat or species criteria, and

(D) The required habitat function buffer is provided for all portions of the wetland that do not have reduced habitat function.

(E) The buffer reduction afforded by this subsection shall not exceed 75% of the required buffer width of Category I and II wetlands.

C. Standard Requirements. Any action granting or approving a development permit application shall be conditioned on all the following:

1. Marking Buffer During Construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit.
2. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the responsible official, and worded substantially as follows:

Wetland and Buffer—Retain in a natural state.

3. A conservation covenant shall be recorded in a form approved by the City as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.
4. In the case of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer, and a reference to the separately recorded conservation covenant provided for in subsection (C)(3) of this section.

D. Standard Requirements—Waivers. The responsible official shall waive the requirements of Section 16.53.030(D) and subsection of this section in certain cases described below if the applicant designates development envelopes which are clearly outside of any wetland or buffer. The responsible official may require partial wetland delineation to the extent necessary to ensure eligibility for this waiver:

1. Residential building permits and home businesses;

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2. Site plan reviews where the responsible official determines that all development is clearly separated from the wetlands and wetland buffers:

a. Development envelopes shall be required for a fully complete preliminary application,

b. Development envelopes shall be shown on the final site plan, and

c. A note referencing the development envelopes shall be placed on the final site plan.

16.53.050 - Wetland permits

A. General.

1. A wetland permit is required for any development activity that is not exempt pursuant to Section 16.53.010(C) within wetlands and wetland buffers.
2. Standards for wetland permits are provided in subsections B, C and D of this section.
3. All wetland permits require approval of a preliminary and final enhancement/mitigation plan in accordance with the provisions of subsection E of this section unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of subsection (E)(2) of this section.
4. Wetland permit application, processing, preliminary approval, and final approval procedures are set out in subsections F through I of this section.
5. Provisions for programmatic permits are provided by subsection K of this section.
6. Provisions for emergency wetland permits are provided by subsection L of this section.

B. Standards—General. Wetland permit applications shall be based upon a mitigation plan and shall satisfy the following general requirements:

1. The proposed activity shall not cause significant degradation of wetland functions;
2. The proposed activity shall comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal.

C. Buffer Standards and Authorized Activities. The following additional standards apply for regulated activities in a wetland buffer to ensure no net loss of ecological functions and values:

1. Buffer Reduction Incentives. Standard buffer widths may be reduced under the following conditions, provided that functions of the post-project wetland are equal to or greater after use of these incentives.

a. Lower Impact Land Uses. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts if both of the following criteria are met:

i. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other

priority habitats that are present as defined by the Washington State Department of Fish and Wildlife*; and

ii. All to minimize the impacts of the land use adjacent to the wetlands are applied, such as infiltration of stormwater, retention of as much native vegetation and soils as possible, direction of noise and light away from the wetland, and other measures that may be suggested by a qualified wetland professional.

Commented [A44]: Refer to comments from Ecology per email dated 07-16-20. It was suggested that we add more specific measures in this section.

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Table 16.53.050 -1	
Disturbance	Measures to Minimize Impacts to Reduce Buffers per 16.53.050-C(1)(a)

b. Restoration. Buffer widths may be reduced up to twenty-five percent if the buffer is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project wetland and buffer are equal or greater. To the extent possible, restoration should provide a vegetated corridor of a minimum one hundred feet wide between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife. The habitat corridor must be protected for the entire distance between the wetland and the priority habitat area by some type of permanent legal protection such as a covenant or easement. The restoration plan must meet requirements in subsection D of this section for a mitigation plan, and this section for a critical area report.

c. Combined Reductions. Buffer width reductions allowed under subsections (C)(1)(a) and (C)(1)(b) of this section may be added provided that minimum buffer widths shall never be less than seventy-five percent of required buffer width for all Categories I and II, or less than fifty feet for Category III wetlands, and twenty-five feet for all Category IV wetlands.

2. Buffer Averaging. Averaging buffers is allowed in conjunction with any of the other provisions for reductions in buffer width (listed in subsection (C)(1) of this section) provided that minimum buffer widths listed in subsection (C)(1)(c) of this section are adhered to. The community development department shall have the authority to average buffer widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:

a. The total area contained in the buffer after averaging is no less than that contained within the buffer prior to averaging;

b. Decreases in width are generally located where wetland functions may be less sensitive to adjacent land uses, and increases are generally located where wetland functions may be more sensitive to adjacent land uses, to achieve no net loss or a net gain in functions;

c. The averaged buffer, at its narrowest point, shall not result in a width less than seventy-five percent of the required width, provided that minimum buffer widths shall never be less than fifty feet for all Category I, Category II, and Category III wetlands, and twenty-five feet for all Category IV wetlands; and

d. Effect of Mitigation. If wetland mitigation occurs such that the rating of the wetland changes, the requirements for the category of the wetland after mitigation shall apply.

3. Stormwater Facilities. Stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than four points on the habitat section of the rating system form); provided, the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function, and are designed to blend with the natural landscape. Unless determined otherwise by the responsible official, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:

a. Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than twenty feet in height;

b. Disturbance of plant species that are listed as rare, threatened, or endangered by the City, county, or any state or federal management agency;

c. The construction of concrete structures, other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;

d. The construction of maintenance and access roads;

e. Slope grading steeper than four to one horizontal to vertical above the normal water surface elevation of the stormwater facility;

f. The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;

g. The construction of trench drain collection and conveyance facilities;

h. The placement of fencing; and

i. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced.

4. Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:

a. Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced; and

b. Impacts to the buffer and wetland are minimized.

5. Other Activities in a Buffer. Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction via enhancement are allowed in the buffer if all the following conditions are met:

a. The activity is temporary and will cease or be completed within three months of the date the activity begins;

b. The activity will not result in a permanent structure in or under the buffer;

c. The activity will not result in a reduction of buffer acreage or function;

d. The activity will not result in a reduction of wetland acreage or function.

D. Standards—Wetland Activities. The following additional standards apply to the approval of all activities permitted within wetlands under this section:

1. Sequencing. Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with the intent to avoid and minimize impacts to wetlands. Documentation must demonstrate that the following hierarchy of avoidance and minimization has been pursued:

a. Avoid impacts to wetlands unless the responsible official finds that:

i. For Categories I and II wetlands, avoiding all impact is not in the public interest or will deny all reasonable economic use of the site;

ii. For Categories III and IV wetlands, avoiding all impact will result in a project that is either:

(A) Inconsistent with the City of Camas comprehensive plan,

(B) Inconsistent with critical area conservation goals, or

(C) Not feasible to construct.

b. Minimize impacts to wetlands if complete avoidance is infeasible. The responsible official must find that the applicant has limited the degree or magnitude of impact to wetlands by using appropriate technology and by taking affirmative steps to reduce impact through efforts such as:

i. Seeking easements or agreements with adjacent land owners or project proponents where appropriate;
ii. Seeking reasonable relief that may be provided through application of other City zoning and design standards;
iii. Site design; and
iv. Construction techniques and timing.

c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted. The responsible official must find that:

i. The affected wetlands are restored to the conditions existing at the time of the initiation of the project;

ii. Unavoidable impacts are mitigated in accordance with this subsection; and

iii. The required mitigation is monitored and remedial action is taken when necessary to ensure the success of mitigation activities.

2. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:

a. On-Site. Locate mitigation according to the following priority:

i. Within or adjacent to the same wetland as the impact,

ii. Within or adjacent to a different wetland on the same site;

b. Off-Site. Locate mitigation within the same watershed or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;

c. In-Kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and

d. Out-of-Kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.

3. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.

a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

i. Re-Establishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

ii. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a degraded wetland. Re-establishment results in a gain in wetland function, but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

b. Creation (Establishment). The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

c. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the specific function(s), or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations, or the proportion of open water to influence hydroperiods, or some combination of these activities.

d. Protection/Maintenance (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation.

Preservation does not result in a gain of wetland acres, but may result in improved wetland functions.

4. Wetland Mitigation Ratios.

a. Standard Wetland Mitigation Ratios. The following mitigation ratios for each of the mitigation types described in subsections (D)(3)(a) through (D)(3)(c) of this section apply:

Table 16.53.050-1. Standard Wetland Mitigation Ratios (In Area)

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

b. Preservation. The responsible official has the authority to approve preservation of existing wetlands as wetland mitigation under the following conditions:

i. The wetland area being preserved is a Category I or II wetland, or is within a WDFW priority habitat or species area;

ii. The preservation area is at least one acre in size;

iii. The preservation area is protected in perpetuity by a covenant or easement that gives the City clear regulatory and enforcement authority to protect existing wetland and wetland buffer functions with standards that exceed the protection standards of this chapter;

iv. The preservation area is not an existing or proposed wetland mitigation site; and

v. The following preservation/mitigation ratios apply:

Table 16.53.050-2. Wetland Preservation Ratios for Categories I and II Wetlands (In Area)

Habitat Function of Wetland to be Replaced	In Addition to Standard Mitigation		As the Only Means of Mitigation	
	Full and Functioning Buffer	Reduced and/or Degraded Buffer	Full and Functioning Buffer	Reduced and/or Degraded Buffer
Low (3-4 points)	10:1	14:1	20:1	30:1
Moderate (5-7 points)	13:1	17:1	30:1	40:1
High (8-9 points)	16:1	20:1	40:1	50:1

c. The responsible official has the authority to reduce wetland mitigation ratios under any of the following circumstances:

i. Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;

ii. Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;

iii. The proposed actions for compensation are conducted in advance of the impact and are shown to be successful;

iv. In wetlands where several HGM classifications are found within one delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if all the following apply:

(A) The wetland does not meet any of the criteria for wetlands with "Special Characteristics," as defined in the rating system,

(B) The rating and score for the entire wetland is provided, as well as the scores and ratings for each area with a different HGM classification,

(C) Impacts to the wetland are all within an area that has a different HGM classification from the one used to establish the initial category, and

(D) The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classifications lies at least fifty feet outside of the footprint of the impacts.

5. Alternate Wetland Mitigation.
   a. Wetland Mitigation Banks.

      i. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

      (A) The bank is certified under state rules;

      (B) The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

      (C) The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.

      ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.

      iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

   b. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then

transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

i. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.

ii. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.

iii. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.

iv. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.

v. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.

vi. Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument. c. Compensatory mitigation credits may be issued for unavoidable impacts in the following cases:

i. Residential building permits where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section;

ii. Approved reasonable use exceptions where sufficient on-site wetland and wetland buffer mitigation is not practical;

iii. Small impacts affecting less than 0.10 acre of wetland where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section; or

iv. As an additional mitigation measure when all other mitigation options have been applied to the greatest extent practicable.

6. Stormwater Facilities in shoreline jurisdiction. Stormwater facilities shall follow the specific criteria in this Program, Chapter 6 at Section 6.3.15 Utilities Uses.

7. Utility Crossings. Crossing wetlands by utilities is allowed, provided the activity is not prohibited by subsection (D)(1) of this section, and provided all the following conditions are met:

a. The activity does not result in a decrease in wetland acreage or classification;

b. The activity results in no more than a short-term six month decrease in wetland functions; and

c. Impacts to the wetland are minimized.

8. Other Activities allowed in a Wetland. Activities not involving stormwater management, utility crossings, or wetland mitigation are allowed in a wetland, provided the activity is not prohibited by subsection (D)(1) of this section and if it is not subject to a shoreline permit as listed in Chapter 2 of this Program, and provided all the following conditions are met:

a. The activity shall not result in a reduction of wetland acreage or function; and

b. The activity is temporary and shall cease or be completed within three months of the date the activity begins.

E. Mitigation Plans.

1. General. Mitigation plans are required for activities in a buffer or wetland. Content requirements which are inappropriate and inapplicable to a project may be waived by the responsible official upon request of the applicant at or subsequent to the pre-application consultation provided for in subsection (F)(1) of this section.

2. Preliminary Mitigation Plan. The purpose of the preliminary plan is to determine the feasibility of the project before extensive resources are devoted to the project. The responsible official may waive the requirement for a preliminary mitigation plan when a wetland permit is not associated with a development permit application (listed in Section 16.53.010(B)). The preliminary mitigation plan consists of two parts: baseline information for the site and a conceptual plan. If off-site wetland mitigation is proposed, baseline information for both the project site and mitigation site is required.

a. Baseline information shall include:

i. Wetland delineation report as described in Section 16.53.030(D)(2);

ii. Copies of relevant wetland jurisdiction determination letters, if available, such as determinations of prior converted crop lands, correspondence from state and federal agencies regarding prior wetland delineations, etc.;

iii. Description and maps of vegetative conditions at the site;

iv. Description and maps of hydrological conditions at the site;

v. Description of soil conditions at the site based on a preliminary on-site analysis;

vi. A topographic map of the site; and

vii. A functional assessment of the existing wetland and buffer.

(A) Application of the rating system in Section 16.53.020(B) will generally be considered sufficient for functional assessment,

(B) The responsible official may accept or request an alternate functional assessment methodology when the applicant's proposal requires detailed consideration of specific wetland functions,

(C) Alternate functional assessment methodologies used shall be scientifically valid and reliable.

b. The contents of the conceptual mitigation plan shall include:

i. Goals and objectives of the proposed project;

ii. A wetland buffer width reduction plan, if width reductions are proposed, that includes:

(A) The land use intensity, per Table 16.53.040-4, of the various elements of the development adjacent to the wetlands,

(B) The wetland buffer width(s) required by Tables 16.53.040-1, 16.53.040-2 and 16.53.040-3,

(C) The proposed buffer width reductions, including documentation that proposed buffer width reductions fully protect the functions of the wetland in compliance with subsection C of this section;

iii. A wetland mitigation plan that includes:

(A) A sequencing analysis for all wetland impacts,

(B) A description of all wetland impacts that require mitigation under this chapter, and

(C) Proposed mitigation measures and mitigation ratios;

iv. Map showing proposed wetland and buffer. This map should include the existing and proposed buffers and all proposed wetland impacts regulated under this chapter;

v. Site plan;

vi. Discussion and map of plant material to be planted and planting densities;

vii. Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);

viii. Discussion of water sources for all wetlands on the site;

ix. Project schedule;

x. Discussion of how the completed project will be managed and monitored; and

xi. A discussion of contingency plans in case the project does not meet the goals initially set for the project.

3. Final Mitigation Plan. The contents of the final mitigation plan shall include:

a. The approved preliminary mitigation plan and all conditions imposed on that plan. If the preliminary mitigation plan requirement is waived, the final plan shall include the content normally required for the preliminary plan listed in this section.

b. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation project are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

c. Detailed Construction Plans. Written specifications for the mitigation project shall be provided. The specifications shall include: the proposed construction sequence, grading and excavation details, water and nutrient requirements for planting, specification of substrate stockpiling techniques, and planting instructions, as appropriate. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

d. Monitoring Program. The mitigation plan shall include a description of a detailed program for monitoring the success of the mitigation project.

i. The mitigation project shall be monitored for a period necessary to establish that the mitigation is successful, but not for a period of less than five years. Creation of forested wetland mitigation projects shall be monitored for a period of at least ten years;

ii. Monitoring shall be designed to measure the performance standards outlined in the mitigation plan and may include but not be limited to:

(A) Establishing vegetation plots to track changes in plant species composition and density over time,

(B) Using photo stations to evaluate vegetation community response,

(C) Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals),

(D) Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate,

(E) Measuring sedimentation rates, if applicable, and

(F) Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity;

iii. A monitoring protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project;

iv. Monitoring reports shall be submitted annually, or on a pre-arranged alternate schedule, for the duration of monitoring period;

v. Monitoring reports shall analyze the results of monitoring, documenting milestones, successes, problems, and recommendations for corrective and/or contingency actions to ensure success of the mitigation project.

e. Associated Plans and Other Permits. To ensure consistency with the final mitigation plan, associated plans and permits shall be submitted, including, but not limited to:

i. Engineering construction plans;

ii. Final site plan or proposed plat;

iii. Final landscaping plan;

iv. Habitat permit;

v. WDFW HPA;

vi. USACE Section 404 permit; and

vii. WDOE Administrative Order or Section 401 certification.

f. Evidence of Financial and Scientific Proficiency. A description of how the mitigation project will be managed during construction and the scientific capability of the designer to successfully implement the proposed project. In addition, a demonstration of the financial capability of the applicant to successfully complete the project and ensure it functions properly at the end of the specific monitoring period.

g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

F. Wetland Permit—Application.

1. Pre-Permit Consultation. Any person intending to apply for a shoreline permit in combination with a wetland permit is encouraged, but not required, to meet with the department during the earliest possible stages of project planning in order to discuss wetland impact avoidance, minimization, compensatory mitigation, and the required contents of a mitigation plan before significant commitments have been made to a particular project design. Effort put into pre-permit consultations and planning will help applicants create projects which will be more quickly and easily processed.

2. Applications. Applications for wetland permits shall be made to the department on forms furnished by the department and in conformance with Section 16.53.030

3. Fees. At the time of application, the applicant shall pay a filing fee in accordance with the most current fee schedule adopted by the City.

G. Wetland Permit—Processing.

1. Procedures. Wetland permit applications within shoreline jurisdiction shall be processed using the application procedures in this Program, Appendix B – Administration and Enforcement, unless specifically modified herein:

a. Type I Wetland Permit. The following wetland permits shall be reviewed under the Type I review process in accordance with CMC Chapter 18.55

i. Buffer modification only;

ii. Wetland permits associated with single-family building permits, regardless of impact;

iv. Re-authorization of approved wetland permits;

iv. Programmatic wetland permits that are SEPA exempt.

v. Programmatic wetland permits that are exempt from a shoreline substantial development permit.

2. Consolidation. The department shall, to the extent practicable and feasible, consolidate the processing of wetland permits with other City regulatory programs which affect activities in wetlands, such as SEPA review, subdivision, grading, and site plan approval, so as to provide a timely and coordinated permit process. Where no other City permit or approval is required for the wetland activity, the wetland permit shall be processed in accordance with a Type II process under CMC Chapter 18.55 Administration.

3. Notification. In addition to notices otherwise required, notice of application shall be given to federal and state agencies that have jurisdiction over, or an interest in, the affected wetlands. This notice may be incorporated into a SEPA comment period.

H. Wetland Permit—Preliminary Approval.

1. Decision Maker. A wetland permit application which has been consolidated with another permit or approval request which requires a public hearing (e.g., preliminary plat) shall be heard and decided in accordance with the procedures applicable to such other request. Any other wetland permit application shall be acted on by the responsible official within the timeline specified in Appendix B or CMC Chapter 18.55 for the required permit type.

2. Findings. A decision preliminarily approving or denying a wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.

3. Conditions. A decision preliminarily approving a wetland permit shall incorporate at least the following as conditions:

a. The approved preliminary mitigation plan;

b. Applicable conditions provided for in subsection (E)(3) of this section;

c. Posting of a performance assurance pursuant to subsection J of this section; and

d. Posting of a maintenance assurance pursuant to subsection J of this section.

4. Duration. Wetland permit preliminary approval shall be valid for a period of three years from the date of issuance or termination of administrative appeals or court challenges, whichever occurs later, unless:

a. A longer period is specified in the permit; or

b. The applicant demonstrates good cause to the responsible official's satisfaction for an extension not to exceed an additional one year.

I. Wetland Permit—Final Approval.

1. Issuance. The responsible official shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:

a. Submittal and approval of a final mitigation plan pursuant to subsection (E)(3) of this section;

b. Installation and approval of field markings as required by Section 16.53.040(C)(2);

c. The recording of a conservation covenant as required by Section 16.53.040(C)(3) and included on the plat, short plat, or site plan as required by Section 16.53.040(C)(4);

d. The posting of a performance assurance as required by subsection (H)(3) of this section.

2. Duration.

a. Wetland or Wetland Buffer Impacts. Final approval shall be valid for the period specified in the final wetland permit, or the associated development approval. Extension of the permit shall only be granted in conjunction with extension of an associated permit.

b. Compensatory Mitigation. The compensatory mitigation requirements of the permit shall remain in effect for the duration of the monitoring and maintenance period specified in the approval.

J. Wetland Permit Financial Assurances.

1. Types of Financial Assurances. The responsible official shall accept the following forms of financial assurances:

a. An escrow account secured with an agreement approved by the responsible official;

b. A bond provided by a surety for estimates that exceed five thousand dollars;

c. A deposit account with a financial institution secured with an agreement approved by the responsible official;

d. A letter of commitment from a public agency; and

e. Other forms of financial assurance determined to be acceptable by the responsible official.

2. Financial Assurance Estimates. The applicant shall submit itemized cost estimates for the required financial assurances. The responsible official may adjust the estimates to ensure that adequate funds will be available to complete the specified compensatory mitigation upon forfeiture. In addition the cost estimates must include a contingency as follows:

a. Estimates for bonds shall be multiplied by one hundred fifty percent;

b. All other estimates shall be multiplied by one hundred ten percent.

3. Waiver of Financial Assurances. For Type I wetland permits, the responsible official may waive the requirement for one or both financial assurances if the applicant can demonstrate to the responsible official's satisfaction that posting the required financial assurances will constitute a significant hardship.

4. Acceptance of Work and Release of Financial Assurances.

a. Release of Performance Assurance. Upon request, the responsible official shall release the performance assurance when the following conditions are met:

i. Completion of construction and planting specified in the approved compensatory mitigation plan;

ii. Submittal of an as-built report documenting changes to the compensatory mitigation plan that occurred during construction;

iii. Field inspection of the completed site(s); and

iv. Provision of the required maintenance assurance.

b. Release of Maintenance Assurance. Upon request, the responsible official shall release the maintenance assurance when the following conditions are met:

i. Completion of the specified monitoring and maintenance program;

ii. Submittal of a final monitoring report demonstrating that the goals and objectives of the compensatory mitigation plan have been met as demonstrated through:

(A) Compliance with the specific performance standards established in the wetland permit, or

(B) Functional assessment of the mitigation site(s), and

(C) Field inspection of the mitigation site(s).

c. Incremental Release of Financial Assurances. The responsible official may release financial assurances incrementally only if specific milestones and associated costs are specified in the compensatory mitigation plan and the document legally establishing the financial assurance.

5. Transfer of Financial Assurances. The responsible official may release financial assurances at any time if equivalent assurances are provided by the original or a new permit holder.

6. Forfeiture. If the permit holder fails to perform or maintain compensatory mitigation in accordance with the approved wetland permit, the responsible official may declare the corresponding financial assurance forfeit pursuant to the following process:

a. The responsible official shall, by registered mail, notify the wetland permit holder/agent that is signatory to the financial assurance, and the financial assurance holder of nonperformance with the terms of the approved wetlands permit;

b. The written notification shall cite a reasonable time for the permit holder, or legal successor, to comply with provisions of the permit and state the City's intent to forfeit the financial assurance should the required work not be completed in a timely manner;

c. Should the required work not be completed timely, the City shall declare the assurance forfeit;

d. Upon forfeiture of a financial assurance, the proceeds thereof shall be utilized either to correct the deficiencies which resulted in forfeiture or, if such correction is deemed by the responsible official to be impractical or ineffective, to enhance other wetlands in the same watershed or contribute to an established cumulative effects fund for watershed scale habitat and wetland conservation.

K. Programmatic Permits for Routine Maintenance and Operations of Utilities and Public Facilities. The responsible official may issue programmatic wetland permits for routine maintenance and operations of utilities and public facilities within wetlands and wetland buffers, and for wetland enhancement programs. It is not the intent of the programmatic permit process to deny or unreasonably restrict a public agency or utility's ability to provide services to the public. Programmatic permits only authorize activities specifically identified in and limited to the permit approval and conditions.

1. Application Submittal Requirements. Unless waived by the responsible official with specific findings in the approval document in accordance with subsection (K)(2) of this section, applications for programmatic wetland permits shall include a programmatic permit plan that includes the following:

a. A discussion of the purpose and need for the permit;

b. A description of the scope of activities in wetlands and wetland buffers;

c. Identification of the geographical area to be covered by the permit;

d. The range of functions and values of wetlands potentially affected by the permit;

e. Specific measures and performance standards to be taken to avoid, minimize, and mitigate impacts on wetland functions and values including:

i. Procedures for identification of wetlands and wetland buffers,

ii. Maintenance practices proposed to be used,

iii. Restoration measures,

iv. Mitigation measures and assurances,

v. Annual reporting to the responsible official that documents compliance with permit conditions and proposes any additional measures or adjustments to the approved programmatic permit plan,

vi. Reporting to the responsible official any specific wetland or wetland buffer degradations resulting from maintenance activities when the degradation occurs or within a timely manner,

vii. Responding to any department requests for information about specific work or projects,

viii. Procedures for reporting and/or addressing activities outside the scope of the approved permit, and

ix. Training all employees, contractors and individuals under the supervision of the applicant who are involved in permitted work.

2. Findings. A decision preliminarily approving or denying a programmatic wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.

3. Approval Conditions. Approval of a programmatic wetland permit shall incorporate at least the following as conditions:

a. The approved programmatic permit plan;

b. Annual reporting requirements; and

c. A provision stating the duration of the permit.

4. Duration and Re-authorization.

a. The duration of a programmatic permit is for five years, unless:

i. An annual performance based re-authorization program is approved within the permit; or

ii. A shorter duration is supported by findings.

b. Requests for re-authorization of a programmatic permit must be received prior to the expiration of the original permit.

i. Re-authorization is reviewed and approved through the process described in subsection (K)(1) of this section.

ii. Permit conditions and performance standards may be modified through the re-authorization process.

iii. The responsible official may temporarily extend the original permit if the review of the re-authorization request extends beyond the expiration date.

L. Wetland Permit—Emergency.

1. Authorization. Notwithstanding the provisions of this chapter or any other laws to the contrary, the responsible official may issue prospectively or, in the case of imminent threats, retroactively a temporary emergency wetlands permit if:

a. The responsible official determines that an unacceptable threat to life or loss of property will occur if an emergency permit is not granted; and

b. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this act and other applicable laws.

2. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible, but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this act and shall:

a. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days; and

b. Require, within this ninety-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the ninety days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.

3. Notice. Notice of issuance of an emergency permit shall be mailed to Ecology and published in a newspaper having general circulation in the City of Camas not later than ten days after issuance of such permit.

4. Termination. The emergency permit may be terminated at any time without process upon a determination by the responsible official that the action was not or is no longer necessary to protect human health or the environment.

M. Revocation. In addition to other remedies provided for elsewhere in this chapter, the responsible official may suspend or revoke wetland permit(s) issued in accordance with this chapter and associated development permits, pursuant to the provisions of Appendix B – Administration and Enforcement, if the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.

N. Enforcement. At such time as a violation of this chapter has been determined, enforcement action shall be commenced in accordance with the enforcement provisions of Appendix B – Administration and Enforcement, and may also include the following:

1. Applications for City land use permits on sites that have been cited or issued an administrative notice of correction or order under Title 18, or have been otherwise documented by the City for activities in violation of this chapter, shall not be processed for a period of six years provided:

a. The City has the authority to apply the permit moratorium to the property;

b. The City records the permit moratorium; and

c. The responsible official may reduce or wave the permit moratorium duration upon approval of a wetland permit under this section.

2. Compensatory mitigation requirements under subsections C and D of this section may be increased by the responsible official as follows:

a. All or some portion of the wetland or wetland buffer impact cannot be permitted or restored in place; and

b. Compensatory mitigation for the impact is delayed more than one year from the time of the original citation or documentation of the violation.

CHAPTER 16.55 - CRITICAL AQUIFER RECHARGE AREAS

16.55.010 - Critical aquifer recharge areas designation

Critical aquifer recharge areas (CARA) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARA have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. These areas include the following:

A. Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the ten-year time of ground water travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

B. Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.

C. Susceptible Ground Water Management Areas. Susceptible ground water management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted ground water management program developed pursuant to Chapter 173-100 WAC.

D. Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090.

E. Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the state Department of Ecology guidelines.

F. Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the state Department of Ecology.

16.55.020 - Aquifer recharge area susceptibility ratings

Aquifer recharge areas shall be rated as having high, moderate, or low susceptibility based on soil permeability, geologic matrix, infiltration, and depth to water as determined by the criteria established by the state Department of Ecology.

16.55.030 - Mapping of critical aquifer recharge areas

A. The approximate location and extent of critical aquifer recharge areas are shown on the adopted critical area maps.

B. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

16.55.040 - Activities allowed in critical aquifer recharge areas

The following activities are allowed in critical aquifer recharge areas in addition to those pursuant to allowed activities (Section 16.51.110), and do not require submission of a critical area report:

A. Construction of structures and improvements, including additions, resulting in less than five percent or two thousand five hundred square feet (whichever is greater) total site impervious surface area that do not result in a change of use or increase the use of a hazardous substance.

B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area and that does not increase the use of a hazardous substance.

C. Development within CARA's shall not result in the loss of more than forty percent of the total pervious surface of the site.

16.55.050 - Critical area report—Requirements for critical aquifer recharge areas

A. Prepared by a Qualified Professional. An aquifer recharge area critical area report shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer, who is licensed in the state of Washington, and has experience in preparing hydrogeologic assessments.

B. Hydrogeologic Assessment Required. For all proposed activities to be located in a critical aquifer recharge area, a critical area report shall contain a level one hydrogeological assessment. A Level One hydrogeologic assessment shall be required for any of the following proposed activities:

1. Activities that result in five percent or more, or two thousand five hundred square feet of impervious site area;
2. Activities that divert, alter, or reduce the flow of surface or ground waters, or otherwise reduce the recharging of the aquifer;
3. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;
4. The use of injection wells; or
5. Any other activity determined by the director likely to have an adverse impact on ground water quality or quantity, or on the recharge of the aquifer.

C. Level One Hydrogeologic Assessment. A Level One hydrogeologic assessment shall include the following site- and proposal-related information at a minimum:

1. Available information regarding geologic and hydrogeologic characteristics of the site, including the surface location of all critical aquifer recharge areas located on

site or immediately adjacent to the site, and permeability of the unsaturated zone;

2. Ground water depth, flow direction and gradient based on available information;

3. Currently available data on wells and springs within one thousand three hundred feet of the project area;

4. Location of other critical areas, including surface waters, within one thousand three hundred feet of the project area;

5. Available historic water quality data for the area to be affected by the proposed activity; and

6. Best management practices proposed to be utilized.

D. Level Two Hydrogeologic Assessment. A Level Two hydrogeologic assessment shall include the following site- and proposal-related information at a minimum, in addition to the requirements for a Level One hydrogeological assessment:

1. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;

2. Ground water monitoring plan provisions;

3. Discussion of the effects of the proposed project on the ground water quality and quantity, including:

   a. Predictive evaluation of ground water withdrawal effects; and

   b. Predictive evaluation of contaminant transport based on potential releases to ground water; and

4. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

16.55.060 - Performance standards—General requirements

A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer, and that the proposed activity will not adversely effect the recharging of the aquifer.

B. The critical areas report shall identify and demonstrate that measures will be taken to prevent aquifer contamination from vehicular repair, residential use of pesticides and nutrients, spreading or injection of reclaimed water, and storage tanks.

C. The proposed activity must comply with the water source protection requirements and recommendations of the Federal Environmental Protection Agency, State Department of Health, and the local health district.

D. The proposed activity must be designed and constructed in accordance with the city of Camas Design Standards Manual.

16.55.070 - Performance standards—Specific uses

A. Storage Tanks. All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:

1. Underground Tanks. All new underground storage facilities proposed for use shall be designed and constructed so as to:
    a. Prevent releases due to corrosion or structural failure for the operational life of the tank;
    b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and
    c. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
2. Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
    a. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;
    b. Have a primary containment area enclosing or underlying the tank or part thereof; and
    c. A secondary containment system either built into the tank structure, or a dike system built outside the tank. This applies to all tanks.

B. No Dry Wells Shall be Allowed in Critical Aquifer Recharge Areas. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.

C. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

D. Spreading or Injection of Reclaimed Water. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the departments of Ecology and Health.
1. Surface spreading must meet the ground water recharge criteria given in Chapter 90.46.080 RCW and Chapter 90.46.010(9); and
2. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.

E. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

Statutes, Regulations and Guidance Pertaining to Ground Water Impacting Activities

Activity	Statute—Regulation—Guidance*
Aboveground storage tanks	Chapter 173-303-640 WAC
Animal feedlots	Chapter 173-216 -240 WAC, Chapter 173-220 (NPDES) WAC
Automobile washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (WDOE WQ-R-95-56)
Below ground storage tanks	Chapter 173-360 WAC
Chemical treatment storage and disposal facilities	Chapter 173-303 WAC
Hazardous waste generator (boat repair shops, biological research facility, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, etc.)	Chapter 173-303 WAC
Injection wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk yards and salvage yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (WDOE 94-146)
Oil and gas drilling	Chapter 332-12-450 WAC, Chapter 344-12 WAC
On-site sewage systems (large scale)	Chapter 173-240 WAC
On-site sewage systems (<14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide storage and use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (WDOE 95-53)
Solid waste handling and recycling facilities	Chapter 173-304 WAC
Surface mining	Chapter 332-18 WAC
Waste water application to land surface	Chapter 173-216 WAC, Chapter 173-200 WAC, WDOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture

* as amended.

16.55.080 - Uses prohibited from critical aquifer recharge areas

The following activities and uses are prohibited in critical aquifer recharge areas:*

A. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;

B. Underground Injection Wells. Classes I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;

C. Mining.

1. Metals and hard rock mining, and
2. Sand and gravel mining;

D. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and man-made);

E. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store,

process, or dispose of radioactive substances;

F. Fuel and/or gas stations;

G. Vehicle repair and servicing;

H. Oil and lubricant centers; and

I. Other.

1. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source,

2. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream,

3. Activities that are not connected to an available sanitary sewer system are prohibited from critical aquifer recharge areas associated with sole source aquifers, and

4. Underground storage tanks for the use and storage of hazardous substances or hazardous materials.

* Prohibited uses are based on "Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances," by Ecology, July 2000, publication #97-30, and local concerns.

CHAPTER 16.57 - FREQUENTLY FLOODED AREAS

16.57.010 Applicability

A. Frequently Flooded Areas. Frequently flooded areas include: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas. The best available information for flood hazard area identification as outlined in Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. The flood insurance study and accompanying rate maps are hereby adopted by reference, and declared part of this chapter. These are minimum designations; the director may identify additional areas.

B. Use of Additional Information. The director may use additional flood information that is more restrictive than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.

C. Flood Elevation Data. When base flood elevation data is not available (Zone A), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter.

D. For the purposes of this chapter, definitions are generally found in CMC Section 18.03.

16.57.020 Uses and activities prohibited

A. Critical Facilities. Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred year flood), or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. Certification by a registered professional engineer is required.

B. Wells.

C. On-site sewage or waste disposal systems.

D. Lots (Includes residential and non-residential). There shall be no increase in lots within frequently flooded areas. No additional lots shall be created within a frequently flooded area. Divisions of land shall have the frequently flooded areas designated as separate tract(s) and not included within any additional lot.

E. Development in Floodways.

1. New Development Requires Certification by an Engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat, and designed by a qualified professional, may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the City by a qualified professional in the field of hydraulics.

2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within floodways, except for:

a. Maintenance or repairs to a structure that do not increase the ground floor area; and

b. Repairs, reconstruction, or improvements to a structure for which the cost does not exceed fifty percent of the market value of the structure either:

i. Before the repair or reconstruction is started; or

ii. If the structure has been damaged and is being restored, before the damage occurred.

c. Improvement to a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the City, and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.

3. If Section E(1) above is satisfied, all new construction and substantial improvements must also comply with all applicable flood hazard reduction provisions.

16.57.030 Critical area report--Additional requirements

In addition to the items listed in CMC 16.51.140 Critical Area Reporting, the following is required:

A. Prepared by a Qualified Professional. A frequently flooded areas report shall be prepared by a qualified professional who is a hydrologist, or engineer, who is licensed in the state of Washington, with experience in preparing flood hazard assessments.

B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for frequently flooded areas:

1. The site area of the proposed activity;
2. All areas of a special flood hazard area, as indicated on the flood insurance rate map(s), within three hundred feet of the project area; and
3. All other flood areas indicated on the flood insurance rate map(s) within three hundred feet of the project area.

C. Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment, including the following site- and proposal-related information at a minimum:

1. Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:

    a. Floodplain (one hundred year flood elevation), ten- and fifty-year flood elevations, floodway, other critical areas, management zones, and shoreline areas;
    b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
    c. Clearing limits; and
    d. Elevation of the lowest floor (including basement) of all buildings, and the level to which any building has been floodproofed;

2. Floodproofing Certificate (FEMA form 81-65, most current edition). When floodproofing is proposed for a non-residential building, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements in Section 16.57.050(F); and
3. Watercourse Alteration. When watercourse alteration is proposed, the critical area report shall include:

    a. Extent of Watercourse Alteration. A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of proposal, and
    b. Maintenance Program Required for Watercourse Alterations. A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished.

D. Information Regarding Other Critical Areas. Potential impacts to wetlands, fish and wildlife habitat, and other critical areas shall be addressed in accordance with the applicable sections of these provisions.

16.57.040 Warning and disclaimer of liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This chapter does not imply that land outside frequently flooded areas, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Camas, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

16.57.050 Performance standards--General requirements

All Elevation Certificates (FEMA Form 81-31), Floodproofing Certificates for non-residential structures (FEMA Form 81-65), documents, and records pertaining to the provisions of this ordinance shall be maintained by the City for public inspection.

A. All Necessary Permits Shall be Obtained. A development permit shall be obtained before construction or development begins within any frequently flooded area established in Section 16.57.010. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions". The applicant shall provide verification to the City that all necessary permits have been obtained from those governmental agencies from which prior approval is required by federal, state or local law including Section 404 of the Federal Water Pollution Control Act Amendment of 1972, and the Endangered Species Act of 1973, as amended.

B. Area of Special Flood Hazards with Base Flood Elevation. When the base flood elevation is provided, but a regulatory floodway has not been designated, new construction, substantial improvements, or other development, including fill, shall not be permitted within frequently flooded areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.

C. Areas Without Base Flood Elevation Data. Where base flood elevation data is not available (Zone A), and there is insufficient data then a report shall be submitted by a qualified professional that includes analysis of historical data and field surveys. The reports shall include reasonable mapping to ensure proposed buildings are safe from flooding and to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits

D. Construction Materials and Methods.

1. Methods that Minimize Flood Damage. All new construction and substantial improvements shall be constructed using flood resistant materials and utility equipment, and with methods and practices that minimize flood damage.

2. Buildings shall be located outside the floodplain. For sites with no buildable area out of the floodplain, buildings may be allowed provided they are placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the City detects any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.

3. Utilities Shall be Protected. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or

otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Elevation Certificate Required Following Construction. Following construction of a building within the floodplain where the base flood elevation is provided, the applicant shall obtain a "finished construction" elevation certificate (FEMA Form 81-31, most current edition) from a registered professional engineer or architect that records the elevation of the lowest floor.

F. Floodproofing (Non-residential only).

1. When a building is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:

a. Watertight Building. The building shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;

b. Hydrostatic and Hydrodynamic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Certified by a Registered Professional Engineer or Architect. The building shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.

2. Floodproofing Certificate Required Following Construction. Following construction of the building, the applicant shall obtain a floodproofing certificate (FEMA Form 81-65, most current edition) from a registered professional engineer or architect that records the actual (as-built) elevation to which the building was floodproofed.

G. Anchoring. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the building. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors.

H. Fill and Grading. Fill and grading within the floodplain shall only occur upon a determination from a registered professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City has delineated such zones as of the time of the application. If fill or grading is located in a floodway, Section 16.57.020 applies.

16.57.060 Performance standards--Specific uses

In all special flood hazard areas the following provisions are required:

A. Residential Units.

1. Must be Above Base Flood Elevation. New construction or placement of residential units and substantial improvement of any residential building shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.

2. Areas Below the Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Manufactured Homes.

All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames ties to ground anchors. If the manufactured home is placed on a permanent footing/foundation with stem walls, Section 16.57.060 (A)(2) applies.

B. Nonresidential Construction.

1. Must be Above Base Flood Elevation. New construction and substantial improvement of any commercial, industrial, or other nonresidential building shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed in accordance with floodproofing (Section 16.57.050(F)). Unavoidable impacts to flooded areas (from fill) need to be mitigated.

2. Areas Below the Lowest Floor. If floodproofed, areas shall be in accordance with floodproofing (Section 16.57.050 (F). If elevated and not floodproofed, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

a. A minimum of three openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

C. Utilities.

1. Shall be Designed to Minimize Infiltration of Floodwaters. All new and replacement water supply systems shall be designed to preclude infiltration of floodwaters into the systems.

2. Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

3. On-site Waste Disposal Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New on-site sewage disposal systems are prohibited for uses and activities prohibited from frequently flooded areas.

D. Subdivision/Land Division Proposals.

1. All land division proposals shall:

a. Minimize Flood Damage. Subdivisions, short subdivisions, planned developments, and binding site plans shall be designed to minimize or eliminate flood damage to proposed buildings; and public utilities and facilities that are installed as part of such subdivisions. Sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate "flood protection" changes.

b. Have Adequate Drainage. Subdivisions, short subdivisions, planned developments, and binding site plans shall have adequate natural surface water drainage in accordance with City requirements to reduce exposure to flood hazards; and

c. Show Flood Areas on Plat Maps. Subdivisions, short subdivisions, planned developments, and binding site plans shall show the one hundred year floodplain, floodway, and channel migration zone on the preliminary and final plat maps.

2. Lots. No lot or portion of lot after the effective date of the ordinance codified in this title shall be established within the boundaries of a frequently flooded area.

E. Alteration of Watercourses.

1. Shall be in Accordance with Habitat Regulations. Watercourse alterations shall only be allowed in accordance with the fish and wildlife habitat conservation areas (Chapter 16.61).

2. Shall Not Result in Blockage. Watercourse alteration projects shall not result in blockage of side channels.

3. Notification Required. The City shall notify adjacent communities, the Washington State Department of Ecology, and the Federal Insurance Administration of a proposed watercourse alteration at least fifteen days prior to permit issuance.

4. Maintenance of Alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. Maintenance shall be bonded for a period of five years, and be in accordance with an approved maintenance program.

16.57.070 Recreational Vehicles

Recreational vehicles placed on sites are required to either:

A. Be on the site for fewer than 180 consecutive days; or

B. Be fully licensed and ready for highway use on its wheels, or the jacking system is attached to the site only by quick disconnect type utilities and securities devices, and has no permanently attached additions; or

C. Meet the requirements of Section 16.57.060(A)(3) and the elevation and anchoring requirements for manufactured homes.

16.57.080 Variations--Additional considerations for frequently flooded areas

A. Additional Variation Considerations. In review of variation requests for activities within frequently flooded areas, the City shall consider all technical evaluations, relevant factors, standards specified in this chapter, and:

1. The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;

2. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the proposed use;

3. The importance of the services provided by the proposed use to the community;

4. The necessity of a waterfront location and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

5. The safety of access to the property for ordinary and emergency vehicles;

6. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and

7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Variations shall only be issued upon a determination that the granting of a variation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

C. Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

CHAPTER 16.59 - GEOLOGICALLY HAZARDOUS AREAS

16.59.010 - Designation of geologically hazardous areas

Geologically hazardous areas include areas susceptible to erosion hazard, landslide hazard, seismic hazard, mine hazard and other geologic events. These areas pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

A. Erosion hazard;
B. Landslide hazard;
C. Seismic hazard; or
D. Other geological events including, mass wasting, debris flows, rock falls and differential settlement.

16.59.020 - Designation of specific hazard areas

A. Erosion Hazard Areas. Erosion hazard areas are areas where there is not a mapped or designated landslide hazard, but where there are steep slopes equal to or greater than forty percent slope. Steep slopes which are less than ten feet in vertical height and not part of a larger steep slope system, and steep slopes created through previous legal grading activity are not regulated steep slope hazard areas.

B. Landslide Hazard Areas. 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. Examples of these may include, but are not limited to the following:

1. Areas of previous slope failures including areas of unstable old or recent landslides;
2. Areas with all three of the following characteristics:
a. Slopes steeper than fifteen percent,

b. Hillsides intersecting geologic contacts with permeable sediment overlying a low permeability sediment or bedrock, and

c. Any springs or ground water seepage;

3. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems and fault planes in subsurface materials;
4. Areas mapped by:
a. Washington Department of Natural Resources Open File Report: Slope Stability of Clark County, 1975, as having potential instability, historical or active landslides, or as older landslide debris, and

b. The Washington Department of Natural Resources Open File Report Geologic Map of the Vancouver Quadrangle, Washington and Oregon, 1987, as landslides;

5. Slopes greater than eighty percent, subject to rock fall during earthquake shaking;
6. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and stream undercutting the toe of a slope;
7. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows, debris torrents or catastrophic flooding.

C. "Seismic hazard area" means an area subject to severe risk of damage as a result of earthquake-induced soil liquefaction, ground shaking amplification, slope failure, settlement, or surface faulting. Relative seismic hazard is mapped on the NEHRP site class map of Clark County, published by the Washington Department of Natural Resources.

D. Other Hazard Areas. Geologically hazardous areas shall also include areas determined by the City to be susceptible to other geological events, including mass wasting, debris flows, rock falls, and differential settlement.

16.59.030 - Classification of geologically hazardous areas

All geologic hazard areas should be classified according to the following categories for each geologic hazard type:

A. Known or Suspected Risk. Documentation of projection of the hazard by a qualified professional exists.

B. Risk Unknown. Documentation, or projection of the lack of hazard, by a qualified professional exists, or data is not available to determine the presence or absence of a geologic hazard.

16.59.040 - Mapping of geologically hazardous areas

A. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps as revised or superseded. The adopted critical area maps may include:

1. U.S. Geological Survey landslide hazard and seismic hazard maps;
2. Department of Natural Resources seismic hazard maps for western Washington;
3. Department of Natural Resources slope stability maps;
4. Federal Emergency Management Administration flood insurance maps; and
5. Locally adopted maps.

B. These maps are to be used as a guide for the City, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

16.59.050 - Activities allowed in geologically hazardous areas

The following activities are allowed in geologically hazardous areas, provided that the activity will not increase the risk of the hazard, pursuant to allowed activities under general provisions (Appendix C - Section 16.51.110), and do not require submission of a critical area report:

A. Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
B. Additions to the ground floor of existing single-family residences that are two hundred fifty square feet or less; and
C. Installation of fences.

16.59.060 - Critical area report requirements for geologically hazardous areas

A. Prepared by a Qualified Professional. A critical areas report for a geologically hazardous area shall be prepared by a qualified professional who is either a civil engineer with a geotechnical background, or a geologist, licensed in the state of Washington, with experience analyzing geologic, and where applicable, hydrologic and ground water flow systems.
B. Area Addressed in Critical Area Report. The project area of the proposed activity shall be addressed in a critical area report for geologically hazardous areas.
C. Geotechnical Evaluation and Assessment. Except as provided for in subsections D and E of this section, a critical area report for geologically hazardous areas shall first contain a site evaluation and, if required, an assessment of geological hazards.

1. Site Evaluation. A site evaluation shall include:

a. Identification of the geologically hazardous area including the type and extent of the geological hazard, and the reason the area is or is not likely to be impacted by the proposed development plan.

b. A description of the project including, where applicable:

i. Proposed structures;

ii. Proposed grading;

iii. Areas proposed for storage of materials;

iv. Proposed storm drainage areas;

v. Related project impacts which have a potential to adversely affect the geological hazard; and

vi. If available for the proposed activity, a site development plan may be included to illustrate proposed project impacts. The development plan when provided will show the geological hazard area, proposed site improvements, two-foot contours, proposed storm water treatment facilities, proposed or known existing septic drain fields, proposed stockpile areas, or proposed areas of mass grading.

c. Identification of proportionate and appropriate mitigation measures and a description of how they will adequately protect the proposed development, adjacent developments, and the subject geologically hazardous area.

d. A recommendation based on the proposed site activities of the level of study, construction monitoring, or site design changes which may be needed during the final design process.

2. Geotechnical Assessment. If recommended by the site evaluation, or determined necessary by the City, a geotechnical assessment for geologically hazardous areas shall include the following site- and proposal-related information at a minimum:

a. Site Plans. The report shall include a copy of the site plans for the proposal showing:

i. The type and extent of geologic hazard areas, and any other critical areas, and management zones on, adjacent to, within three hundred feet of, or that are likely to impact the proposal;

ii. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and storm drainage facilities, with dimensions indicating distances to hazard areas; and

iii. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report.

3. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region.

The assessment shall include, but not be limited to:

a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area, and in generally all hazard areas addressed in the report;

b. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

c. A description of the vulnerability of the site to seismic and other geologic events.

4. Analysis of Proposal. The report shall contain a geotechnical analysis, including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

5. Summary and Recommendation. The report shall make a recommendation for the minimum no disturbance management zone, or minimum building setback

from any geologic hazard, or other appropriate mitigation measures based upon the geotechnical analysis.

D. Incorporation or Acceptance of Previous Study. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, such report may be incorporated into or accepted as the required critical area report. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.

E. Where the applicant can demonstrate that the proposed project or activity has no direct impact on the identified geologically hazardous area, or that the site evaluation requirements above are not applicable to the proposed project or activity, the City may not require additional site assessment work or may limit the scoping of the site evaluation based on identified site specific geologic hazards.

F. Mitigation of Long-Term Impacts. When hazard mitigation is required the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

16.59.070 - Critical area report requirements for specific hazards

A. Erosion and Landslide Hazard Areas. In addition to the basic geological hazard area report requirements, a report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

1. Site Plan. The report shall include a copy of the site plan for the proposal showing:

a. The height of slope, slope gradient, and cross section of the project area,

b. The location of springs, seeps, or other surface expressions of ground water on or within three hundred feet of the project area, or that have potential to be affected by the proposal, and

c. The location and description of surface water runoff;

2. Geotechnical Analysis. The geotechnical analysis shall specifically include:

a. A description of the extent and type of vegetative cover,

b. An estimate of load capacity, including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development,

c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure,

d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred year storm event,

e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties,

f. A study of slope stability, including an analysis of proposed angles of cut and fill, and site grading,

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

h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;

3. Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in CMC Chapter 15.32, CMC Chapter 17.21 and the City of Camas Design Standard Manual;

4. Drainage Plan. The report shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with CMC Chapter 17.21 and the City of Camas Design Standard Manual;

5. Mitigation Plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability;

6. Monitoring Surface Waters. If the City determines that there is a significant risk of damage to downstream waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City.

B. Seismic Hazard Areas. In addition to the basic report requirements, a critical area report for a seismic hazard area shall also meet the following requirements:

1. The site map shall show all known and mapped faults within three hundred feet of the project area, or that have potential to be affected by the proposal.

2. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

C. Other Geologically Hazardous Areas. In addition to the basic report requirements, the City may require additional information to be included in the critical area report when determined to be necessary to review the proposed activity and the subject hazard. Additional information that may be required, includes, but is not limited to:

1. Site Plan. The site plan shall show all known hazard areas located within three hundred feet of the project area, or that have potential to be affected by the proposal; and
2. Geotechnical Analysis. The geotechnical analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

16.59.080 - Performance standards—General requirements

Alterations of geologically hazardous areas or associated management zones may only occur for activities that will not adversely impact or pose a threat to adjacent properties or critical areas, and are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions.

16.59.090 - Performance standards—Specific hazards

A. Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:

1. Management Zone Required. A management zone shall be established from all edges of erosion or landslide hazard areas. The size of the management zone shall be determined by the City 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 area report prepared by a qualified professional.

a. Management Zone Established. A management zone shall be established from the edges of areas characterized by steep slopes, potentially unstable soils, erosion potential, or seismic activity. The management zone will be established by a qualified professional and shall adequately protect the proposed development, adjacent developments, and subject critical area. The management zone shall generally be equal to the height of the slope, or fifty feet, whichever is greater. A management zone less than fifty feet may be established if a qualified professional determines that such reduction will adequately protect the proposed development, adjacent developments, and subject critical area.

b. Increased Management Zone. The management zone may be increased where the City determines a larger management zone is necessary to prevent risk of damage to proposed and existing development(s);

2. Design Standards. Development under this section shall be designed to meet the following basic requirements. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:

a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions, and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code,

b. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas,

c. Structures and improvements should minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography,

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

e. The proposed development shall not result in greater risk or a need for increased management zones on neighboring properties,

f. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes, and

g. Development shall be designed to minimize impervious lot coverage;

3. Vegetation Removal. Within a geologically hazardous area and related management zone, removal of vegetation shall be limited to the following:
a. Selective vegetation removal as provided under Appendix C - Section 16.51.110, or

b. The City may authorize, as part of a critical area review, vegetation removal that has been determined to have no greater adverse impact on the geologically hazardous area, and is not necessary for mitigating any other impact under this code. The determination of no greater adverse impact will take into consideration a vegetation removal plan prepared by a certified landscape architect or arborist, and reviewed by a geotechnical engineer;

4. Seasonal Restriction. Clearing and grading under a City permit shall be allowed only 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 actual weather conditions;
5. Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is likely. The line or pipe shall be appropriately located and designed so that it will continue to function in the event of an underlying failure;
6. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:
a. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge,

b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state, or

c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed management zone demonstrated to be adequate to infiltrate all surface and stormwater runoff;

7. Roads and utilities (see subsection (A)(5) of this section) may be permitted within a geologic hazard area or management zone if the City determines that no other reasonable alternative exists which could avoid or minimize impacts to a greater extent.

B. Seismic Hazard Areas. Activities proposed to be located in seismic hazard areas shall meet the standards of Appendix C - Section 16.59.080

C. Other Hazard Areas. Activities on sites containing or adjacent to geologically hazardous areas, shall meet the standards of Appendix C - Section 16.59.080

CHAPTER 16.61 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS

16.61.010 - Designation of fish and wildlife habitat conservation areas

A. Fish and wildlife habitat conservation areas include:

1. Areas with Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association. The presence or absence of such species shall be determined by the field studies required by this section. Lists, categories and definitions of species promulgated by National Marine Fisheries Service (NMFS) and Washington Department of Fish and Wildlife (WDFW) are provided to the City to be used for guidance only.

2. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

3. Habitats of local importance as identified by the City's Park, Recreation and Open Space Comprehensive Plan as natural open space, or as listed below:

a. Oregon White Oaks.

i. Individual Oregon White Oak trees with a twenty-inch diameter at breast height (twenty inches dbh).

ii. Stands of Oregon White Oak trees greater than one acre, when they are found to be valuable to fish and wildlife (i.e., may include trees with cavities, large diameter breast height (twelve inches dbh), are used by priority species, or have a large canopy.

iii. All Oregon White Oak snags unless determined by an arborist to be a hazard.

b. Camas Lily. To the extent practicable, Camas lily fields of a significant concentration (one-fourth acre) shall be preserved. If impacts or removal of significant concentrations of Camas lily are proposed, the proposal must include an evidence that the exploration of development options has included:

i. Maintaining Camas lily concentrations as they currently exist on site; and

ii. The option of transplanting Camas lily concentrations to other portions of the property. The proposal may be approved as proposed provided a finding is made based upon evidence that subsection (A)(3)(b)(i) and this subsection have been explored, that it is not possible to maintain significant concentrations of Camas lily on-site.

4. Naturally Occurring Ponds Under Twenty Acres. Naturally occurring ponds are those ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the State. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031, or its successor. This does not include man-made ditches or bio-swales that have been created from areas not meeting the definition of waters of the state. Furthermore, wetlands designation and protection are regulated under Appendix C - Chapter 16.53

6. Bodies of water planted with game fish by a governmental or tribal entity.

7. State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.

All areas within the City of Camas meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

B. Mapping. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the City of Camas, as most recently updated. Existing and updated Washington Department of Fish and Wildlife (WDFW) and Department of Natural Resources (DNR) mapping of priority habitat, water types, shore zones, salmonoid distribution, and State Natural Resources Preserves is hereby adopted by reference. WDFW and DNR mapping is to be used for guidance purposes only. In addition, the mapping included within the Camas parks and open space plan identifies areas of potential natural open spaces.

These maps are to be used as a guide for the City of Camas, project applicants, and/or property owners, and should be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

16.61.020 - Critical area report—Requirements for habitat conservation areas

A. Prepared by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.

B. Areas Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:

1. Within a subject parcel or parcels, the project area of the proposed activity;
2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;
3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area of the subject parcel or parcels; and
4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity.

C. Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of a potential critical fish or wildlife species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats, including the following site- and proposal-related information at a minimum:

1. Detailed description of vegetation on and adjacent to the project area;
2. 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;
3. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
4. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity, and to be conducted in accordance with mitigation sequencing (Section 16.51.160); and
5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

D. Additional Information May be Required. When appropriate due to the type of habitat or species present or the project area conditions, the City may also require the habitat management plan to include:

1. An evaluation by the Department of Fish and Wildlife or qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;
2. An evaluation by the local Native American Indian Tribe; and
3. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

16.61.030 - Performance standards—General requirements

A. Mitigation Standards.

1. Applicants proposing activities subject to this chapter shall demonstrate that the activity:

a. Substantially maintains the level of habitat functions and values as characterized and documented using best available science; and

b. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal.

2. If it is determined that habitat designated under this chapter will incur a net loss in functions and values, all losses shall be mitigated on-site as a first priority, and off-site thereafter.

a. Where on-site mitigation that could adequately address the loss is infeasible, the applicant shall consult with a qualified habitat restoration specialist, the City, and the Washington State Department of Fish and Wildlife regarding off-site mitigation. Mitigation shall prioritize the preservation and restoration of Lower Washougal River in-stream and riparian habitat, and should be guided by the Washougal River Sub-basin chapter of the Lower Columbia Salmon Recovery Plan.

b. If on-site mitigation is infeasible, payment may be accepted in lieu of an off-site mitigation project. At a minimum, such payment shall be equivalent to the cost of implementing an acceptable off-site project, as estimated by a qualified professional approved by the City, in consultation with the Washington State Department of Fish and Wildlife. The City shall use these funds for habitat improvements it believes are in the best interest of the City and provide a greater ecological benefit than the alternative off-site project. Habitat improvements under this section are subject to the following criteria:

i. Fees will be used to find a clearly defined mitigation project;

ii. The project being funded will result in an increase in function that adequately compensates for the permitted impacts;

iii. Preference is given to projects within the same drainage basin as the impact, if they can provide similar functional improvements;

iv. There is a clear timeline for completing the mitigation project; and

v. There are provisions for long-term protection and management, including mechanisms such as conservation easements, and funding for long-term monitoring and maintenance of the site.

3. Alternate Mitigation.

a. Habitat Mitigation Banking.

i. Construction, enhancement, or restoration of habitat to use as mitigation for future habitat development impacts is permitted subject to the following:

(A) A critical area permit shall be obtained prior to any mitigation banking. If a habitat permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. On projects proposing off-site habitat banking in addition

to required habitat mitigation, a separate habitat permit shall be required for each activity;

(B) Federal and state habitat regulations, if applicable, may supersede City requirements.

ii. The mitigation credit allowed will be determined by the City, based on the habitat category, condition, and mitigation ratios as specified in this chapter. Prior to granting mitigation banking credit, all habitat mitigation banking areas must comply with the applicable sections of this chapter and Chapter 16.51.

iii. On projects proposing off-site habitat banking in addition to required habitat mitigation, a separate permit fee will be required for each activity.

iv. Purchase of banked habitat credits is permitted to mitigate for habitat impacts in the same watershed, provided the applicant has minimized habitat impacts, where reasonably possible, and the following requirements are met:

(A) Documentation, in a form approved by the City, adequate to verify the transfer of habitat credit shall be submitted; and

(B) A plat note, along with information on the title, shall be recorded in a form approved by the City as adequate to give notice of the requirements of this section being met by the purchase of banked habitat credits.

4. Subject to individual circumstances, potential mitigation measures may include, but are not limited to, the following:

a. Establishment of buffers;

b. Requirement of a performance bond, when necessary, to ensure completion and success of the proposed mitigation;

c. Avoiding the impact all together by not taking a certain action or parts of an action;

d. Exploring alternative on-site locations to avoid or reduce impacts of activities;

e. Preserving important vegetation and natural habitat features by establishing buffers, or by limiting clearing or alteration;

f. Replacing invasive exotic plants with native species (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);

g. Prohibiting introduction of invasive plant species in habitat areas;

h. Enhancing, restoring, or replacing vegetation or other habitat features and functions;

i. Using native plants where appropriate when planting within habitat areas (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);

j. Managing access to habitat areas, including exclusionary fencing for livestock, if needed;

k. Using existing stream crossings whenever a review of suitability, capacity, access and location, habitat impacts of alternatives, maintenance, liability, and economics indicate the existing crossing is feasible;

l. Constructing new stream crossings, when necessary, in conformance to the water crossing structure standards in WAC 220-110-070 (Hydraulic Code Rules), which are incorporated by reference;

m. Seasonally restricting construction activities;

n. Implementing best management practices and integrated management practices;

o. Monitoring or review of impacts and assurance of stabilization of the area;

p. Establishing performance measures or bonding;

q. Establishing conservation covenants and other mechanisms to ensure long-term preservation or maintenance of mitigation actions;

r. Utilizing low-impact development techniques;

s. Promoting water quality by limiting the use of lawn and garden chemicals in habitat areas; and/or

t. Avoiding topsoil removal and minimizing topsoil compaction.

B. Nonindigenous Species Shall not be Introduced Via Mitigation. No plant, wildlife, or fish species not indigenous to the region shall be introduced, via mitigation, into a habitat conservation area.

C. Mitigation Should Result in Contiguous Corridors. In accordance with a mitigation plan, mitigation sites should preferably be located by the following and in priority order:

1. On-site and contiguous to wildlife habitat corridors; or
2. Off-site that is adjacent to the subject site and contiguous to wildlife habitat corridors; or

3. Mitigation within the natural open space network, as identified in the comprehensive parks and open space plan, may be allowed for off-site mitigation or in place of on-site mitigation, where development and mitigation will result in an isolating effect on the habitat.

D. Approvals of Activities may be Conditioned. The City shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to:

1. Establishment of buffers;
2. Preservation of critically important vegetation;
3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
4. Seasonal restriction of construction activities;
5. Establishment of a duration and timetable for periodic review of mitigation activities; and
6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

E. Buffers.

1. Establishment of Buffers. The director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and should be consistent with the management recommendations issued by the State Department of Fish and Wildlife.
2. Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.
3. Habitat Buffer Averaging. The director may allow the recommended habitat area buffer width to be averaged in accordance with a critical area report, only if:
    a. It will not reduce stream or habitat functions;

    b. It will not adversely affect salmonid habitat;

    c. It will provide additional natural resource protection, such as buffer enhancement;

    d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;

    e. The buffer area width is not reduced by more than fifty percent in any location; and

f. The buffer area width is not less than twenty-five feet.

F. Mitigation Plan Requirements. When mitigation is required, the applicant shall submit a mitigation plan as part of the critical areas report. The mitigation plan shall include:

1. Detailed Construction Plans. The mitigation plan shall include descriptions of the mitigation proposed, such as:

a. The proposed construction sequence, timing, and duration;

b. Grading and excavation details;

c. Erosion and sediment control features;

d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

e. Measures to protect and maintain plants until established.

These written descriptions shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

2. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

The City shall notify the responsible party in writing once the conditions of the monitoring plan are met.

3. Adaptive Management. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

16.61.040 - Performance standards—Specific habitats.

A. Endangered, Threatened, and Sensitive Species.

1. No development shall be allowed within a habitat conservation area or buffer with which state or federally listed endangered, threatened, or sensitive species have a documented presence.

2. Activities proposed adjacent to a habitat conservation area with which state or federally listed endangered, threatened, or sensitive species have a documented presence shall be protected through the application of protection

measures in accordance with a critical area report prepared by a qualified professional and approved by the City of Camas. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall include consultation with the Department of Fish and Wildlife and the appropriate federal agency.

B. Anadromous Fish.

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
    a. Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;
    b. An alternative alignment or location for the activity is not feasible;
    c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas; and
    d. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.
2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish, and shall prevent fry and juveniles migrating downstream from being trapped or harmed.
3. Fills may only intrude into water bodies used by anadromous fish when consistent with the Camas shoreline master program, and the applicant demonstrates that the fill is for a water-dependent use that is in the public interest.

C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall, at a minimum, conform to the wetland development performance standards set forth in Chapter 16.53, Wetlands.

D. Stream Buffer Widths. Stream buffers are established for habitats that include aquatic systems. Unless otherwise allowed in this title, all structures and activities shall be located outside of the stream buffer area.

The following base stream buffer widths are based upon the Washington Department of Natural Resources (DNR) Water Typing System and further classification based upon fish presence (Fish bearing v. Non-fish Bearing) for Type F streams existing in the City of Camas. Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified. Buffer areas should be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include but are not limited to protection of instream fish habitat through control of temperature and sedimentation in streams, preservation of fish and wildlife habitat, and connection of riparian wildlife habitat to other habitats.

Stream Buffer Widths

Stream Type	Base Buffer Width
Type S	150 feet
Type F, anadromous fish-bearing stream flowing to reaches with anadromous fish-bearing access	100 feet
Type F, anadromous fish-bearing stream flowing to reaches without anadromous fish-bearing access	75 feet
Type F, non-anadromous fish-bearing stream	75 feet
Type Np	50 feet
Type Ns	25 feet

1. Increased Stream Buffer Area Widths. The base stream buffer width may be increased, as follows:

   a. When the City determines that the base width is insufficient to prevent habitat degradation, and to protect the structure and functions of the habitat area; and

   b. When the habitat area is within an erosion or landslide hazard area, or buffer, the stream buffer area shall be the base width, or the erosion or landslide hazard area or buffer, whichever is greater.

2. Stream Buffer Area Reduction and Averaging. The director may allow the base stream buffer area width to be reduced in accordance with a critical area report only if:

   a. The width reduction will not reduce or degrade stream or habitat functions, including anadromous fish habitat and those of nonfish habitat;
   b. The stream buffer area width is not reduced by more than twenty-five percent in any one location;
   c. The stream buffer area width is not reduced to less than fifteen feet;
   d. The width reduction will not be located within another critical area or associated buffer, and the reduced stream buffer area width is supported by best available science;
   e. All undeveloped lands within the area will be left undeveloped in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;
   f. The buffer averaging plan shall be conducted in consultation with a qualified biologist and the plan shall be submitted to the Washington Department of Fish and Wildlife for comment; and
   g. The City will use the recommendations of the qualified experts in making a decision on a plan that uses buffer averaging.

3. Stream Buffer Mitigation. Mitigation of adverse impacts to stream buffer areas shall result in equivalent functions and values, on a per function basis, and be located in the same drainage basin as the habitat impacted.
4. Alternative Mitigation for Stream Buffer Areas. The requirements set forth in this section may be modified at the City of Camas's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected drainage basin as a result of alternative mitigation measures.

Page 123: [1] Deleted **Author**