



Skamania County Draft Shoreline Master Program

Ecology Grant No. G1500044

Task No. 6.2, 6.3, 6.4 and 6.5

November 2016

**Skamania County, Washington
Shoreline Master Program**

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Skamania County, Washington Shoreline Master Program

Prepared for

Skamania County, Washington

~~August~~November 2016 (Administrative Provisions Draft)

Ecology Grant No. G1500044
Task Nos. 6.2, 6.3, 6.4, and 6.5

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**SKAMANIA COUNTY
SHORELINE MASTER PROGRAM - OUTLINE**

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- Appendix A – ~~Official~~ Shoreline Environmental Designation ~~M~~maps
- Appendix B – List of Shoreline Waterbodies

ACRONYMS AND ABBREVIATIONS

Act	Shoreline Management Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
County	Skamania County
CRGNSA	Columbia River Gorge National Scenic Area
DAHPP	Washington Department of Archaeology and Historic Preservation
DBH	Diameter at Breast Height
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
GIS	geographical information system
Guidelines	Shoreline Master Program Guidelines
HPA	Hydraulic Project Approval
LF	linear feet
LWD	large woody debris
OHWM	Ordinary High Water Mark
MTCA	Model Toxics Control Act
NPCC	Northwest Power Conservation Council
NAVD	North American Vertical Datum of 1988
NWI	National Wetland Inventory
OHWM	ordinary high water mark
PHS	Priority Habitats and Species
RCW	Revised Code of Washington
RD	Riverfront District
SCC	Skamania County Code
SEPA	State Environmental Policy Act
SMA	Shoreline Management Act
SMP	Shoreline Master Program
SR	State Route
SCUP	Shoreline conditional use permit
SSDP	Shoreline substantial development permit
SSOE	Shoreline Statement of Exemption
SVAR	Shoreline variance permit
USA	United States of America
USACE	U.S. Army Corps of Engineers
USCB	United States Census Bureau
USFS	United States Forest Service
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WRIA	Water Resource Inventory Area

**SKAMANIA COUNTY
SHORELINE MASTER PROGRAM – OUTLINE**

CHAPTER 1 INTRODUCTION

1.1 Title

This document shall be known and may be cited as the Skamania County Shoreline Master Program (SMP).

1.2 Adoption Authority

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

1.3 Purpose of the Shoreline Master Program

The purpose of this SMP is:

1. To guide the future **use and** development of Skamania County's shorelines in accordance with local goals and objectives and in compliance with the requirements of the Act.
2. To ensure that **use and** development under the SMP will result in no net loss of ecological functions.
3. To provide for the preservation and enhancement of shoreline ecological resources as part of **coordinated planning for new use and** development **in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights when consistent with the public interest constitutional limits on the regulation of private property.**
4. To provide a fair and equitable process for applicants and the public to review and comment on development proposals within Skamania County's shorelines

1.4 Shoreline Jurisdiction

1.4.1 SMA Shoreline Management Act Jurisdiction Definition

As defined by the Shoreline Management Act of 1971 (SMA), **"shorelines of the state"** include certain water **bodies of the state** plus their associated "shorelands." At a minimum, the waterbodies designated as **shorelines of the state applicable to** Skamania County are streams and rivers whose mean annual flow is 20 cubic feet per second **(cfs) or greater and lakes of 20 acres or larger. Streams and rivers with mean annual flow of 1,000 cfs cubic feet per second or greater, and lakes of 1,000 acres or larger are designated as "shorelines of statewide significance."** Collectively, shoreline jurisdiction includes these waters, **together with** the lands underlying them, **and all**

Commented [A2]: For consistency, either put all official/defined terms in quotes or none in quotes; definitions and relationship between these similar terms are found at RCW 90.58.030(2)

shorelands extending landward a minimum of 200 feet in all directions, as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams and lakes which are subject to the provisions of this chapter. Such associated wetlands as well as all associated wetlands, which may extend beyond the minimum distance. The County's shoreline jurisdiction does not include optional areas of 100-year floodplain, or buffers for critical areas.

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

1.4.2 Applicable Shoreline Area in Skamania County

Skamania County is comprised of includes a number of waterbodies which are regulated by this SMP, including the following Shorelines-shorelines of Statewide-statewide Significancesignificance: Swift Reservoir, Spirit Lake, Columbia River, White Salmon River, Little White Salmon River, Wind River, Lewis River, Lava Creek, and Trout Lake Creek. In addition, there are many other smaller streams, lakes, and associated wetlands, and other waterbodies which are within shoreline jurisdiction of this SMP as depicted on the Shoreline Environmental Designationsshoreline jurisdiction maps in Appendix A to this SMP. Table 4B-1, in Appendix Bbelow provides an alphabetic listing of the names of all waterbodies within shoreline jurisdiction in Skamania County and the upstream latitude and longitude where jurisdiction begins. For those streams and rivers partly within shoreline jurisdiction, jurisdiction starts from an upstream point where the mean annual flow is 20 cubic feet per second and continues downstream from that point. In addition, shoreline jurisdiction also includes the associated wetlands of these waterbodies. Unnamed lakes can be found by locating the hydrologic unit code (HUC) on the shoreline jurisdiction-Shoreline Environmental Designation maps in Appendix A, Map 01.

1. The Figure 1-1. Waterbodies Within Shoreline Jurisdiction In Skamania County Official Map of Shoreline Jurisdiction. Approximate shoreline jurisdictional area and the shoreline environmental designations are delineated on a series of maps, hereby incorporated as a part of this SMP that shall be known as the "Skamania County Shoreline Master Program Official Shoreline-Shoreline Environmental Designation Maps" (see Attachment Appendix A).
2. The boundaries of the shoreline jurisdiction on the maps are approximate. The actual extent of shoreline jurisdiction shall be based upon an on-site inspection and the definitions of "shorelines" and "shore lands" provided in accordance with sections 1.4.1 and 1.4.2 of this SMP, Chapter 7, and in accordance with RCW 90.58.030.

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Commented [A4]: Only three categories of SMP jurisdiction: lake, stream, or associated wetland/feature; it's confusing to infer a 'miscellaneous' category

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Commented [A6]: Location of the upstream point should be identified for each stream

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1.5 Shoreline Program Applicability to Development

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

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 inholdings in a national forest or national wildlife refuge). The SMP shall not apply to federal agency activities. Please see Section 2.5 below for more information on when a permit is required. Regardless of their exempt status, exempt uses or activities **that do not require a shoreline permit** must continue to demonstrate compliance with the policies and regulations contained in the SMP **in accordance with WAC 173-27-040(1)(b)**. The SMP applies to all shoreline uses, development, and activities proposed within shoreline jurisdiction.

1.6 Relationship to Other Plans and Regulations

In addition to obtaining authority to undertake development or activities in accordance with the SMP, applicants must also comply with all applicable federal, state, or local statutes or regulations. These may include, but are not limited to, a Section 404 Permit by the U.S. Army Corps of Engineers (USACE), Section 401 Permit by the Washington Department of Ecology (Ecology), Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW), and State Environmental Policy Act (SEPA) approval (RCW Chapter 43.21 and WAC Chapter 197-11). Skamania County's Code also applies, including Title 16 "Environment," Title 21 "Zoning," Title 21A "Critical Areas", Title 22 "Columbia River Gorge National Scenic Area," and Title 15 "Buildings and Construction," and all other applicable code provisions. Applicants must also comply with the Skamania County Comprehensive Plan and any applicable subarea comprehensive plan. Along the Swift Reservoir, lands within the 10-foot contour above the ordinary high water mark OHWM are also subject to the provisions of the Lewis River Hydroelectric Projects Shoreline Management Plan.

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

Commented [ES9]: Ecology comment: Does Co. call it this or just a 'subarea plan' as noted in ICR?

1.7 Liberal Construction

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

1.8 Effective Date

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

1.9 Organization of this Shoreline Master Program

This SMP is divided into seven chapters:

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

Chapter 2: Administrative Provisions – Provides a system by which shoreline permits, including substantial development, conditional use, and variance, and as well as statements of exemption, are considered.

Chapter 3: Goals and General Provisions – Articulates the goals and policies of the SMP that establish the foundation for all other portions of the SMP. In addition, this chapter contains general provisions which are policies and regulations, which apply to all shoreline development regardless of its location or the shoreline environmental designation in which it is located. Topics addressed in this chapter include archaeological and historic resources, critical areas, public access, vegetation conservation, water quality, shorelines of statewide significance, and economic development.

Chapter 4: Shoreline Environment Designation Provisions – Defines the environmental designations of all the shorelines of the state in the County's jurisdiction. Management policies and regulations specific to the six designated shoreline environments (Aquatic, Natural, Rural Conservancy, Shoreline Residential, and High Intensity, and Columbia River Gorge National Scenic Area) are detailed in this chapter.

Chapter 5: Specific Shoreline Use Regulations – Details the use policies and regulations applicable to specific shoreline use categories such as, but not limited to, aquaculture, commercial, residential, recreation, transportation, utilities, and industrial uses.

Chapter 6: Shoreline Modification Provisions – Sets in place the policies and regulations governing the activities that modify the physical configuration or qualities of

the land-water interface, including dredging, fill, excavation, stabilization, and moorage ~~uses-structures~~ and activities.

Chapter 7: Definitions - Provides definitions for words and terms used in the SMP.

CHAPTER 2 ADMINISTRATIVE PROVISIONS

2.1 Purpose and Applicability

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

2.2 Shoreline Administrator

1. The Community Development Department Director herein referred to as the "Shoreline Administrator"; or their designee, is hereby vested with:
 - a. Overall responsibility for administering the Shoreline Management Act and this SMP.
 - b. Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of this SMP.
 - c. Authority to make recommendations to the Hearing Examiner on shoreline substantial development, shoreline conditional use, and shoreline variance permits.
2. The duties and responsibilities of the Shoreline Administrator or designee shall include:
 - a. Preparing and using forms deemed essential for the administration of this SMP.
 - b. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this SMP.
 - c. Making administrative decisions and interpretations of the policies and regulations of this SMP and the Shoreline Management Act in consultation with the Department of Ecology.
 - d. Collecting applicable fees, as established by the Skamania County Board of County Commissioners.
 - e. Determining that all applications and necessary information and materials are submitted and are complete.
 - f. Conducting field inspections, as necessary.

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- g. Reviewing, insofar as possible, all provided and related information deemed necessary for review of shoreline master program decisions.
- h. Determining if a ~~Shoreline-shoreline~~ substantial development permit, conditional use permit or ~~Variance-variance~~ permit is required.
- i. Providing copies of permit applications to relevant staff and agencies for review and comment.
- j. Conducting a thorough review and analysis of shoreline exemption, substantial development, variance, and conditional use permit applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying exemptions and Shoreline substantial development permits.
- k. Submitting shoreline variance permit applications, substantial development permit applications, and conditional use permit applications, and written recommendations and findings on such permits to the Hearing Examiner for consideration.
- l. Investigating, developing, and proposing amendments to this SMP as deemed necessary to more effectively and equitably achieve its goals and policies.
- m. Submitting shoreline master program amendment applications and written recommendations and findings on such ~~permits~~ to the Planning Commission and Board of County Commissioners.
- n. Assuring that proper notice is given to appropriate persons and the public for all permit comment periods and hearings, consistent with WAC 173-27-110, and Skamania County Code section 21.16.090.
- o. Providing technical and administrative assistance to the County's Hearing Examiner, Planning Commission, and Board of County Commissioners as required for effective and equitable implementation of this SMP and the Act.
- p. Enforcing and seeking remedies for alleged violations of this SMP, the provisions of the Act and this SMP or of conditions of any approved shoreline permit issued by Skamania County. The Shoreline Administrator may delegate these enforcement duties to a designated representative.
- q. Acting as the primary liaison between local and state agencies in the administration of the ~~Shoreline Management~~ Act and this SMP.
- r. Forwarding shoreline permits to ~~the Department of~~ Ecology for filing or action.

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2.3 Permit Application Requirements

1. Proposals located within shoreline jurisdiction shall submit a Joint Aquatic Resource Permit Application (JARPA) to the County along with the following:
 - a. Complete Site Plan, including parcel boundary, OHWM, a general indication of the character of vegetation found on the site, and dimensions and locations of all existing and proposed structures and improvements.
 - i. The OHWM may be an approximate location, provided that, for any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely with assistance from Ecology and County staff, or a qualified professional, and the biological and hydrological basis for the location shall be included in the development plan. Where the OHWM is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest OHWM of a shoreline.
 - b. A narrative describing the proposal in detail including how the proposal is consistent with the County's SMP
 - c. Identification of all critical areas on the subject property
 - d. Maps and Drawings~~drawings~~
 - e. Project and construction details;
 - f. Grading Plan
 - g. Proposed mitigation for unavoidable impacts, if necessary
 - h. Technical Assessments prepared by a Qualified Professional. The County may require the applicant to submit a technical assessment addressing how the proposal incorporates ~~best available science~~the most current, accurate, and complete scientific or technical information available. The technical assessment shall be adequate for the Shoreline Administrator to evaluate the development proposal and all probable adverse impacts to critical areas regulated by this chapter. If adequate factual information exists to facilitate such evaluation, the Shoreline Administrator may determine that a technical assessment is not necessary. The Shoreline Administrator will advise the applicant of existing technical information that may be pertinent to their property. Technical assessments shall be attached to the development permit application package.
 - i. Fish and Wildlife Management Plan, if applicable

- j. If the proposal will require a ~~Shoreline~~ ~~shoreline~~ variance permit, the applicant's plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
 - k. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the Shoreline Administrator shall notify the applicant that additional studies as specified herein shall be provided.
2. A Pre-Application Meeting for all projects within shoreline is advisable, but not required, and is available upon request. The Shoreline Administrator may waive this requirement if the applicant requests such in writing and demonstrates that the usefulness of a pre-application meeting is minimal.
 3. Upon the review of materials submitted by an applicant, the Shoreline Administrator can, at their discretion, require peer review be completed by a consultant chosen by the Shoreline Administrator, at the sole expense of the applicant.
 4. The Shoreline Administrator shall review the information on the forms submitted by the applicant, the critical areas maps, and any other resource information available as part of the determination process. Additionally, they may conduct a site visit to ascertain the characteristics of the subject property and to verify the presence of the critical area.

2.4 Permit Process

1. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the ~~Shoreline Management~~ Act and this SMP whether or not a permit is required.
2. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on the ~~Joint Aquatic Resources Permit Application (JARPA)~~ available through the City or online.
3. ~~Application review.~~ Shoreline substantial development, conditional use permits, and variances shall be processed according to the procedures in ~~this~~ section 2.4. The Hearing Examiner shall review applications for ~~s~~Shoreline substantial development permits in an open-record public hearing and issue a County decision on these permits, which shall be filed with the ~~Department of Ecology~~ Ecology per WAC 173-27-130.
4. The Hearing Examiner shall review applications for shoreline conditional use and variance permits in an open-record public hearing and issue a County decision on these permits and forward the decision along with all submittal items required by WAC 173-27-130 to ~~the Department of Ecology~~ Ecology. The County shall submit the conditional use or variance permit to ~~the Department of Ecology~~ Ecology for the

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~~Department's~~their approval, approval with conditions, or denial, as provided in WAC 173-27-200. ~~The Department~~Ecology shall transmit its final decision to the County and the applicant within thirty (30) calendar days of the date of submittal by the County.

5. ~~Public notice.~~A public notice of application shall be issued for all shoreline permit applications as provided for in WAC 173-27-110. The public comment period for the notice of application for a shoreline permit shall be not less than thirty (30) days, per WAC 173-27-1 10(2)(e). ~~The Yakama Nation Department of Natural Resources shall be notified on all shoreline permit applications.~~
6. The Shoreline Administrator and Hearing Examiner shall base their review, recommendation, and decision ~~(in no order of priority)~~ on: (1) the policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code; (2) this SMP; and (3) written and oral comments from interested persons in a public hearing.
7. ~~Hold-on Construction.~~Each permit issued by the County shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with ~~the Department of Ecology~~Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the County's final decision on substantial development permits differs from date of filing for a conditional use permit or variance. In the case of a substantial development permit, the date of filing is the date the City transmits its decision on the permit to ~~the Department of Ecology~~Ecology. In the case of a variance or conditional use permit, the "date of filing" means the date ~~the Department of Ecology~~Ecology's final order on the permit is transmitted to the County and applicant. If both a ~~Shoreline~~shoreline substantial development permit and conditional use permit are issued for a single project, the date of filing is the date Ecology transmits its decision to the local government and applicant on the conditional use permit, per RCW 90.58.140(6).
8. ~~Duration of permits.~~Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Shoreline Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and ~~the Department of Ecology~~Ecology, for up to one (1) year based on reasonable factors. In addition, as permitted by WAC 173-27-090, the County may authorize time limits for the permits different than those specified above as part of action on a shoreline substantial development, conditional use, or variance permit.

~~9.—~~Permit duration The time periods in ~~Section-Item~~ 8, above, do not include: ~~the t~~

Commented [A13]: Does the numbering imply an order of priority/preference for the items listed? If no, explicitly state no order of importance. Also, consider formatting to numbered list.

~~10.9.~~ ~~Time during which~~ when a use or activity was not actually pursued due to (1) the dependency ~~of on~~ administrative appeals or legal actions or (2) ~~due to~~ the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

Commented [ES14]: Ecology Comment: This is a long sentence – hard to follow; reword/reformat for clarity. [ECY publication guidelines](#)

~~11.10.~~ ~~Compliance with permit conditions.~~ When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity.

~~12.11.~~ The application of this SMP should be consistent with constitutional and other legal limitations on the regulation of private property. The Shoreline Administrator should give adequate consideration to setback averaging, mitigation measures, variances, and other flexibility allowed within the SMP to prevent undue or unreasonable hardships upon property owners.

~~12.~~ The applicant's proposal is vested under this SMP once a valid and technically complete ~~application for a~~ shoreline substantial development, conditional use, or variance permit has been submitted. Submittal or approval of shoreline permits does not vest applicants for other County permits (e.g., preliminary plat, site plan, etc.).

~~13.~~ ~~Shoreline substantial development, conditional use, and variance permits and letters of exemptions may apply to multiple activities, uses, or developments across multiple project sites provided that all applicable requirements of this SMP are met.~~

2.5 Substantial Development Permits and Exemptions

1. Permits Required.

- a. A substantial development shall not be undertaken within the jurisdiction of the SMA, Chapter 90.58 RCW, and this ~~Shoreline Master Program~~SMP unless a Shoreline substantial development permit has been obtained and the appeal period has been completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.
- b. Any person wishing to undertake substantial development or exempt development on shorelines shall apply to the Shoreline Administrator for an appropriate shoreline permit or statement of exemption.
- c. If a development, use or activity cannot comply with the regulations of the SMP, a shoreline variance must be obtained before commencement of development or construction, or beginning the use or activity.

2. Determination of Exemption. The following guidelines shall assist in determining whether or not a development proposal is exempt from the substantial shoreline development permit.
 - a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions in WAC 173-27-040 may be granted exemption from the substantial development permit process.
 - b. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or this Shoreline Master Program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this Shoreline Master Program or is an unlisted use, must obtain a conditional use permit in accordance with this SMP even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this Shoreline Master Program, such development or use can only be authorized by approval of a variance in accordance with the provisions of this chapter.
 - c. The burden of proof that a development or use is exempt from the permit process is on the applicant.
 - d. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
 - e. The County's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Shoreline Master Program.
3. ~~All exempt activities, except for emergency development pursuant to WAC 173-27-040(2)(d), requires that a letter be issued by the Shoreline Administrator, including Exempt activities related to any of the following shall not be conducted until a letter of exemption has been obtained from the Shoreline Administrator or designated signatory when the project is subject to one or more of the following Federal Permitting requirements: A-a U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the Federal Water Pollution Control Act of 1972.~~
4. The same measures used to calculate time periods for ~~Shoreline-shoreline Permits permits~~ as set forth in WAC 173-27-090(4) shall be used for ~~Letters-letters of Exemption-exemption.~~

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

~~6.5.~~ A notice of decision for shoreline letters of exemption shall be provided to the applicant/proponent and any party of record. Such notices shall also be filed with ~~the Department of Ecology~~ Ecology, pursuant to the requirements of WAC 173-27-050.

~~7.6.~~ At a minimum, applicants for letters of exemption shall provide a letter stating the applicable exemption under WAC 173-27-040, why development proposed by the applicant qualifies as an exemption, and shall include a statement of compliance with applicable sections of the SMP. Information shall be provided that is sufficient for the Shoreline Administrator or designated signatory to determine if the proposal will comply with the requirements of this SMP which, if necessary, may include project site plan graphics, section drawings, or special studies showing how the project meets applicable sections of the SMP.

~~8.7.~~ A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Shoreline Administrator's decision on a statement of exemption is not subject to administrative appeal.

~~9.8. List of Exemptions.~~ The following list outlines common exemptions that shall not be considered substantial developments for the purpose of this SMP. This list of exceptions is further articulated and supplemented by provisions of WAC 173-27-040, as amended.

- a. Any development of which the total cost or fair market value, whichever is higher, is below the threshold established by the Shoreline Management Act and any amendments to the Act, if such development does not materially interfere with the normal public use of the water or shoreline. The ~~Substantial-substantial Development development~~ dollar threshold on the adoption date of this Shoreline Master Program is \$6,416. Under current law, the dollar threshold will be recalculated every five (5) years by the Office of Financial Management (OFM). OFM will post updated dollar thresholds in the Washington State Register. See RCW 90.58.030(3)(e). The State Legislature may change the dollar threshold at any time.
- b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. ~~"Normal maintenance"~~ shall be defined by the Act.
- c. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Act or this SMP. Emergency

construction does not include development of new permanent protective structures where none previously existed.

- d. Construction or modification of navigational aids such as channel markers and anchor buoys.
- e. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exemption applies if the fair market value of the dock does not exceed the threshold established by the Shoreline Management Act, as amended.
- f. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;
- g. Any project with certification from the Governor pursuant to Chapter 80.50 RCW.
- h. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under WAC 173-27-040(2)(m).
- i. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020.
- j. Watershed restoration projects as defined in WAC 173-27-040(2)(o).
- k. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the conditions identified in WAC 173-27-040(2)(p) apply.

2.6 Variances

1. The purpose of a shoreline variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the SMP would impose unnecessary hardship on the applicant or thwart the policies set forth in the SMA.
2. Shoreline variances may not be used to permit a use or development that is specifically prohibited in a shoreline designation.
3. Following an open-record public hearing, the Hearing Examiner shall have the authority to forward a recommendation to ~~the Department of Ecology~~Ecology, who

makes the final decision. ~~The Department of~~ Ecology's decision may be appealed to the state Shoreline Hearings Board per the provisions of ~~S~~section 2.9 of this SMP.

4. To approve a ~~Shoreline-shoreline~~ variance permit the applicant must demonstrate compliance with the following review criteria as listed in WAC 173-27-170:
 - a. That the strict application of the bulk, dimensional, or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property.
 - b. That the hardship described in (a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP and not, for example, from deed restrictions or the applicant's own actions.
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and SMP and will not cause adverse impacts to the shoreline environment.
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 - e. That the variance requested is the minimum necessary to afford relief.
 - f. That the public interest will suffer no substantial detrimental effect.
5. Variance permits for development and/or uses that will be located waterward of the ~~ordinary high water mark (OHWM)~~, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in this SMP, may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional, or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - b. That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
6. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the

policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

2.7 Conditional Use Permit

1. Purpose. The purpose of a conditional use permit is to provide a system within the SMP which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by Skamania County or ~~the Department of Ecology~~ Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the SMP. Uses that are specifically prohibited by this SMP may not be authorized with the approval of a conditional use permit.
2. Following an open-record public hearing, the Hearing Examiner shall have the authority to forward a recommendation to ~~the Department of Ecology~~ Ecology who make the final decision. The Department of Ecology's decision may be appealed to the state Shoreline Hearings Board per the provisions of ~~Section~~ Section 2.9 of this SMP.
3. If a development, use or activity is listed as a conditional use by the SMP, it shall not be undertaken within shoreline jurisdiction unless a shoreline conditional use permit has been obtained, the appeal period has been completed, any appeals have been resolved, and/or the applicant has been given permission to proceed by the proper authority.
4. Conditional use permits Criteria. Uses which are classified or set forth as conditional uses in the SMP may be authorized, provided the applicant demonstrates that the conditional use criteria listed in WAC 173-27-160 are met.
 - a. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;
 - b. That the proposed use will not interfere with the normal public use of public shorelines;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan, applicable subarea plan, and this SMP;
 - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - e. That the public interest suffers no substantial detrimental effect.
5. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if

conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

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

2.8 Nonconforming Development

"Nonconforming use or development" means a shoreline use, ~~or structure, or development~~ which was lawfully constructed or established prior to the effective date of the Act or this SMP, or amendments thereto, but which does not now conform to the use and development standards contained in Table 5-1 of this SMP.

Commented [ES15]: Ecology: Add to Ch. 7 definitions

Non-conforming development in Skamania County's shorelines shall meet the standards of SCC Chapter 21.20 "Non-conformities" with the following exceptions:

1. The setback requirements referenced in SCC 21.20 shall refer to the shoreline setback from OHWM as listed in Table 5-1 of this SMP.
2. Non-conforming development under this SMP shall refer to development which does not meet the development standards ~~contained in Table 5-1 of~~ this SMP, as opposed to the zoning code.
3. The "administrator" as referenced in SCC Chapter 21.16.20 is the same as the Shoreline Administrator in this SMP.
4. For the purposes of this SMP, SCC 21.20.070 (B) shall apply unless moving non-conforming uses would bring them into greater conformance with the provisions of this SMP, in which case they may be moved.
5. For the purposes of this SMP, SCC 21.20.070 (D), enlargement or structurally altered uses are prohibited unless they are changed to a conforming use under this SMP.
6. For the purposes of this SMP, SCC 21.20.080 (A) shall be interpreted to read that structural alterations of dwelling units necessary to comply with public health, safety, or to conform with this SMP as determined by the Shoreline Administrator, may be permitted as Shoreline Statements of Exemption under WAC 173-27-040 (2)(g).

Commented [ES16]: Deletion per Ecology. Do not recommend this be accepted. We are attempting to narrow the scope of what is defined as non-conforming development. Otherwise, anything existing would be non-conforming in some way.

7. For the purposes of this SMP, SCC 21.20.080 (B)(2) does not apply to the existing non-conforming development within the shoreline. Within the shoreline, expansion or structural alteration of non-conforming dwelling units may be permitted provided that it does not bring such development further from compliance with this SMP. For example, a building or structure encroaching in a shoreline setback must not further encroach into the shoreline setback.

8. Proposed accessory and appurtenant uses (sheds, garages, decks, etc.) to non-conforming dwelling units must conform to all applicable requirements of this SMP.

Commented [E517]: Ecology: Ensure consistency w/ RCW, WAC, and Ch. 7 definitions, e.g. garage is listed as a residential appurtenance

The following provisions shall apply in addition to those in SCC Chapter 21.20 and stated above:

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

2. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

3. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

a. No reasonable alternative conforming use is practical; and

b. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use. In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

8.4. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards in the SCC may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of this SMP and the SMA.

2.9 Appeals

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

2.10 Enforcement and Penalties

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

2.11 Shoreline Master Program Review

1. This SMP shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.
2. As part of the required SMP update, an evaluation report assessing the effectiveness of the SMP in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.
3. The SMP review and update process shall be consistent with the requirements of WAC 173-26 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

2.12 Amendments to the Shoreline Master Program

1. Any of the provisions of this SMP may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC.
2. Amendments or revisions to the SMP, as provided by law, do not become effective until approved by ~~the Department of Ecology~~[Ecology](#).

2.13 Severability

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

2.14 Conflict of Provisions

Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the County, the requirement that most supports the purposes and provisions of

the Shoreline Management Act, as detailed in RCW 90.58.020 shall apply, as determined by the County, except when constrained by federal or state law.

CHAPTER 3 GOALS AND GENERAL PROVISIONS

3.1 Introduction

The provisions of this section apply generally to all shoreline areas within Skamania County or applied to shoreline areas which meet the stated criteria for each general provision topic without regard to environment designation. For instance, all sites which contain critical areas or archaeological resources where development is proposed are required to meet the corresponding sections of this chapter. These provisions address certain elements as required by RCW 90.58.100(2) and implement the principles as established in WAC 173-26-186.

3.2 Goals of the Shoreline Master Program

The following goals are intended to reflect the values of Skamania County shoreline constituents in the use and development of the County's shorelines and to provide a framework upon which the regulations of the SMP are based.

Commented [A18]: Many of these are worded/phrased as policies (including 'should'). Goals are better stated as a description of a desired future state of being, a target to work towards, the answer to 'what do you want?'. Consider re-wording as such.

1. Economic Development.

- a. ~~Preserve S~~ufficient shoreline areas ~~are reserved~~ for water-oriented industry, such as the Co-Ply site west of Stevenson, ~~and explore~~
- a.b. ~~P~~Partnerships ~~with between~~ property owners and public agencies ~~to provide~~ adequate infrastructure to ~~promote support~~ development of these sites.
- b.c. ~~I~~Increased Rrecreational opportunities ~~should are optimized and~~ contribute to the economic development of Skamania County.

2. Recreation and Public Access.

- a. ~~Plan for more Visitor lodging, such as~~ shoreline camping and bed and breakfast facilities, ~~opportunities is available~~ in South Skamania County proximate to services.
- b. ~~Upgrade~~ County parks ~~are upgraded~~ to provide more water-oriented recreational uses, such as rafting, kayaking, fishing, and swimming, which ~~will~~ contribute to the economic development of the County. Parks ~~that should be explored prioritized for improvement~~ include Blue Hole County Park and Home Valley Park ~~where non-water oriented uses are minimized or phased-out over time.~~
- c. ~~Explore the potential to increase water-oriented recreational opportunities at parks with non water oriented uses such as Home Valley Park and Blue Hole County Park.~~

~~d.c. Emphasize maintaining, renovating, and upgrading Existing public access areas and facilities are prioritized for maintenance, renovation, and upgrading before establishing new public access.~~

~~e.d. Work with BNSF Railroad is an active partner in to promoting public access to the Columbia River, including new trails along the water.~~

~~f.e. Coordinate with the Gifford Pinchot National Forest to is an active partner in promoting public access by maximizing the open season for lengthen the time shoreline trails are open to include fall and winter access when appropriate.~~

~~g.f. Work with Police agencies, the County sheriff, and the National Forest work together to provide better safety for public access and shoreline trails.~~

3. Property rights.

a. ~~Respect property rights by not imposing unnecessary regulations on new development which are not required to meet no net loss. Property rights are protected by applying only necessary regulations to meet 'no net loss' and other development requirements. An option for regulatory relief, such as the variance process, should be used to reduce the burdens of development is available for those unique situations when compliance would interfere with eliminate reasonable use of the property.~~

4. Water-dependent uses.

a. ~~Explore the The County conducts a feasibility of study for placing a marina along the Columbia River, in Skamania County.~~

b. ~~Increase Boat access and fishing opportunities are optimized, especially on the west end of the County along the Washougal River and at Swift Reservoir.~~

~~c. Explore a programmatic dredging permit through the USACE as a remedy to onerous dredging permit requirements at existing boating facilities, which has made them too expensive to maintain. To expedite maintenance dredging for existing boating facilities, the County works with USACE to consider permit revisions or a programmatic approach for time and cost effectiveness.~~

5. Cultural, Archaeological and Historic Resources.

a. ~~Sites containing resources of cultural, archaeological, historic, educational or scientific value or significance are identified, protected, preserved, and restored.~~

3.3 Archaeological and Historic Resources

3.3.1 Applicability

It is the intent of this section to preserve cultural, archaeological, educational, scientific, and historic resources from the impacts of development proposed within the shoreline due to the limited and irreplaceable nature of these resource(s). All sites which contain documented archaeological or historic resources that are either recorded at the state historic preservation office and/or by Skamania County or have been discovered inadvertently during development are subject to the provisions of this section. In addition to complying with the provisions of this chapter, archaeological sites are subject to Chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records). Developments or uses that may impact archaeological sites are subject to chapter 25-48 WAC.

Commented [A19]: Sentence fragment

3.3.2 Policies

1. Sites should be protected in collaboration with appropriate tribal, state, federal and local governments. Cooperation among public and private parties is ~~to be~~ encouraged ~~in-for~~ the identification, protection and management of cultural resources.
2. Any proposed site development and/or associated site demolition work should be planned and carried out so as to avoid impacts to the resource. Impacts to neighboring properties and other shore uses should be limited to temporary or reasonable levels.
3. Cooperation among involved private and public parties is encouraged to achieve this SMP's archaeological, historical, and cultural element goals and objectives.
4. Owners of property containing previously identified historic, cultural, or archaeological sites are encouraged to make development plans known well in advance of application, so that appropriate agencies such as, the Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz Tribes, the Washington Department of Archaeology and Historic Preservation (DAHP), and others may have ample time to assess the site and make arrangements to preserve historical, cultural, and archaeological values as applicable.
5. If development or demolition is proposed adjacent to an identified historic, cultural, or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural, or archaeological site.

Commented [A20]: Who/how defined?

3.3.3 Regulations

1. Developments proposed for sites within the [Columbia River Gorge National Scenic Area \(CRGNSA\)](#) ~~which that~~ contain documented archaeological and/or historic

resources or contain resources ~~which~~ that are inadvertently discovered shall adhere to SCC chapters 22.22 and 22.30.

2. Sites outside of the CRGNSA which contain documented archaeological and/or historic resources or contain resources which are inadvertently discovered shall adhere to the provisions of this section.
3. When a shoreline use or development is in an area documented to contain or likely to contain archaeological artifacts based on information from the DAHP, a prior archaeological report/survey, or information from tribal sources, or other sources, the applicant shall provide a site inspection and evaluation report by a professional archaeologist prior to issuance of or as a condition of any shoreline permit or approval including a Shoreline Statement of Exemption as determined by the County. Work may not begin until the inspection and evaluation have been completed, and the County has issued its permit or approval.
4. If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all the following steps shall occur:
 - a. ~~at~~ All work shall immediately stop, and
 - b. ~~the~~ The County, DAHP, and Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz Tribes shall be notified of the discovery.
 - c. A stop-work order will be issued.
 - d. The shoreline permit will be temporarily suspended.
 - e. All applicable state and federal permits shall be secured prior to commencement of the activities they regulate and as a condition for resumption of development activities.
 - b.f. Development activities may resume only upon receipt of County approval.
 - g. If the discovery includes human skeletal remains, the find must be secured and protected from further disturbance; the Skamania County Coroner and local law enforcement shall be notified in the most expeditious manner possible. The County Coroner will assume jurisdiction over the site and the human skeletal remains, and will make a determination of whether they are crime-related. If they are not, DAHP will take jurisdiction over the remains and report them to the appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.

Commented [A21]: These are both multi-step processes; formatting as a numbered list may more clearly present the requirements.

5. Development actions located in the CRGNSA within shoreline jurisdiction are considered to be compliant with the provisions of this section pertaining to archaeological and historic resources if ~~demonstrated to comply~~ they demonstrate compliance with SCC Chapters 22.22 and 22.30, as applicable, and do not need to demonstrate compliance with any portion of SMP section 3.3.

3.4 Critical Areas

3.4.1 Applicability

~~Skamania County has an extensive network of sensitive environmental features including shoreline streams, rivers, lakes, and associated flood hazard areas, wetlands, aquifers, and geologically hazardous areas.~~

The critical areas regulations in this section shall apply to all **use and** development activities proposed within critical areas or their buffers ~~within located in~~ shoreline jurisdiction. Critical areas include: (1) wetlands, (2) areas with a critical recharging effect on aquifers used for potable water, (3) fish and wildlife habitat conservation areas, (4) frequently flooded areas, and (5) geologically hazardous areas.

Commented [ES22]: Ecology: I would say just delete this section. Also, we're trying to get away from using the word "sensitive." A lot of jurisdictions use or have used "sensitive" in place of "critical," which is inconsistent with GMA terminology.

3.4.2 Policies

1. ~~Protect e~~Critical areas should be protected to meet no net loss for the **host of** functions and values they provide to humans and the environment. Critical area functions include, **but are not limited to,** water quality, flood hazard reduction, ~~recreation,~~ habitat, ~~aesthetic enjoyment,~~ water supply, erosion control, **Values include, but are not limited to, recreation, aesthetic enjoyment,** prevention of property and habitat damage, and preservation of rural character.
2. ~~Give special preference~~Consider to the conservation and protection measures to preserve or enhance anadromous fisheries during project design and mitigation activities.
3. Use ~~best available science~~the most current, accurate, and complete scientific or technical information available in the delineation, classification, mitigation, protection, and restoration of critical areas.
4. Promote appropriate human uses of critical areas within shoreline jurisdiction, which further the objectives of the Shoreline Management Act, and which are compatible with the ~~pre~~conservation of critical areas, such as public access, and low-~~intensity~~ recreational uses.
5. Water-dependent uses, including recreational facilities, piers, and docks, and essential public facilities should be permitted in Critical Freshwater Habitat, provided the application demonstrates compliance with required mitigation sequencing and no net loss of ecological function.

Commented [ES23]: Ecology: Need an overall policy to ensure CAs are protected to the NNL standard

Commented [ES24]: Ecology: Special preference over what? Also, do they really mean to protect fisheries, or do they mean fish habitat? Protecting fisheries isn't typically part of a CAO.

6. Wetlands provide valuable ecological benefits, including decreased erosion and sedimentation for adjacent streams and rivers, absorption of pollutants, and **habitat preservation of for** rare plant and animal species. Development and uses should be directed away from wetlands and their buffers to preserve these functions and the potential for human enjoyment of these areas, such as wetland viewing and **appropriate** recreational activities adjacent to wetlands.
7. Critical aquifer recharge areas help protect groundwater quality and quantity for the public water supply and to maintain hydrologic functions of aquatic areas. Due to the prevailing geologic conditions associated with infiltration rates, aquifers have a high potential for contamination of ground water resources. Development should generally be directed away from these areas **in the shoreline, if they occur**.
8. ~~For the purposes of Flood hazard areas plains help~~ preventing loss of life and property, **help prevent disruption of commerce and governmental services, and minimizing** health and safety hazards, ~~disruption of commerce, governmental services, reduce the need for~~ extraordinary expenditures for flood protection and relief, ~~and impairment of the tax base, as well as damage to~~ **and provide** important shoreline ecological functions. ~~emphasis shall be placed limiting n~~ New uses and development in flood hazard **critical and channel migration zone areas should be limited**.
9. Preference should be given to non-structural flood hazard reduction measures. Flood hazard reduction measures should result in no net loss of shoreline ecological functions.
10. ~~When d~~ **development** near streams and rivers ~~other than the Columbia River,~~ **should** avoid impacting the channel migration zone where alternatives for avoidance exist. Development in the channel migration zone has the potential to impact downstream properties by affecting the path and intensity of flooding downstream. In addition, development in the channel migration zone can lead to net loss of ecological functions. ~~Therefore, development should not be placed in the channel migration zone, if it can be feasibly placed elsewhere,~~
11. ~~Consider the r~~ **Removal** of artificial restrictions (e.g., dams, shoreline stabilization, channel barriers) **should be encouraged**, where hydrologic studies indicate that it would be possible to do so ~~while not~~ **without negatively** impacting public safety, **and** property, or structures. ~~If~~ **When** artificial restrictions are considered for removal, the County ~~shall~~ **should** conduct an extensive public outreach process to property owners and affected stakeholders that communicates the **effects, including** advantages and disadvantages, of barrier removal.

Commented [A25]: It is a given that this is in shoreline jurisdiction.

Commented [A26]: What does impairment of the tax base mean in this context?

Commented [A27]: This is one long sentence. Follow the construct of #6 and 7 above to describe the functions & values provided by the critical area then the action statement

Commented [A28]: Is this exception due to minimal/no CMZ along the Columbia in the County? Perhaps better to keep the policy broad, and include this detail in the regs.

Commented [A29]: This is redundant.

Commented [A30]: Policy to read as 'should' otherwise move to regs as 'shall'.

~~11.12.~~ Critical freshwater habitats, including streams, rivers, wetlands, and lakes; their associated channel migration zones; hyporheic zones; and flood plains should be protected.

3.4.3 General Critical Area Regulations

~~1.~~ Through the implementation of standards in section 3.4 of this SMP, critical areas shall be protected within shoreline jurisdiction to a level of no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

~~1.2.~~ Skamania County shall not approve any shoreline substantial development permit (SSDP), shoreline conditional use permit (SCUP), shoreline variance (SVAR), or shoreline statement of exemption (SSOE), or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a shoreline critical area or associated buffer, without first assuring compliance with the requirements of this chapter and the SMP.

~~2.3. Designation:~~ The County has designated ~~e~~Critical areas are designated by the standards of RCW 36.70A.170 and 36.70A.050 defining their characteristics. The applicant shall determine and the County shall verify, on a case-by-case basis, ~~in accordance with the definitions in Chapter 7 of this SMP,~~ whether a critical area exists ~~on or in close proximity to the subject property and which~~ is regulated under this chapter, ~~on or in close proximity to, the subject property~~ that would require a setback or buffer required under this chapter.

In addition, critical freshwater habitats are required to be protected by WAC 173-26-221(2)(c)(iii) which are streams, rivers, wetlands, and lakes, their associated channel migration zones, and flood plains. The standard critical areas categories in this chapter (e.g. wetlands, geologic hazards, flood hazards, critical aquifer recharge areas, and fish and wildlife habitat conservation areas) that are designated and protected by the provisions of this chapter overlap to a large extent with critical freshwater habitats. Protections for critical areas are also protections for critical freshwater habitats. Hydrologic connections between water bodies, watercourses, and associated wetlands shall be protected.

~~3.4.~~ Bonds or Performance Security

a. Prior to issuance of any SSDP, SCUP, SVAR, or SSOE or approval which authorizes site disturbance under the provisions of this chapter, the County may require performance security to assure that all work or actions required by this chapter are satisfactorily completed in accordance with the approved plans, specifications, permit or approval conditions, and applicable regulations, ~~and to assure that a~~All work or actions which are not satisfactorily completed will be corrected to comply with approved plans, specifications, requirements, and

Commented [ES31]: Ecology: Need to require NNL

Commented [A32]: Per WAC 173-26-221(2), critical areas are designated per GMA standards not by the SMA or SMP

Commented [A33]: Long complex sentence – reword for clarity

regulations to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the health safety and general welfare of the public.

Commented [A34]: An even longer complex sentence – reword for clarity; State Plain Talk target is no more than 17 – 20 words per sentence

- b. The County shall require the applicant to post a performance bond or other security in a form and amount acceptable to the County for completion of any work required to comply with this code at the time of construction. If **compensatory mitigation is required to offset impacts of** the development proposal **is subject to mitigation on critical areas**, the applicant shall post a performance bond or other security in a form and amount deemed acceptable by the County to cover long-term monitoring, maintenance, and performance for mitigation projects to ensure **that** mitigation is fully functional for the duration of the monitoring period.
- c. The performance bond or security shall be in the amount of one hundred twenty-five percent of the estimated cost of **work required to comply with this code, including compensatory mitigation restoring the functions and values of the critical area at risk.**
- d. The bond **or security** shall be in the form of irrevocable letter of credit guaranteed by an acceptable financial institution, with terms and conditions acceptable to the County, **or** an alternate **ive** instrument or technique found acceptable by the County attorney.
- e. Bonds or other security authorized for mitigation by this section shall remain in effect until the County determines, in writing, that the **improvements have been completed, standards bonded have been met.** Bonds or other security for required mitigation projects shall be held by the County for a minimum of five years to ensure that the mitigation project has been fully implemented and **demonstrated to function is meeting performance standards.** The bond may be held for longer periods upon written finding by the County that it is still necessary to hold the bond to ensure **that** the mitigation project has met all elements of the approved mitigation plan.
- f. Depletion, **failure to, or collection of,** bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, **and,** 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** County may demand payment of any financial guarantees or require other action authorized by the law or condition.

Commented [E535]: Ecology: Awkward phrasing. Not sure how to fix.

Commented [A36]: Does this mean failure of the bond?

Commented [A37]: Long and complex. Re-word for clarity.

h. Any funds recovered pursuant to this section shall be used to complete the required mitigation, maintenance, monitoring, and/or restoration.

~~4-5.~~ Inspection and right of entry. The County or its agent may inspect any development activity or mitigation site to enforce the provisions of this chapter. The applicant consents to entry upon the site by the County or its agent during regular business hours for the purposes of making reasonable inspections to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans, and permits, and requirements of this chapter.

~~5-6.~~ Buffers.

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

b. ~~Standard Buffers.~~ The standard buffer widths presume the existence of a relatively intact native vegetation community and continuity in the buffer zone adequate to protect the critical area functions and values at the time of the proposed activity. When a road, ~~or~~ railroad, levee, or other improvement completely functionally isolates the buffer from the critical area, the regulated critical area buffer shall not extend beyond the edge of the road or railroad. However, it is also important to recognize that some functions and values may still occur on the landward side of roads, railroads, structures or vertical separation, such as shading, stabilization, hydraulic connectivity, and/or hyporheic influence, even if they may outwardly appear to provide no function or value, and shall be determined on a case-by-case basis.

c. ~~Averaging Buffers.~~ The County or its agent will consider the allowance of wetland or stream buffer averaging only when the buffer area and width after averaging will not adversely impact the critical area and/or buffer functions and values. At a minimum, any proposed buffer averaging shall meet the following criteria:

i. The buffer area after averaging is no less than that which would be contained within provided by the standard buffer the area required without averaging.

ii. The buffer width shall not be reduced by more than fifty-25 percent at any one point as a result of the buffer averaging. Buffer averaging should be allowed only when there are no feasible alternatives to the site design that could be accomplished without averaging; or when the wetland has significant differences in characteristics that affect its habitat functions, so that the buffer is increased adjacent to the higher-functioning area and decreased adjacent to the lower-functioning portion.

Commented [ES38]: Ecology: What about separation by levee or similar?

Commented [A39]: 50% is too permissive without adequate technical rationale; typically a 25% reduction is the max allowed and a minimum distance is required; And we usually say that averaging should be allowed only when there are no feasible alternatives to the site design that could be accomplished without averaging; or when the wetland has significant differences in characteristics that affect its habitat functions, so that the buffer is increased adjacent to the higher-functioning area and decreased adjacent to the lower-functioning portion. (see page 31 of our ECY June 2016 Wetland – CAO Update guidance document); This approach could be varied based on SED if adequately substantiated; Same for buffer reductions below.

Commented [A40R39]: Agreed

- iii. The buffer area shall be enhanced where the buffer is reduced through averaging measures and is narrower than the standard widths averaged.
 - iv. The additional buffer is contiguous with the standard buffer.
 - v. Encroachment into the buffer does not occur waterward of the top of an associated steep slope or into a channel migration zone.
 - vi. Encroachment does not occur into the buffer of an associated wetland except as otherwise allowed.
- d. ~~Reducing~~ Buffer reduction to allow reasonable use of a parcels. The County or its agent will consider the allowance of buffer reductions may reduce up to ~~fifty~~ 25 percent of the standard critical area buffer requirement width and will not adversely impact the critical area and/or buffer functions and values. Unless otherwise stipulated elsewhere in this regulation, the proposed buffer reduction shall be subject to a critical area study performed by a qualified professional which finds that:
- i. The applicant has demonstrated avoidance and minimized buffer impacts to the greatest extent possible.
 - ii. The minimization measures in Table 3-1 are implemented, where applicable, are used to minimize impacts of the adjacent land use.
 - iii. The applicant has proposed compensatory mitigation to offset buffer impacts of impact, and mitigation of impact in that order in accordance with SMP section 3.5 and
 - viii. The proposed buffer reduction shall be accompanied by a mitigation plan per SMP Section 3.4.3 "General Mitigation Requirements for All Critical Areas" that includes enhancement of the reduced buffer area;
 - ix. The reduction will not adversely affect water quality or disrupt a significant habitat area as defined by WDFW and;
 - iv. The reduction is necessary for reasonable development of the subject property.

Commented [A41]: Is enhancement defined? If not, it should be.

Commented [A42]: Does this mean the entire buffer, or just segments where the buffer is narrower than the standard width?

Commented [A43]: All wetlands referenced by this document are going to be shoreline-associated wetlands. Also, is this sentence necessary? It seems to be saying that you can't do something unless it's allowed.

Commented [A44]: We believe a 50% reduction is a high-risk approach to protecting wetland functions. We recommend 25%. Buffer reductions should be tied to reducing the impact from the adjacent land use by requiring the measures in "Table XX.2 Required measures to minimize impacts" on page 29 of ECY's June 2016 Wetland – CAO Update guidance document.

Commented [A45]: This is part of the critical area study? It sounds like a regulation.

Commented [A46]: definition?

Table 3-1. Measures to Minimize Impacts to Critical Areas

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from critical areas and/or buffer
Noise	Locate activities that generate noise away from critical and/or area buffers. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source.

	<u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' feet of heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.</u>
Toxic runoff	<u>Route all new, untreated runoff away from critical area.</u> <u>Establish covenants limiting use of pesticides within 150 feet of critical areas and their buffers.</u> <u>Apply integrated pest management.</u>
Stormwater runoff	<u>Retrofit stormwater detention and treatment for roads and existing adjacent development.</u> <u>Prevent channelized flow from lawns that directly enters the buffer.</u>
Change in water regime	<u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns.</u>
Pets and human disturbances	<u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion.</u> <u>Place critical areas and its buffer in a separate tract or protect with a conservation easement.</u>
Vegetation disturbances	<u>Conserve and enhance existing native vegetation in accordance with Ssection 3.7.</u>

- e. Combining Methods. Applicants may use a combination of buffer averaging and buffer reductions, but in no case shall the total of the two methods result in a buffer ~~which is width that is~~ less than ~~50-25~~ percent of the standard buffer width.
- f. Land division and property line adjustment.
 - i. Parcels of land shall not be wholly located within a critical area or buffer.
 - ii. ~~Land that is wholly within a wetland or associated buffer may not be subdivided or the boundary line adjusted unless it can be demonstrated to qualify for and is granted a SVAR under SMP Chapter 2.~~
 - iii. Land that is partially within a wetland or associated buffer area may be subdivided or the boundary line adjusted provided that an accessible and contiguous portion of each new or adjusted lot is located outside the critical area and buffer, and ~~there is sufficient area outside of wetlands and buffers to accommodate the intended use.~~
 - iv. ~~Accessory roads and utilities serving the proposed subdivision may be permitted within the wetland or stream critical area and associated buffer only if the County determines that no other feasible alternative exists and consistent with SMP Section 5.2.9.~~
- g. Marking and/or fencing.
 - i. Temporary Markers. The outer perimeter of a wetland, ~~stream,~~ fish and wildlife conservation areas, steep slopes, and their associated buffers and the limits of these areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in a manner approved by the

Commented [A47]: Variances are granted for development and must meet criteria, including that there is no other reasonable use of the property. A variance could not be granted for subdividing property into parcels into undevelopable parcels.

Commented [A48]: Again, don't subdivide if there is not enough area outside the CA/buffer for the development.

Commented [A49]: All shoreline streams are FWHCAs.

Commented [A50]: I understand what they're saying, but this is overly long and clunky.

County ~~so not to prevent~~ unauthorized intrusion ~~will occur~~. Markers or fencing are subject to inspection by the County or its agent ~~or his designee~~ prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until directed by the County or its agent, or until permanent signs and/or fencing, if required, are in place.

Commented [A51]: They've just been using "or its agent" previously—now there's a designee too? Should be consistent.

ii. Permanent Markers. Following the implementation of an approved development plan or alteration, the outer perimeter of the critical area or buffer, ~~whichever is greater, that is not disturbed~~ shall be permanently identified. This identification shall include permanent wood or metal signs on ~~treated wood~~ or metal posts, or affixed to stone boundary markers at ground level. Such signage shall comply with SCC Title 22 "Columbia River Gorge National Scenic Area, when located within the Scenic Area. Signs shall be worded as follows: "CRITICAL AREA BOUNDARY". Protection of this natural area is in your care. Alteration or disturbance is prohibited. Please call Skamania County for more information. Removal of this sign is prohibited."

Commented [A52]: I understand what they mean, but what if the buffer was disturbed, but the disturbance was not authorized?

Commented [A53]: Treated wood should not be used in or near wetlands.

iii. Sign Locations. ~~The County or its agent shall approve sign locations during review of the development proposal.~~ Signs shall be posted at an interval of one (1) every fifty (50) feet, or one (1) per lot if the lot is less than fifty (50) feet wide, and must be maintained by the property owner in perpetuity. ~~Signs shall be placed at an interval of every 50 feet. Along residential boundaries, the signs shall be at least four six inches by twelve six inches in size and spaced one per centerline of each lot or every seventy five feet for lots whose boundaries that adjoin the critical area/buffer exceed one hundred fifty feet. Along residential boundaries, the signs shall be at least six inches by twelve inches in size. At road endings, road crossings, and other areas where public access to the critical area is allowed, the sign shall be a minimum of eighteen inches by twenty-four inches in size and spaced one every seventy-five feet. Alternateive sign type, size, and spacing may be approved by the County if the alternateive method of signage is determined to meet the purposes of this section.~~

Commented [A54]: We recommend signs at an interval of 50 feet. May be difficult to fit all the required text given size limit.

Commented [A55]: This is miniscule. How would they get all the wording on something this small?

Commented [A56]: road crossings?

Commented [A57]: size?

iv. Permanent Fencing. The County or its agent shall require permanent fencing where there is a substantial likelihood of the intrusion into the critical area ~~buffer~~ with the development proposal ~~or when domestic grazing animals are present or may be introduced on site~~. The County or its agent shall also require such fencing when, subsequent to approval of the development proposal; intrusions ~~threaten result in conservation of damage to~~ critical areas. The County or its agent may use any appropriate enforcement actions, including, but not limited, to fines, ~~or~~

Commented [A58]: See page 34 of the guidance document regarding species migration.

abatement, ~~or permit denial~~ to ensure compliance. ~~The fencing may provide limited access to the stream or wetland but shall minimize bank disturbance.~~ Fencing installed as part of a proposed activity or as required shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the critical area/buffer.

- Commented [A59]:** In this section, the permit has already been approved.
- Commented [A60]:** Need to be specific.
- Commented [A61]:** Fencing should not exclude wildlife.

7. Within the CRGNSA general management and special management areas, developments in shoreline jurisdiction ~~which~~that comply with SCC Chapter 22.20 (Natural Resources Protection – General Management Area) and 22.28 (Natural Resource Protection – Special Management Area) are not required to demonstrate compliance with SMP sections 3.4.4 (Wetlands) and 3.4.6 (Fish and Wildlife Habitat Conservation Areas). However, certain sections of SCC Chapters 22.20 and 22.28 shall not apply to developments within shoreline jurisdiction and within the CRGNSA. As outlined in ~~Table 3-42~~, specific sections of this SMP shall apply in place of the specified sections of the SCC Chapters 22.20 and 22.28, even though the remainder of these SCC Chapters can substitute for compliance with this SMP.

Table 3-42: SMP and NSA Standards Integration

Inapplicable SCC Provisions	Substitute SMP Section
SCC Chapter 22.20	
SCC 22.20.020.E.6(d) pertaining to wetland restoration, creation, and enhancement ratios	SMP Table 3-7. Standard Wetland Mitigation Ratios
SCC 22.20.020.G.2(a) pertaining to delineating wetland water resource boundaries	SMP section 3.4.6 Wetlands, Regulations, Delineation, and Rating
SCC 22.20.020.G.3.e pertaining to wetland buffer widths.	SMP section 3.4.6, Wetlands, Regulations, Protection Standards, Tables 3-3, 3-4, and 3-5.
SCC 22.20.020.G.4 pertaining to stream buffer widths	SMP section 3.4.6 Fish and Wildlife Habitat Conservation Areas, Regulation 2
SCC Chapter 22.28	
SCC 22.28.010.A pertaining to exemptions	SMP section 2.5.8
SCC 22.28.010.B “Buffer Requirements”, 1 and 4	SMP section 3.4.6, Wetlands, Regulations, Protection Standards, (1) and Tables 3-3, 3-4, and 3-5.
SCC 22.28.010.B (5 & 6), and (C) regarding buffer reconfigurations	SMP section 3.4.3(6)(c-d), General Critical Area Regulations, Buffers, Averaging and Reductions
SCC 22.28.010.E (1-4) pertaining to delineation of wetlands	SMP section 3.4.6 Wetlands, Regulations, Delineation and Rating

Inapplicable SCC Provisions	Substitute SMP Section
SCC 22.28.040 (I)(17) pertaining to wetland mitigation ratios	SMP Table 3-7. Standard Wetland Mitigation Ratios

3.4.4 General Mitigation Requirements for All Critical Areas

1. Skamania County will use the following general methods and mechanisms to accomplish the purposes of the critical areas regulations. This section shall be applied to all approved development applications and alterations when action is taken to implement the proposed action.

Commented [A62]: Numbering/formatting of this section seems off; should this be #6, in between 5. Buffers and 7. Contingencies?? Sub-numbering should be consistent w/ other sections

Commented [A63]: Reword for clarity

2. Protection of critical areas shall observe the mitigation sequence outlined in SMP Section-section 3.5, unless part of a restoration plan for a significantly degraded wetland or stream buffer, described under Section-section 3.5 below.

~~3. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the critical area. For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated with native plantings and shall not include lawns, walkways, driveways or other mowed or paved areas; shoreline access trails/paths that incorporate elements of wilderness trail building are allowed subject to permitting. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development, or when seasonally appropriate. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and water quality.~~ **3. When a critical area is created, restored, or enhanced as compensation for an approved alteration, the following shall apply:**

Commented [A64]: Many provisions in one; separate or organize for clarity; consider suggested edits

a. The required buffer distance is determined by the category of the critical area. Buffers shall be established and maintained as: fully vegetated with native plantings and shall not include excluding lawns, walkways, driveways or other mowed or paved areas.

b. Shoreline access trails/paths that incorporate elements of wilderness trail building (See USFS Standard Trail Plans and Specifications) are allowed within buffers subject to permitting (see USFS Standard Trail Plans and Specifications).

c. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development, or when seasonally appropriate.

Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and water quality.

Commented [A65]: Are these only applicable to created, restored, or enhanced critical areas or to all?

3-4. General mitigation requirements: The following section provides general mitigation requirements applicable to alteration of critical areas. Additional specific mitigation requirements are found under the sections for the particular type of critical area.

- a. Restoration/rehabilitation is required when a critical area or its buffers has been altered on the site in violation of County regulations prior to development approval and, as a consequence its functions and values have been degraded. Restoration is also required when the alteration occurs in violation of County regulations during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.
- b. Restoration/rehabilitation is required when the critical area or its buffer will be temporarily altered during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan. A qualified professional should determine if restoration is possible before any temporary disturbance occurs.
- c. Compensation. The goal of compensation is no net loss of critical area/or buffer functions on a development site. Compensation includes replacement or enhancement of the critical area or its buffer depending on the scope of the approved alteration and what is needed to maintain or improve the critical area and/or buffer functions. Compensation for approved critical area or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan:
 - i. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the created, restored, or enhanced critical area. For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways and other mowed or paved areas.
 - ii. On-site and in-kind. Unless otherwise approved, all critical area impacts shall be compensated for through restoration or creation of replacement areas that are in-kind, on-site, and of similar or better critical area category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success.
 - iii. Off-site and in-kind. The County or its agent may consider and approve off-site compensation where the applicant demonstrates that greater biological and hydrological functions and values will be achieved. The compensation may include restoration, creation, or enhancement of

critical areas. The compensation ratios specified under the "on-site" compensation section for each critical area shall apply for off-site compensation as well.

- iv. Increased Replacement Ratios. The County or its agent may increase the mitigation ratios under the following circumstances: (a) Uncertainty exists as to the probable success of the proposed restoration or creation due to an unproven methodology or proponent; or (b) A significant period will elapse between impact and replication of wetland-critical area functions; or (c) The impact was unauthorized.
 - v. Decreased Replacement Ratios. The County or its agent may decrease the mitigation ratios required in the "on-site" ratios specified under the compensation section of each critical area, when all the following criteria are met: (a) minimum replacement ratio of 1:1 will be maintained, (b) Documentation-documentation by a qualified specialist demonstrates that the proposed mitigation actions have a very high rate of success, (c) Documentation-documentation by a qualified specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the critical area being impacted; and (d) The the proposed mitigation actions are conducted in advance of the impact and have been shown to be successful. If a specific critical area has a greater ratio than the more stringent ratio would apply.
 - vi. Critical Area Enhancement as Mitigation. (a) Impacts to critical areas may be mitigated by enhancement of existing significantly degraded critical areas at a ratio of 2:1 for areas impacted. For any remaining impacts not offset by mitigation, a 1:1 replacement mitigation ratio is required. Applicants proposing to enhance critical areas must produce a critical areas report that identifies how enhancement will increase the functions and values of the degraded critical areas and how this increase will adequately mitigate for the loss of critical area function at the impact site. The ratios shall be greater than double the required acreage when the enhancement proposal would result in minimal gain in the performance of critical area functions currently provided in the critical area.
- d. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development, or when seasonally appropriate. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, water quality, and vegetation.

4.5. Mitigation plans.

- a. Mitigation or alterations to critical areas shall achieve equivalent or greater biological functions and shall include mitigation for adverse impacts upstream and downstream of the development proposal site. Mitigation sites for wetlands, streams, and fish and wildlife habitat conservation critical areas shall be located to achieve contiguous habitat corridors in accordance with a mitigation plan that is part of an approved critical areas report to minimize the isolating effects of development on habitat areas. Mitigation of aquatic habitat shall be located within the same aquatic ecosystem as the area disturbed. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.
- b. The scope and content of a mitigation plan shall be decided on a case-by-case basis: as the impacts to the critical area increase, the mitigation measures to offset these impacts will increase in number and complexity. Skamania County shall determine during the review of the requested studies which of the components listed in [sub]section [C.], below shall be required as part of the mitigation plan. Key factors in this determination shall be the size and nature of the development proposal, the nature of the impacted critical areas, and the degree of cumulative impacts on the critical area from other development proposals.
- c. At a minimum, the following components shall be included in a complete mitigation plan:
 - i. Baseline Information. Provide existing conditions information for both the impacted critical areas and the proposed mitigation site as described in "General critical area report requirements" and "Additional report requirements" for each critical area.
 - ii. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including: (a) A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and (b) A review of the science supporting the proposed mitigation.
- d. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of

this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

- e. Detailed Construction Plan. These are the written specifications and descriptions of mitigation technique. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.
- f. Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project, as detailed under SMP Section 3.4.3 "General Mitigation Requirements for All Critical Areas, Monitoring" below.
- g. Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.

5-6. Monitoring.

- a. The County will require long-term monitoring of development proposals where alteration of critical areas or their buffers are approved. Such monitoring shall be an element of the required mitigation plan and shall document and track impacts of development on the functions and values of critical areas, and the success and failure of mitigation requirements. Monitoring may include, but is not limited to:
 - i. Establishing vegetation transects or plots to track changes in plant species composition over time;
 - ii. Using aerial or other photography to evaluate vegetation community response;
 - iii. Sampling surface and ground waters to determine pollutant loading;
 - iv. Measuring base flow rates and stormwater runoff to model and evaluate water quantity predictions;
 - v. Measuring sedimentation rates;
 - vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity;
 - vii. Sampling of water temperatures for wetlands and streams;

Commented [A66]: Formatting of 6 and 7 below – numbering hierarchy could be condensed to 6 with subs a – I, and 7;

- viii. The property owner will be required to submit monitoring data and reports to the County on an annual basis or other schedule as required by the County or its agent. Monitoring shall continue for a minimum period of five years or for a longer period if necessary to establish that the mitigation performance standards have been met;
- ix. Performance Bond. Prior to issuance of any permit or approval, which authorizes site disturbance under this chapter, the County or its agent may require performance security as specified in dection 3.4.3; General Critical Areas Regulations.

~~6-7.~~ Contingencies/adaptive management.

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

3.4.5 General Critical Area Report Requirements

1. In addition to the information required for an SSDP, any development activity which impacts critical areas subject to the provisions of this chapter is required to submit a critical areas report as described under this section.
2. Timing of Studies. When an applicant submits an application for any development proposal, it shall indicate whether any critical areas or buffers are located on or adjacent to the site. The presence of critical areas may require additional studies and time for review. However, disclosure of critical areas early will reduce delays during the permit review process. If the applicant should disclose there are no known critical areas, further studies may be required for verification.
3. Studies Required.
 - a. When sufficient information to evaluate a proposal is not available, the County or its agent shall notify the applicant that a critical areas study and report is required. The County may rely on input from a qualified representative of the appropriate resource agency to assist with the determination that a critical areas report is necessary. (e.g., WDFW regional representative may be consulted to determine if the presence of a fish and wildlife conservation area requires a critical areas study).
 - b. If a critical area report is required, the County or its agent may retain independent qualified consultants, at the applicant's expense, to assist in review of studies that are outside the range of staff expertise. The County may develop a

Commented [A67]: Formatting – should be #8?

list of pre-qualified consultants that can be used by an applicant in order to preclude the need for peer review of submitted reports.

c. Critical area reports shall be written by a qualified professional, as defined in the definitions section of this chapter. A critical areas report shall include all information required pursuant to “General Critical Areas Report Requirements”, below. A monitoring and maintenance program shall be required to evaluate the effectiveness of mitigating measures.

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

~~b.e.~~ When an applicant proposes buffer averaging, reductions, and/or impacts, a critical areas report prepared in accordance with sections 3.4.3 and 3.4.4 shall be required.

4. Report Contents.

a. A critical areas report shall have three components: (a) a site analysis; (b) an impact analysis, including assessment of cumulative impacts per SMP section 3.5; and (c) proposed mitigation measures. More or less detail may be required for each component depending on the size of the project, severity, and potential impacts. The County or its agent may waive the requirement of any component when adequate information is otherwise available.

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

- i. A Site map of the project area at a 1:20 or larger scale dimensioned, including:
 - ~~(a) R~~Reference streets and property lines.
 - ~~(b) E~~Existing and proposed easements, right-of-ways, trail corridors, and structures.
 - ~~(c) C~~Contour intervals (~~two~~2 feet); steep slope areas to be highlighted.
 - ~~(d) F~~The edge of the ~~one hundred~~100-year floodplain, and edge of the floodway, if appropriate.
 - ~~(e) C~~Channel migration zone boundaries, if appropriate and such information is already available without a field delineation.
 - ~~(f) S~~SMP environmental designation and zone.

- ~~(g)~~ ~~H~~ Hydrology: show surface water features both on and adjacent to the site; show any water movement into, through, and off the project area; ~~show~~ stream and wetlands classifications; ~~show~~ seeps, springs, and saturated soil zones; and label wetlands not found on the County inventory maps as un-inventoried.
- ~~(h)~~ ~~I~~ Identification of all site preparation, grading activities, and dimensioned location of proposed structures, roads, stormwater facilities, impervious surfaces, and landscaping to critical areas.
- ~~(i)~~ ~~A~~ All drainage plans for discharge of stormwater runoff from developed areas.
- ~~(j)~~ ~~L~~ Location of buffer lines (if required or proposed).
- ~~(k)~~ ~~L~~ Location of sensitive area tract and/or easement.

ii. ~~A~~ ~~W~~ritten report detailing:

- ~~(a)~~ ~~H~~ How, when, and by whom the report was performed (including methodology and techniques).
- ~~(b)~~ ~~W~~ Weather conditions during and prior to any field studies if relevant to conclusions and recommendations.
- ~~(c)~~ ~~D~~ Description of the project site and its existing condition, including degraded critical areas.
- ~~(d)~~ ~~D~~ Description of existing critical area and buffer functions and values.
- ~~(e)~~ ~~D~~ Description of habitat features present and determination of actual use of the critical area by any endangered, threatened, rare, sensitive, or unique species of plants or wildlife as listed by the federal government or state of Washington.
- ~~(f)~~ ~~T~~ The total acreage of the site in each type of critical area(s) and associated buffers.
- ~~(g)~~ ~~T~~ The proposed action, including but not limited to description of filling, dredging, modification for storm-water detention or discharge, clearing, grading, restoring, enhancing, grazing or other physical activities that change the existing vegetation, hydrology, soils, or habitat.
- ~~(h)~~ ~~W~~ When an alteration to a critical area or its buffer is proposed, provide an explanation as to why the impact is unavoidable and how it meets the criteria for a defined exception.
- ~~(i)~~ ~~D~~ Description of potential environmental impact of the proposed project to the critical area(s) and demonstration of mitigation sequencing approach, and description of any proposed mitigation measures.

- ~~(j)~~ Habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and critical area functions.
- ~~(k)~~ The mitigation measures proposed to avoid or lessen the project impacts (during construction and permanently).
- ~~(l)~~ When alteration to the critical area or its buffer is proposed, include a mitigation plan as specified by this chapter.
- ~~(m)~~ A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
- ~~(n)~~ Description of local, state, and federal regulations and permit requirements.

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

5. To the degree that reports and studies prepared for other federal or state permit processes, (such as biological opinions or biological evaluations) meet the critical areas report or habitat study requirements, they may be submitted and used to fulfill part or all of the critical area report requirements required under this section.

3-4.53.4.6 Wetlands

Applicability

The following regulations apply to all areas which meet the definitions of wetlands as defined in Chapter 7 of this document. Wetlands include ponds, lakes, streams, creeks, and rivers as discussed in SCC Chapter 21A.04. Wetlands also include critical freshwater habitat per WAC 173-26-221(2)(e)(iv).

Regulations

Delineation and Rating

1. Wetlands shall be identified and delineated by a qualified wetland professional in accordance with WAC 173-22-035 and designated based on the definitions, methods and standards set forth in the currently approved Federal Wetland Delineation Manual and supplements.
2. Determination of wetland ratings will be based on the entire extent of wetlands, unrelated to property lines or ownership patterns. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetland Rating System for Eastern Washington and/or Western Washington, as amended. The division between Eastern and Western Washington correlates to the Cascade Mountains from the international border to the top of Mt.

Commented [A68]: Formatting - These are large provisions with many sub-parts; easier to read/understand as a list

Adams, then the ridgeline dividing the White Salmon River drainage from the Lewis River drainage and the ridgeline dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line (WAC 222-16-010).

Protection Standards

1. Required standard wetland buffers, based on wetland category and land use intensity, are as follows:

Table 3-23. Buffers Required to Protect Habitat Functions in Category I and II Wetlands

Habitat Score in the Rating Form	Low Intensity Use (ft)	Moderate Intensity Use (ft)	High Intensity Use (ft)
Western Washington¹			
5 points or less	50	85	100
6	75	120	150
7	100	155	100 200
8	125	190	250
9	150	225	300
Eastern Washington²			
5 points or less	50	75	100
6	70	95	125
7	80	110	150
8	90	135	175
9	100	150	200

Commented [A69]: Typo? Or let's discuss rationale for lesser distance

¹ Modified from tables 8C-6 and 8C-7: Appendix 8-C: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System.
² Modified from tables 8D-6 and 8D-7: Appendix 8-D: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Eastern Washington Wetland Rating System.

Table 3-34. Buffers Required to Protect Habitat Functions in Category III Wetlands

Habitat Score in the Rating Form	Low Intensity Use (ft)	Moderate Intensity Use (ft)	High Intensity Use (ft)
Western Washington¹			
3	40	60	80
4	45	70	90
5	55	80	110
6	65	100	130
7	75	110	150
8	If wetland scores 8 habitat points, use Table 3-1 for Category II buffers.		
9	If wetland scores 9 habitat points, use Table 3-1 for Category II buffers.		
Eastern Washington²			
3	40	60	80
4	45	70	90
5	55	80	110
6	65	100	130
7	75	110	150

8	If wetland scores 8 habitat points, use Table 3-1 for Category II buffers.
9	If wetland scores 9 habitat points, use Table 3-1 for Category II buffers.

1 Modified from Table 8C-5: Appendix 8-C: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System.
2 Modified from tables 8D-5: Appendix 8-D: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Eastern Washington Wetland Rating System.

Table 3-45. Buffers Required to Protect Habitat Functions in Category IV Wetlands¹

Habitat Score in the Rating Form	Low Intensity Use (ft)	Moderate Intensity Use (ft)	High Intensity Use (ft)
Western Washington			
3 - 6	25	40	50
Eastern Washington			
3 - 6	25	40	50

1 Modified from Table 8C-4: Appendix 8-C: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System.

Table 3-56. Land Use Intensity Matrix¹

Intensity	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial/Industrial	Residential²
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	NA
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density less than 1 unit per acre
High	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing	Public and private streets, security fencing, retaining walls	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.	All site development	Density higher than 1 unit per acre

Commented [A70]: Table formatting

¹ The Shoreline Administrator shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 3-4.

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

- a. Any wetland created as compensation for approved wetland alteration shall have the standard buffer required for the new classification of the created wetland. Wetlands to be created shall be located such that the new associated wetland buffer does not cross onto adjacent property, unless the same property owner owns the adjacent property.
 - b. Uninventoried wetlands shall be assigned a rating based on the wetland report and field verification, and the appropriate buffer shall apply.
2. General Performance Standards: The requirements provided in this section supplement those identified in SMP Section 3.4.3 "General Critical Area." Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided by the SMP.
 3. Permitted Alterations: The following activities may only be permitted in a wetland or wetland buffer if the applicant can demonstrate that the activity will result in no net loss of shoreline ecological functions. The County or its agent may require the preparation of a critical area report to confirm compliance with the requirements of this chapter.
 - a. Conservation or preservation activities that improve the function of the wetland.

- b. Modifications to existing structures where no further alteration or increase in footprint will occur.
- c. Trails. Public and private trails may be allowed within all wetland buffers where it can be demonstrated in a critical areas report that the wetland and wetland buffer functions and values will not be degraded by trail construction or use. Trail planning, construction, and maintenance shall adhere to the following criteria:
 - i. Trail alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five percent of the buffer width for wetlands and equal to the setback distance for trails specified in Table 6-1 for fish and wildlife habitat conservation areas except as needed to access viewing platforms. Trails may be placed on existing levees or railroad grades within these limits;
 - ii. Trails and associated viewing platforms shall be constructed of pervious materials, unless necessary for conformance to the Americans with Disabilities Act. The trail surface shall meet all other requirements, including water quality standards set forth in the Washington State Department of Ecology *Stormwater Management Manual for Western Washington*, (~~September 2014~~ or as ~~amended~~ revised);
 - iii. Trail alignment shall avoid trees in excess of six inches in diameter of any tree trunk at a height of four and a half feet above the ground on the upslope side of the tree;
 - iv. Trail alignment shall follow the natural contours of the terrain.
 - v. Trail construction and maintenance shall follow the U.S. Forest Service Trails Management Handbook (FSH 2309.18, June 1987) and Standard Specifications for Construction of Trails (EM-7720-102, June 1984 or as revised);
 - vi. Access trails to viewing platforms within the wetland may be provided. Trail access and platforms shall be aligned and constructed to minimize disturbance to valuable functions of the wetland or its buffer and still provide enjoyment of the resource;
 - vii. Buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and
 - viii. ~~Equestrian~~ trails shall be located or measures provided to assure that runoff from the trail does not directly discharge to the wetland.

4. Public Roads and Utilities.

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

b. Footprint expansion of public roads and utilities may occur to ~~meet~~maintain locally established levels of service, and to provide for and protect public safety when no lesser impacting option is feasible and the width of the corridor is minimized to the maximum extent possible.

~~d.c.~~ Public and private utility corridors, not covered by the exceptions section in this chapter, may be allowed within wetland buffers for Category II, III, and IV wetlands when no lesser impacting alternative alignment is feasible, and wetland and wetland buffer functions and values will not be degraded. Utilities, whenever possible, shall be constructed in existing, improved roads, drivable surface or shoulder, subject to compliance with road maintenance BMPs, or within an existing utility corridor. Otherwise, corridor alignment, construction, restoration and maintenance shall adhere to the following criteria:

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

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

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

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

~~4.5.~~ Recreational activities such as boating, fishing, and hunting with valid permits and licenses are permitted within wetlands or their buffers, as well as activities that do not require permits such as swimming.

~~5.6.~~ Repair, maintenance, and operation of existing development and structures, provided the footprint is not expanded or increased in any way.

Commented [A71]: Our recommendation regarding maintenance: Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

~~6-7.~~ Fish and wildlife management and research activities.

~~7-8.~~ In Category II, III, and IV wetlands within shoreline jurisdiction, water-dependent, water-related or water-enjoyment recreational activities may be permitted provided the applicant has demonstrated the following:

- a. Compliance with mitigation sequencing in SMP ~~S~~ection 3.5.
- b. That the proposed project will result in no net loss of shoreline ecological resources in the wetland critical areas report. If a wetland or its buffer is proposed to be impacted by a water-dependent, water-related, or water-enjoyment use, the mitigation for such impacts shall preferably be within the same wetland or wetland buffer, but if, that is not feasible given the size or scale of the water-oriented use, then mitigation shall occur on the same property.
- c. That the basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland or its buffer using other design techniques, project location or configuration on the same project site.

Critical Area Reports for Wetlands

1. In addition to the general requirements for critical areas reports provided under SMP ~~S~~ection 3.4.3 "~~General Critical Area Regulations~~", wetland critical area reports shall include the following:

- a. On the site map:
 - i. Wetlands shall be identified and delineated by a qualified wetland professional in accordance with WAC 173-22-035 and designated based on the definitions, methods and standards set forth in the currently approved Federal Wetland Delineation Manual and supplements.
 - ii. The location of any proposed wetland area(s) to be created through mitigation measures ~~shall be identified, and~~
 - iii. The location of any proposed wetland alteration or fill ~~shall be shown.~~
- b. In the report:
 - i. Description of the wetland by classification per the Washington State Wetland Rating System for Western Washington (Ecology Publication #14-06-029 or as revised) and Eastern Washington (Ecology Publication #14-06-030 or as revised).
 - ii. General condition of the wetland.

- iii. Description of vegetation species and community types present in the wetland and surrounding buffer.
- iv. Description of soil types within the wetland and the surrounding buffer using the USDA Soil Conservation Service soil classification system.
- v. Description of hydrologic regime and findings.

Wetland Compensatory Mitigation

1. No net loss of wetland functions and values shall occur as a result of the overall project. If a wetland alteration is allowed, then the associated impacts will be considered unavoidable. In addition to the requirements in SMP Section 3.4.3 “General Critical Area Regulations”, the following mitigation measures to minimize and reduce wetland impacts shall be required:
 - a. Mitigation shall achieve equivalent or greater biological functions. Mitigation plans shall be consistent with the state Department of Ecology Wetland Mitigation in Washington State: Part 2 - Developing Mitigation Plans, 2006.
 - b. Preference of mitigation actions. Mitigation actions that require compensation shall occur in the following order of preference:
 - i. Restoring wetlands on upland sites that were formerly wetlands.
 - ii. Creating wetlands on disturbed upland sites such as those with vegetation cover consisting primarily of non-native introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is designed.
 - iii. Enhancing significantly degraded wetlands only after a minimum 1:1 replacement ratio has been met.
 - c. On-site and off-site mitigation. Unless otherwise approved, all wetland impacts shall be compensated for through restoration or creation of replacement wetlands that are in-kind, on-site, and of similar or better wetland category. Off-site mitigation may be approved if it is not possible to mitigate onsite. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success. The following ratios shall apply to wetland restoration and creation for mitigation:

Table 3-67. Standard Wetland Mitigation Ratios

Wetland to be Replaced	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation and Rehabilitation	Reestablishment or Creation and Enhancement	Enhancement
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I, Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I, Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I, Natural Heritage Site	Not Considered Possible	6:1 Rehabilitate a Natural Heritage Site	N/A	N/A	Case-by-Case

Table 3-78. Wetland Preservation Ratios for Category I and II Wetlands

Habitat Function of Wetland to be Replaced	In Combination With Measures In Table 5-6		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 (<20 points)	10:1	14:1	20:1	30:1
Moderate (20–30 points)	13:1	17:1	30:1	40:1
High (>30 points)	16:1	20:1	40:1	50:1

3.4.63.4.7 Critical Aquifer Recharge Areas

Applicability

The critical aquifer recharge area regulations apply to areas which have a critical recharging effect on aquifers used for drinking water including wellhead protection areas, sole source aquifers, susceptible groundwater management areas, special protection areas, moderately or highly vulnerable aquifer recharge areas, and moderately or highly susceptible aquifer recharge areas as further defined in this section.

Regulations

Designation and Classification

1. Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of groundwater resources or contribute

significantly to the replenishment of groundwater. These areas include the following:

- a. Wellhead Protection Areas (WHPAs). ~~Wellhead protection areas~~ WHPAs may be defined by the boundaries of the ~~ten-10~~-year time of groundwater travel, or boundaries established using alternate criteria approved by the Washington Department of Health in those settings where groundwater 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 Water Drinking Act.
- c. Susceptible Groundwater Management Areas. Susceptible groundwater management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted groundwater 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. 5. 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-Washington~~ Department of Ecology guidelines.
- e. Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic conditions.

Vulnerability Rating

1. For each well, a vulnerability rating must be established by a certified hydrogeologist in accordance with WAC 365-190-110. Vulnerability ratings shall determine a CARA's susceptibility to degradation or depletion.
2. New wells shall be recorded with the County at the time of development and shall include an aquifer vulnerability rating.

Exempt, Prohibited, and Permitted Activities in CARAs

1. The following activities proposed in Category I and II CARAs are exempt from the CARA standards of this chapter: (1) All residential uses and activities; (2) Other uses not listed in the prohibited and permitted activities lists below; (3) Activities already permitted and regulated by the state to incorporate best management practices.

2. The following activities are considered high-impact uses due to the probability and/or potential magnitude of their adverse effects on groundwater and shall be prohibited within Category I CARAs: ~~(1) Landfills;~~ ~~(2) Class V injection wells;~~ ~~Agricultural drainage wells;~~ ~~(3) Untreated sewage disposal wells;~~ ~~(4) Cesspools;~~ ~~(5) Industrial process water and disposal wells;~~ ~~(6) Radioactive waste disposal;~~ ~~(7) Radioactive disposal sites;~~ and ~~(8) Surface mining operations.~~

3. The following activities shall be allowed in Category I and II CARAs after approval of the relevant shoreline permit for each type of use and submittal of a Level 1 site evaluation report:

- ~~(1) Aboveground and below-ground storage tanks;~~
- ~~(2) Facilities that conduct biological research;~~
- ~~(3) Boat repair shops;~~
- ~~(4) Chemical research facilities;~~
- ~~(5) Dry cleaners;~~
- ~~(6) Gasoline service stations;~~
- ~~(7) Pipelines;~~
- ~~(8) Printing and publishing shops (that use printing liquids);~~
- ~~(9) Below-ground transformers and capacitors;~~
- ~~(10) Sawmills (producing over ~~ten thousand~~10,000 board feet per day);~~
- ~~(11) Solid waste handling and processing;~~
- ~~(12) Vehicle repair, recycling, and auto wrecking;~~
- ~~(13) Funeral services;~~
- ~~(14) Furniture stripping;~~
- ~~(15) Motor vehicle service garages (both private and government);~~
- ~~(16) Photographic processing;~~
- ~~(17) Chemical manufacture and reprocessing;~~
- ~~(18) Creasote~~Creosote and asphalt manufacture and treatment;
- ~~(19) Electroplating activities;~~
- ~~(20) Petroleum and petroleum products refining, including reprocessing;~~
- ~~(21) Wood products preserving;~~
- ~~(22) Golf courses;~~
- ~~(23) Regulated waste treatment, storage, and disposal facilities that handle hazardous material;~~
- ~~(24) Regulated waste treatment, storage, and disposal facilities that handle hazardous material;~~ ~~(25) Medium quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste);~~ and
- ~~(25) Large quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste).~~

Design Standards

1. Stormwater shall be treated prior to infiltration of the ~~one hundred~~100-year-storm, as required for all stormwater discharges from development sites where local soil

types and groundwater conditions are suitable. Stormwater control facilities shall be designed in accordance with the current version of Ecology's Stormwater Manual for Western Washington.

2. Treatment, runoff control, and recharge facilities shall be located prior to the point of discharge into a stream, lake, or fish-bearing water or prior to discharge into groundwater. These treatment, runoff control, and recharge facilities shall be located outside of the CARA or require BMPs to ensure groundwater protection.

3. Control pollution sources within WHPA to prevent spills through proper containment and handling.

Critical Areas Reports for Critical Aquifer Recharge Areas

All development proposed in a critical aquifer recharge area shall include a critical areas report prepared by a qualified professional who is a hydrogeologist, geologist, or engineer licensed in the state of Washington and has experience in preparing hydrogeologic assessments. The report shall contain the following information:

1. Areas determined to be moderately or highly vulnerable or susceptible to degradation or depletion because of hydrogeologic characteristics should be identified.
2. A hydrogeologic assessment required for all proposed activities to be located in a CARA, including:
 - a. Activities that result in five percent or more impervious ~~site area~~ as calculated based on the gross site area.
 - b. Activities that divert, alter, or reduce the flow of surface or groundwaters, or otherwise reduce the recharging of the aquifer.
 - c. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than fourteen thousand five hundred gallons of effluent per day and that are limited to a maximum density of one system per one acre.
 - d. Any other activity determined by the Shoreline Administrator likely to have an adverse impact on groundwater quality or quantity, or on the recharge of the aquifer.
 - e. To receive a permit for development in a CARA area, the applicant must demonstrate, through a Level 1 site evaluation report, how they will integrate necessary and appropriate best management practices (BMPs) to prevent degradation to groundwater. The applicant must also meet existing local, state, and federal laws and regulations. The site evaluation report shall be done by, or

~~under the direction of, and signed by a qualified groundwater professional and~~
~~A Level 1 site evaluation report shall~~ be completed and submitted to the director for review and approval and contain the following information:

- i. ~~The site evaluation report shall be done by, or under the direction of, and signed by a qualified groundwater professional. The report will~~ identify appropriate BMPs and show how they will prevent degradation of groundwater.
- ii. ~~The report will also~~ identify how the applicant will follow the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event hazardous material is released onto the ground or into groundwater.
- iii. The report will include site-specific hydrogeologic information to support a conclusion of no degradation to groundwater. Hydrogeologic information is available from existing U.S. Geological Survey Reports; U.S. Department of Agriculture, Natural Resources Conservation Service (Soil Survey of Skamania County, Washington, 1990)

~~iv. The report will be reviewed by the director in the same process as the primary development permit. If approved, the applicant will receive a permit allowing the activity on the subject property.~~

f. If an applicant wants to avoid implementation of applicable best management practices, they must submit a Level 2 site evaluation report prepared by a qualified professional and develop and implement a monitoring program that demonstrates, how they will prevent degradation to groundwater. The applicant must also meet existing local, state and federal laws and regulations. The monitoring program shall provide for quarterly reports and may require periodic changes based on the monitoring results, new technology, and/or BMPs. The Level 2 site evaluation report shall contain the following:

- i. An evaluation determining whether the proposed activity will have any adverse impacts on groundwater in CARAs based upon the requirements of the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC.
- ii. Identification of the proposed development plan, along with potential adverse impacts to water quality (e.g., on-site septic systems and other on-site activities) that may adversely impact groundwater quality underlying or down gradient of the project or project area;

Commented [ES72]: Ecology: This might be documented in the report but is more of a requirement for who can prepare the report; move to combine w/ 'f' above?

Commented [ES73]: Again, not part of the report's content; add to 'f' above or list as 'g'; or rely on 'h' below for all reports regardless of Level?

- iii. Depict an appropriate scale (no less than one inch to two hundred feet) showing the location of abandoned and active wells, springs, and surface water bodies within one thousand feet of the project or project area;
- iv. Description of the geologic and hydrologic characteristics of the subject property including the following: (1) Lithologic characteristics and stratigraphic relationships, (2) Aquifer characteristics including recharge and discharge areas, depth to and static water-flow patterns, and an estimate of groundwater-flow velocity; (3) Contaminant fate and transport including probable migration pathways and travel time of a potential contaminant release from the site through the unsaturated zone to the aquifer(s) and through the aquifer(s), and how the contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s); (4) Appropriate hydrogeologic cross-sections which depict lithology, stratigraphy, aquifer, units, potential or probable contaminant pathways from a chemical release, and rate of groundwater flow, and (5) Existing groundwater quality, a proposal for monitoring groundwater to detect changes and the corrective actions that will be taken if monitoring results indicate contaminants from the site have entered the underlying aquifer(s)
- g. Level 1 and 2 The-reports will be reviewed by the Shoreline Administrator/director, who may consult with other agencies or hire consultants in conjunction with the same process as the primary development permit. If approved, the applicant will receive a permit allowing the activity on the subject property.

Exempt, Prohibited, and Permitted Activities in CARAs

- ~~1. The following activities proposed in Category I and II CARAs are exempt from the standards of this chapter: (1) All residential uses and activities; (2) Other uses not listed in the prohibited and permitted activities lists below; (3) Activities already permitted and regulated by the state to incorporate best management practices.~~
- ~~2. The following activities are considered high impact uses due to the probability and/or potential magnitude of their adverse effects on groundwater and shall be prohibited within Category I CARAs: (1) Landfills; (2) Class V injection wells; Agricultural drainage wells; (3) Untreated sewage disposal wells; (4) Cesspools; (5) Industrial process water and disposal wells (6) Radioactive waste disposal (7) Radioactive disposal sites; and (8) Surface mining operations.~~
- ~~3. The following activities shall be allowed in Category I and II CARAs after approval of the relevant shoreline permit for each type of use and submittal of a Level 1 site evaluation report: (1) Above and below ground storage tanks; (2) Facilities that conduct biological research; (3) Boat repair shops; (4) Chemical research facilities; (5)~~

Commented [ES74]: Section moved to be under regulations above

Dry cleaners; (6) Gasoline service stations; (7) Pipelines; (8) Printing and publishing shops (that use printing liquids); (9) Below ground transformers and capacitors; (10) Sawmills (producing over ten thousand board feet per day); (11) Solid waste handling and processing; (12) Vehicle repair, recycling, and auto wrecking; (13) Funeral services; (14) Furniture stripping; (15) Motor vehicle service garages (both private and government); (16) Photographic processing; (17) Chemical manufacture and reprocessing; (18) Creosote and asphalt manufacture and treatment; (19) Electroplating activities; (20) Petroleum and petroleum products refining, including reprocessing; (21) Wood products preserving; (22) Golf course; (23) Regulated waste treatment, storage, and disposal facilities that handle hazardous material; (24) Regulated waste treatment, storage, and disposal facilities that handle hazardous material; (25) Medium quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste); and (25) Large quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste);

Design Standards

1. Stormwater shall be treated prior to infiltration for the one hundred year storm, as required for all stormwater discharges from development sites where local soil types and groundwater conditions are suitable. Stormwater control facilities shall be designed in accordance with the current Stormwater Manual for Western Washington.
2. Treatment, runoff control, and recharge facilities shall be located prior to the point of discharge into a stream, lake, or fish bearing water or prior to discharge into groundwater. These treatment, runoff control, and recharge facilities shall be located outside of the CARA or require BMPs to ensure groundwater protection.
3. Control pollution sources within WHPA to prevent spills through proper containment and handling.

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3.4.73.4.8 Fish and Wildlife Habitat Conservation Areas

Applicability

The following regulations apply to: (1) areas within two hundred fifty feet from any watercourse with a known endangered, threatened, sensitive, candidate or priority fish species site; (2) areas within one thousand feet of a known endangered, threatened, sensitive, candidate or priority species site, other than a watercourse; (3) priority habitat areas identified by the Washington State Department of Fish and Wildlife and; (4) areas designated by the Washington State Department of Natural Resources as state natural area preserves and natural resource conservation areas. These areas are referred to as Habitat Conservation Areas (HCAs); (1) Areas where endangered, threatened, and sensitive species have a primary association, including federal and state species (WDFW priority habitats and species); (2) Habitats and species of local importance, as determined locally; (3) Forage fish spawning areas; (4) Naturally occurring ponds under ~~twenty~~20 acres and their submerged aquatic beds that provide fish or wildlife

Commented [ES76]: This isn't fully consistent w/ the Ch 7 definition and could be confusing/misleading to the reader

habitat; (5) ~~W~~waters of the state; (6) ~~L~~lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and (7) ~~S~~state natural area preserves, natural resource conservation areas, and state wildlife areas.

Regulations

Performance Standards

1. The following requirements ~~provided in this subsection supplement~~ apply in addition to those identified in ~~S~~section 3.4.3 "General Critical Area Regulations." All new structures and land alterations shall be prohibited from habitat conservation areas ~~and buffers~~, except in accordance with this chapter. Additional standards follow:

- a. ~~Where state or federally endangered, threatened, or sensitive species have a primary association,~~ Only development which adheres to the provisions of the SMP shall be allowed within a habitat conservation area or ~~associated-its~~ buffer, ~~area with which state or federally endangered, threatened, or sensitive species have a primary association.~~
- b. Whenever development is proposed within or adjacent to a fish and wildlife habitat conservation area (HCA) with which state or federally endangered, threatened, or sensitive species have a primary association, such areas shall be protected through the application of protection measures in accordance with a critical areas report prepared by a qualified professional and approved by the County or its agent. If the Shoreline Administrator ~~Determines-determines~~ that a proposal is likely to adversely impact a ~~FW~~HCA, s/he may require additional protective measures such as a buffer area.
- c. The County or its biologist shall condition ~~the~~ approval of activities allowed adjacent to a fish and wildlife habitat conservation area ~~in the HCA~~ or its buffer, as necessary, ~~Approval conditions shall minimize or mitigate any potential adverse impacts according to per~~ the approved critical area report and habitat management plan, ~~to minimize or mitigate any potential adverse impacts.~~ Performance bonds for required mitigation may also be made a condition of approval in accordance with the provisions of this chapter.
- d. ~~Proposals for A~~ activities, uses, and alterations ~~proposed to be~~ located below the OHWM of any ~~fish-bearing~~, regulated shoreline waterbody shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, the following:
 - i. Activities shall ~~be timed to not~~ occur ~~only during outside~~ the allowable work window as designated by the ~~state Washington d~~Department of ~~Fish and w~~Wildlife ~~WDFW~~;

Commented [A77]: Lack of riparian buffers and CAR-only approach unlikely to meet requirements without substantial scientific/technical rationale.

Commented [A78]: Per 9/16 email - agreed, reword for clarity

Commented [A79]: Meaning Type S and Type F? If yes, state as such

- ii. An alternative alignment or location for the activity is not feasible.
- iii. The activity is designed so that it will minimize the degradation of the downstream functions or values of the fish habitat or other critical areas.
- iv. Any impact to the functions and values of the habitat conservation area are mitigated in accordance with an approved critical areas report.

e. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream and downstream migration of all salmonid life stages and shall prevent juveniles migrating downstream from being trapped or harmed. This standard does not apply to existing dams regulated by the Federal Energy Regulatory Commission (FERC) licensing process.

f. All relevant state and federal permits shall be obtained for in-water work.

2. Riparian Habitat Areas (RHAs). Only uses in accordance with this SMP may be permitted in riparian habitat areas or buffers. All uses proposed within RHAs and their buffers must submit a critical areas report and must follow management recommendations as recommended in the report including any mitigations for proposed impacts.

a. Buffers. Required buffers shall be measured outward in each direction on the horizontal plane from the OHWM or from the top of bank if the OHWM cannot be identified. The buffer width shall be equivalent to the setback in Table 5-1.

b. Increased riparian habitat area widths. The required RHA buffer width shall be increased based on the recommendations of a critical areas report as follows:

i. When the critical areas report recommends that the standard buffer (setback) by Table 5-1 is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;

ii. When the habitat area is within another critical area or buffer, the RHA buffer width shall be the distance required by the buffer width of the most restrictive critical area. For instance, if a riparian buffer width of 100 feet is required, but a wetland buffer width of 150 feet is required, then the RHA buffer width shall be 150 feet.

c. RHA 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 sufficient to achieve no net loss of ecological

functions. Vegetation within the buffer shall be conserved and managed in accordance with vegetation conservation standards in SMP section 3.7.

Critical Area Reports for Fish and Wildlife Habitat Conservation Areas

1. A critical areas report for fish and wildlife habitat conservation areas shall be prepared by a qualified biologist with experience analyzing aquatic and/or wildlife habitat and who has experience preparing reports for the relevant type of critical area. The County ~~will may~~ ask the applicant to provide a scope describing the methodology of the study and the expected content of the report and mitigation plan. ~~If provided,~~ the scope will be forwarded to WDFW to help ensure the adequacy of work done relative to the extent of the habitat concerns present. WDFW will respond within fourteen days. The County will not rely solely on WDFW review of report scope. Notice will be provided in the interest of ensuring consultant work proposed is in line with agency expectations. ~~If WDFW fails to respond to a request for review within the fourteen day comment period, then it will be determined to mean WDFW has no concerns.~~

Commented [A80]: Formatting/numbering

Commented [A81]: Optional not required?

2. In addition to the requirements of SMP ~~Section 3.4.35~~ "General Critical Report Requirements Areas Regulations," critical area reports for ~~wildlife habitat areas~~ HCAs shall ~~provide an assessment of habitats,~~ including ~~the~~ the following additional information ~~related to both site and proposal~~:

Commented [A82]: Duplicative of Performance Standard #1 above

Commented [A83]: Is this term meant to be equivalent to HCAs or a sub-set? Use terms consistently or better define

~~a. An assessment of habitats including the following site and proposal related information;~~

- a. Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat ~~ion~~ or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

~~b. A discussion of any federal, state, or local species management recommendations, including the ~~state~~Washington ~~d~~Department of ~~f~~Fish and ~~w~~WildlifeWDFW habitat management recommendations, that have been developed for ~~the identified~~ species or habitat ~~located on or adjacent to the project area.~~~~

- c. Any buffers necessary for protection of the identified species.
- d. On the site map: (a) The location of the OHWM, (b) The toe of any slope twenty-five percent or greater within twenty-five feet of the OHWM, (c) The location of any proposed or existing stream crossing.
- e. In the report: (a) Characterization of riparian (streamside) vegetation species, composition, and habitat function, (b) Description of the soil types adjacent to and underlying the stream, using the Soil Conservation Service soil classification

system, (c) Characterization of flow regime (i.e., perennial, intermittent, or ephemeral) and reference source of any tributary streams, (d) Determination of the presence or absence of fish, and reference sources; and (de) When stream alteration is proposed, include stream width and flow, stability of the channel including erosion or aggradation potential, type of substratum, discussions of infiltration capacity and biofiltration as compared to the stream prior to alteration, presence of hydrologically linked wetlands, analysis of fish and wildlife habitat, and proposed floodplain limits.

3. Habitat Study. Development proposals or alterations adjacent to and within three hundred feet of a fish and wildlife habitat conservation area shall prepare, and submit, as part of its critical areas study report, a habitat study which identifies which, if any, listed species are using that fish and wildlife habitat conservation area 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. If one or more listed species are using the fish and wildlife habitat conservation area, the following additional requirements shall apply:

- a. The applicant shall include in its critical areas study provide a habitat management plan, which identifies the existing habitat, identifies the qualities that are essential to maintain feeding, breeding, and nesting of listed species using the fish and wildlife habitat conservation area, and which identifies measures to minimize the impact on these ecological processes from proposed activities. The applicant shall be guided by the document Management Recommendations for Washington's Priority Habitats and Species, issued by the Washington Department of Fish and Wildlife WDFW, as amended, and by any recovery and management plans prepared by WDFW the Washington Department of Fish and Wildlife for the listed species pursuant to WAC 232-12-297, and National Marine Fisheries Service and U.S. Fish and Wildlife Service for listed species pursuant to the Endangered Species Act.
- b. Conditions shall be imposed, as necessary, based on the measures identified in the habitat management plan.
- c. Approval of alteration of land adjacent to the habitat conservation area, buffer or any associated setback zone shall not occur prior to consultation with the Washington Department of Fish and Wildlife and the appropriate federal agency.

Commented [A84]: Alternate wording: "When development or alteration is proposed to locate in or within 300 feet of an HCA, the critical area report shall include a study to identify which listed species are using the habitat. When such species are identified, the following shall apply:"

Commented [A85]: This agency is not capitalized elsewhere in the document

3.4.83.4.9 Frequently Flooded Areas

Applicability

The frequently flooded critical areas regulations shall apply to all areas of within the 100-year flood plain as designated by the Federal Emergency Management Agency

~~(FEMA) and the National Flood Insurance Program special flood hazards within the shoreline jurisdiction of Skamania County.~~

Regulations

1. No shoreline substantial development permit, conditional use permit, variance, or exemption shall be issued until new development proposed within ~~frequently flooded areas~~~~the special flood hazard areas~~ has met all provisions of this section including obtaining a development permit under SCC 15.18.120 ~~and achieving no net loss of shoreline ecological functions.~~
2. Flood hazard areas located within Skamania County's shoreline jurisdiction are regulated by Flood Damage Prevention, Ordinance 1989-05 codified under Chapter 15.18 of the Skamania County Code, which is herein incorporated into this SMP, except as specifically modified or exempted as follows:
 - a. 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. The following uses may be appropriate and/or necessary within the channel migration zone or floodway, provided that they mitigate to address impacted functions and processes:
 - i. Actions that protect or restore the ecosystem-wide processes or ecological functions.
 - ii. Water-dependent uses
 - iii. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 - iv. Existing and ongoing agricultural practices in accordance with WAC Title 16, provided that no new restrictions to channel movement occur.
 - v. Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).
 - vi. Bridges, utility lines, and other public utility and transportation structures where an alternatives analysis shows that locations outside the shoreline are not feasible or the alternative would result in unreasonable and disproportionate cost.
 - vii. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

- ~~vii-viii.~~ Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 - ~~viii-ix.~~ Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
 - ~~ix-x.~~ Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
- b. New or enlarged structural flood hazard reduction measures shall be allowed only by a shoreline conditional use permit when:
 - i. it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development,
 - ii. that nonstructural measures are not feasible,
 - iii. impacts to ecological functions and priority species and habitats can be successfully mitigated so as to ensure no net loss, and
 - iv. vegetation conservation standards consistent with SMP Chapter 3, ~~S~~section 6 are implemented.
 - c. Existing structural flood hazard facilities that are damaged or have deteriorated may be repaired and replaced to their previous extent, provided all areas disturbed by construction are revegetated with native species and such action complies with all other standards of this SMP.
 - d. When feasible, place new or enlarged structural flood hazard reduction measures landward of associated wetlands and vegetation conservation areas, except for projects that increase ecological functions, such as wetland restoration. Flood hazard reduction projects shall be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.
 - e. New or enlarged structural flood hazard reduction measures, such as dikes or levees, that are built on public property or receive public funding shall dedicate and improve public access pathways unless such public access improvements

would not be consistent with the public access regulations in SMP Chapter 3, Section 5.

- f. The removal of gravel or other excavation for flood management purposes shall be consistent with a County adopted flood hazard reduction plan and shall only be allowed after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction and does not result in a net loss of ecological function.
 - g. All structural flood hazard protection measures shall be consistent with mitigation sequencing and shall result in no net loss of ecological function.
3. If development is proposed in the channel migration zone, applicants shall obtain a flood certificate demonstrating whether the proposed development is within the flood hazard area and is required to comply with the frequently flooded areas provisions of Section 3.4.7 of this SMP and shall also comply with the International Building Code.

3.4.93.4.10 Geologically Hazardous Areas

Regulations

Designation and Classification

1. Geologically hazardous areas may pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but may also increase the hazard to surrounding development and uses. Areas susceptible to one or more of the following types of geological hazards shall be designated as geologically hazardous areas:
 - a. Erosion hazard. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) as having "severe" or "very severe" rill and inter-rill erosion hazard.
 - b. Landslide hazard (including steep slopes). Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as further defined in Chapter 7 of this document.
 - c. Seismic hazard. Seismic hazard areas are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface failure. The strength of ground shaking is primarily affected by:
 - i. The magnitude of an earthquake;

- ii. The distance from the source of an earthquake;
 - iii. The type and thickness of geologic materials at the surface;
 - iv. The type of subsurface geological structure.
- d. Volcanic hazard. Volcanic hazard areas must include areas subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.
- e. Other geological events including, mass wasting, debris flows, rock falls, and differential settlement

Uses

1. New development and land divisions within geologically hazardous areas that would cause foreseeable risk to people or improvements during the life of the development or require structural stabilization shall be prohibited. Exceptions may be made for the limited circumstances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. Stabilization measures shall conform to section 6.3.1 of this SMP.
2. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with section 6.3.1 of this SMP and then only if no net loss of ecological functions will result.
- ~~2.3.~~ In the limited instances when development in geologically hazardous areas is permitted, it shall meet all applicable provisions of this SMP and is ~~All uses which are allowed in the shoreline environment designation are allowed in geologic hazard areas~~ subject to review by the Shoreline Administrator prior to issuance of a shoreline permit.
- ~~3.4.~~ Prior to issuing a shoreline permit, the Shoreline Administrator shall require the applicant to submit a critical areas report per the requirements of this section describing site geologic hazards and proposed development mitigations.

Commented [ES86]: Ecology: Per WAC, prohibit new dvlpt & subdivision of land where foreseeable geohaz risk or need for structural stabilization, and meet>NNL

Notification of Hazard

1. Development notification. As part of any shoreline permit granted under this section, the owner of the property subject to development shall record a notice with the Skamania County auditor in the form set forth below:

GEOLOGIC HAZARD AREA NOTICE

Tax Parcel No.: _____

Address: _____

Legal Description: _____

Notice: This site lies within a geologic hazard (erosion and/or landslide) area. Restrictions on use or alteration of the site may exist. For more information, contact the Skamania County Department of Planning and Community Development.

Design Standards – Seismic hazard areas

Development proposed in seismic hazard areas shall conform to the applicable provisions of the International Building Code which contains structural standards and safeguards to reduce risks from seismic activity.

Special provisions—Volcanic hazard areas
Critical Areas Report for Geologically Hazardous Areas

~~2. All proposed development within “Class I: High Risk Volcanic Hazard Areas”, as indicated on the volcanic hazard zone map provided by the United States Geological Survey, shall submit a critical areas report per the requirements of this section. Prior to issuing the shoreline permit, the Administrator shall review the findings of the report and ensure consistency of the development with the report’s recommendations. Critical Areas Report for Geologically Hazardous Areas~~

Commented [A87]: Unable to correct the numbering here. Track changes interfering. If I accept the change, the numbering can be restarted.

~~3.2~~ Geologically hazardous critical areas reports shall be prepared by a professional engineer licensed in the State of Washington with expertise in the field of geotechnical engineering, geology, hydrology, soils science, or a geologist with expertise in volcanic hazards as appropriate for the type(s) of geologically hazardous area(s) present on the project site.

~~4.3~~ The following information must be included in all geologically hazardous critical areas reports:

- a. Topographic data. ~~e~~ Contour map of proposed site that clearly delineates the slopes between 15 and 29 percent and 30 percent and greater, including figures for area coverage of each slope category. When site specific conditions indicate the necessity, the Administrator may require the topographic data to be surveyed.
- b. Site history. ~~d~~ Description of any prior grading, soil instability, or slope failure (on site and near site).
- c. Slope stability studies and opinion of slope stability.
- d. Proposed angles of cut and fill slopes, and site grading requirements.

- e. Structural foundation requirements and estimated foundation settlements.
- f. Soil compaction criteria and lateral earth pressures.
- g. Proposed surface and subsurface drainage including springs
- h. Erosion vulnerability of site
- i. Suitability for fill
- j. Specifications for import fills.
- k. Laboratory data and soil index properties of soil samples
- l. Building limitations to determine if the proposed lots are buildable due to erosion and landslide potential and buildable without the need for variances to setbacks and all Critical Area buffers.
- m. Discussion on whether or not wet weather construction is feasible
- n. Required buffers if any from toe, top, or flank setbacks.
- o. Discussion on whether the location of the proposed development should require minimal disturbance and removal of vegetation.
- p. Discussion on whether the development conforms to the natural contours, including new roads, driveways, and building sites.
- q. Discussion on whether a protective easement is necessary to reduce any possible erosion or landslide.
- r. Identification of any areas on the site recommended to be avoided for human occupied structures.
- s. Recommendations on mitigation measures to address any anticipated geological problems.
- t. The report must include the resume of the primary author showing expertise in geological assessment and must be signed and stamped (original signature and stamp)

5-4. Special report requirements for erosion/landslide hazard areas. Should the application question the presence of an erosion and/or landslide hazard area on their property, the applicant may submit a geologic assessment. The geologic assessment shall include the following:

- a. A description of the topography, surface and subsurface hydrology, soils geology, and vegetation of the site;
- b. An evaluation of the analysis area's inherent erosion and/ or landslide hazards;
- c. A site plan of the area delineating all areas of the site subject to erosion and/or landslide hazards; and
- d. Proposed mitigation measures to be implemented by the applicant, including but not limited to minimizing site disturbance or grading, implementing erosion control measures, such as the retention of existing vegetation, and controlling surface water drainage through stormwater retention and detention systems.
- e. A contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the Administrator. Slopes shall be clearly delineated for the ranges between fifteen and twenty-nine percent, and thirty percent or greater.

~~6.5.~~ Special report requirements for volcanic hazards. The report shall be based on field review explaining the geologic condition of the property located in the high risk volcanic hazard area, the location and extent of volcanic hazard geomorphology, ground water, soil stability, short-term and long-term geologic activity, a summary of impacts that could occur if Mount St. Helen's were to erupt again and a proposal of mitigation measures sufficient to avoid on-site and off-site volcanic hazards.

3.5 Environmental Protection and No Net Loss

1. Ecological Functions. Uses and developments on Skamania County shorelines must be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. New uses and developments must not have an unmitigated adverse impact on other shoreline functions fostered by this SMP.
2. Mitigation Sequence. In order to ensure that development activities contribute to meeting the no net loss provisions by avoiding, minimizing, and mitigating for adverse impacts to ecological functions or ecosystem-wide processes, applicants must describe how the proposal will follow the sequence of mitigation as defined below:
 - a. Avoid the impact altogether by not taking a certain action or parts of an action;
 - b. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

- c. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;
- d. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
- e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
- f. Monitor the impact and the compensation projects and take appropriate corrective measures.

3. As part of the assessment of environmental impacts subject to this SMP, new uses, developments, and activities shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions. Evaluation of cumulative impacts shall consider:

- a. Current circumstances affecting the shorelines and relevant natural processes;
- b. Reasonably foreseeable future development and use of the shoreline; and
- f.c. Beneficial effects of any established regulatory programs under other local, state, and federal laws.

3.6 Public Access

3.6.1 Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Skamania County includes extensive visual and physical public access including boat launches, beach accesses, windsurfing and kiteboarding sites, docks, fishing, and shoreline trails. Popular ~~facilities areas~~ include Wind River, Drano Lake, Home Valley Park, Spring Creek Hatchery, Swift Forest Camp, Spirit Lake, and Beacon Rock among many others. ~~These Access and recreational~~ facilities are operated by a ~~combination~~ variety of private and public purveyors including Skamania County, the State of Washington, the US Fish and Wildlife Service, US Forest Service, and PacifiCorp.

3.6.2 Policies

1. Maintain Skamania County's extensive system of public access by working with property owners, applicants, federal, state, and local agencies to protect public access from degradation over time and the impacts of development and to upgrade and prioritize water-oriented uses and facilities.

Commented [A88]: Need to address publicly owned lands on SSWS for SSWS; 'identify & evaluate suitability for access' per Checklist pg 20 and WAC 173-26-221(4)

Commented [A89]: This implies joint management, which I don't think is the case generally

Commented [A90]: Consider adding a policy to indicate that if/when the County completes a public access planning process per WAC 173-26-221(4.c and d.ii) an overall plan could replace the site-by-site approach.

Commented [A91]: Per Ch 3.2.2 Recreation & Public Access Goals

2. 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.
3. Increase and diversify recreational access opportunities by working with federal and state agencies and non-profits to promote appropriate shoreline areas for public use, and develop recreation facilities so that they are distributed throughout the County to foster convenient access.
4. Locate public access and recreational facilities in a manner that will preserve the natural characteristics and functions of the shoreline.
5. Encourage public access provisions consistent with adopted trails plans by Federal and State agencies.
6. **Require** public access as part of each development project by a public entity, and encourage public access for all private development (except residential development of less than five parcels), unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
7. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health, and safety, or is necessary to a proposed beneficial use.
8. Consider private property rights, public safety, navigational rights, and protection of shoreline ecological functions and processes when providing public access and recreational opportunities.
9. New development should identify and preserve key shoreline views and avoid obstructing such views from public areas.

If the County completes a comprehensive and integrated public access plan that identifies specific public access needs and opportunities, rather than a uniform public access requirement for new development, such the plan should replace these site-by-site requirements.

3.6.3 **Regulations**

1. Consistent with constitutional limitations, provisions for adequate public access shall be incorporated into all shoreline development proposals that have one or more of the following characteristics:
 - a. The proposed development or use will create a demand for, or increase demand for public access.

Commented [A92]: "Require" reads as regulation; reword as a 'should' type provision.

Commented [A93]: Per WAC 173-26-221(4.d.iv) and Checklist pg 20, need to address protecting existing views, and priority for WD use and physical access over views from adjacent properties in the event of conflict.

- b. The proposed development is for water-enjoyment, water-related and/or non-water-dependent uses (such as commercial or industrial) or for the subdivision of land into more than four parcels.
 - c. The proposed development or use will interfere with existing access by blocking access or discouraging use of existing access.
 - d. The proposed development or use will interfere with public use of shorelines.
 - e. Provisions for adequate public access shall be incorporated into all shoreline development proposals that The proposed development or use will involve public funding. A project may be excused if unless the applicant demonstrates public access is not feasible due to one or more of the provisions of Section 3.4.3 (2)(a-f). Where feasible, such projects shall also incorporate ecological restoration.
2. Public access will not be required where the applicant demonstrates it as infeasible due to at least one of the following:
- a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
 - b. Constitutional or other legal limitations may apply;
 - c. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - d. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total cost of the proposed development;
 - e. Significant environmental impacts that cannot be mitigated will result from the public access; or
 - f. 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 County determines that all reasonable alternatives have been evaluated and found infeasible. Alternatives including but are not limited to:
 - i. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - ii. Designing separation of uses and activities (including but not limited to, fences, terracing, use of one-way glazings, hedges, landscaping); and

iii. Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.

3. When required, physical public access shall be constructed to meet the following requirements for location, design, operation and maintenance:

- a. Public access shall include ~~provisions-features~~ for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.
- b. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.
- c. Required public access shall be fully developed and available for public use at the time of occupancy of the proposed use or activity.
- d. 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.
- e. 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.
- f. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- g. 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.
- h. Public access sites shall be made barrier-free for the physically disabled where feasible, and in accordance with the Americans with Disabilities Act (ADA).
- i. Public access facilities shall result in no net loss of shoreline ecological functions.

4. Views of the shoreline from public properties or substantial numbers of residences shall be protected through adherence to height and setback limits specified in this Master ProgramSMP. Where new development would completely obstruct or significantly reduce the aesthetic quality of views from public properties or substantial numbers of residences, mitigation shall be required as follows:

Commented [A94]: Formatting – seems like these provisions should be separate, not all sub-items to #2; consider providing as a list of sub-items to a new #3 to read “When required, public access areas and facilities shall satisfy the following requirements for location, design, operation and maintenance:” or similar

a. The County may require administrative modifications to standard setbacks, clustering of proposed structures, and modifications to landscaping and building massing when the Shoreline Administrator determines that such modifications are necessary to maintain public views of the shoreline. In no case shall the applicant be required to reduce the maximum building height.

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

4-5. Where there is a conflict between water-dependent shoreline uses or physical public access and maintenance of views from public properties or substantial numbers of residences that cannot be resolved using the techniques in subsection (3) above, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

3.7 Shoreline Vegetation Conservation

3.7.1 Applicability

Shoreline vegetation performs important ecological functions including stabilizing banks and minimizing erosion and landslides; shading of nearshore areas to reduce stream temperatures; providing organic inputs and food critical to aquatic life; filtering sediment, nutrients, and toxins; providing large woody debris (LWD) critical to juvenile salmon; and providing nearshore habitat. The functions that vegetation performs are enhanced with increased width and length of vegetated corridors. The purpose of the vegetation conservation policies and regulations is not to prevent all shoreline uses, but to require that new clearing, vegetation management, and development activities are limited as needed and result in no net loss of shoreline ecological functions.

The following provisions apply to any activity, development, or use that results in the removal of or impact to native shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. The planting of native species, modification of existing nonconforming development that does not include expansion, the removal of hazard trees, or the removal of fewer than three trees in a calendar year are not subject to the requirements of this section.

See Chapter 7 for definitions of “significant vegetation removal,” “ecological functions,” and “restore/restoration.”

3.7.2 Policies

1. For its ability to prevent landslides and erosion that may pose safety problems/risks for shoreline property owners and for the ecological functions it provides, native

Commented [A95]: These provisions likely need much greater specificity per SED to support the smaller shoreline setbacks (e.g. <100') and the lack of riparian buffers; and need to be adequately substantiated by science/technical rationale and current conditions.

Commented [A96]: This may be hard to support; what is the rationale? As noted during 9/13 SAC meeting, 3 trees per year with no other limits/criteria could result in clearing a large area over time.

Commented [A97]: Consider adding a provision to encourage voluntary enhancement of native shoreline veg?

shoreline vegetation should be conserved where new developments, uses, or shoreline activities are proposed. Restoration, while not required for most activities, should be considered as a mitigation for an effective companion to protection efforts that address the direct, indirect, and/or cumulative impacts of shoreline development, where feasible.

Commented [A98]: Better to not confuse these related but separate terms

2. Encourage management and control of noxious and invasive weeds. Control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality.
3. Existing landscaping and structures. Allow for the maintenance of existing ornamental landscaping (such as lawns and gardens) and structures, including those that do not currently conform to vegetation conservation standards contained in this subsection or the shoreline setbacks of this Program.
4. Voluntary enhancement of native shoreline vegetation should be encouraged through the provision of financial incentives, such as development fee reductions, waivers, or grants.
5. The County should educate property owners on native vegetation and the impacts of lawn chemicals and fertilizers by encouraging participation in the Skamania County Master Gardeners training and by providing information to property owners applying for development permits.
- 3-6. The County should support and encourage participation in the Skamania County Noxious Weed Control Program by providing information to development applicants about this program at the time shoreline permits are submitted.

3.7.3 Regulations

1. Vegetation conservation standards ~~do shall~~ not apply retroactively to existing legally established uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction.
2. Vegetation clearing must be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP and Skamania County Code Title 24. Mitigation sequencing per SMP Section 3.4, Environmental Protection and No Net Loss, must be applied unless specifically excluded by this SMP, so that the design, ~~and~~ location, and operation of the structure or development, including septic ~~drainfields~~ drain fields, minimizes short- and long-term vegetation removal. ~~The County may approve modifications or require minor site plan alterations to achieve maximum tree retention, and meet the requirements of mitigation sequencing in SMP Section 3.4.~~
3. If impacts to native shoreline vegetation are unavoidable, vegetation ~~Native tree~~ removal in shoreline jurisdiction must be mitigated in accordance with the following

Commented [A99]: Better organize to group like items, label sub-topics, etc.

Commented [A100]: 'must' is not defined – add to Ch 7; per WAC 173-26-020(26) 'must' is equivalent to 'shall'

Commented [ES101]: Recommend this be kept here since it pertains to avoidance and minimization.

~~requirements in Table 3-9: by installation of a similar native tree at a 1:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline setback area unless the trees provide connectivity to upland habitats or other critical areas, and shall be held to a 100% survival standard at the end of three years. The County may approve modifications or require minor site plan alterations to achieve maximum tree retention.~~

Commented [A102]: Per SAC discussion this section needs some work; also consider moving this to below with other tree provisions; be clear as to what applies in setback/buffer or in all of jurisdiction; what type of application/permit/review is required, etc.

Table 3-89: Mitigation for Native Vegetation Removal ~~Within~~ Shoreline Jurisdiction

Location of Vegetation Removal	Project Characteristics	Mitigation Action
<u>More than 50 feet from stream or river</u>	<u>Requires removal of grass or pasture, devoid of native woody vegetation, and does not require removal of native trees or shrubs</u>	<u>1:1 mitigation ratio*</u>
	<u>Requires removal of native shrubs (not trees)</u>	<u>2:1 mitigation ratio*</u>
	<u>Requires removal of native trees less than 12-inches DBH</u>	<u>3:1 mitigation ratio*</u>
	<u>Requires removal of native trees 12-inches DBH or greater</u>	<u>Contact WDFW for appropriate mitigation measures/ratios</u>
<u>Less than 50 feet from the stream or river</u>	<u>Any native shrub or tree removal</u>	<u>Contact WDFW for appropriate mitigation measures/ratios</u>
<u>Near to or Within Oregon White Oak Woodlands</u>	<u>Project is located outside of drip-line of the Oregon White Oak Woodland</u>	<u>Construction activities will occur near, but outside Oak dripline, temporary tree protection fencing required prior to ground disturbance. No clearing, grading, trenching, staging, boring, or any other activity will occur within the drip-line of the Oak woodlands. Conservation covenant or other mechanism may be required if future development is likely to impact mitigation area.</u>
	<u>Project is entirely or partially within Oregon White Oak Woodlands, but would not require Oak removal and arborist report indicates no significant damage to health of the Oak trees</u>	<u>Install temporary tree protection fencing prior to ground disturbance and should be installed at the extent of proposed activity to ensure that no clearing, grading, trenching, staging, boring, or any other activity etc. will occur within the drip-line of Oak woodlands beyond what has been recommended by arborist. Require mitigation for lost scrub/shrub vegetation, if appropriate. Conservation covenant or other mechanism may be required if future development is likely to impact mitigation area.</u>
	<u>Project will require Oak removal or result in significant damage to the health of Oak trees as demonstrated by arborist's report.</u>	<u>Contact WDFW for appropriate mitigation measures/ratios</u>

Note: Mitigation ratios are based on square feet of tree/shrub canopy lost

*For mitigation planting, 5 trees and 10 shrubs per 1,000 square feet of cleared area shall be provided. In addition, project shall be monitored annually for three years for plant survivorship. A conservation covenant is required if future development is likely to impact mitigation area.

~~3.4. Mitigation for native shoreline vegetation removal as required in regulation 3 and Table 3-89 above must include enhancing the appropriate amount of area by planting native trees and shrubs at a planting density of 5 trees and 10 shrubs per 1,000 square feet of enhancement area. The location of the enhancement area must be onsite and in an area of low habitat functionality within 50 feet from the shoreline or as close as possible to the shoreline waterbody. Mitigation planting shall achieve a plant survival standard of 80 percent at the end of three years.~~

~~4. Development shall be located to avoid clearing and grading impacts to more mature or multi-storied plant communities and to retain habitat connectivity.~~

~~5. Developments shall include provisions to ensure preservation of native vegetation and control erosion during construction.~~

~~6. Native plants materials used in mitigation, restoration or enhancement projects which are shall be the same as or equivalent to those which would typically occur with respect to size, structure, habitat value, ecological function and diversity at maturation, shall be used in restoration, rehabilitation, or enhancement projects.~~

~~5. Any tree that contains an active eagle, osprey, or other protection bird nest shall not be disturbed in accordance with the WDFW, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act. Contact WDFW staff for more guidance.~~

~~6. Removal of native vegetation within shorelines for the establishment of a garden is allowed in compliance with the native vegetation conservation standards of this section. Removal of native vegetation within gardens that serve a horticultural purpose shall not require mitigation under section 3.7.~~

~~7. Where a tree poses a safety hazard that is not an emergency, it may be removed or converted to a wildlife snag if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function. A written report by a certified arborist or other qualified professional is required to evaluate potential safety hazards. The arborist's report shall be submitted to the Shoreline Administrator for review. The exemption provisions of section 2.5 of this SMP shall apply to hazard tree removal provided that the thresholds of WAC 173-27-040(2)(a) are met. If the hazard tree removal does not qualify as an exemption, a substantial development permit will be required.~~

~~Hazard trees which need to be removed immediately for emergency reasons are subject to the exemption in WAC 173-27-040(2)(d) and do not require prior approval of any kind prior to removal.~~

~~8. Selective pruning of trees for views is allowed. Selective pruning of trees for views is allowed as long as the following requirements are met:~~

Commented [E5103]: These provisions deleted since addressed by insertion of WDFW mitigation recommendations above.

Commented [A104]: similar to above, need better criteria/standards; same as above - be clear as to what applies in setback/buffer or in all of jurisdiction; what type of application/permit/review is required, etc.

- a. Pruning shall not include removal of understory vegetation,
- b. Pruning shall not include the removal of more than 1/3 of limbs of an individual tree and
- c. Pruning must not compromise the health of the tree(s).
- d. Pruning shall comply with National Arborist Association pruning standards found in “Pruning Standards for Shade Trees (as revised 1988)”.
- i.e. Pruning activities which exceed the exemption value threshold established in WAC 173-27-040(2)(a) shall not be considered to be normal maintenance activities under WAC 173-27-040(2)(b) and are subject to review and approval of a substantial development permit under section 2.5 of this SMP.

7-9. Hand removal or spot-spraying of invasive species or noxious weeds included on the Skamania County Noxious Weed List on shorelands outside of steep or unstable slope areas is encouraged if native vegetation is replanted within six months promptly reestablished in the disturbed area. Hand removal is preferred over mechanical or chemical methods. Aquatic-friendly herbicides shall be used according to label instructions. Invasive species and noxious weeds shall not be removed from steep or unstable slope areas unless such impacts and a revegetation plan as part of a geologically hazardous critical areas report has been approved.

Commented [A105]: time limit? Required action for the proponent or by natural colonization/luck? What standards/criteria apply to this activity? Any preferences for manual vs. mechanical over chemical methods? What about in/near geo haz areas?

8-10. Mechanical removal or large-scale chemical treatment of invasive species.

Commented [A106]: Same as above – permit?

- a. Mechanical removal or large-scale chemical treatment of invasive species or noxious weeds included on the Washington State Noxious Weed List as a Class A, B, or C weed on shorelands located outside of steep or unstable slope areas is encouraged as voluntary enhancement.
- b. Coordination with the Skamania County Noxious Weed Control Program and the Washington State Noxious Weed Control Board is encouraged prior to undertaking invasive or noxious weed removal projects to ensure that the control and disposal technique is appropriate.
- c. Where noxious weeds and invasive species removal results in bare soils that may be subject to erosion or recolonization by invasive or noxious species, the area must be stabilized using best management practices and replanted with native plants (in or outside of shoreline setbacks or critical area buffers) or suitable non-native plants (outside of shoreline setbacks or critical area buffers). The replanted vegetation must be similar in size and structure at maturity to the removed vegetation.

Commented [A107]: Who determines? Consistent w/ [WA State Noxious Weed Control Board guidance on control & disposal?](#)

d. Invasive species removal efforts that exceed one-quarter acre should be phased if feasible to minimize potential erosion and sedimentation impacts.

e. Mechanical removal or large-scale chemical treatment of invasive species or noxious weeds which exceed the exemption value threshold established in WAC 173-27-040(2)(a) shall not be considered to be normal maintenance activities under WAC 173-27-040(2)(b) and are subject to review and approval of a substantial development permit under section 2.5 of this SMP.

~~9.11.~~ Aquatic weed control must only be permitted where the presence of aquatic weeds will adversely affect native plant communities, fish and wildlife habitats, or an existing water-dependent recreational use. Aquatic weed control efforts must comply with all applicable laws and standards.

~~10.12.~~ Unless otherwise stated, the vegetation conservation regulations of this Program do not apply to commercial forest practices as defined by this Program when such activities are covered under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority, or with flood control levees required to be kept free of vegetation that damages their structural integrity. 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.

3.8 Water Quality and Non-Point Source Pollution

3.8.1 Applicability

SMPs are required to protect against the adverse effects to public health, the land and its vegetation and wildlife, and to the waters of the state and their aquatic life. This section shall apply to all projects which have the potential to affect water quality or quantity of Skamania County shorelines either by changing the flow of surface waters or creating new discharges to Skamania County shoreline waterbodies.

3.8.2 Policies

1. Maintain and improve the water quality of Skamania County's rivers, streams, lakes and their associated wetlands and preserve surface and groundwater for the beneficial use of the County's citizens and wildlife.
2. A special emphasis shall be placed on the protection and improvement of water quality on shorelines which are significant recreational amenities for the County so that these waters can continue to provide recreational opportunities which are fundamental to the County's economy.

3. Require that new developments, expansions, or retrofits of existing developments assess the effects of additional stormwater runoff volumes and velocities, and mitigate potential adverse effects on shorelines through design and implementation of appropriate stormwater management measures.

~~3.4.~~ Property owners should be encouraged to voluntarily install new or retrofit existing stormwater features per the *Stormwater Management Manual for Western Washington* (2014 or as amended) including using low impact development techniques.

3.8.3 Regulations

1. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that there is no net loss of ecological functions.
2. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that significant impacts to aesthetic qualities or recreational opportunities do not occur. A significant impact to aesthetics or recreation would occur if a stormwater facility and appurtenant structures such as fences or other features have the potential to block or impair a view of shoreline waters from public land or from a substantial number of residences per RCW 90.58.320, or if water quality were visibly degraded ~~so as to such that the color and character were unattractive and discourage~~ normal uses such as swimming, fishing, boating, or viewing.
3. Storm water runoff from all impervious and semi-impervious surfaces should be collected, dispersed and infiltrated on site with no impact to adjacent properties pursuant to best management practices in the ~~Storm-Water~~ *Stormwater Management Manual for Western Washington (2014 or as amended)*. To implement the policies and regulations of this section, the Shoreline Administrator shall require that new development and redevelopment proposals submit stormwater reports which show how the proposal will not degrade the water quality or quantity of shoreline waterbodies except for new and existing single-family dwellings which are exempt from this regulation. Property owners are encouraged to voluntarily install new or retrofit existing stormwater features per the BMPs outlined in the *Stormwater Management Manual* including but not limited to low impact development techniques.
4. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.
 - a. Any existing septic system or other on-site system that fails or malfunctions will be required to connect to an existing municipal sewer service system if feasible,

or make system corrections approved by Skamania County Community Development Department.

- b. Any new development, business, single-family or multi-family unit in an Urban Growth Area will be required to connect to an existing municipal sewer service system if feasible, or install an on-site septic system approved by Skamania County Community Development Department.

5. Materials requirements. All materials that may come in contact with water shall be untreated or treated wood, concrete, plastic composites or steel as approved by the U.S. Army Corps of Engineers, that will not adversely affect water quality or aquatic plants or animals.

5-6. Water withdrawals from shoreline waterbodies shall comply with in-stream flow regulations found in WAC 173-527 and 173-528 for Water Resource Inventory Areas 27 and 28

3.9 Shorelines of Statewide Significance

3.9.1 Applicability

Shorelines of statewide significance are those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the OHWM or those natural rivers or segments thereof west of the crest of the Cascade Range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more. East of the crest of the Cascade Range, shorelines of statewide significance are those downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade Range downstream from the first three hundred square miles of drainage area, whichever is greater. In Skamania County, shorelines of statewide significance are Swift Reservoir, Spirit Lake, the Columbia River, and portions of Lava Creek, Trout Lake Creek, White Salmon River, Little White Salmon River, Wind River, and Lewis River.

3.9.2 Policies

1. Consistent with the Shoreline Management Act, on shorelines of statewide significance, preference shall be given to 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.

3.9.3 Regulations

1. Recognize statewide interest ~~over local interest~~ by:
 - a. Consulting with applicable state agencies, affected Native American tribes, and statewide interest groups in the development of shoreline master program provisions and during project review.
 - b. Recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations and in administering the SMP.
2. Preserve resources for future generations by:
 - a. Prohibit actions that would convert resources into irreversible uses or detrimentally alter natural conditions.
 - b. Degraded areas located on shorelines of statewide significance should be restored in accordance with the provisions of the Skamania County Shoreline Restoration Plan.
3. Priority Uses. Prioritize uses on shorelines of statewide significance by:
 - a. Identifying the extent and importance of ecological resources of statewide importance and the potential impacts to these resources.
 - b. Preserving sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance such as navigable harbors and commercial fisheries.
 - c. Set aside public access and recreation facilities to meet projected demand based on state agency activities and the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.
4. Resources of statewide importance.
 - a. Protect long-term ecological resources of statewide important, such as anadromous fish habitats, forage fish spawning and rearing areas, and unique environments and shall insure no net loss of shoreline ecosystems and ecosystem wide process.

- b. Provide for the long-term needs of water-oriented uses and other shoreline economic resources of statewide importance.
- c. Provide for the right of the public to use, access, and enjoy public shoreline resources of statewide importance.

3.10 Economic Development

3.10.1 Applicability

Skamania County recognizes the importance of the economic development of its shorelines, especially as tied to recreational opportunities. The County’s Comprehensive Plan adopted in 2007, recognizes the importance the County’s recreational opportunities including the Gifford Pinchot National Forest, Mt. St. Helens National Volcanic Monument, Trapper Creek Wilderness Area, Indian Haven Wilderness Area, Mt. Adams, The Columbia River Gorge National Scenic Area, Beacon Rock State Park, the Pacific Crest Trail, Bonneville Dam, Bradford Island Visitor’s Center and the Columbia River Gorge Interpretive Center Museum, to name a few. The Comprehensive Plan also recognizes the link between recreational opportunities, tourism, and economic development in Skamania County.

Economic Development agencies in Skamania County include the Port of Skamania County ([Port](#)) and the Skamania County Economic Development Council. The Port has a five-year plan, adopted in 2013, and focused on making Port land “shovel-ready” and available for development. No Port properties are located within shoreline jurisdiction of Skamania County.

Skamania County Economic Development Council has a Community Action Plan last updated in 2003. The Action Plan provides a profile of the County’s economy [and a](#) vision, goals, and projects to promote the County’s economic development. Goals pertinent to Skamania’s shorelines include:

- [Supporting existing socio-economic, cultural, educational, political, and natural resources for the benefit of present and future residents of Skamania County.](#)
- Promoting recreational activities and tourism
- ~~Increasing the use of national forest campgrounds~~
- Supporting a sustainable forest products industry through effective resource planning

3.10.2 Policies

1. Promote Skamania’ County’s unique shoreline environmental resources and recreational opportunities as tourist destinations [while ensuring that tourism does not degrade those resources.](#)
2. ~~Respect~~[Promote](#) the ongoing forest products industry in Skamania County as an economic generator while also promoting responsible management of shoreline resources by the industry.

3. Increase sustainable shoreline recreational opportunities as the foundation for economic development and tourism efforts in the County.

CHAPTER 4 SHORELINE ENVIRONMENT DESIGNATION PROVISIONS

4.1 Introduction

The state SMP Guidelines require that shoreline environment designations be assigned to shoreline areas according to their function, existing land uses, and the goals and aspirations of the community. Consistent with this requirement, this chapter provides a system of environment designations which mirror those outlined in the Guidelines and includes a customized environment designation for shorelines within the CRGNSA. The location of these shoreline environment designations are depicted on the Shoreline Environmental Designation Official Shoreline environment designation map in Appendix A.

4.2 Environment Designations

4.2.1 Boundary Interpretation

1. If disagreement develops as to the exact location of a shoreline environment designation boundary line shown on the Shoreline Environmental Designation Map (Appendix A), the following rules shall apply:
 - a. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
 - b. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines.
 - c. Boundaries indicated as approximately parallel to or extensions of features indicated in (a) or (b) above shall be so construed.
2. Whenever existing physical features are inconsistent with boundaries on the Shoreline Environmental Designation Map, the Shoreline Administrator shall interpret the boundaries with deference to actual conditions. Appeals of such interpretations may be filed with the Hearing Examiner per SCC 21.16.080.
3. In the event of a mapping error, the jurisdiction 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. Split environment designations. Whenever a shoreline jurisdiction boundary line passes through a single unified parcel of land as indicated by record of the Skamania County Assessor, the shoreline environment designation shall be interpreted to follow Skamania County's zoning boundaries as those boundaries existed as of the date of the adoption of this Shoreline Master Program SMP.

Commented [A108]: SED-specific regulations provided in Ch 5 and 6 could be further supported w/ use/modification-specific policies added here.

4.1.14.2.2 Aquatic Environment

Purpose

1. The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of shoreline areas waterward of the ordinary high-water mark.

Designation Criteria

1. Assign an "Aquatic" environment designation to ~~lands~~ all shorelines of the state waterward of the ~~ordinary high water mark~~ OHWL.

Policies

1. Allow new ~~over water~~ overwater structures only for water-dependent uses, public access, or ecological restoration.
2. The size of new ~~over water~~ overwater structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of ~~over water~~ overwater facilities should be encouraged.
4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed, except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201 (2)(e) as necessary to assure no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality, alteration of hydrographic conditions, and impacts to natural shoreline conditions.
7. Local governments The County should reserve shoreline space for shoreline preferred uses. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, critical habitats, aesthetics, public access and views.

4.1.24.2.3 Natural Environment

Purpose

1. The purpose of the "Natural" environment 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, local government the County should include planning for restoration of degraded shorelines within this environment.

Commented [A109]: Where/how defined??

Designation Criteria

1. A "Natural" environment designation should be assigned to shoreline areas if any of the following characteristics apply:
 - a. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
 - b. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
 - c. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.
 - d. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, unstable bluffs, spits, and ecologically intact shoreline habitats.
 - i. Ecologically intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris LWD available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.
 - e. Areas with significant existing agriculture lands should not be included in the "Natural" designation, except where the existing agricultural operations involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agriculture activities is unlikely to expand in a manner inconsistent with the "Natural" designation.

Commented [A110]: This provision could be indented as a sub-item to 'd'; Add to Ch 7 Definitions?

Policies

1. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
2. The following new uses should not be allowed in the "Natural" environment:
 - a. Commercial uses.
 - b. Industrial uses.
 - c. Non-water-oriented recreation.
 - d. Roads, utility corridors, and parking areas that can be located outside of "Natural" designated shorelines.

~~3. Single family residential development may be allowed as a conditional use within the "natural" environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.~~

~~4.3. Commercial forestry may be allowed as a conditional use in the "Natural" environment provided it meets the conditions of the State Forest Practices Act and its implementing rules and is conducted in a manner consistent with the purpose of this environment designation.~~

~~5.4. Agricultural uses of a very low intensity nature may be consistent with the Natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.~~

~~6.5. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.~~

~~7.6. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. That is, each new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.~~

Commented [A111]: See related comment above re: policies to support Ch 5 & 6 regs; be consistent to include all similar provisions in this chapter

4.1.34.2.4 Rural Conservancy Environment

Purpose

1. The purpose of the "Rural eConservancy" environment is to provide recreational opportunities, support sustainable forestry and mining operations, and provide for low intensity density residential and water-oriented commercial and industrial uses consistent with the rural character of Skamania County. Such uses shall be allowed only upon the demonstration that they protect ecological functions, and conserve existing natural resources and valuable historic and cultural areas. Examples of uses that are appropriate in a "Rural eConservancy" environment include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource-based low-intensity uses.

Commented [A112]: Where/how defined?

Designation Criteria

1. Assign a "Rural eConservancy" environment designation to shoreline areas outside urban growth areas, as defined by RCW 36.70A.110, if any of the following characteristics apply:
 - a. The shoreline is currently supporting lesser/lower-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;
 - b. The shoreline is currently accommodating residential uses outside urban growth areas on lots larger than one acre in size and incorporated cities or towns;
 - c. The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;
 - d. The shoreline is of has high recreational value or with unique historic or cultural resources; or
 - e. The shoreline has low-intensity water-dependent uses.
 - f. Existing mining operations and designated mineral resource lands.
 - g. Low intensity rural residential uses on lots larger than two acres in size.
 - h.g. Low intensity, water-oriented commercial and industrial uses, only in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use, as long as lot coverage is ten percent less.

Commented [A113]: See related comments per SR designation and SED mapping

Commented [A114]: This provision for a max of 10% impervious surface per WAC -211(5.b.ii.D) is for Residential - how would this be substantiated for commercial/industrial? For lot coverage threshold, is 10% an appropriate cut-off between 'low intensity' for RC and everything else is HI??

Policies

1. Uses in the “~~Rural e~~Conservancy” environment should be limited to those which sustain the shoreline area’s physical and biological resources and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

~~2. Except as noted, commercial and industrial uses should not be allowed.~~

~~3.2.~~ Agriculture, commercial forestry, and aquaculture when consistent with provisions of this chapter may be allowed. Low-intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the use. FERC license-mandated mandated activities, such as recreational facilities on Swift Reservoir, and the continued operation and maintenance of hydroelectric projects are allowed.

~~4.3.~~ Water-dependent and water-enjoyment recreational uses and -facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are avoided or mitigated.

~~5.4.~~ Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the ~~Rural e~~Conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241 (3)(h) ~~and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070.~~

~~6.5.~~ Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

~~7.6.~~ Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with SMP ~~S~~ection 3.6. New development should be designed and located to preclude the need for such work.

~~7.~~ Residential development ~~standards shall~~should ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. This policy is supported through the implementation of development standards (~~density, lot coverage~~impervious surface limits) in Chapter 5 of this SMP and vegetation conservation standards in Chapter 3 of this SMP.

Commented [A115]: Where are these?

Commented [A116]: Also address WAC density/lot coverage provision re: max 10% impervious surface; see also Checklist pg 12

8. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with applicable provisions of this SMP for each of those uses and activities to ensure no net loss of shoreline ecological functions.

9. ~~W~~Low-intensity, water-oriented commercial and industrial uses should be allowed in this shoreline environment as limited to areas where those uses have located in the past or at unique sites in rural areas that possess shoreline conditions and services to support the development. ~~When allowed, such uses should provided they maintain less than ten percent lot coverage and result in no net loss of shoreline ecological functions.~~

Commented [A117]: Same as above

~~10. Lands within the 10 foot contour above the ordinary high water mark of Swift Reservoir are also subject to the provisions of the Lewis River Hydroelectric Projects Shoreline Management Plan.~~

Commented [A118]: This needs to be better explained (@ Ch 1.6?) as PacifiCorp mgmt. plans are not under SMA.

4.1.44.2.5 Shoreline Residential Environment

Purpose

1. The purpose of the "S~~S~~horeline R~~R~~esidential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

Designation Criteria

1. Assign a "S~~S~~horeline R~~R~~esidential" environment designation to ~~County-zoned residential areas "rural areas of more intense development,"~~ with lots size two-2 acres or less in size, ~~or "master planned resorts," as described in RCW 36.70A.360, if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.~~

Commented [A119]: See related comments per RC designation and SED maps; 2 acres seems too large.

Commented [A120]: This is confusing; Does the County have any areas formally designated as RAMIDs or MPAs?? If no, change the WAC wording to be applicable to Skamania County; Apply to CRGNSA Urban Areas; How is the 2 acre threshold substantiated? Co is 'not fully GMA' so reliance on GMA definitions is awkward – include in Ch 7 as needed.

Formatting – these multiple criteria may be better read as a numbered list.

Policies

1. Residential developments in this environment designation are subject to ~~all~~ applicable standards in this SMP, ~~for such as~~ density or minimum frontage width, setbacks, lot coverage limitations, shoreline stabilization, vegetation conservation, critical area protection, and water quality ~~in this SMP~~.
2. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
3. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
4. Commercial development should be limited to water-oriented uses.

4.1.54.2.6 High Intensity Environment

Purpose

1. The purpose of the "high-intensity" environment 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.

Designation Criteria

1. Assign a "high-intensity" environment designation to industrial or commercial areas of more intense rural development, if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses such as dams and associated hydroelectric infrastructure.

Commented [A121]: Where/how defined?

Policies

1. In regulating uses in the "high-intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of mixed use developments. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.
2. Hydroelectric infrastructure, such as dams, powerhouses, and spillways, are water-dependent utilities, which are a distinctive feature of Skamania County's shorelines. These dams and associated infrastructure, as well as FERC license-mandated facilities, are allowed in the High Intensity environment and should be able to be maintained, operated, and improved as necessary to meet Federal Energy Regulatory Permit requirements in compliance with this SMP.
3. Full utilization of existing High Intensity sites should be achieved before further expansion of this High Intensity designation is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated "high-intensity."
4. Policies and regulations ~~shall~~ should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.
5. Where feasible, visual and physical public access should be required as provided for in SMP ~~S~~section 3.6.
6. Aesthetic objectives should be implemented through development standards, and maintenance of natural vegetative buffers.

Commented [A122]: Pick one – either/or

CHAPTER 5 SPECIFIC SHORELINE USE REGULATIONS

5.1 Introduction

The provisions in this section apply to specific uses and types of development that typically occur in shoreline areas. Provisions in other sections of this SMP may also apply to the uses and types of development identified in this chapter. Shoreline uses are allowed only if permitted by the underlying zoning. A use that occurs on both uplands and ~~in-water/~~overwater must meet the requirements of both the upland and aquatic environment designations. Refer to specific use policies and regulations ~~in Section D~~ below.

5.2 General Provisions

1. When determining allowable uses and resolving use conflicts within the County's shoreline jurisdiction, ~~apply the~~ following preferences and priorities ~~shall apply in~~ the order listed below:
 - a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the ~~n~~Natural environment and public health.
 - ~~b.~~ Reserve shoreline areas for water-dependent and associated water-related uses.
 - ~~b.c.~~ ~~Mixed use that includes or supports~~ ~~WD~~water-dependent uses.
 - ~~c.d.~~ Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
 - ~~d.e.~~ Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
 - ~~e.f.~~ Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act, including opportunities for ecological enhancements and public access improvements.
2. All development and uses within County shoreline jurisdiction shall be designed to achieve no net loss of shoreline ecological functions per the requirements of SMP ~~S~~section 3.5.
3. Encourage property owners to restore degraded areas of the shoreline under their ownership by providing incentives such as setback reductions and fee waivers.
4. Shoreline development and uses proposed within the CRGNSA shall comply with the standards of SCC Title 22.

5.3 Shoreline Use Policies and Regulations

Table 5-1 indicates which shoreline activities, uses, and developments may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. The table also lists the shoreline setbacks applicable to use, activity, or development categories within each environment designation. Height limits are provided at the top of table. More specific information, further explanation, and exceptions are provided in the footnotes to the table. Where there is a discrepancy between this table and the text of the SMP, the text shall take precedence.

Table 5.1. Shoreline Use and Standards

Proposed Shoreline Uses	Shoreline Environment Designations									
	Aquatic	Setbacks ¹ (ft.)	Natural	Setbacks ¹ (ft.)	Rural Conservancy	Setbacks ¹ (ft.)	Shoreline Residential	Setbacks (ft.)	High-High Intensity	Setbacks (ft.)
Building Heights = 35 feet ²										
P = Permitted, C = Conditional, X = Not Permitted N/A = Not Applicable										
Agriculture										
Nurseries	X	N/A	X	N/A	C	150'	X	N/A	C	100'
Farms (0.5 acres or more)	X	N/A	X	N/A	C	N/A 150'	X	N/A	C	100'
Gardens (0.5 acres or less)	X	N/A	X	N/A	C	1500'	P	250'	P	235'
Agricultural product processing and packaging	X	N/A	X	N/A	C	150'	X	N/A	C	100'
Aquaculture										
	C	0'	X	N/A	P	0'	X	N/A	P	0'
Boating Facilities and Moorage Structures										
Residential Docks (serving four or fewer residences)	See adjacent upland environment	N/A	X	N/A	C	N/A	P	N/A	P	N/A
Community/Joint Use Piers and Docks			X		C		P		P	
Non-residential Piers and Docks			X		C		C		P	
Floats			X		C		C		P	
Non-motorized boat/kayak launches			C		P		P		P	
Motorized boat launches			X		CP		C		P	
Marinas			X		C		C		P	
Private docks for single-family use		X		P		P		P		

Commented [A123]: This table needs some intro as to its purpose/limits, for example how to address discrepancy betw. Program text and this table, where the shoreline setbacks are fully described, etc. Also, the table shouldn't create categories or use terms that are not used in the text.

Commented [A124]: Setbacks <100' need to be substantiated

Commented [ES125]: Ecology commented: Where is this distinction between farm & garden by acreage made, terms defined? May not comply w/ RCW Ag definitions.

Commented [A126]: Clarify if these are only for 'more than 4 units'

Proposed Shoreline Uses	Shoreline Environment Designations									
	Aquatic	Setbacks ¹ (ft)	Natural	Setbacks ¹ (ft)	Rural Conservancy	Setbacks ¹ (ft)	Shoreline Residential	Setbacks (ft)	High-High Intensity	Setbacks (ft)
Private, shared-use docks			X		P		P		P	
Public docks/piers			X		P		C		P	
Commercial										
Water-dependent	C	0'	X	N/A	C	0'	C	0'	P	0'
P = Permitted, C = Conditional, X = Not Permitted N/A = Not Applicable										
Water-related, water-enjoyment	C ³	N/A	X	N/A	C	25'	C	25'	P	25'
Non-water-oriented	X	N/A	X	N/A	C	150'	X	N/A	C	100'
Forest Practices										
Roads	X	N/A	X	N/A	P	150'	P	100'	P	50'
Stream Crossings	C	N/A	X	N/A	C	0'	C	0'	P	0'
Log storage ⁴	C	0'	C	150'	P	150'	X	N/A	P	50'
Timber harvest	X	N/A	C	150'	P	150'	X		P	50'
Temporary structures associated with forestry practices	X	N/A	C	150'	P	150'	X		P	50'
Industrial and Port Uses										
Water-dependent	P	0'	X	N/A	P	0'	C ⁵	100'	P	0'
Water-related	X	N/A	X		P	100'	C ⁵		P	50'
Non-water-oriented	X		X		X	150' N/A	X		P	100'
Institutional Uses										
Water-dependent	C	0' N/A	X	N/A	C	0'	X	N/A	P	100'
Water-related	X	N/A	X		C	100'	X		P	100'
Non-water-oriented	X		X		C	150'	X		C	100'
In-Stream Structures										
Dams/dikes/levees	C	0'	C	N/A	C	0'	C	N/A	P	N/A
Hydroelectric facilities	C		C		C	0'	X		P	
Irrigation facilities	C	0'	C	0'	P	0'	X	N/A	P	0'

Commented [A124]: Setbacks <100' need to be substantiated

Proposed Shoreline Uses	Shoreline Environment Designations									
	Aquatic	Setbacks ¹ (ft)	Natural	Setbacks ¹ (ft)	Rural Conservancy	Setbacks ¹ (ft)	Shoreline Residential	Setbacks (ft)	High-High Intensity	Setbacks (ft)
P = Permitted, C = Conditional, X = Not Permitted N/A = Not Applicable										
Mining										
Gravel Mining	C	N/A	X	N/A	C	200'	X	N/A	C	200'
Hard Rock Mining	X	N/A	X		C	1050'	X		C	50100'
Recreational Development										
Water-dependent	P	0'	P	0'	P	0'	P	0'	P	0'
Water-related/water-enjoyment (trails generally parallel to shoreline, view platforms or structures)	C	0'	C	50'	P	50'	P	50'	P	35'
Non-water-oriented (golf courses, sports fields)	X	N/A	X	N/A	C	150'	C	100'	C	100'
Residential										
Single-family ⁶	X	N/A	X	N/A	P	100'	P	50'	X	N/A
Multi-family	X		X		X	N/A	C	100	P	1050
Floating homes & Floating On-water Residences	X	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Shoreline Restoration/Enhancement										
	P	0'	P	0'	P	0'	P	0'	P	0'
Transportation and Parking Facilities:										
Highways/Arterial roads ^{7,8}	C	N/A	X	N/A	C	150'	P	150'	P	100'
Access roads	X	N/A	C ^{7,8}	175'	P	100'	P	50'	P	50'
Collector roads	X	N/A	C ^{7,8}	200'	P	150'	P	125'	P	75'
Private roads	X	N/A	C	75'	P	50'	P	50'	P	25'
P = Permitted, C = Conditional, X = Not Permitted N/A = Not Applicable										
Bridges ^{9,9}	C	0'	C	0'	P	0'	P	0'	P	0'
Railroads ^{9,10}	X	N/A	X	N/A	C	150	X	N/A	P	100'
Airports	X	N/A	X	N/A	C	150	X		P	100'
Primary parking facilities	X	N/A	X	N/A	X	N/A	X	N/A	X	N/A
Accessory (on-site parking serving a use)	X		X		P	100'	P	5075'	P	50'

Commented [A124]: Setbacks <100' need to be substantiated

Commented [A127]: Add a separate line for non-water oriented accessory use/dv/lpt (e.g. sheds, ADUs, etc)

Proposed Shoreline Uses	Shoreline Environment Designations									
	Aquatic	Setbacks ¹ (ft)	Natural	Setbacks ¹ (ft)	Rural Conservancy	Setbacks ¹ (ft)	Shoreline Residential	Setbacks (ft)	High-High Intensity	Setbacks (ft)
Utilities:										
Underground (Parallel to the Shoreline)										
Primary	C	0'	C ^{7,8}	50' 0''	P	50' 100'	P	50'	P	250''
Accessory	C	0'	C ⁷	50'	P	50'	P	50'	P	25'
Underground (perpendicular to the shoreline)										
	C	0'	C	0'	P	0'	P	0'	P	0'
Aboveground (Parallel to the shoreline)										
Primary	C	0'	C ^{7,8}	200'	C	100'	C	100'	P	100' 50'
Accessory	C	0'	C ⁷	50'	C	50'	C	50'	P	50'
New Hydroelectric Facilities and Accessory Structures	P	0'	C	0'	P	0'	X	0'	P	0'

Commented [A124]: Setbacks <100' need to be substantiated

¹Setbacks shall be measured from the Ordinary High Water Mark (OHWM).

²Structure and building height shall be limited to 35 feet above grade for all uses except the following: water related industry in the ~~h~~High ~~i~~Intensity environment shall have a height limit of 50 feet, ~~and other~~ structures such as transmission towers, masts, aeriels, temporary logging equipment, flag poles, and livestock, farm and agricultural buildings or structures, such as barns, silos and horse arenas shall have a height limit of 100 feet ~~in any environment designation~~.

³Water-related ~~and water-enjoyment-oriented~~ commercial uses are allowed as an accessory use to water-dependent uses in the ~~a~~Aquatic zone.

⁴Log storage for the purposes of hydroelectric facility maintenance is considered an exempt activity subject to the exemption in WAC 173-27-040(2)(b) and is not subject to setback requirements and is permitted in the Aquatic, Rural Conservancy, and High Intensity environments. However, such log storage must occur at predesignated and cleared log storage site at Swift Forest Camp.

⁵Cottage industries are permitted in the Shoreline Residential designation with a floor area of no larger than 5,000 square feet.

⁶Water-oriented residential uses such as shoreline access trails, stairs, walkways, bridges, stabilization, and ecological restoration may be placed within the shoreline setback in accordance with 5.3.11, regulation 1(e).

⁷Repair or replacement of existing highway or arterial roads whose location has historically been in the ~~a~~Aquatic area may occur along the existing alignment within the ~~a~~Aquatic zone. New highway or arterial roads must meet the setback standards.

⁸Allowed when no other location outside of shorelines is feasible as determined by an alternatives analysis per ~~S~~section 5.3.12, regulation 2 or per ~~S~~section 5.3.13, regulation 1. Such utility and transportation facilities shall generally be located perpendicular to the shoreline.

⁹Maintenance and repair of existing bridges is permitted outright in all shoreline environments.

¹⁰Repair or replacement of existing railroad infrastructure along a historic alignment in the ~~a~~Aquatic area is permitted.

Commented [A128]: What other type of WO Comm use might there be besides WR? Does this mean a WE Comm use? If yes, use the specific term not the umbrella term for better clarity

5.2.15.3.1 Agriculture

As defined in Chapter 7 of the SMP, agriculture includes nurseries, farms, gardens, and the on-site processing and packaging of agricultural products. Few areas of agricultural uses occur on Skamania County shorelines. The only areas of shoreline jurisdiction that contain existing farming uses are adjacent to Franz Lake in south Skamania County and adjacent to the Wind River in ~~Central~~ Skamania County.

Applicability

In accordance with the provisions of WAC 173-26-241(3)(a)(ii), this SMP should not modify or limit ongoing agricultural activities occurring on agricultural lands. The provisions of this section apply to new agricultural uses proposed on land not currently used for agricultural purposes and to conversion of agricultural lands to nonagricultural purposes. A change to a different agricultural crop for an ongoing operation does not constitute a conversion to a new use.

Policies

1. Appropriate vegetation management and best management practices as recommended by the Natural Resources Conservation Service should be used to avoid and minimize water quality impacts from agricultural practices.
2. New agricultural use and development should preserve and maintain native vegetation or other soil erosion control measures between tilled lands and adjacent water bodies within setback areas specified by this SMP.
3. New confinement feed lots, feeding operations, lot wastes, manure storage or stockpiles, manure application should not occur within shoreline setback areas and should use best management practices.
4. Private gardens associated with residential uses or community gardens are considered to be agricultural uses. Private and community gardens, where permitted within Skamania County shoreline jurisdiction, should avoid the application of chemicals and fertilizers within shoreline jurisdiction.

~~4.5. The County should encourage agricultural owners to implement BMPs in runoff controls and animal watering stations.~~

Regulations

1. New agricultural uses shall meet setback standards as specified in this SMP. Existing native vegetation within the setback area shall be preserved in compliance with section the policies and regulations in ~~S~~section 3.7 of this SMP.
2. Fencing shall be used to prevent animals from damaging vegetation, stream slopes, and other sensitive natural features in the shoreline setback area.
3. Stock watering facilities shall be provided so that livestock do not need to access streams or lakes for drinking water.

Commented [A129]: Need to define term; Table 5-1 indicates an acreage limit?

4. Newly proposed confinement lots, feeding operations, lots wastes, manure storage or stockpiles, and storage of noxious chemicals shall submit a site plan that indicates:
 - a. Location of all existing and proposed uses including confinement lots, feeding operations, lot wastes, manure storage, chemical storage, fencing, and runoff storage ponds within proximity to the shoreline and waterbodies;
 - b. Maximum number and type of livestock to be kept on the site;
 - c. Existing and proposed contour of the land and topographic features;
 - d. Groundwater profiles, streams and drainage ways;
 - e. Soil types;
 - f. Waste disposal facilities, including site runoff storage ponds, location of manure stockpiles, holding tanks and ponds, and ultimate manure disposal sites;
 - g. Fencing for control of animals;
 - h. Other use areas, such as feed storage, animal movement routes, and animal pens.

5. New agricultural uses, including the conversion of agricultural land to non-agricultural use, must be consistent with the environmental designations in which they are located, be located and designed to assure no net loss of ecological functions and not have a significant adverse impacts on other shoreline resources and values.

New agricultural uses shall implement stormwater and agricultural runoff control BMPs consistent with the Stormwater Management Manual for Western Washington (2014 or as amended).

~~5. Removal of native vegetation within shorelines for the establishment of a garden is allowed in compliance with Section 3.7 of this SMP. Removal of native vegetation within gardens that serve a horticultural purpose shall not require mitigation under Section 3.7.~~

5.2.25.3.2 Aquaculture

Several aquaculture facilities exist on Skamania County's shorelines. Two fish hatcheries are operated by the WDFW and both are located in Washougal. In addition, national fish hatcheries are located along the Wind River, the Little White Salmon River, and the Columbia River. Aquaculture does not include upland finfish-rearing facilities, which is considered agriculture.

Commented [A130]: Need to define terms; who would determine this? Any criteria or standards?

Commented [A131]: What about acclimation pens for stock enhancement – would they be considered as 'aquaculture'? Clarify here and/or at Ch 7 Definitions; See also SMP Handbook Ch 16, especially at pg 39 w/ ECY recommended definitions

Applicability

The following provisions apply to the culture or farming of fish or aquatic plants within shoreline waterbodies ~~or in~~ Skamania County ~~shorelines~~. ~~These provisions do not apply to upland finfish-rearing facilities.~~

Commented [A132]: Both in-water and upland operations?

Policies

1. Aquaculture is a preferred water-dependent use that should be encouraged, provided that it minimizes impacts to control pollution, prevent environmental damage, and result in no net loss of shoreline ecological functions.
2. Siting of new aquaculture facilities should take into consideration the following principles:
 - a. Avoid conflicts with other water-dependent uses, such as ports or water-dependent recreational facilities.
 - b. Design aquaculture facilities to avoid navigational conflicts
 - c. Consider the impacts from aquaculture facilities on water quality, temperature, flows, oxygen content, and adjacent land uses.
 - d. Encourage aquaculture that supports the recovery of endangered or threatened fish species.
 - e. Distinguish between water-dependent and water-related portions of aquaculture facilities and give preference to water-dependent portions to be located near to, over, or in the water.

Regulations

1. The development and operation of new aquaculture uses, expansion or alteration of existing facilities and appurtenant facilities shall result in no net loss of shoreline ecological functions and shall demonstrate compliance with mitigation sequencing in ~~s~~Section 3.5 of this SMP. In particular, aquaculture facilities shall not be permitted if they would spread disease to native aquatic life or would establish new non-native species, which cause significant ecological impacts.
2. New aquaculture uses that use new or developing experimental technologies shall be allowed provided they do not result in a net loss of shoreline ecological functions.
3. New, altered, or expanded aquaculture uses shall consider the impacts on adjacent and nearby water-dependent uses, – especially recreational uses – and shall not be permitted if, after mitigations are applied, they would negatively affect the viability of other water-dependent uses.
4. Aquaculture facilities shall in no way interfere with water-based navigation.

5. The aesthetic impacts of new, expanded, or altered aquaculture facilities shall be **limited-addressed** by limiting the removal of shoreline vegetation, using colors and materials that blend with the surrounding environment, and locating facilities where they are naturally concealed from view.
6. Non-water-oriented portions of aquaculture facilities, such as, but not limited to, parking lots, offices, and dorm or sleeping quarters, shall be placed upland of water-oriented aquaculture uses.

5.2.35.3.3 Piers and Docks Boating Facilities and Moorage Structures Piers, Docks, Floats Structures

Boating facilities and moorage structures. Piers and docks exist in ~~isolated~~ **limited** locations in ~~Skamania~~ the County. These facilities include both public and private boating and moorage facilities of all types (piers, docks, marinas); mooring balls and buoys; boat and kayak launches; and components related to ~~the~~ boating facilities and moorage structures, such as gangways, ells, and floats. Although they may not be used for moorage, piers and docks used for public access to the water are also subject to the policies and regulations of this section. For simplicity, all of the above facilities and structures are referred to as "boating facilities and moorage structures."

Commented [A133]: Meaning remote/hard to reach? Or 'limited' locations meaning there are not many in number?

There are a series of residential docks and piers associated with vacation homes on the eastern end of Swift Reservoir, surrounding Wauna Lake in south County, near Ashes Lake, at or near the Wind River boat launch, at the SDS Lumber site near the mouth of the Wind River, at Drano Lake, and at the mouth of the White Salmon River, and at scattered locations along the Columbia River. Boat launches are located at Swift Reservoir, the Columbia River, Wauna Lakes Area, Ashes (Ash) Lake, Winder River, Drano Lake, and at various other locations in the county, including the Gifford Pinchot National Forest.

Boating facilities and moorage structures serve an important role in providing recreational access to ~~Skamania~~ the County's shoreline waterbodies and, bringing tourists to the County, and have the potential to generate economic development in conjunction with ~~the Port~~ and shipping activity. Navigational, aesthetic, and environmental impacts of these facilities are regulated in this section.

Applicability

1. This section applies to all boating facilities and moorage ~~over and in water~~ structures and uses that facilitate as their with a primary purpose ~~the to launching~~ or mooring of vessels, ~~or~~ serve some other water-dependent purpose, ~~or provide public access.~~
2. Uses and modifications **Structures** covered in this section include private residential piers and docks (including singular, joint-use and community docks); piers and docks for non-residential use (commercial, industrial, aquaculture, recreational or public access use); marinas; mooring buoys and balls; boat and kayak launches;

Commented [A134]: See related comments for Ch 7 Definitions of Dock, and Pier; Consider adding other related examples here and in Ch 7 (i.e. Gangways, Ells, Floats) unless addressed elsewhere.

Commented [A135]: Ch 5 = uses; Ch 6 = modifications

and related components related to the above uses, such as gangways, ells, and floats. Please also refer to SMP Section 5.3.3 which covers many of the same for related Boating Facilities use provisions.

Policies

2. Boating facilities and moorage structures Overwater uses that are preferred, water-dependent uses and should be encouraged provided they can demonstrate they can be located, designed, and constructed in a way that results in no net loss of shoreline ecological functions. Construction of Overwater structures is are allowed in any shoreline environment with the exception of the Natural environment designation and in the Aquatic environment adjacent to the Natural environment. In addition to achieving no net loss, boating facilities should locate where they will be compatible with neighboring uses, including aesthetic considerations and tribal treaty fisheries.
3. Boating facilities and moorage structures should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width, and height of over-water/overwater structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.
4. Boating facilities and moorage structures should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term, and have been approved by applicable state agencies.
5. Boating facilities and M moorage structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming, and pleasure boating.
6. To limit the number and extent of over-water/overwater and in-water structures and minimize potential long-term impacts associated with those structures, mooring balls and mooring buoys are preferred over docks, and shared moorage facilities (either joint-use docks or community docks) are preferred over single-user moorage.
- 3-7. Piers should be preferred over floating docks where significant river or stream current does not occur.
4. Because opportunities for private overwater structures are limited and confined to less suitable and more environmentally sensitive areas of the shoreline, these features should be carefully regulated through specific standards.
- 5-8. To discourage a predominance of private, single use in/overwater facilities, public overwater structures and marina development on public lands should be more requires greater flexibility to promote their development and use, account for more

Commented [A136]: Optional Organization - As noted previously, separate Ch 5 Boating Facility and Ch 6 Piers & Docks sections per the WAC distinction is acceptable; however many readers, especially general audience, find it counterintuitive and confusing, so some SMPs combine into one section; Consider staff and SAC preferences

See also [SMP Handbook Ch 12](#)

Commented [A137]: Allowing via SDP in all but Natural forfeits oppy to tailor regs to existing conditions per SEDs, eg. Use of CUPs for more sensitive areas or intensive use/dvlp

Commented [A138]: 1. Same numbering issue as noted previously. Until the tack changes are accepted (and it looks like the "1." was accidentally deleted, the numbering will not behave properly

Commented [A139]: Intent? This term would mean the provision does not apply to public access pier/dock

Commented [A140]: Combine w/ #2 above?

Commented [A141]: Based on what?

~~diverse opportunities, evolving public needs, and compatibility with the evolving requirements of federal and state agencies for these facilities, including the Department of Natural Resources, which is the lessor for the marina.~~

Commented [A142]: Intent not clear; be more permissive for public facilities??

~~6. Regardless of the level of specificity and flexibility for different types of overwater structures (e.g. private, joint use, public and marina) provided in the standards in this SMP, location, design, construction and operation of all overwater structures should demonstrate adherence to mitigation sequencing and no net loss standards.~~

Commented [A143]: Intent not clear;

~~7.9. Piers, docks, floats, mooring balls, and mooring buoys outside of marinas should not allow moorage of houseboats or live aboard vessels.~~

Commented [A144]: Add Ch 7 Definitions; also differentiate from Floating Homes/Floating On-water Residences for clarity

~~8. To reduce limit the amount number and extent of over water and in water structures and reduce minimize potential long term impacts associated with those structures, mooring balls and mooring buoys are preferred over docks in residential areas, and shared moorage facilities (either joint use docks or community docks) are preferred over single user moorage.~~

~~Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.~~

~~The County should implement an educational program for boaters regarding best boating practices to minimize habitat disruption/damage and water contamination.~~

Regulations

1. General Regulations

~~a. All boating facilities and moorage structures shall be designed to be consistent with federal and state regulations, including design criteria established by the Washington State Department of Fish and Wildlife WDFW, the U.S. Army Corps of Engineers USACE, and the Washington State Department of Health.~~

Commented [A145]: Section includes 12 sub-sections of both general and extensive, detailed technical standards that appear to mostly reflect guidance from ECY, DNR and DFW; Consider referencing those key guidance documents from resource management agencies 'or the most current standards' to ensure up to date strategies are applied and SMP doesn't have to be immediately amended if/when guidance is revised.

~~f.b. Boating facilities and moorage structures shall be designed, constructed, and maintained to achieve no not loss of shoreline ecological functions and shall demonstrate compliance with mitigation sequencing in section 3.5 of this SMP.~~

Commented [A146]: Need to address overwater WR and WE as part of mixed use if they support WD and are minimum size

~~c. To achieve no net loss, the design, construction, and operation of overwater structures, including piers, docks, floats, gangways and ells must:~~

~~i. Be the minimum size necessary and designed to avoid and then minimize potential adverse impacts. All unavoidable adverse impacts must be mitigated and a mitigation plan submitted. Water-related and water-enjoyment uses may be allowed as part of mixed-use developments on over-~~

wateroverwater moorage structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement to meet the water-dependent use is not exceeded.

ii. Minimize degradation of aquatic habitats.

iii. Not impede the life stage of any federally or state-listed juvenile or adult fish species ~~salmonid life stage~~, including migration, rearing, and spawning.

Commented [A147]: incl other non-salmonids?

iii-iv. Allow for light penetration so that predation of salmonids is not increased as a result of overwater structures. ~~Not enhance habitats used by potential salmonid predators (especially fishes and birds).~~

Commented [A148]: The overwater structure itself often provides predator habitat; clarify

iv. Be engineered or use proven methods to maximize human safety and minimize potential for flood-related detachment of the facility from shore.

v.

d. Locational Considerations. Many shoreline waterbodies in Skamania County are inappropriate for the location of ~~private and public~~ boating facilities and moorage structures due to their remote locations where adequate parking, public access, traffic circulation cannot be provided, and due to the size of the waterbody and fragility of the environment. For these reasons, all proposals for ~~shoreline private and public~~ boating facilities and moorage structures shall be reviewed on an individual basis for to ensure suitable environmental conditions, shoreline configuration, access and neighboring uses. ~~adequate parking, public access, traffic circulation, size of the waterbed, and fragility of the environment.~~ Boating facilities and moorage structures shall locate where:

Commented [A149]: Duplicative

i. Hazards and obstructions to public navigation rights are minimized.

ii. They will not interfere with exercise of tribal treaty fisheries.

iii. They will not block or obstruct lawfully existing or planned public shoreline access.

iv. There are stable shoreline areas with adequate water mixing and flushing

v. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard.

vi. Water depths are adequate to minimize soil disposal, filling, beach enhancement, and other channel maintenance activities.

vii. Water depths are adequate to prevent the structure from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.

viii. Access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed, nor made dangerous.

e. Boating facilities and moorage structures shall not be located:

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

ii. On point bars or other accretion beaches.

iii. Where new or maintenance dredging will be required.

iv. In areas with important habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.

v. Where new shoreline stabilization will be required, if feasible. Where the need for stabilization is unavoidable, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft may be allowed.

vi. Motorized boating facilities and uses shall be located far enough from public swimming beaches; fishing and aquaculture harvest areas; and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns, and potential use conflicts.

f. Upland parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

g. 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.

h. 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 public boat launches to the extent possible. In addition, wash stations to remove noxious weeds shall also be provided, where feasible. 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 the WDFW, as necessary.

Commented [ES150]: Ecology: Be sure the record includes rational/support for these standards.

i. When appropriate, marinas and boat launch facilities, shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, wash stations, and locations for proper waste disposal.

j. All utilities shall be place at or below the surface level of the boating facility, or moorage structure or below-ground, as appropriate.

k. Boating facilities and moorage structures in or over stated-owned aquatic lands shall require approval by Washington State Department of Natural Resources (DNR) and shall obtain other state and federal approvals, as applicable.

l. Boating facilities and private moorage structures must be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for surface-water surface-users during the day or night.

Commented [A151]: Same as previous comment re: term

~~Exterior finish of all structures must be generally non-reflective, to reduce glare.~~

m. New covered moorage is prohibited, except when necessary for operation of a water-dependent use at commercial, industrial, or transportation-related facilities.

n. Floating and other over water/overwater homes, including liveaboard vessels, are prohibited.

Commented [A152]: See comment above about similar/related terms

o. Extended moorage on waters of the state is prohibited, except as allowed by applicable state regulations and unless a lease or permission is obtained from the state, and impacts to navigation and public access are mitigated.

Commented [ES153]: Ecology: Vague

p. No boat lifts or watercraft lifts of any type will be placed on, or in addition to, the moorage structures unless the applicant can demonstrate that the proposed boat lift meets the intent of the criteria to minimize structure, maximize light penetration, and maximize depth.

q. Materials regulations.

i. Boating facilities and moorage structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long-term. Materials used for submerge 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 similar toxic materials is prohibited for use in moorage facilities.

- ii. Boating 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.
 - iii. Exterior finish of all boating facilities and moorage structures must be generally non-reflective, to reduce glare.
2. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on ~~over water~~overwater structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.
3. Replacement of existing boating facilities and ~~private~~ moorage structures. If any of the following are proposed during a five-year period, the project is considered a new facility and all improved portions of the facility must comply with applicable standards for new facilities.
- a. Replacement of the entire facility.
 - b. Replacement of ~~75~~50 percent or more of support piles.
 - c. Replacement of ~~75~~50 percent or more of a boat launch, by area.
4. Modification or enlargement of existing boating facilities and ~~private~~ moorage structures.
- a. Applicants must demonstrate that there is a need for modification or enlargement ~~due to~~because of increased or changed use or demand, safety concerns, or inadequate depth of water.
 - b. Enlarged portions of existing boating facilities and ~~private~~ moorage structures must comply with applicable standards for new facilities.
5. Repair of existing boating facilities and ~~private~~ moorage structures.
- a. Repairs to existing legally established boating facilities and ~~private~~ moorage structures are permitted consistent with all other applicable codes and regulations.
 - b. All repairs must ~~utilize~~use material standards specified for new facilities.
6. For all ~~n~~New or expanded boating facilities and ~~private~~ moorage structures, ~~a~~Appropriate mitigation may include one or more of the following measures. In-kind measures are preferred over out-of-kind measures when consistent with the

objective of compensating for adverse impacts to ecological function. Mitigation may not include measures that are already required by regulations.

- a. Removal of any legal existing overwater or in-water structures that are not the subject of the application.
- b. Replacement of areas of existing solid overwater cover with grated material or use of grating on altered structures.
- c. Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of a density and composition of trees and shrubs typically found in undisturbed areas adjacent to the subject waterbody.
- d. Removing or improving ecological improvement functions of hardened shoreline. Improvement may consist of by softening the face and toe of the hardened shoreline with soil, gravel and/or cobbles, and/or incorporating vegetation or large woody debris LWD.
- e. Removal of man-made debris waterward of the OHWM.
- f. Placement of large woody material if consistent with local, state and federal regulations.
- g. Participation in an approved mitigation program.

7. General construction regulations for boating facilities and moorage structures.

- a. Construction of in-water or overwater boating facilities or moorage structures located in and overwater structures shall be completed during allowed in-water work windows.
- b. Construction impacts shall be confined to the minimum area needed to complete the project.
- c. The boundaries of clearing limits associated with site access and construction shall be flagged to prevent ground disturbance of riparian vegetation, wetlands, and other sensitive sites. This action shall be completed prior to any ground disturbing activities and shall remain in place until all revegetation proposed in the approved mitigation plan is established.
- d. All temporary erosion controls shall be in place and appropriately installed downslope of project activities prior to any ground disturbance and remain in place until site restoration is complete and revegetation is established.
- e. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.

Commented [A154]: Could these be grouped w/ General Regs above if they apply to ALL types of pier, dock, float, overwater structures

- f. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.
- g. If native vegetation is removed, damaged, or destroyed, it shall be replaced in accordance with Section 3.7 of this SMP.
- h. Project construction shall cease under high flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.
- i. Temporary moorages are allowed for vessels used in the construction of overwater facilities provided:
 - i. Upon termination of the project, the aquatic habitat in the affected area is returned to its preconstruction condition within one year.
 - ii. Construction vessels may do not ground or otherwise disturb substrates.
 - iii. Temporary moorage is located to minimize shading of aquatic vegetation.

8. General Requirements for Piers, Docks, and Decks

- a. New docks, and piers, and related structures (gangways, floats, and ells) shall be allowed only for specific, demonstrated water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this SMP.
- b. Docks and piers shall have the shortest length necessary to provide moorage for the intended boating use. In no case shall a dock or pier extend farther from shore than necessary to achieve a water depth of 10 feet. An increase of up to 50 percent in the size of docks and float components may be approved through the variance process in Section 2.6 of this SMP provided that:
 - i. It can be demonstrated by a report submitted by a qualified professional, such as a habitat biologist or fisheries biologist, that the larger size will result in no net loss of aquatic and shoreline ecological functions.
 - ii. The larger dock size will not interfere with navigation or public access.
- c. The bottom of piers shall be elevated at least 2 feet above the plane of the OHWM.
- d. Grating shall cover the entire pier for residential structures, and as much area as practicable for other structures. Open areas of grating shall be at least 50 percent.

Commented [A155]: Also piers, etc?

Commented [A156]: Could also be added to Ch 7 Def

as rated by the manufacturer, unless determined to be infeasible due to specific site or project considerations.

e. Piers and ramps shall be no more than 4 feet in width.

f. Shoreline concrete anchors for piers must be placed at least 10 feet landward from the OHWM, if feasible, and must be sized no larger than 4 feet wide by 4 feet long unless demonstrated insufficient. The maximum anchor height shall be only what is necessary to elevate the bottom of either the pier or landward edge of the ramp at least 2 feet above the plane of the OHWM. Alternate anchoring methods may be allowed if approved in advance by WDFW for application on waterbodies other than the Columbia River.

9. Requirements for residential and community piers and docks.

a. New docks shall be allowed only for specific, demonstrated water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this SMP.

Commented [A157]: Same numbering issue here. Once track changes are accepted/rejected, the numbering can be adjusted.

Commented [A158]: Also piers, etc?

Commented [A159]: Could also be added to Ch 7 Def

b.g. No single-use residential docks may be authorized unless the applicant can demonstrate that reasonable joint use or community dock options have been investigated and found infeasible.

e.h. For all new residential development of two or more waterfront dwelling units or subdivisions, or other divisions of land occurring after the effective date of this SMP, only joint use or community docks may be allowed.

d.i. No more than one private, noncommercial dock is permitted per proposed or existing platted or subdivided shoreline lot, or proposed or existing unplatted shoreline tract owned for residential or recreational purposes.

j. Docks and float components for private docks or community docks shall not exceed a width of 8 feet.

10. Non-residential piers and docks (commercial, industrial, aquaculture, recreational or public access use).

Commented [A160]: Often termed 'nonresidential' for streamlined language

a. The amounts of overwater cover, including length and width, the number of in-water structures, and the extent of any necessary shoreline stabilization or modification must be minimized. This requirement shall not apply to recreational and public access features required and licensed by the Federal Energy Regulatory Commission.

~~b. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use. Non-water-dependent accessory uses must be located landward of all water-oriented uses.~~

~~c. Garbage or litter receptacles must be provided and maintained by the operator at locations convenient to users.~~

~~e.a. Docks and piers shall have the shortest length necessary to provide moorage for the intended boating use. In no case shall a dock or pier extend farther from shore than necessary to achieve a water depth of 10 feet. An increase of up to 50 percent in the size of docks and float components may be approved through the variance process in Section 2.6 of this SMP provided that:~~

~~f.a. It can be demonstrated by a report submitted by a qualified professional, such as a habitat biologist or fisheries biologist, that the larger size will result in no net loss of aquatic and shoreline ecological functions.~~

~~g.d. The larger dock size will not interfere with navigation or public access.~~

~~h.e.~~

~~i. Floating and other over-water homes, including liveaboards, are prohibited.~~

~~j. Extended moorage on waters of the state is prohibited.~~

~~k. Overwater structure location, design, construction, and use operation must:~~

~~i. Minimize degradation of aquatic habitats.~~

~~ii. Not impede any juvenile or adult salmonid life stage, including migration, rearing, and spawning.~~

~~iii. Not enhance habitats used by potential salmonid predators (especially fishes and birds).~~

~~iv. Be engineered or use proven methods to maximize human safety and minimize potential for flood-related detachment of the facility from shore.~~

~~l. Consistent with requirements for mitigation sequencing, all private moorage structures must be the minimum size necessary and designed to avoid and then minimize potential adverse impacts. All unavoidable adverse impacts must be mitigated, and a mitigation plan submitted.~~

~~m. New and expanded boating facilities and private moorage structures must be located to:~~

- ~~i. Minimize hazards and obstructions to public navigation rights.~~
- ~~ii. Avoid blocking or obstructing lawfully existing or planned public shoreline access.~~
- ~~iii. Minimize the need for new or maintenance dredging.~~
- ~~iv. Eliminate the need for new shoreline stabilization, if feasible. Where the need for stabilization is unavoidable, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft may be allowed.~~

~~n.a. Materials regulations.~~

- ~~i. Private moorage structures shall be built with materials that do not leach preservatives or other chemicals.~~
- ~~ii. No treated wood of any kind shall be used on any private moorage structures.~~
- ~~iii. No paint, stain, or preservative shall be applied to private moorage structures.~~

~~10.1. General construction regulations.~~

- ~~a. Construction of overwater structures shall be completed during allowed in-water work windows.~~
- ~~b. Construction impacts shall be confined to the minimum area needed to complete the project.~~
- ~~c. The boundaries of clearing limits associated with site access and construction shall be flagged to prevent ground disturbance of riparian vegetation, wetlands, and other sensitive sites. This action shall be completed prior to any ground disturbing activities and shall remain in place until all revegetation proposed in the approved mitigation plan is established.~~
- ~~d. All temporary erosion controls shall be in place and appropriately installed downslope of project activities prior to any ground disturbance and remain in place until site restoration is complete and revegetation is established.~~
- ~~e. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.~~
- ~~f. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.~~

~~g.a. If native vegetation is removed, damaged, or destroyed, it shall be replaced in accordance with Section 3.7 of this SMP.~~

~~h.a. Project construction shall cease under high flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.~~

~~i.a. Temporary moorages are allowed for vessels used in the construction of overwater facilities provided:~~

~~i. Upon termination of the project, the aquatic habitat in the affected area is returned to its preconstruction condition within one year.~~

~~ii.i. Construction vessels may not ground or otherwise disturb substrates.~~

~~iii.i. Temporary moorage is located to minimize shading of aquatic vegetation.~~

11. Piers

~~a. To prevent damage to shallow water habitat, piers shall extend at least 40 feet perpendicular from the OHWM on the Columbia River and as needed to reach acceptable float conditions on all other waterbodies, unless determined to be impractical due to specific site considerations.~~

~~b. The bottom of both the pier shall be elevated at least 2 feet above the plane of OHWM.~~

~~c. Grating shall cover the entire pier for residential structures, and as much area as practicable for other structures. Open areas of grating shall be at least 50 percent, as rated by the manufacturer, unless determined to be infeasible due to specific site or project considerations.~~

~~d. Piers and ramps shall be no more than 4 feet in width.~~

~~e. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM, if feasible, and must be sized no larger than 4 feet wide by 4 feet long unless demonstrated insufficient. The maximum anchor height shall be only what is necessary to elevate the bottom of either the pier or landward edge of the ramp at least 2 feet above the plane of OHWM. Alternate anchoring methods may be allowed if approved in advance by WDFW for application on waterbodies other than the Columbia River.~~

12. Floats

a. Floats shall not be located in shallow-water habitat where they could ground or impede the passage or rearing of any federally or state-listed species, salmonid life stage,

Commented [A161]: Other species too?

b. To prevent damage to shallow-water habitat, floats on the Columbia River shall be positioned at least 40 feet horizontally from the OHWM but no more than 100 feet from the OHWM, as measured from the landward-most edge of the float, unless determined to be impractical due to specific site considerations. Floats on all other waterbodies must be located to maintain clearance of at least 18 inches between the lake bottom or riverbed and the bottom of the float between April 15 and July 15 in all years, during the low flow or low water level period of any year.

Commented [A162]: "During the low flow or low water level period of any year"? Severe drought conditions could make these dates irrelevant

c. Grating shall cover the entire surface area of the float(s) not underlain by float tubs or other material that provides buoyancy. The open area of the grating shall be a minimum of 50 percent, as rated by the manufacturer, or as otherwise required by state or federal agencies during permit review unless determined to be infeasible due to specific site or project considerations.

d. Functional grating will cover no less than 50 percent of the float, or as otherwise required by state or federal agencies during permit review, unless determined to be infeasible due to specific site or project considerations.

e. Floating Seasonal docks shall be designed or seasonally removed to prevent the dock from resting on the river bed during periods of lower flow.

Commented [A163]: What would a 'non floating dock' be?

f. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water.

Commented [A164]: Use of contaminated materials – oil drums, etc?

g. No new skirting is allowed on any structure.

h. Protective bumper material will be allowed along the outside edge of the float as long as the material does not extend below the bottom edge of the float frame or impede light penetration.

i. Safety railings, if proposed, must meet International Building Code requirements and must be an open framework that does not unreasonably interfere with shoreline views.

~~13.1. Boating facilities and private moorage structures must be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night.~~

~~14.1. Exterior finish of all structures must be generally non-reflective, to reduce glare.~~

~~15.1. New covered moorage is prohibited, except when necessary for operation of a water dependent use at commercial, industrial, or transportation related facilities.~~

~~16. Shoreline stabilization (i.e. bulkheads, rip rap, and retaining walls) shall not occur in association with installation of the overwater structure, if feasible.~~

~~17.13. Pilings and float anchors.~~

a. New piling for residential docks shall not exceed 8 inches in diameter, except where larger pilings are required for safety or site-specific engineering reasons. New piling for other docks must be the smallest diameter necessary.

b. All pilings shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.

c. Pilings shall be spaced at least 18 feet apart on the same side of any component of the overwater structure. The pier/ramp and float are separate components.

d. Each overwater structure shall utilize use no more than 4four piles total for the entire project. A combination of two piles and four helical anchors may be used in place of four piles.

e. Submerged float anchors will be constructed from concrete; and shall be horizontally compressed in form, by a factor of 5 or more, for a minimum profile above the stream bed (the horizontal length and width will be at least 5five times the vertical height).

f. No in-water fill material (including uncured concrete or its by-products) will be allowed, with the exception of pilings and float anchors.

Commented [A165]: Formatting – should be iv.

b.g.

~~18. Private residential dock (including joint use and community dock) regulations:~~

~~a. No boat lifts or watercraft lifts of any type will be placed on, or in addition to, the overwater structure unless the applicant can demonstrate that the proposed boat lift meets the intent of the criteria to minimize structure, maximize light penetration, and maximize depth.~~

~~b. No electricity shall be provided to, or on, the overwater structure.~~

~~c. Piers and ramps shall be no more than 4 feet in width.~~

~~d. Shoreline concrete anchors must be placed at least 10 feet landward from the OHHW, if feasible, and must be sized no larger than 4 feet wide by 4 feet long unless demonstrated insufficient. The maximum anchor height shall be only~~

~~what is necessary to elevate the bottom of either the pier or landward edge of the ramp at least 2 feet above the plane of OHWM. Alternate anchoring methods may be allowed if approved in advance by WDFW for application on waterbodies other an than the Columbia River.~~

~~e.—Piling and float anchors:~~

~~i.— Pilings shall be spaced at least 18 feet apart on the same side of any component of the overwater structure. The pier/ramp and float are separate components.~~

~~ii.i.— Each overwater structure shall utilize no more than 4 piles total for the entire project. A combination of two piles and four helical anchors may be used in place of four piles.~~

~~iii.i.— Submerged float anchors will be constructed from concrete, and shall be horizontally compressed in form, by a factor of 5 or more, for a minimum profile above the stream bed (the horizontal length and width will be at least 5 times the vertical height).~~

~~f.— No in-water fill material (including uncured concrete or its by-products) will be allowed, with the exception of pilings and float anchors.~~

~~19. Docks for commercial, industrial, aquaculture, recreational or public access use.~~

~~a.— The amounts of overwater cover, including length and width, the number of in-water structures; and the extent of any necessary shoreline stabilization or modification must be minimized. This requirement shall not apply to recreational and public access features required and licensed by the Federal Energy Regulatory Committee.~~

~~b.— Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use. Non-water-dependent accessory uses must be located landward of all water-oriented uses.~~

~~c.— Garbage or litter receptacles must be provided and maintained by the operator at locations convenient to users.~~

~~20.1.— Replacement of existing boating facilities and private moorage structures. If any of the following are proposed during a five year period, the project is considered a new facility and must comply with applicable standards for new facilities.~~

~~a.— Replacement of the entire facility.~~

~~b.g. Replacement of 75 percent or more of support piles.~~

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

~~21.1. Modification or enlargement of existing boating facilities and private moorage structures.~~

~~a. Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.~~

~~b.a. Enlarged portions of existing boating facilities and private moorage structures must comply with applicable standards for new facilities.~~

~~22.1. Repair of existing boating facilities and private moorage structures.~~

~~a. Repairs to existing legally established boating facilities and private moorage structures are permitted consistent with all other applicable codes and regulations.~~

~~b.a. All repairs must utilize material standards specified for new facilities.~~

~~23.1. For all new or expanded boating facilities and private moorage structures, appropriate mitigation may include one or more of the following measures. In-kind measures are preferred over out-of-kind measures when consistent with the objective of compensating for adverse impacts to ecological function. Mitigation may not include measures that are already required by regulations.~~

~~a. Removal of any legal existing over- or in-water structures that are not the subject of the application.~~

~~b.a. Replacement of areas of existing solid over-water cover with grated material or use of grating on altered structures.~~

~~c.a. Planting of native vegetation along the shoreline immediately landward of the OHHWM consisting of a density and composition of trees and shrubs typically found in undisturbed areas adjacent to the subject waterbody.~~

~~d.a. Removal or ecological improvement of hardened shoreline. Improvement may consist of softening the face and toe of the hardened shoreline with soil, gravel and/or cobbles, and/or incorporating vegetation or large woody debris.~~

~~e.a. Removal of man-made debris waterward of the OHHWM.~~

~~f.a. Placement of large woody material if consistent with local, state and federal regulations.~~

~~g-h. Participation in an approved mitigation program.~~

14. Boat launches and haul-out facilities.

- a. A private boat launch shall be allowed on a parcel or lot only when public boat launches are unavailable within $\frac{1}{4}$ -1/2-mile upstream or downstream of any property line.
- b. No more than one ~~(1)~~ private boat launch facility or structure shall be permitted on a single residential parcel or lot.
- c. Boat launch and haul-out facilities, such as ramps, travel lifts and railways, 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.
- d. Boat launch facilities shall be designed and constructed using methods/~~technology~~technologies that have been recognized and approved by state and federal resource agencies as the best currently available.

15. Marinas.

- a. Marinas shall be designed to:
 - i. provide thorough flushing of all enclosed water areas;
 - ii. allow the free movement of aquatic life in shallow water areas; and
 - iii. avoid and minimize any interference with geohydraulic processes; and
 - iv. ~~A~~void disruption of existing shore forms.
- b. Open pile or floating breakwater designs shall be used unless it can be demonstrated that sheet pile or riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.
- c. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.
- d. To the maximum extent possible, marinas and accessory uses shall share parking facilities.
- e. New marina development shall provide public access amenities, such as viewpoints, and interpretive displays, and ~~public~~ access to accessory water-enjoyment uses, such as restaurants.

Commented [A166]: How do these provisions differ from the several above that also pertain to 'Boating facilities'?

- f. 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 hazards, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage, and the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.
- g. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste.
- h. No commercial or sport fish-processing discharge or discarding of unused bait, scrap fish, or viscera shall be permitted within any marina.
- i. Live-aboard vessels are restricted to marinas, may occupy up to ~~twenty~~20 percent (20%) of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Live-aboards are not allowed at joint-use moorages. All appropriate permits or leases shall be obtained from ~~Washington~~the Washington DNR. Live-aboards shall not obstruct navigation or public access.

Commented [A167]: Definition?

5.2.4 Boating Facilities

Boating facilities are scattered throughout Skamania County on Swift Reservoir, the Columbia River, Wauna Lakes Area, Ashes Lake, Wind River, Drano Lake, and at various other locations in the county, including the Gifford Pinchot National Forest. Boating facilities typically include boat ramps and community piers and docks.

Commented [A168]: Because of the connection/overlap, need to clearly describe what is covered here and what is covered in Ch 6.3.3 Piers & Docks; Make sure Ch 7 Definitions are equally clear; courtesy references between sections would aid the reader.

Applicability

Uses and modifications covered in this section include private residential docks serving more than four residences; docks for commercial, industrial, aquaculture, recreational, or public access uses; marinas; and boat and kayak launches. Private residential docks, both individual and shared, serving four or fewer residences are covered at Chapter 6.3.3.

Commented [A169]: Table 5-1 also includes private docks for SFR?

Policies

1. Boating facilities are water dependent uses and should be encouraged on Skamania County shorelines provided they can be located where:
 - a. Appropriate environmental conditions and shoreline configuration exist, including choosing areas that do not require maintenance dredging.
 - b. There is public access, adequate traffic circulation, and parking facilities to meet future demand.
 - c. They will be compatible with neighboring uses including consideration of aesthetic considerations impacts.

~~d. They will not interfere with navigation.~~

~~2. Development of new, expansion, or alteration of boating facilities shall meet no net loss and the mitigation sequencing in Section 3.5 of this SMP, with a preference for facilities that minimize the amount of shoreline modification, in-water structure, and overwater cover.~~

~~3. New live aboard vessels and extended moorage on state shorelines should only be permitted as allowed by applicable state regulations, if a lease or permission is obtained from the state. Impacts to navigation and public access should be appropriately mitigated.~~

Regulations

~~1. Many shoreline waterbodies in Skamania County are inappropriate for the location of private and public boating facilities due to their remote locations where adequate parking, public access, traffic circulation cannot be provided, and due to the size of the waterbody and fragility of the environment. For these reasons, all proposals for shoreline private and public boating facilities shall be reviewed on an individual basis for to ensure suitable environmental conditions, shoreline configuration, access and neighboring uses, adequate parking, public access, traffic circulation, size of the waterbed, and fragility of the environment.~~

Commented [A170]: Duplicative

~~2. Boating facilities shall meet no net loss and demonstrate compliance with mitigation sequencing in Section 3.5 of this SMP.~~

~~3. Boating facilities shall locate on stable shorelines in areas where:~~

~~a. There is adequate water mixing and flushing.~~

~~b.a. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard.~~

~~c.a. Water depths are adequate to minimize soil disposal, filling, beach enhancement, and other channel maintenance activities.~~

~~d.a. Water depths are adequate to prevent the structure from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.~~

~~a. Other than non-motorized boating facilities, boating facilities shall not be located:~~

~~b.a. Along braided or meandering river channels where the channel is subject to change in alignment.~~

~~c.a. On point bars or other accretion beaches.~~

~~d.a. Where new or maintenance dredging will be required.~~

~~e.g. In areas with important habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.~~

~~4.16. Other than non-motorized boating facilities, boating uses, and facilities shall be located far enough from public swimming beaches, fishing and aquaculture harvest areas, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns, and potential use conflicts.~~

~~5.1. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.~~

~~6.17. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed, nor made dangerous.~~

~~7. 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-sanitizing facility shall be provided for every seventy-five (75) marina moorage sites or twenty (20) boat launch parking spaces for new facilities.~~

~~8. 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 public boat launches to the extent possible. In addition, wash stations to remove noxious weeds shall also be provided, where feasible. 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 WDFW, as necessary.~~

~~9. When appropriate, marinas and boat launch facilities, shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, wash stations, and locations for proper waste disposal.~~

~~10.1. 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 submerge 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 similar toxic materials is prohibited for use in moorage facilities.~~

~~11. Boating 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.~~

Commented [A171]: Be sure the record includes rationale/support for these standards

~~12. Boating facilities.~~

- ~~a. A private boat launch shall be allowed on a parcel or lot only when public boat launches are unavailable within ½ mile upstream or downstream of any property line.~~
- ~~b. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot.~~
- ~~c. Boat launch and haul-out facilities, such as ramps, travel lifts and railways, 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.~~
- ~~d. 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.~~

~~13. Marinas.~~

- ~~a. Marinas shall be designed to:
 - ~~i. provide thorough flushing of all enclosed water areas;~~
 - ~~ii. allow the free movement of aquatic life in shallow water areas; and~~
 - ~~iii. avoid and minimize any interference with geohydraulic processes and~~
 - ~~iv. Avoid disruption of existing shore forms.~~~~
- ~~b. Open pile or floating breakwater designs shall be used unless it can be demonstrated that sheet pile or riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.~~
- ~~c. Wet moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.~~
- ~~d. To the maximum extent possible, marinas and accessory uses shall share parking facilities.~~
- ~~e. New marina development shall provide public access amenities, such as viewpoints, interpretive displays and public access to accessory water enjoyment uses such as restaurants.~~

~~f. 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. Marinas shall have adequate facilities and procedures for fuel handling and storage, and the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.~~

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

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

~~i. Live aboard vessels are restricted to marinas, may occupy up to twenty percent (20%) of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Live-aboards are not allowed at joint use moorages. All appropriate permits or leases shall be obtained from Washington DNR. Live-aboards shall not obstruct navigation or public access.~~

Commented [A172]: Definition?

5.2.55.3.4 Commercial Uses

Commercial ~~land~~ uses within Skamania County shoreline jurisdiction are generally found in the southern portion of the County, including ~~in~~ the Carson and Home Valley CRGNSA urban areas and along the Washougal River in the West End. Commercial development in ~~Skamania the~~ County is generally ~~at a~~ smaller-scale, ~~such as~~ retail shops, service stations, and restaurants. There is a large, vacant commercially zoned site in Carson overlooking the Columbia and Wind River which may be able to accommodate large-scale commercial development.

Commented [A173]: This section would be better organized by WD, WR & WE, and non WO as is presented in Table 5-1; Also, the setbacks shown in the table need to be referenced here by text.

Applicability

The following section applies to any development, construction, or use of land for commercial and commercial service purposes within Skamania County's Shoreline jurisdiction. Commercial development means those uses and facilities that are involved in wholesale or retail trade or other business activities. Examples include, but are not limited to, hotels, motels, grocery stores, restaurants, shops, restaurants, offices and indoor recreation facilities.

Policies

1. Proposed commercial uses shall adhere to the use preferences in the "General Use Provisions" contained in section 5.2 of this SMP, ~~as applicable with the exception of providing locations for single family residences.~~
2. Ensure shoreline commercial development provides public access to the shoreline where opportunities exist, provided that such access would not pose a health or safety hazard.

3. Limit overwater commercial development to that which is water-dependent, or if not water-dependent, that which is accessory and subordinate **as necessary to support a** ~~to~~ water-dependent uses.

4. ~~Limit commercial development to those activities that are particularly dependent upon a shoreline location. Other commercial uses should be encouraged to locate upland. First preference should be given to water-dependent commercial uses over non-water-dependent commercial uses, and second, give preference then to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses.~~

Commented [A174]: This does not fully reflect the WAC first & second preferences for WD over WR & WE, and WO over non-WO

5. Restoration of impaired shoreline ecological functions and processes should be encouraged as part of new or expanded commercial development, especially for non-water-oriented uses.

Regulations

1. ~~Water-dependent commercial uses shall be given preference over water-related and water-enjoyment commercial uses. Second preference shall be given to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses.~~

Commented [A175]: Need a provision to ensure WR and WE comm uses avoid impacts to existing use, resources, values such as navigation, recreation, & public access.

Commented [A176]: Need to also give second preference for water-oriented over non-WO

2. Prior to approval of water-dependent uses, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-dependent use.

~~j.~~

~~3.~~ Commercial development that is not water-dependent shall not be allowed over water except where it is located within the same **existing** building and is **accessory necessary** to **support** a water-dependent use.

4. ~~Water-related and water-enjoyment uses shall avoid impacts to existing navigation, recreation, and public access.~~

~~5.~~ Non-water-oriented commercial development shall not be allowed unless:

a. ~~The~~ ~~the~~ use is part of a mixed-use project that includes water-dependent uses, and provides a significant public benefit with respect to provisions of public access or ecological restoration; or

b. ~~Navigability~~ ~~navigability~~ is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access or ecological restoration; ~~or~~

~~b.c. The site is designated for commercial use and is physically separated from the shoreline by another property or a public right-of-way. on sites physically separated from the shoreline by another property or public right of way.~~

Commented [A177]: This is a separate WAC provision

~~6.6.~~ New commercial developments shall provide public access to the shorelines, subject to ~~S~~section 3.6 of this SMP.

7. Public access and ecological restoration shall be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water dependent development unless such improvements are demonstrated to be infeasible or inappropriate.

8. New commercial uses or development shall meet the setback requirements contained in Table 5-1.

5.2.65.3.5 Forest Practices

Applicability

The forest practices standards in this SMP apply to forest conversions and Class IV-General forest practices where there is a likelihood of conversion to a non-forest use as defined and classified by the Washington State Forest Practices Act (RCW 76.09). Non-harvest forest practices such as roads, construction of stream crossings or forestry structures, and log storage are also subject to the SMP. All other forest practices shall be conducted in compliance with the Forest Practices Act, WAC 222, and the 1999 Forest and Fish Report, and any regulations adopted pursuant thereto.

Commented [A178]: Table 5-1 has separate rows for 'Log storage' 'Timber harvest' and 'temporary structures' but these specific uses are not addressed discretely here in policy or regulation.

Except for SMP section 5.3.5 regulation 2, timber harvests and forest practices that do not meet the definition of development in Chapter 7 shall not be regulated by this Program and shall not require a shoreline permit.

Policies

1. Given the importance of the forest industry to Skamania County's economy, it is important to protect the viability of this industry while also protecting the County's shorelines from incompatible forest practices that would harm shoreline ecology or negatively impact other uses especially recreation and public access.

2. Proposed forest practices regulated by this Shoreline Master ProgramSMP within Skamania-the County shorelines should result in no net loss of shoreline ecological functions.

3. When forest lands are converted to another use, there should be significant adverse impacts to other resources, values, or shoreline uses, such as navigation, recreation, and public access.

2.

Commented [A179]: Non-harvest forest practices are regulated by SMA/SMP i.e. roads, stream crossings, structures (outbuildings); see also [ECY web guidance](#).

Commented [A180]: Add a regulation to implement this policy, and to avoid impacts to navigation, recreation, and public access per WAC 173-26-241(3e)

Commented [ES181]: Commercial forest practices not regulated by SMP.

~~3.4.~~ Within shorelines, water-oriented uses, such as aquatic log storage, ~~and~~ docks for loading and shipment of logs, should be prioritized over non-water-oriented uses, such as milling facilities, offices, and employee parking.

~~4.5.~~ Commercial forest lands should be designated either "~~Natural~~" or "~~Rural~~ ~~e~~Conservancy."

~~6.~~ Forest practices should comply with regulations established by the Washington State Forest Practices Act, including coordination with the Washington ~~Department of Natural Resources~~ DNR for Class IV forest practices conversions to non-forest uses and should also comply with selective timber harvesting requirements on shorelines of statewide significance contained in RCW 90.58.150.

~~7.~~ Non-harvest forest practices, such as creation of roads, stream crossings, forestry structures and buildings, and log storage, should be comply with the regulations of this section and result in no net loss.

~~5.8.~~ Skamania County should work with the USFS wWhen forest roads are proposed to be decommissioned, the County should work with the USFS to maintain access to public lands for hunting, fishing, and other recreational uses, while prioritizing roads for closure which that have the greatest positive impact on shoreline functions.

Regulations

1. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222), as administered by the Department of Natural Resources, but is not subject to this SMP.
2. No more than (30%)30 percent of the merchantable trees located within 200 feet of the OHWM may be harvested within 10 years on shorelines of statewide significance unless approved through an SCUP. ~~With respect to timber situated within two hundred (200) feet landward of the OHWM within shorelines of the statewide significance, Ecology or the County shall allow only selective commercial timber cutting, so that no more than thirty percent (30%) of the merchantable trees may be harvested in any ten- (10-) year period of time; provided that oOther timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental. ;and provided further, that eClear cutting of timber which that is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted.~~
3. For the purposes of this ~~Program~~SMP, preparatory work such as grading, installation of utilities, or vegetation clearing associated with the conversion of land to non-forestry uses and/or developments including conversion timber harvests shall

Commented [A182]: Need to include text reference to setbacks in Table 5-1

Commented [A183]: This RCW cite makes for a long, complex provision that is hard to follow; Also need to specify any exception to the SWS limits requires CUP.

Commented [A184]: Such as roads, utilities, etc?

not be considered a forest practices regulated by this SMP and shall be reviewed in accordance with the provisions for the proposed non-forestry use, modification provisions, and the general provisions of this Program, including vegetation conservation. At a minimum conversion of forest land to non-forestry uses and/or developments shall not have a significant adverse impact to other shoreline resources, values, or other shoreline uses such as navigation, recreation, and public access.

4. Forestry activities proposed within the CRGNSA on lands zoned Forest, Commercial Forest, Large Woodland, or Small Woodland shall also comply with SCC Title 22.
5. Non-harvest forest practices such as construction of roads, stream crossings, log storage, and buildings to assist with forest practices activities regulated by RCW 76.09 are considered development under this Master Program and must adhere to the requirements of this section including demonstrating no net loss of shoreline ecological function. Specifically, these non-harvest forest developments shall meet the following requirements, as applicable:
 - a. All forest practices subject to this SMP shall meet the setbacks in Table 5-1 of this SMP.
 - b. Roads.
 - i. Roads shall be constructed outside of shoreline jurisdiction unless demonstrated not to be feasible.
 - ii. Roads If constructed within shoreline jurisdiction, roads shall be the minimum width necessary to for the forest practice activity and shall be maintained (e.g., regular placement of gravel) to prevent erosion to nearby streams including regular placement of gravel.
 - iii. Roads shall follow the contour of the land ~~and~~ to avoid the necessity for deep cuts or placement fill to stabilize roads.
 - c. Stream crossings.
 - i. Bridges are preferred over culverts in streams to prevent impacts to aquatic life and habitats.
 - ii. If culverts are proposed, they shall be designed to minimize impacts to aquatic life (e.g., ~~including to~~ allowing for passage of fish in streams).
 - d. Log Storage.

i. Log storage shall occur outside of shoreline jurisdiction whenever other areas are demonstrated to be feasible. Log storage may occur at industrial sawmill operations at previously cleared and improved industrial sites for the purposes of shipment and storage for milling, provided that erosion and sediment control BMPs in compliance with the *Stormwater Management Manual for Western Washington* (2014 or as amended).

ii. PacifiCorp's ~~large woody debris (LWD)~~ management program in the Lewis River watershed shall be subject to the agreements specified in hydraulic project approval 132542-1 issued January 7, 2014 by the ~~Washington Department of Fish and Wildlife~~WDFW or subsequently approved hydraulic project approvals.

e. Temporary structures. Temporary structures associated with forestry uses are non-harvest forest practices, which are regulated by this SMP. These structures, at a minimum, are subject to the general provisions of this SMP.

5.2.75.3.6 Industrial and Port Uses

Water-dependent port and industrial uses are preferred uses of Skamania County's shorelines under the SMA. These types of uses may include industrial docks and port areas that ship and receive products along the water and adjacent upland uses which benefit from proximity to the water. Non-water-oriented industrial uses not associated with a port also falls into this category, such as warehouses or industrial uses which produce goods that are not shipped by water, and are least preferred for a shoreline location.

Skamania County has a limited number of existing industrial land uses. Industrial land uses within the County can generally be found along the Columbia River, and within the Carson Subarea. Primarily, industrial uses within the County include water-dependent timber processing operations located on the Columbia River and a non-water-oriented timber processing facility adjacent to the Wind River in Carson. There is also a large, vacant site located west of Stevenson known as the Co-Ply site owned by WKO, which has the potential to be used for water-oriented industry in the future.

Applicability

The policies and regulations of this section apply to industrial and port uses as defined in Chapter 7 of this SMP. ~~Industry applies to those businesses or uses involved in the production, processing, manufacturing or fabrication of goods. Warehousing and storage of materials or products is considered part of the industrial process.~~ Water-dependent industries are those that require a location adjacent to the shoreline by reason of the intrinsic nature of their business. Ports are a specialized subcategory of general industrial use. ~~Port facilities are centers of water borne traffic and commerce. Industry and ports are both covered in this section.~~

Commented [A185]: Consider adding a Ch 7 definition

Some industrial and port developments are often associated with a **number-variety** of uses and modifications that are identified separately in this Master Program (e.g. parking, dredging). Each use activity and every type of shoreline modification should be carefully identified and reviewed **individually** for compliance with all applicable sections.

Some industrial and port facilities are intensive and have the potential to negatively impact the shoreline environment. When impacts cannot be avoided, they must be mitigated to assure no net loss of the ecological functions necessary to sustain shoreline resources.

Policies

1. Preference should first be given to water-dependent industrial uses over non-water-dependent industrial uses; and second, to water-related industrial uses over non-water-oriented industrial uses.
2. Industrial development in the shoreline should be located and designed to avoid significant adverse impacts to other shoreline uses, resources, and values, including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food **chainweb?**
3. Industrial development should locate where restoration of impaired shoreline ecological functions and processes and environmental cleanup can be included in the design of the project.
4. Industrial development should consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property.
5. New non-water-oriented industrial development should be prohibited on shorelines except when:
 - a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - b. Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
 - c. The site is physically separated from the shoreline by another property or public right of way.

Regulations

1. When allowed, industrial development shall be located, designed and constructed in a manner that assures no net loss of shoreline ecological functions, resources and values, including adherence to the setback requirements in Table 5-1 of this SMP.
2. Proposed industrial development shall adhere to the use preference established the “General Use Provisions,” Section 5.2 of this SMP with the exception of locating single family uses, as applicable. Non-water-oriented industrial development shall be prohibited in shoreline jurisdiction except when:
 - a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act/SMA’s objectives such as providing ecological restoration and public access. Any such public access shall be improved prior to occupancy;
 - b. Navigability is severely limited at the proposed site; and the industrial use provides a significant public benefit with respect to the Shoreline Management Act/SMA’s objectives, such as providing public access and ecological restoration;
 - c. The area is designated for industrial use by the Skamania County Comprehensive Plan and the site is physically separated from the shoreline by another property or public right of way.
3. Over water/Overwater and in-water construction of non-water-oriented/dependent industrial uses is prohibited. This provision is not intended to preclude the development of docks, piers, or boating facilities, or water-related uses that must be located in or overwater, such as security worker booths, that are necessary for the operation of the water-dependent or water-related use.
4. Only those portions of water-oriented/dependent industrial uses that require over or in-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on piling or other open-work structures, and they are limited to the minimum size necessary to support the structures intended use.
5. Industrial facilities proposed in areas of the shoreline already characterized by industrial development shall be given priority over such facilities proposed in shoreline areas not currently developed for industrial or port uses.
6. New industrial developments shall provide public access to the shorelines, subject to Section 3.6, “Public Access;” exceptions include safety or operational considerations or other significant impediments as described in Section 3.6, Public Access.

Commented [A186]: Need to include text reference to setbacks in Table 5-1

Commented [A187]: In-water industrial use/development too?

5.2.85.3.7 Institutional Uses

Applicability

This section applies to all new, expanded, or altered institutional uses within Skamania County shoreline jurisdiction. Institutional uses are defined as any land use and/or related structure(s) for the provision of educational, medical, cultural, public safety, social and/or recreational services to the community, including but not limited to schools, colleges, museums, community centers.

Policies

1. Preference should be given to institutional developments which include water-dependent and water-related uses and activities as primary uses within shoreline areas.
2. Encourage new institutional development along shorelines to utilize innovative designs, including low impact development approaches, Leadership in Energy and Environmental Design or other sustainable development measures to serve as an example of optimal shoreline development.
3. Institutional development should be designed and located so as to avoid or minimize impacts to shoreline ecological functions and achieve no net loss in compliance with ~~S~~ection 3.5 of this SMP.
4. Institutional developments that abut the water's edge should provide physical and/or visual ~~public?~~ access to the shoreline where consistent with ~~S~~ection 3.6 of this SMP.

Regulations

1. Institutional uses ~~should shall~~ be designed to prioritize uses such that water-dependent uses have preferred shoreline location, followed by water-enjoyment and water enjoyment uses, with non-water-oriented uses having least priority. Water-related uses should be located landward of water-dependent and water enjoyment uses, and non-water-oriented uses should be located landward of all water-oriented uses, unless it is not feasible to locate water-oriented uses at a given site.

~~5-2.~~ Institutional uses shall adhere to the setback requirements of Table 5-1.

~~6-3.~~ Where institutional uses are allowed as a conditional use, the following must be demonstrated:

- a. A water dependent use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features of the site, or the site's separation from the water;
- b. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and

Commented [A188]: Need to include text reference to setbacks in Table 5-1

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

~~7.4.~~ Where allowed, non-water-oriented institutional uses may be permitted as part of a mixed use development provided that a significant public benefit such as public access and/or ecological restoration are provided.

~~8.5.~~ Loading, service areas, and other accessory uses shall be located landward of a primary structure, but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.

5.2.95.3.8 In-Stream Structures

Skamania County's shorelines streams and rivers include a variety of in-stream structures including dams, irrigation facilities, hydroelectric facilities, utilities, and flood control facilities. In-stream structures are important because they provide specific benefits to humans, but also can impact the environment by impeding fish migrations, disrupting waterbody substrate, and changing the flow of waters. Dams within Skamania County include the Bonneville Dam, Caldwell Dam, Woodward Skamania Landing Dam, B&W Pond Dam No. 1, B&W Pond Dam No. 3, the Little White Salmon Hatchery Dam, the Willard Hatchery Diversion Dam, Iman Lake Dam, Little Brush Lake Dam, and the Swift Reservoir Dam.

Applicability

This section applies to all in-stream structures placed by humans within a stream or river waterward of the ordinary high water mark that causes or has the potential to cause water impoundment or diversion, obstruction, or modification of water flow and typically include structures for the purposes of hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, ~~fish habitat enhancement~~, or other purposes. In-stream structures, such as docks, marinas, piers, shoreline stabilization, and boating facilities, are regulated by relevant sections of this SMP.

Policies

1. Ensure the location, design, construction and maintenance of in-stream structures give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
2. Encourage non-structural and non-regulatory approaches as an alternative to in-stream structures. Non-regulatory and non-structural approaches may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

Regulations

1. In-stream structures **must** provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, priority habitats and species, other wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
2. New in-stream structures shall not interfere with existing water-dependent uses, including recreation.
3. In-water structures shall not be a safety hazard or obstruct water navigation.
4. In-stream structures shall be designed by a qualified professional.
5. Natural in-water features, such as snags, uprooted trees, or stumps, shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.
6. New in-stream structures shall obtain approvals through other agencies such as the [U.S. Army Corp of Engineers USACE](#), [Washington State Department of Ecology](#), [Washington State Department of Fish and Wildlife the WDFW](#), and [the Washington DNR Department of Natural Resources](#), where applicable.

Commented [A189]: Add Ch 7 Definition or use 'shall'

5.2.105.3.9 Mining

~~Mining is defined in Chapter 7 of this SMP. Mining is the removal of natural materials from the earth for economic or other uses. The removal of sand and gravel from Mining in shoreline areas and associated activities, such as processing and transport, usually impacts the natural character, ecological resources, and functions, and may result in erosion of land and silting of water. These operations can cause fine sediment inputs to waterbodies that can affect in-stream water quality and harm aquatic life in-stream. create silt and kill bottom living animals.~~ The removal of sand from beaches can deplete a limited resource which may not be restored through natural processes.

Commented [A190]: Need to also address use of a reclaimed site per WAC 173-26-241(3.h.ii.C)

Applicability

This section applies to all new, expanded, or altered mining operations and reclamation activities in Skamania County. ~~Mining is the removal of sand, gravel, soil, minerals, and other earth materials for commercial or other purposes.~~ Mining operations have the potential to impact shorelines due to the removal of vegetation, potential for soils, chemicals, or other materials to enter shoreline waterbodies that are typically associated with mining activities.

Policies

1. Consistent with Table 5-1, mining should only be permitted as a conditional use in the Aquatic, Rural Conservancy, and High Intensity environments. The specific location of mining operations within shoreline jurisdiction should be based on a

finding that such location is necessary because of the **location presence** of specific mineral resources, or that transportation and economic factors necessitate location near the shoreline.

2. Due to the frequently changing nature of mining operations, which **change-alter the areas** being mined **and** move temporary structures, people, and deposits around a site, mining operations should seek permits which cover the broad range of **possible reasonably foreseeable** activities possible within shoreline jurisdiction over longer periods of time so that new shoreline permits are not necessary for each new activity proposed.
3. Preference should be given to mining operations that result in the creation, restoration, or enhancement of habitat for priority species.
4. Mining and reclamation projects should achieve no net loss per ~~S~~section 3.5 of this SMP.

Regulations

1. **Setbacks for mining uses shall adhere to the setbacks in Table 5-1.**

Commented [A191]: Need to include text reference to setbacks in Table 5-1

~~1-2.~~ An applicant for mining and associated activities within the shoreline jurisdiction shall demonstrate that the proposed activities are dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a). Such evaluation shall consider the physical location of the proposed resource to be mined and whether this resource is available to be mined elsewhere, the economic reasons for the proposed location, and the reason for proximity to shorelines which may be used by the mining operation for transportation of products or supplies or that are inherent to mining operations that could not be conducted elsewhere.

Commented [A192]: Long sentence; format to list?

~~2-3.~~ Mining and associated activities shall be designed and conducted to **avoid and mitigate adverse impacts. Mining and the subsequent reclamation considered together shall** result in no net loss of shoreline ecological functions and processes consistent with ~~s~~Section 3.5 of this SMP, **and, Mining activities** 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-hydrologic** 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 groundwater.

~~3.4.~~ Mining within the active channel(s) or channel migration zone of a stream shall only be approved through a conditional use permit, if:

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

b. The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of shoreline ecological functions as jointly determined under the provisions of this master program SMP and any environmental review required under SEPA.

c. In considering renewal, extension, or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the County shall require compliance with subsections (Aa) and (Bb) above where no such review was previously conducted. Where such review has already occurred, the County shall review previous determinations to assure compliance with subsections (a) and (b) above under current site conditions.

~~b.d.~~

4.5. The applicant shall obtain and fully comply with all necessary permits and approvals, including but not limited to, Hydraulic Project Approvals (HPA) from WDFW.

5.6. 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, and shall obtain and fully comply with all necessary permits and approvals. Reclamation of disturbed shoreline areas shall provide appropriate ecological functions consistent with the setting.

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

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

~~8.~~ In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the County shall require compliance with this Program.

Commented [A193]: Move to group w/ #3 above?

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

5.2.115.3.10 Recreational Uses

Recreational uses are also an important part of Skamania County's economy. According to information from the Washington State Employment Security Department, the "Leisure and Hospitality Category" makes up approximately one quarter of Skamania County's economy which is a reflection of the importance of ~~the important of~~ tourism in the County of which recreation is the foundation.

Commented [A194]: Long sentence, awkward phrasing

Applicability

The following policies and standards apply to all new public and private recreational uses ~~proposed in Skamania County~~ including, but not limited to, trails, trailheads, scenic viewpoints, wildlife and botanical viewing, river access areas, boat ramps, informal boat launches, campgrounds, and ~~and~~ concession stands. Such uses are also subject to other ~~applicable~~ standards in this SMP, including general provisions, critical areas provisions, and specific use standard provisions (e.g., boat ramps are subject to the "boating facilities" section). Commercial recreational developments are also subject to the Commercial use standards in ~~S~~section 5.3.4 of this SMP.

Policies

1. Recreational uses within the CRGNSA should comply with the Skamania County Parks and Recreation Master Plan (2016) and subsequent amendments as well as the recreational resource protection standards contained in SCC Title 22. ~~The Skamania County Parks and Recreation Master Plan should be the primary guidance document for recreational facilities in the County, as opposed to with all shoreline projects adhering to the standards of~~ this SMP.
2. Water-oriented recreational uses are a priority use category under the SMA and for development of ~~Skamania the~~ County's shorelines and economy and should be promoted. Non-water-oriented uses should be allowed only if it can be demonstrated that they do not displace water-oriented recreational opportunities.
3. Public access should be incorporated into all recreational projects consistent with ~~S~~section 3.6 of this SMP and consistent with constitutional, safety, and environment provisions of that section of the SMP.
4. The County should explore options to increase recreational opportunities County-wide including camping and boating opportunities close to services in South Skamania County and along the southern side of Swift Reservoir.
5. Working with ~~the~~ BNSF Railroad, expand recreational access to the Columbia River.

Commented [A195]: As written this statement could be problematic; Consider rewording as suggested, or similar if intent is achieved.

6. The County should explore opportunities to repurpose existing County park facilities to have more water-oriented uses which currently have a predominance of non-water-oriented uses.

Regulations

1. New recreational facilities shall be developed in compliance with the Skamania County Parks and Recreation Master Plan (2016) or its amendments and applicable standards for the recreational resource protection in the CRGNSA (SCC 22.24).
- ~~7.2.~~ New, expanded, or altered recreational uses shall adhere to the shoreline setbacks in Table 5-1.
- ~~8.3.~~ Within shoreline jurisdiction, water-oriented recreational facilities are the first priority and may be permitted or allowed as a conditional use in all environmental designations. Non-water-oriented facilities are permitted as conditional uses in the Rural Conservancy and High Intensity environments, but only after water-oriented facilities have been shown not to be feasible. To determine the infeasibility of locating water-oriented uses on the shoreline, project applicants shall show that:
 - a. There is no demand at that location for water-oriented uses;
 - b. Because of site characteristics such as topography, inability to access the water for recreational purposes, public safety, or environmental reasons, water-oriented uses are not feasible.
 - c. Non-water-oriented uses will not displace water-oriented uses which are part of any adopted County plans. If water-oriented uses are indicated for a particular site in a County plan, the applicant shall first complete a plan amendment prior to being approved to place a non-water-oriented use at that particular location.
- ~~9.4.~~ Non-water-oriented accessory uses, such as offices and parking areas ~~which that~~ are part of recreational facilities, such as administrative buildings and parking areas should be located landward of water-oriented facilities.
- ~~10.5.~~ All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways. The Shoreline Administrator may grant administrative exceptions for non-intensive minor accessory uses (including, but not limited to, picnic tables, playground equipment).
- ~~11.6.~~ Recreational facilities shall include features such as buffer strips, screening, fences, and signs, if needed to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.

Commented [A196]: Need to include text reference to setbacks in Table 5-1

Commented [A197]: To better describe what is represented in Table 5-1

12.7. All shoreline recreational developments shall result in no net loss and shall comply with Section 3.5 of this SMP. There is preference for recreational developments which avoid impacts to shoreline vegetation and critical areas. Where fertilizers and pesticides are used in recreational developments, waters in and adjacent to such developments shall be protected from drainage and surface runoff.

5.2.125.3.11 Residential Development

Single-family residential uses make up the vast majority of Skamania County's developed shorelines. The SMA considers "single-family residences and their appurtenant structures" to be preferred uses on the same footing as similar to water-dependent uses, such as ports, recreational uses, public access, and water-dependent commercial and industrial developments. This preference does not apply to over-water/overwater residences or floating homes. The SMP Guidelines contained at WAC 173-26-241 reinforce the importance and potential impacts of single-family residential uses on the state's shorelines, provided that such uses are "when developed in a manner consistent with control of pollution and prevention of damage to the natural environment." It is further recognized that "Without property management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm-water runoff, septic systems, introduction of pollutants, and vegetation modification and removal."

Existing Single-family uses are located along the following waterbodies in the County: Swift Reservoir in north County and in south County along the Washougal River, Wildboy Creek, West Fork of the Washougal River, Canyon Creek, the Columbia River, Duncan Creek, Franz Lake, Woody's Lake, Woodward Creek, Ashes (Ash) Lake, Wauna Lake, Rock Creek, Little White Salmon River, Wind River, Bear Creek, Panther Creek, and the White Salmon River.

Applicability

This section applies to the development of new, altered, or expanded residential uses including ~~to~~ new subdivisions and multifamily developments. Development of one single-family home is exempt from a shoreline substantial development permit under WAC 173-27-040, however even exempt developments must comply with these standards of this program and exemption approvals may be conditioned as such.

Policies

1. Development of single-family residential homes and appurtenant structures are a preferred use under the SMA and should be encouraged provided they meet the standards of this program to achieve no net loss.
2. New single-family residential uses should limit shoreline environmental impacts through implementation of setback, vegetation conservation, and stabilization standards of this SMP, as well as provision of stormwater control and adherence to County zoning and septic system ~~and applicable other?~~ standards.

Commented [A198]: Need to include provisions to meet NNL, and land subdivision requirements of WAC 173-26-241 (3); See also Checklist at pg 33 – 34.

Also this section should be organized to match Table 5-1 categories of SFR, MFR and Floating

Commented [A199]: Add definition to Ch 7 per WAC 173-27-040 (2g)

3. New residential development of more than four or more units and/or parcels should provide public access consistent with Section 3.6 of this SMP.
4. New floating homes should be prohibited due to their resulting increases in overwater coverage which can increase juvenile salmon predation and associated pollution from uncontrolled stormwater runoff, sewage and graywater releases.
5. New residential development should be subject to the general provisions and environment designation provisions of Chapters 3 and 4 of this SMP and specific use provisions in Chapter of 5 of this SMP.
6. Existing Residential structures and their appurtenant structures that were legally established, but which do not meet setback, or height requirements in this SMP should be considered conforming under this Master Program.

Commented [A200]: This can also be phrased as 'five or more'

Regulations

1. New residential uses, development, and subdivision plats (both short plats and long plats), and multifamily development, shall be designed to achieve no net loss at full buildout in accordance with the applicable provisions of this SMP, including, but not limited to, general provisions, environmental designation provisions and standards, and specific provisions of this section.

7-2. Setbacks. New, expanded, or altered residential uses and development and appurtenant and accessory uses non-water oriented residential appurtenant structures such as garden sheds, garages, and guest houses, shall adhere to the setback standards in Table 5-1 of this SMP.

Commented [A201]: Garden sheds and guest houses (aka accessory dwelling units; ADUs) are not listed as appurtenances and would not be preferred or exempt; consider adding specific provisions for non-water oriented residential use/dvlp

- a. Common line setback ~~Setback averaging.~~ Notwithstanding setback standards in Table 5-1, if a proposed single-family residence would have views obstructed by existing residences within 100 feet of both side property lines, has have a lesser average setback, the minimum setback required shall be the average established by drawing a line between the closest point of the existing structures to the OHWM on either side of the subject property. ~~Provided, h~~ However, ~~that~~ all other provisions of this SMP ~~must be are~~ met, such as critical areas buffers. ~~However,~~ ~~i~~ In no case shall the setback be reduced to less than ~~35~~50 feet. For purposes of this section, a view obstruction means that more than 50 percent of the shoreline waterbody in question would be blocked from the perspective of the proposed residence. It must further be demonstrated that reducing the setback using this approach would improve the views and that no net loss can continue to be met.

Commented [A202]: As written, this is the approach typically called 'common line'. Of course there is not requirement to use that term, however if an averaging setback adjustment approach is also allowed it would be better to use terms as commonly defined. Also given the similarly named Ch. 3.4.3.5 provisions for buffer averaging and reduction.

Commented [A203]: How is this distance justified? How many parcels would qualify for this? As written, this would apply to any situation not just when views/access are affected. Is this degree of permissiveness in line w/ NNL?

- b. Minor setback ~~adjustments~~ variance. The Shoreline Administrator may approve a minor ~~adjustment~~ variation in setback standards for residential uses, up to a maximum of 10 percent provided that:

Commented [A204]: Would this approach have to meet Ch 2 Variance criteria? Use of the term 'variance' for an administrative allowance is confusing; consider using a different term, such as 'reduction' or similar.

- i. Such area does not contain native vegetation;

ii. Critical areas or buffers are not present, would not be impacted, or could be mitigated on site to achieve no net loss, such mitigation could be approved off site; and,

Commented [A205]: Why only off-site mitigation for a <10% reduction?

c. Setback variances. Variances to setback standards which that exceed the 10 percent adjustment specified above may be approved under the provisions of Chapter 2 of this of this SMP, provided that all of the conditions of subsection (b) above can be met.

Commented [A206]: Are there additional criteria missing?

d. Notwithstanding the common setback line reduction to no less than 50 feet from the OHWM in subsection (a) above, in no case shall common line setbacks setback averaging, or minor setback adjustments or major setback variances place a residential structure closer to the top of a steep or unstable slope than is determined to be safe by a geotechnical engineer or closer than 35 feet, whichever is greater.

Commented [A207]: Difficult to ensure NNL w/o a minimum distance specified

e. Water-oriented accessory Water-oriented residential uses may be allowed within the setback provided that the total of all uses within the setback does not exceed 10 percent of the area within setbacks of the subject property and when no net loss of shoreline ecological functions can be demonstrated, including, but not limited to decks, gazebos, hot tubs, boat houses, seating areas, Water-oriented residential uses include shoreline access areas including stairs, and walkways, unimproved/natural shoreline access trails, ramps, piers, docks, bridges, stabilization, and shoreline ecological restoration projects, may be located within shoreline setbacks.

3. Lot coverage: Within the Rural Conservancy designation, impervious surface area shall be limited to 10 percent of the lot or parcel within shoreline jurisdiction. Lot coverage in the Rural Conservancy designation that does not to exceed that of the underlying Skamania County zone may be permitted for lots legally created prior to 1974 (date of adoption of Skamania County's first Shoreline Master Program SMP) if development on such lots meets the requirement of SMP sections 3.5 and 3.7 "Shoreline Vegetation Conservation."

4. Density: Density for Shoreline Residential developments should shall not exceed what is permitted by Skamania County zoning standards.

5. Vegetation conservation and shoreline stabilization. New, expanded, or altered residential uses and subdivisions shall adhere to the vegetation conservation requirements of Section 3.7 of this SMP and the shoreline stabilization requirements of Section 6.3.1 of this SMP and should shall be designed to prevent the need for public flood hazard reduction measures.

6. Storm-water runoff from all impervious (e.g., roofs, pavement) and semi-impervious (e.g., compacted driveways, lawns) surfaces should be collected, dispersed, and

infiltrated on site with no impact to adjacent properties pursuant to best management practices in the ~~Storm~~Water Management Manual for Western Washington.

~~7.~~ On-site septic systems. New, expanded, or altered residential uses shall adhere to the regulations regarding onsite septic systems contained in SCC 8.84.

~~9-8.~~ New residential development or land sub-division of more than four units shall provide community or public access to the shoreline consistent with ~~Section~~Section 3.6 of this SMP.

~~10-9.~~ New ~~over water~~overwater homes, floating homes, and floating on-water residences are prohibited on Skamania County shorelines.

~~11.~~ New, expanded, or altered residential development is subject to the applicable general provisions and environment designation provisions of Chapters 3 and 4 of this SMP.

~~12-10.~~ Existing residential and appurtenant structures that were legally established and are used for a conforming use, but that do not meet SMP standards for setbacks and height shall be considered conforming.

Commented [ES208]: Duplicates provision 1 above.

5.2.135.3.12 Transportation and Parking Facilities

The transportation and parking section addresses the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and ~~other~~ parking facilities. The transportation system provides access to shoreline areas and scenic viewpoints, but, at the same time, development of these facilities can damage shoreline ecological functions. The transportation and parking policies and regulations will balance the requirements needed to support shoreline uses with the protection of Skamania County's shoreline ecological functions.

Applicability

This section applies to all new and redeveloped transportation and parking facilities.

Policies

1. New non-water oriented transportation facilities should be located outside of shoreline jurisdiction unless there is no reasonably feasible alternative alignment or location.
2. When necessary in shoreline areas, transportation facilities should be located where routes will have the least impact to shoreline ecological functions, will not result in a net loss of shoreline ecological functions, and will not adversely impact existing or planned water-dependent uses.
3. Encourage the repair and maintenance of existing transportation structures within a channel migration zone or floodway so as to minimize the potential for significant

ecological impacts caused by ~~the establishment of~~ new transportation and parking facilities.

4. Encourage ~~provision of~~ visual and physical public access areas ~~along with the establishment as part~~ of new transportation facilities such as viewpoints, rest areas, picnic facilities, and trail/bike systems adjacent to roads or railroads, where feasible and safe to do so.
5. Parking is not a preferred shoreline use and should be allowed only to support a use authorized under the SMP.
6. Parking facilities should be located outside of shoreline jurisdiction or as far landward from the ordinary high water mark as feasible. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline. When located within shoreline jurisdiction, the location and design of parking facilities should:
 - a. Minimize visual and environmental impacts to adjacent shoreline and critical areas including provision of adequate stormwater runoff and treatment facilities. Buffering of parking areas shall be provided along the waterward edges of parking facilities and along the sides of such facilities when they abut differing land uses; and
 - b. Provide for pedestrian access through the facility to the shoreline.

Regulations

1. New transportation facilities shall comply with the County's Transportation Element of its Comprehensive Plan, including subarea comprehensive plans and any subsequent transportation plans adopted by the County. Any updated County transportation plans should include provisions for pedestrian, bicycle and public transportation, where appropriate.
2. New arterial and collector roads and non-water dependent transportation facilities such as roads, ~~railroads?~~ and airports may be located within shoreline jurisdiction only when alternative locations are not feasible as determined by an alternatives analysis. The alternatives analysis shall consider other possible locations outside of shoreline jurisdiction which would have less impact on the environment, provide same or better level of service, and achieve essential project purposes. Local access and private roads are permitted within shoreline jurisdiction.
3. Roads and railroads of all types shall cross shoreline jurisdiction by the most direct route feasible, unless such a route would result in greater impacts on wetlands and fish and wildlife habitat conservation areas, or channel migration than a less direct

route. Orientation perpendicular to the shoreline is preferred over parallel oriented facilities which use more shoreline area.

4. New and enlarged transportation facilities shall provide public access pursuant to ~~S~~section 3.6 of the SMP.
5. Primary parking facilities (pay parking lots) are not allowed within shoreline jurisdiction. Accessory parking and loading facilities necessary to support an authorized shoreline use are permitted.
6. All of the following conditions shall be met when an accessory parking facility is proposed in the shoreline jurisdiction:
 - a. The facilities shall be located landward from the primary building or use being served, except when the parking facility is within or beneath the structure and adequately screened.
 - b. Shoreline stabilization measures will not be necessary to protect the facility.
 - c. The facility will not result in impacts to wetlands and fish and wildlife habitat conservation areas and their functions and values or the impacts can be mitigated in accordance with the requirements of ~~S~~section 3.6 of the SMP.
 - d. Upland parking facilities shall provide safe and convenient pedestrian circulation from the parking area to the shoreline.
 - e. Loading spaces for development in the shoreline jurisdiction shall be located on the landward side of non-water-dependent uses or activities, ~~and~~
 - f. All facilities shall provide parking suitable to the expected usage of the facility.

5.2.145.3.13 Utilities

Applicability

The following section applies to services and facilities that produce, convey, store, or process power, gas, wastewater, communications, and similar services and functions within Skamania County shoreline jurisdiction. 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, and are not regulated under this section.

Existing utility facilities may be maintained, repaired, replaced (where replacement is the normal method of maintenance), and improved in accordance with the exemption process in section 2.5 of this SMP. Expansions to existing, conforming utility facilities are subject to the provisions of this section. Expansions to nonconforming utility facilities are subject to section 2.8 of this SMP.

Commented [A209]: Need to include provision that existing utilities are not allowed to justify more intense development per WAC 173-26-211(3.c)

Policies

1. Utility production and processing facilities, such as power plants and sewage treatment plants or parts of such facilities that are non-water oriented should not be located in shoreline areas unless there is no feasible alternative location.
- ~~2.~~ Non-water-oriented Utility transmission facilities should be located outside of shoreline areas, to the maximum extent feasible.
- ~~2.3.~~ Hydroelectric facilities and associated infrastructure are water-dependent utilities and should be permitted in the shoreline provided they meet no net loss of shoreline ecological functions.
- ~~3.4.~~ Ensure new utilities utilize existing transportation and utility rights-of-way easements, or existing cleared areas to the greatest extent feasible.
- ~~4.5.~~ Design and locate utility structures to minimize disruption of public access to the shoreline, obstruction of visual access to the water, and loss of shoreline ecological function.
- ~~5.6.~~ Design and location of utility facilities should provide for no net loss of shoreline ecological functions.
- ~~6.7.~~ Utility installation or maintenance projects on shorelines should restore areas to pre-project configuration, replant with native species and provide maintenance care until the newly planted vegetation is established.
- ~~7.8.~~ The County should incorporate existing major transmission line rights-of-way on shorelines into its program for public access to and along water bodies.

Regulations

1. Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, which are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. ~~as ed~~ Demonstration of feasibility to locate such facilities outside shorelines shall be ed by an alternatives analysis, which shall consider locations outside of shorelines ~~which-that~~ also meet level of service standards and achieve essential project purposes
- ~~2.~~ Non-water-oriented Utility transmission facilities, such as power lines, cables, and pipelines, shall be located outside of shoreline jurisdiction whenever feasible. When located within shoreline jurisdiction, utility facilities shall result in no net loss of shoreline ecological functions.
- ~~2.3.~~ Hydroelectric facilities and associated infrastructure are water-dependent utilities. Repair, replacement, improvement, expansion, and new hydroelectric facilities and

associated infrastructure are permitted in the Aquatic, Rural Conservancy, and High Intensity environments provided that they demonstrate that no net loss of shoreline ecological functions will result.

~~3.4.~~ When located in the shoreline after a demonstration that no other location is feasible,

Utility facilities shall be designed and located as follows:

- a. Non-water dependent and non-water related above-ground generating facilities (~~except hydroelectric generating facilities~~), switching complexes, pumping stations, treatment plants, storage tanks, towers and substations shall ~~meet the~~ ~~set back requirements of Table 5-1. from the ordinary high water mark at least 100 feet~~
- b. Utility transmission facilities shall be located in existing rights-of-way whenever possible and cross shoreline jurisdiction by the most direct route feasible, unless an alternative route would result in less impact on shoreline ecological functions;
- c. Where environmental impacts are less significant, utility transmission lines, pipes and wires shall be bored under a river, stream or channel migration zone, or permanently affixed to a bridge or other existing above-ground structure, where feasible;
- d. Aerial utility lines and vertical utility facilities shall make maximum use of topography to minimize visual impacts on the surrounding area.

Commented [A210]: This does not match Table 5-1; wording should be consistent with Policy 1 above to not locate in shoreline unless infeasible

~~4.5.~~ New and existing stormwater outfalls may be placed or relocated below the OHWM to reduce scouring, ~~but a~~ New outfalls and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. In river and stream shorelines, stormwater outfall structures may require permanent bank hardening to prevent failure of the outfall structure or erosion of the shoreline. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to nearshore habitats. Outfall placement shall also comply with the requirements of SMP section 5.3.8 "In-Stream Structures."

Commented [A211]: Is the intent of this that existing outfalls may be relocated to below OHWM?

Commented [A212]: It may be helpful to also include a cross reference to Ch 5.3.8 for in-water utilities

~~5.6.~~ Where allowed under this ~~Program~~ SMP, 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.

7. 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 shall be native species and/or be similar to vegetation in the surrounding area.

6.8. Existing utilities located in shoreline areas shall not be a sole justification for more intense development.

CHAPTER 6 SHORELINE MODIFICATION PROVISIONS

6.1 General Provisions for Shoreline Modifications

Applicability

The following policies and provisions apply to all new, altered, or expanded shoreline modifications.

Policies

1. New shoreline modifications shall adhere to the following principles:
 - a. Allow structural modifications only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
 - b. Limit the environmental impacts of new shoreline modification activities, consistent with the following by:
 - i. Consider the site-specific conditions which inform the need for and type of modification which is appropriate, with a preference for lesser ecological impacts, and non-structural modifications over structural.
 - ii. Reducing the number and physical extents of these modifications
 - iii. Require that shoreline modifications meet mitigation sequencing requirements in Section 3.5 of this SMP.
 - iv. To the degree possible, consider-rely on scientific and technical information available in the Skamania County SMP Shoreline Inventory and Characterization Report, and from other current, accurate sources as available, about the ecological conditions of particular reaches where modifications are proposed.
 - v. Protect, restore, and Enhance ecological functions and ecosystem-wide processes with implementation of shoreline modifications, where feasible.

6.2 Shoreline Modifications Table

The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environments. See standards following the table for a full explanation of activities and required conditions for permitted activities. Any conflict between Table 6-1 and the text of Chapter 6 shall be resolved in favor of the text. The shoreline environment is located on the vertical column of the table and the specific modification is located on the horizontal row of the table.

Commented [A213]: Consider organizing alphabetically, similar to Ch 5 Use Provisions, as a more intuitive approach to aid the reader

Commented [A214]: If intended as courtesy summary of Ch 6 provisions text, note as such and how to address any conflict between text & table.

Table 76-1. Shoreline Modifications

P = Permitted C = May be permitted as a conditional use X = Prohibited, not eligible for a variance or CUP N/A = Not applicable	Aquatic	Natural	Rural Conservancy	Shoreline Residential	High Intensity
Shoreline Restoration					
Ecological Restoration/ Enhancement/Mitigation	P	P	P	P	P
Shoreline Stabilization					
New, Expanded, or Replacement Soft Stabilization	P	P	P	P	P
New, Expanded, or Replacement Hard Stabilization	C	X	C	C	C
Breakwaters, jetties, and groins	C	X	C	C	C
Dredging					
Maintenance	P	N/A	N/A	N/A	N/A
Non-maintenance dredging	P	N/A	N/A	N/A	N/A
Dredge disposal	C	X	C	C	C
Dredging & Disposal for Ecological Restoration/Enhancement	P	C	P	P	P
Fill					
Fill upland of OHWM	N/A	P	P	P	P
Fill waterward of OHWM	C	N/A	N/A	N/A	N/A

Commented [A215]: Should this be Table 6-1 since it's Chapter 6?

Consider presenting alphabetically, similar to Ch. 5/Table 5-1;

Similar to previous comment, ensure sub-groups are consistent w/ the policy & regulatory text.

6.3 Specific Shoreline Modification Provisions

6.3.1 Shoreline Stabilization

Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, landslides or lack of vegetation, or wind. These actions include structural and nonstructural methods. Nonstructural methods include shoreline setbacks, relocation of the structure to be protected, groundwater management, stormwater management, planting of vegetation, and planning and regulatory measures to avoid the need for structural stabilization. Structural stabilization includes bulkheads, revetments, flood walls, groins, or structures built to protect roads or railroads that follow the shoreline, and rock armoring. Shorelines erosion and accretion are natural processes that contribute to shoreline ecology though-through organic and sediment inputs. Hardening of the shoreline can interrupt these natural processes as well as accelerate erosion down-drift down-stream.

Commented [A216]: Refer to WAC and ECY guidance for accurate non-structural, soft-structural, and hard-structural terms. Include as Ch 7 definitions? Also include distinction between new, expanded, and replacement stabilization per WAC 173-26-231(3.a.iii.C) last bullet, etc.

The WAC Guidelines in 173-26-231 regulate new, expanded, and replacement stabilization differently. Replacement stabilization is defined as “the construction of a

new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose.” Additions to or increases in size (expansions) of existing shoreline stabilization measures are subject to the same regulations as new stabilization structures.

Policies

1. Locate and design new development to avoid the need for future shoreline stabilization to the extent feasible.
2. Use structural shoreline stabilization measures only when nonstructural methods are infeasible. Nonstructural methods include building setbacks, structure relocation, groundwater management, and other measures.
3. Ensure soft structural shoreline stabilization measures are used prior to hard stabilization measures unless demonstrated to be insufficient.
4. Allow new or expanded structural shoreline stabilization only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or for reconfiguration of the shoreline for mitigation or enhancement purposes.
5. Ensure all proposals for structural shoreline stabilization, both individually and cumulatively, do not result in a net loss of ecological functions.

Commented [A217]: Duplicative of above

General Regulations

1. New development should be designed to avoid the need for future shoreline stabilization where feasible, including the following specific requirements:
 - a. Land divisions must be designed to ensure that lots created will not require stabilization using a geotechnical analysis of the site and shoreline characteristics.
 - b. New development shall be adequately setback from steep slopes or bluffs to ensure that stabilization is unnecessary during the life the structure(s). New development that requires shoreline stabilization that causes significant impacts to adjacent or downstream properties should not be permitted.
 - c. All proposals for sShoreline stabilization structures, both individually and cumulatively, must not result in a net loss of ecological functions, and must be the minimum size necessary. Soft approaches shall be used unless demonstrated not to
2. If construction or repair of a shoreline stabilization measure entails vegetation clearing or ground disturbance within the shoreline setback, such disturbance shall

be restored as quickly as feasible to pre-disturbance conditions or better to avoid impacts to the ecological function of the shoreline using native vegetation.

Regulations for New, ~~or Enlarged~~, or Replacement Structural Stabilization

1. New or enlarged structural shoreline stabilization measures shall not be allowed, except when the following subsections (a- through d), as applicable, are met, as follows:

a. For existing primary structures, when the following provisions are met; ~~which are located 10 feet or less from the OHWM.~~

i. 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. Such geotechnical report shall meet the requirements pertaining to these reports as specified below. Structural stabilization may be permitted to protect an existing primary structure(s) located further than 10 feet from the OHWM, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves. ~~Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis must evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization.~~

ii. The erosion control structure will not result in a net loss of shoreline ecological functions.

b. In support of new non-water-dependent development, including single-family residences, when all of the conditions below apply:

- i. The erosion is not being caused by upland conditions, such as ~~drainage or loss of vegetation and drainage.~~
- ii. Nonstructural measures, such as placing the development farther from the shoreline, reducing the size or scope of the proposal, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report (see "Geotechnical Report Requirements" in section 6.3.1 below). The damage must be caused by natural processes, such as tidal action, currents, and waves.

c. In support of water-dependent development when all of the conditions below apply:

Commented [A218]: Need to meet only one or all of the listed criteria?

Commented [A219]: Does this mean permitted outright? How is this distance substantiated? Where/how often is this anticipated to occur?

Commented [A220]: Per WAC

Commented [A221]: While WAC notes this for 1st structure provisions, this is more general than just for new/expanded structural stabilization as included here; Could move/add to a separate GeoTech Rpt section?

Commented [A222]: As written, could be read as 'loss of drainage'

- i. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
 - ii. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible ~~over time~~ or not sufficient.
 - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report (see “Geotechnical Report Requirements in section 6.3.1 below”).
- d. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.

Commented [A223]: Similar but not exact duplicate of c.ii and Applicability language above; Consistent use of well-defined terms is preferred

2. Replacement of shoreline stabilization structures. For the purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves provided the following provisions (a -through d) are met:

- a. There is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. For replacement stabilization structures, need may be demonstrated through a geotechnical report (see “Geotechnical Report Requirements” below), but such a report is not required. At a minimum, applicants must ~~address~~ demonstrate need by addressing the following:
 - i. The structure or use will be at risk from currents, ~~tidal~~ action, or waves if the stabilization structure is not replaced.;
 - ii. No feasible options exist to move the at-risk structure out of harm’s way.;
 - iii. The primary structure is well-built and will be viable for a long time after stabilization is provided.; ~~and,~~
 - iv. The primary structure is not otherwise at risk ~~due to~~ because of its location in a flood or geotechnical hazard area and replacing the stabilization structure would not assure the long-term safety of the structure.

b. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.

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

d. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ~~ordinary high water mark~~OHWL.

~~2.3. New hard structural shoreline stabilization measures shall not be authorized, except when a geotechnical report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.~~

~~3.4. When new, expanded, or replacement structural shoreline stabilization is demonstrated to be necessary per the above requirements of subsections 1 and 2 above, it shall:~~

a. Be the minimum size necessary and shall meet no net loss. Soft stabilization measures shall be implemented unless demonstrated not to be sufficient to protect the primary structures, dwellings or businesses.

b. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict public access except where such access is demonstrated to be infeasible for reasons stated in Section 3.6.3 of this SMP. Ecological restoration and public access improvements shall be incorporated into the stabilization measure, where feasible.

b.c. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect sediment-producing areas to avoid ~~and/or~~, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts. If shoreline erosion is threatening existing development, local governments should adopt master program provisions for a management district or other

Commented [A224]: Also need to mitigate adverse impacts to sediment conveyance systems

institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

Repair of Shoreline Structural Stabilization

- ~~1. Normal repair and maintenance of shoreline stabilization is an exempt activity, which is authorized under WAC 173-27-040(2)(b). However, Major repair or replacement.~~
- ~~1. For the purposes of this section, major repair of a shoreline stabilization measure which that exceeds the exemption threshold in thresholds qualifies as a replacement and is subject to the standards for replacement of stabilization structures in section 6.3.1 above. or replacement of a hard shoreline stabilization measure shall include the following activities:~~
 3. A repair to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity, ~~or in which the repair work involves modification of the toe rock or footings,~~ and the repair is 50 percent or greater ~~of the value than the linear length~~ of the shoreline stabilization measure shall constitute replacement; ~~or.~~
 - ~~iv. A repair to more than 75 percent of the linear length of the existing hard structural shoreline stabilization measure in which the repair work involves replacement of top or middle course rocks or other similar repair activities.~~
 - ~~c. The County may only approve a major repair or replacement of an existing hard structural stabilization measure with a new hard structural shoreline stabilization measure to protect existing primary structures or principal uses, including detached dwelling units, in either of the following circumstances:~~
 - ~~d. The primary structure is located 10 feet or less from the OHWM, provided that a need for replacement can be demonstrated through a written narrative prepared by a qualified professional (shoreline designer or other consultant familiar with shoreline processes and shoreline stabilization), but not necessarily a licensed geotechnical engineer. For purposes of this provision, the distance shall be measured to the most waterward location of the primary structure; or~~
 - ~~v. For a primary structure located more than 10 feet from the OHWM or a use, conclusive evidence is provided to the County that the primary structure or use is in danger from shoreline erosion caused by waves demonstrated by a qualified professional.~~

~~4. Minor Repairs:~~

- ~~a. Minor Repairs of Hard Shoreline Stabilization. Minor repairs of hard shoreline stabilization include those maintenance and repair activities not otherwise~~

Commented [ES225]: Ecology: Similar provisions in other SMPS are typically intended to address areas w/ more dense (urban) development than is generally found in Skamania. Explain the need/intent for these provisions.

Table '7-1' shows all allowed structural stabilization requires CUP, but does not include a specific row for these repair/replacement provisions.

Need to better explain how this section/these terms relate to WAC stabilization replacement requirements (e.g. demonstrate need, waterward encroachment, removal of old structure, etc.), and SDP Exemption 2.5.9.b 'Normal maintenance or repair of existing structure...'; Note, exemptions may be conditioned to satisfy SMP/NNL and County can require a CUP for an exempt use/dv/plt.

Commented [A226]: Similar to above – where/how often is this anticipated to occur?

~~addressed in the subsection above. The County shall allow minor repair activities to existing hard structural shoreline stabilization measures.~~

Repair or Replacement of Soft Shoreline Stabilization

- ~~1. The County shall allow repair or replacement of soft shoreline stabilization. The applicant shall submit to the County design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions.~~

Geotechnical Report Requirements

- ~~1. Geotechnical reports pursuant to SMP section 6.3.1 that address the need to prevent damage to a primary structure shall meet the following requirements:~~
 - ~~a. Address the necessity for shoreline stabilization by estimated time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is ~~that~~ immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.~~
 - ~~b. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.~~

~~5-2.~~

6.3.2 Fills

Applicability

~~These policies are intended to apply to fill actions as that term is defined in Chapter 7, which add soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetland, or on shorelands in a manner that raises the elevation or creates dry land.~~

Commented [A227]: Duplicative of Ch 7 definition

Policies

- ~~1. Allow fill when it is demonstrated to be the minimum extent necessary to accommodate an allowed shoreline use or development or when associated with a shoreline restoration project and with assurance of no net loss of shoreline ecological functions and processes.~~

Commented [A228]: Formatting/language - three issues in one sentence

Regulations

1. All fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Any adverse impacts to shoreline ecological functions must be mitigated in accordance with [Section 3.5](#) of this SMP.
2. Fills in wetlands, floodways, channel migration zones or waterward of the OHWM may be allowed only when necessary to support one or more of the following:
 - a. Water-dependent uses.
 - b. Public access.
 - c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.
 - d. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers.
 - e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible.
 - f. Ecological restoration or enhancement when consistent with an approved restoration plan.
 - g. Maintenance or installation of flood hazard reduction measures consistent with a comprehensive flood hazard management plan, if applicable, and this SMP.
 - h. Protection of cultural resources when fill is the most feasible method to avoid continued degradation, disturbance or erosion of a site. Such fills must be coordinated with any affected Indian tribes.
3. Upland fills not located within wetlands, floodways, or channel migration zones may be allowed provided they are:
 - a. Part of an allowed shoreline use or modification, or necessary to provide protection to cultural resources.
 - b. Located outside applicable setbacks, unless specifically allowed in setbacks.
4. All fills, except fills for the purpose of shoreline restoration, must be designed:
 - a. To be the minimum size necessary to implement the allowed use or modification.

- b. To fit the topography so that minimum alterations of natural conditions will be necessary.
 - c. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
5. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material with a minimum potential to degrade water quality and shall be obtained from a state-authorized source.
 6. A temporary erosion and sediment control (TESC) plan, including BMPs, shall be provided for all proposed fill activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.

6.3.3 Breakwaters, Jetties, Groins, and Weirs

Applicability

This section applies to new, expanded or replacement breakwaters, jetties, groins, and weirs as those are defined in Chapter 7 of this SMP.

Policies

1. Allow breakwaters, jetties, ~~and~~ groins, ~~and~~ weirs to be located waterward of the OHWM only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
2. Consider alternative structures with less impact where physical conditions make such alternatives feasible.

Regulations

1. New, expanded or replacement structures shall only be allowed if it can be demonstrated that they will not result in a net loss of shoreline ecological functions and that they support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
2. Breakwaters, jetties, ~~and~~ groins, ~~and~~ weirs shall be limited to the minimum size necessary.
3. Breakwaters, jetties, ~~and~~ groins, ~~and~~ weirs must be designed to protect critical areas, and shall implement mitigation sequencing to achieve no net loss of ecological functions in accordance with ~~S~~ection 3.5 of this SMP.
4. A conditional use permit is required for all breakwaters, jetties, groins, weirs or similar structures except ~~structure when~~ installed to facilitate ecological restoration or enhancement projects.

Commented [ES229]: The old section 6.3.3 "Piers and Overwater Structures was moved to become Section 5.3.3 "Piers, Docks, Floats, Overwater Structures, and Boating Facilities

5. Proposed designs for new or expanded structures shall be designed by qualified professionals, including both an engineer and a biologist.

6.3.4 Dredging and Dredge Material Disposal

Applicability

This section applies to new or maintenance dredging activities and disposal of dredge materials from these activities. This section is not intended to cover other removals of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g., shoreline crossings, bulkhead replacements). These in-water substrate modifications should be conducted pursuant to applicable general and specific use and modification regulations of this SMP.

Policies

1. Site and design new development to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. Ensure dredging and dredge material disposal is done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
3. Discourage the disposal of dredge material on shorelands or wetlands within a channel migration zone.

Regulations

1. As regulated in this SMP, dredging is the removal of bed material from below the OHWM or wetlands using other than unpowered, hand-held tools for one of the allowed dredging activities listed in section (b) below. This section is not intended to cover other removals of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g., shoreline crossings, bulkhead replacements). These in-water substrate modifications should be conducted pursuant to applicable general and specific use and modification regulations of this SMP.
2. Dredging may only be permitted for the following activities:
 - a. Development of new or expanded wet moorages, harbors, recreational facilities, hydroelectric facilities, ports, or water-dependent industries of economic importance to the region only when there are no feasible alternatives or other alternatives may have a greater ecological impact.
 - b. Development of essential public facilities when there are no feasible alternatives.
 - c. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.

Commented [A230]: Add to Ch 7 Definition

Commented [A231]: Move to Applicability?

Commented [A232]: Definition?

- d. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
 - e. Trenching to allow the installation of necessary underground utilities if no alternative, including boring, is feasible; impacts to fish and wildlife habitat are avoided to the maximum extent possible; and the installation does not alter the natural rate, extent, or opportunity of channel migration.
 - f. Establishing, expanding, relocating or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses, provided significant ecological impacts are minimized and mitigation is provided.
 - g. Maintenance dredging of established navigation channels and basins when restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
3. New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
4. Dredging and dredge material disposal must be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided must be mitigated in a manner that assures no net loss of shoreline ecological functions.
5. Dredging for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions. The site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.

~~5.6. Dredge material disposal within shoreline jurisdiction is permitted under the following conditions: Dredge material disposal may be approved at a site in shoreline jurisdiction for reasons of habitat improvement, to correct material distribution problems that are adversely affecting fish resources, where land deposition would be more detrimental to shoreline resources than water deposition, as a cap for contaminated sediments, or as fill used in conjunction with an approved environmental remediation project, under the following conditions:~~

- ~~a. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and~~

~~h. a is permitted that~~ Deposit of dredge material in upland areas shall avoid critical area buffers and wildlife habitat unless placed for habitat improvement and be subject to the regulations of fill in SMP section 6.3.2;

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

~~i.c.~~ Disposal of dredge material on shorelands or wetlands within a river's channel migration zone is discouraged. When allowed, such disposal shall require a conditional use permit. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

~~6-7.~~ Dredge material disposal in open waters may be approved only when authorized by applicable state and federal agencies, and when one of the following conditions apply:

- a. Land disposal is infeasible, less consistent with this SMP, or prohibited by law.
- b. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

~~7-8.~~ All applications for dredging or dredge material disposal shall include the following information, in addition to other application requirements:

- a. A description of the purpose of the proposed dredging activities.
- b. A site plan outlining the perimeter of the area proposed to be dredged and the dredge material disposal area, if applicable.
- c. A description of proposed dredging operations, including, but not limited to:
 - i. The method of removal.
 - ii. The length of time required.
 - iii. The quantity of material to be initially removed.
 - iv. The frequency and quantity of projected maintenance dredging.
- d. A description of proposed dredge material disposal, including, but not limited to:
 - i. Size and capacity of disposal site.
 - ii. Means of transportation to the disposal site.

- iii. Future use of the site and conformance with land use policies and regulations, if applicable.
- e. Plans for the protection and restoration of the shoreline environment during and after dredging operations.
- f. An assessment of potential impacts to ecological functions or processes from the proposal.
- g. A mitigation plan to address identified impacts, if necessary.

6.3.5 Shoreline Enhancement and Restoration

Applicability

Shoreline habitat and natural systems enhancement and restoration projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat ~~for priority species~~ in shorelines.

Policies

1. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
2. Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive plant, fish and wildlife species as identified by ~~Washington Department of Fish and Wildlife~~WDFW, ~~Washington Department of Natural Resources~~DNR, ~~National Marine Fisheries Service~~NOAA Fisheries, and/or U.S. Fish and Wildlife Service.
3. The County should, and private entities are encouraged to, seek funding from State, Federal, private and other sources to implement restoration, enhancement, and acquisition projects, particularly those that are identified in the Restoration Plan of this SMP.
4. The County should develop processing guidelines that will streamline the review of restoration- only projects.
- ~~5.~~ Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions (~~such as woody debris enhancement projects~~) and to protect habitat for fish, wildlife, and plants.

~~5-6.~~ The County should prioritize restoration projects in the Skamania County Shoreline Restoration Plan. Development applicants should be encouraged to implement restoration projects identified in the Restoration Plan on a site-by-site basis when

mitigation and restoration actions are proposed or required associated with development.

Regulations

1. Purpose - Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the primary purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.
2. Covered Activities – The following actions are allowed under this section, provided they first meet the purpose stated in subsection 1 above:
 - a. Establishment or enhancement of native vegetation.
 - b. Removal of non-native or invasive plants upland of the OHWM, including only those identified as noxious weeds on ~~by~~ the County published Noxious Weed List or identified by the Washington Noxious Weed Control Board.
 - c. Removal or control of aquatic noxious weeds, as defined by RCW 17.26.020, and as exempted by WAC 173-27-040(2)(n).
 - ~~b.d.~~ Dredging and filling associated with a shoreline habitat and natural systems enhancement projects.
 - ~~c.e.~~ Conversion of hard structural shoreline stabilization to soft shoreline stabilization, including associated clearing, dredging and filling necessary to implement the conversion, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
 - ~~d.f.~~ Implementation of any project or activity identified in the County's Shoreline Restoration Plan, by ~~National Marine Fisheries Service~~ NOAA Fisheries, or by the Lower Columbia Fish Recovery Board, and or meet the WDFW standards for a fish enhancement project.

Commented [A233]: Per the WAC, these modifications should be allowed if for legitimate restoration even if not for conversion of hard – soft stabilization. Further, the WAC allows for new stabilization for the primary purpose of restoration/enhancement.

CHAPTER 7 DEFINITIONS

Act – the Shoreline Management Act (Chapter 90.58 RCW and WAC Chapter 173-27).

Accessory use or accessory structure – a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use, but is not an “appurtenance” use as defined in this Chapter.

Commented [A234]: Consider including examples for residential accessories to help differentiate from appurtenances.

Adjacent – immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located: a. on site immediately adjoining a critical area; or b. a distance equal to or less than the required critical area buffer width and building setback.

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

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

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

Agricultural land – means land as defined in RCW 84.34, those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After

Commented [A235]: Defer to RCW definition

the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

Alteration – any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, or any other activity that changes the character of the critical area.

Anadromous Fish – fish that spawn in fresh water and mature in the marine environment.

Applicant – a person who files an application for a permit and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

Appurtenance – a structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading which does not exceed two hundred fifty cubic yards (250) [except to construct a conventional drain field] and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark) (See WAC 173-27-040(2)(g)).

Commented [A236]: Anything not listed here is considered an accessory and would not be exempt from SDP, required to meet setbacks, etc.

Aquaculture – the culture or farming of fish, or other aquatic plants and animals.

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

Aquifer Recharge Area – an area that, due to the presence of certain soils, geology, and surface water, acts to recharge ground water by percolation.

Archaeological – having to do with the scientific study of material remains of past human life and activities.

Archaeological Artifact – an object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities, graves, skeletal remains, and technological byproducts.

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

Archaeology – systematic, scientific study of the human past through material remains.

Area of Known Historic/Archaeological Resources – areas that are lying within 500 feet of an historic or prehistoric property or location identified by the Washington State Department of Archaeology and Historic Preservation’s GIS layer of archaeological historic sites

Associated Wetlands – those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to RCW 90.58.030

Base flood – the flood having a one-percent chance of being equaled or exceeded in any given year.

Baseline – the existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this Shoreline Master Program is approved.

Beach – the zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

~~**Best Available Science**—the current scientific information used in the process to designate, protect, or restore critical areas, which is derived from a valid scientific process as defined by WAC 365 195 900 through WAC 365 195 925.~~

Best management practices (BMPs) – conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment; (b) minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands; (c) protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and (d) provide standards for proper use of chemical herbicides within critical areas.

Bioengineering – see Soil bioengineering

BMPs – see Best Management Practices.

Boating Facility – a public moorage structure (including marinas) or a private moorage structure serving more than four residences.

Breakwater – an offshore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave- caused erosion.

Buffer – the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.

Building Setback Line (BSBL) – a line beyond which the foundation of a structure shall not extend.

CERCLA – the Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA.

Channel Migration Zone (CMZ) - means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

Clearing – the destruction or removal of vegetation ground cover, shrubs and trees, including, but not limited to, root material removal and/or topsoil removal.

Commercial Development – is a business use or activity at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops, those uses that are involved in business trade including, but are not limited to, occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, and privately operated recreational uses.

Commercial Use – an activity with goods, merchandise or services for sale or involving a rental fee.

Commented [A237]: 'dvlpmt' defined as a 'use'; 'use' defined as an 'activity'; nearly duplicative – needs clarification

Comprehensive Plan – the document, including maps adopted by the Board of County Commissioners that outlines the County's goals and policies relating to management of growth. The term also includes adopted subarea plans.

Conditional Use – a use which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effect on surrounding property and for other similar reasons, may be allowed in certain zones only after review by the hearing examiner and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity or zone. "Conditional use" shall also mean any use, development, or substantial development classified as a conditional use or is not classified within the applicable master program. Refer to WAC 173-27-030(4).

County – Skamania County or the County designee or authorized agent.

Critical Aquifer Recharge Area – areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

Critical Areas – any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in Chapter 36.70A RCW and this title.

Cumulative Impact – the combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other actions in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

Degrade – to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Development – a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d3a)).

Dock – a basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shore lands providing for the securing of a boat or vessel. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this SMP.

Commented [A238]: Not incorrect, but only addresses larger facilities so that a singular dock is excluded in this definition. See SMP Handbook Ch 12 (pg 2) for ECY descriptions;

Dredging – the removal or displacement of bed material, earth, or sediment (gravel, sand, mud, silt, and/or other material or debris) from below the OHWM of ~~from~~ a river, stream, or associated wetland using other than unpowered, hand-held tools. Maintenance dredging includes the removal of earth or sediment within established navigation channels and basins.

Ecological Functions – the work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Emergency – an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

Enhancement – alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Erosion – the wearing away of land by the action of natural forces.

Erosion Hazard Area – those areas that, because of natural characteristics, including vegetative cover, soil texture, slope gradient, and rainfall patterns, or human-induced changes to such characteristics, are vulnerable to erosion.

Excavation – the artificial movement of earth materials.

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

Feasible – for the purpose of this SMP, an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) the action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) the action provides a reasonable likelihood of achieving its intended purpose; and (c) the action does not physically preclude achieving the project's primary intended legal use. In cases where certain actions are required unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the County and State may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames

FEMA – the Federal Emergency Management Agency. The agency that, oversees the administration of the National Flood Insurance Program (44 CFR).

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

Fish Acclimation Facility – A pond, net pen, tank, raceway, or other natural feature or artificial structure used for rearing and imprinting juvenile fish to a body of water before their release.

Fish and Wildlife Habitat Conservation Areas – areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include: (a) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association; (b) Habitats of local importance, including, but not limited to, areas designated as priority habitat by the department of fish and wildlife; (c) Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat; (d) Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt

waters and all other surface water and watercourses within the jurisdiction of the state of Washington; (e) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; (f) State natural area preserves and natural resources conservation areas; and (g) Land essential for preserving connections between habitat blocks and open spaces. means land management for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean not degrading or reducing populations or habitats so that they are no longer viable over the long term.

Fish Hatchery – A facility designed for the artificial breeding, hatching and rearing through the early life stages of finfish.

Float – a floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or may be a standalone structure, such as platforms used for swimming and diving

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.

Floating On-water Residence - any floating structure other than a floating home, as defined under subsection (5) of this section, that: (i) Is designed or used primarily as a residence on the water and has detachable utilities; and (ii) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Flood Insurance Rate Map (FIRM) – the official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones (CFR 44 Part 59).

Flood Insurance Study – the official report provided by the Federal Insurance Administration that includes the flood profiles and the FIRM (CFR 44 Part 59).

Flood – a general and temporary condition of partial or complete inundation of normally dry land areas from: 1. the overflow of inland or tidal waters; 2. the unusual and rapid accumulation or runoff of surface waters from any sources.

Floodplain – synonymous with 100-year floodplain and means the land area susceptible to being inundated by stream derived waters with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173-26-020).

Flood proofing – any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway - the area, as identified in this Program, that either: (i) Has been established in federal emergency management agency FEMA flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forest practices – “Forest practices” means any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control (WAC 222-16-010(21)). Forest practices shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.”

Commented [A239]: Consider including/summarizing the rest of the WAC definition: ““Forest practice” shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.”

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

Functions and Values – the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, and recreation enjoyment and other values.

Garden - The cultivation of soil or production of crops in a manner incidental and subordinate to the principal use of the property. Examples include private residential gardens, community gardens, and or pea patches associated with a public park.

Geologically Hazardous Areas – areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events (as designated by WAC 365-190-080(4)) may not be suited to development consistent with public health, safety or environmental standards. Types of geologically hazardous areas include erosion, landslide, seismic, volcanic hazards, and mine.

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

Grading – the movement or distribution of the soil, sand, rock, gravel, sediment or other material on a site in a manner that alters the natural contour of the land.

Groin – a barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its up drift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

Ground Water – water in a saturated zone or stratum beneath the surface of land or a surface water body.

Habitat – the place or type of site where a plant or animal naturally or normally lives and grows

Hearing Examiner – a quasi-judicial hearing officer empowered to hear appeals from orders or determinations made by an administrative official charged with the enforcement of this title and to vary or modify certain provisions of this title relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this title is observed, public safety and welfare secured and substantial justice done.

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

Horticulture/Horticultural purposes: The cultivation of a garden, orchard, or nursery; the cultivation of flowers, fruits, vegetables or ornamental plants.

Hyporheic Zone: The area under or beside a stream channel or floodplain that contributes water to the stream.

Impervious Surface Area – any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas and excluding landscaping and ~~surface-surface+~~ water retention/detention facilities.

Industrial Use - is the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.

Institutional Use – a use and/or related structure(s) for the provision of educational, medical, cultural, public safety, social and/or recreational services to the community, including but not limited to schools, colleges, museums, and community centers.

In-stream structure – means a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. ~~A stormwater outfalls and overwater structures such as piers, docks, gangways, and ells associated with moorage or public access -isare~~ not an in-stream structure.

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

Lake – an area permanently inundated by water in excess of two meters deep and greater than twenty acres in size measured at the ordinary high water mark

Landslide Hazard Areas – areas that are potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

Landslide – episodic down slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earth flows.

Live-aboard vessels - A “live-aboard vessel” is a licensed vessel used primarily as a residence, and if used as a means of transportation or recreation, said transportation or recreation is a secondary or subsidiary use. Residence vessels shall be considered a residence if used for overnight accommodation for more than 15 nights in a one-month period, or when the occupant or occupants identify the vessel or the facility where it is moored as the residence for voting, mail, tax, or similar purposes. The following are the minimum requirements to qualify as a live-aboard vessel:

1. The vessel has:

- a. Steerage and self-propulsion;
 - b. Decks fore and aft for line handling;
 - c. Symmetric embarkation stations to allow boarding from both sides;
 - d. Symmetric mooring hardware; and
 - e. Detachable utilities.
2. The delivery voyage from place of purchase to moorage location was made without assistance and the vessel is capable of navigating in open water without assistance;
 3. The superstructure or deckhouse is constructed on neither a barge nor a float.
 4. The hull design must meet U.S. Coast Guard standards for flotation, safety equipment, and fuel, electrical, and ventilation systems.

May – the action is acceptable, provided it conforms to the provisions of this SMP

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

Marina – a private or public facility providing the purchase or lease of a slip for storing, berthing and securing more than ten motorized boats or watercraft, including both long-term and transient moorage. Marinas may include accessory facilities for providing incidental services to users of the marina, such as waste collection, boat sales or rental activities, and retail establishments providing fuel service, repair or service of boat.

Mitigation – the process of minimizing or compensating for adverse environmental impact(s) of a proposal on a critical area. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference: (a) Avoiding the impact altogether by not taking a certain action or parts of an action; (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; (e) Compensating for the impact by replacing or providing substitute resources or environments; or (f) Monitoring the impact and taking appropriate measures to achieve the identified goal.

Monitoring – the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and/or assessing the performance of mitigation measures imposed as conditions of development.

Must - a mandate; the action is required.

Native Vegetation – plant species or communities indigenous to the region, including extirpated species.

Nonconforming Development: " means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Act or this SMP, or amendments thereto, but which does not now conform to the use and development standards contained in Table 5-1 of this SMP.

Nonconforming Structure: means a building or structure, or portion thereof, lawfully existing at the time the ordinance codified in this title becomes effective which does not conform to the development standards (setbacks or building height) of Table 5-1 of this SMP. For the purposes of this SMP, existing roads which do not meet the setback standards of this SMP (whether asphalt, gravel, or dirt) are considered nonconforming structures.

Nonconforming Use: means a shoreline use which was lawfully constructed or established prior to the effective date of the Act or this SMP, or amendments thereto, but which is prohibited within the shoreline according to Table 5-1 of the SMP. A nonconforming use is also one which is listed as a conditional use in the SMP and which existed prior to the adoption of this Master Program and any relevant amendments and for which a shoreline conditional use permit has not been obtained.

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

Pier – an overwater structure that adjoins the shoreline built on a fixed platform to provide access and a landing or moorage place for commercial, industrial and pleasure watercraft.

Port – A center for water-borne commerce and traffic.

Priority Habitat – habitat types or elements with unique or significant value to one or more species as classified by the state department of fish and wildlife.

Professional Archaeologist – a person with qualifications meeting the federal secretary of interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional

Commented [A240]: Suggested or similar; See SMP Handbook Ch 12 (pg 2) for ECY descriptions

archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal.

Public Access – the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4). In the context of shoreline regulation, public access also includes the ability to view the water from adjacent locations.

Commented [A241]: May be helpful to clarify includes both physical and view-only access

Public Use – to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332-30-106.

Qualified Professional – a person with experience and training in the pertinent scientific discipline, and who is a qualified expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a BS or BA or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or related field, and two years of related work experience. (a) A qualified professional for habitats or wetlands must have a degree in biology or a related environmental science and professional experience related to the subject. (b) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington. (c) A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments

RCW – the Revised Code of Washington.

Reasonable Use – a legal concept articulated by federal and state courts in regulatory taking cases.

Recharge – the process involved in the absorption and addition of water to ground water.

Recreational Uses – public or private facilities meant for the enjoyment of the public and can include community or commercial facilities for recreational activities such as hiking, fishing, photography, viewing, and birdwatching, and more intensive uses, such as parks with sports facilities, and other outdoor recreation areas.

Residential Development – development which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single family development, multi-family development and the creation of new residential lost through land division.

Restoration, Restore, Restoration, or Ecological Restoration – the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline

structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre- European settlement conditions.

Riparian – of, on, or pertaining to the banks of a river, stream or lake

Riparian Habitat Areas– areas adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other.

Riprap – a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Riverine – relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

Runoff – water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Salmonid – a member of the fish family Salmonidae. Including but not limited to chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

Sediment means the fine grained material deposited by water or wind.

Seismic Hazard Areas – means area[s] that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction

SEPA – the Washington State Environmental Policy Act, Chapter 43.21C RCW.

Setback – a required open spaced distance separating shoreline uses, developments, or activities from the shoreline, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark. Setbacks help assure that development is located a safe distance from bluffs, river banks, and other natural features, including buffers.

Commented [A242]: May be helpful to include purpose/intent of setbacks to differentiate from buffers; see also [SMP Handbook Ch 11](#).

Shall – a mandate; the action must be done

Shoreline Administrator – the County Administrator or their designee, charged with the responsibility of administering the shoreline master program.

Shoreline Habitat and Natural Systems Enhancement Projects – those activities proposed and conducted specifically for the **primary** purpose of establishing, restoring, or enhancing habitat for priority species in the shoreline.

Shoreline Jurisdiction – the term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government's authority under the SMA

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

Shoreline Modification – those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Permit – a substantial development, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

Shoreline Stabilization – actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural ~~and non-structural methods, measures such as bulkheads and nonstructural methods such as soil bioengineering.~~

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, and/or planning and regulatory measures to avoid the need for structural stabilization. Structural methods can be "hard" or "soft. Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads. These are static structures traditionally constructed of rock, concrete, wood, metal, or other materials that deflect, rather than absorb, wave energy. Soft structural measures rely on softer materials, such as vegetation, drift logs, and gravel. They are intended to absorb wave energy, mimicking the function of a natural beach. The following methods of shoreline stabilization provide examples of "soft" and "hard" stabilization techniques.

"Soft"

Vegetation enhancement;

Upland drainage control;

Bioengineering/biotechnical measures;

Beach enhancement;

Anchor trees; and

Gravel enhancement

Natural channel design methods

"Hard"

Rock revetments;

Gabions;

Groins;

Retaining walls and bluff walls;

Bulkheads; and

Seawalls.

Shorelands or shoreland area - those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Optional areas allowed by RCW 90.58.030 are not included by the County.

Shorelines – all of the water areas of the state, including reservoirs and their associated uplands/shorelands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

Shorelines of Statewide Significance – a select category of shorelines of the state, defined in RCW 90.58.030(2)(f), including larger lakes and rivers with higher flow.

Shorelines of the State - are the total of all "shorelines" and "shorelines of statewide significance" within the state;

Should – that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action.

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

Single Family Residence – a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

Soil Bioengineering - An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

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

Species – any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Steep Slopes – those slopes forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief.

Stream – any portion of a watercourse, either perennial or intermittent, where the surface water flow is sufficient to produce a defined channel or bed. Streams also include natural watercourses modified by humans. Streams do not include irrigation ditches, canals, stormwater run-off facilities, or other entirely artificial watercourses.

Substantial Development - any development of which the total cost or fair market value exceeds six thousand four hundred sixteen dollars (\$6,416), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established here is adjusted for inflation by the WA Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period, as defined by RCW 90.58.030(3)(e). Some activities shall not be considered substantial developments for the purpose of this SMP; see also Chapter 2 of this Program.

Substantial Improvement – any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

Transportation Facilities – those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, and railroad facilities.

Unavoidable – adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved.

Upland – generally described as the dry land area above and landward of the ordinary high water mark.

Upland finfish rearing facilities – Those private facilities not located within waters of the state where finfish are hatched, fed, nurtured, held, maintained, or reared to reach the size of commercial market sale. This shall include fish hatcheries, rearing ponds, spawning channels, and other similarly constructed or fabricated facilities. (Upland finfish rearing facilities are included in the SMA definition of agricultural activities, not aquaculture [RCW 90.58.065]). Upland finfish and upland finfish rearing facilities are not defined in the SMA or implementing WAC.

Uses – uses, structures, and/or developments as applicable.

Utilities – services and facilities that produce, transmit, store, process or dispose of electric power, **oil**, gas, water, stormwater, sewage, **waste, and** communications, **and similar**.

Utilities, Accessory – utilities composed of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.

Utilities, Primary – utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities, sewage lift stations and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

Variance – a way by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. A variance is a form of special exception.

Vegetation – plant life growing below, at, and above the soil surface.

WAC – Washington Administrative Code.

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

Water Typing System – the system used to classify freshwater surface water systems per WAC 22-16-030 and 031. Current regulations establish **interim water typing (1-5)** until fish habitat water type maps are available for permanent water typing (S, F, Np, Ns) (WAC 22-16-031).

Commented [A243]: No longer in effect

Water-Dependent Use – a use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include moorage structures (including those associated with residential properties), ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

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

Water-Oriented Use – any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an all-encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

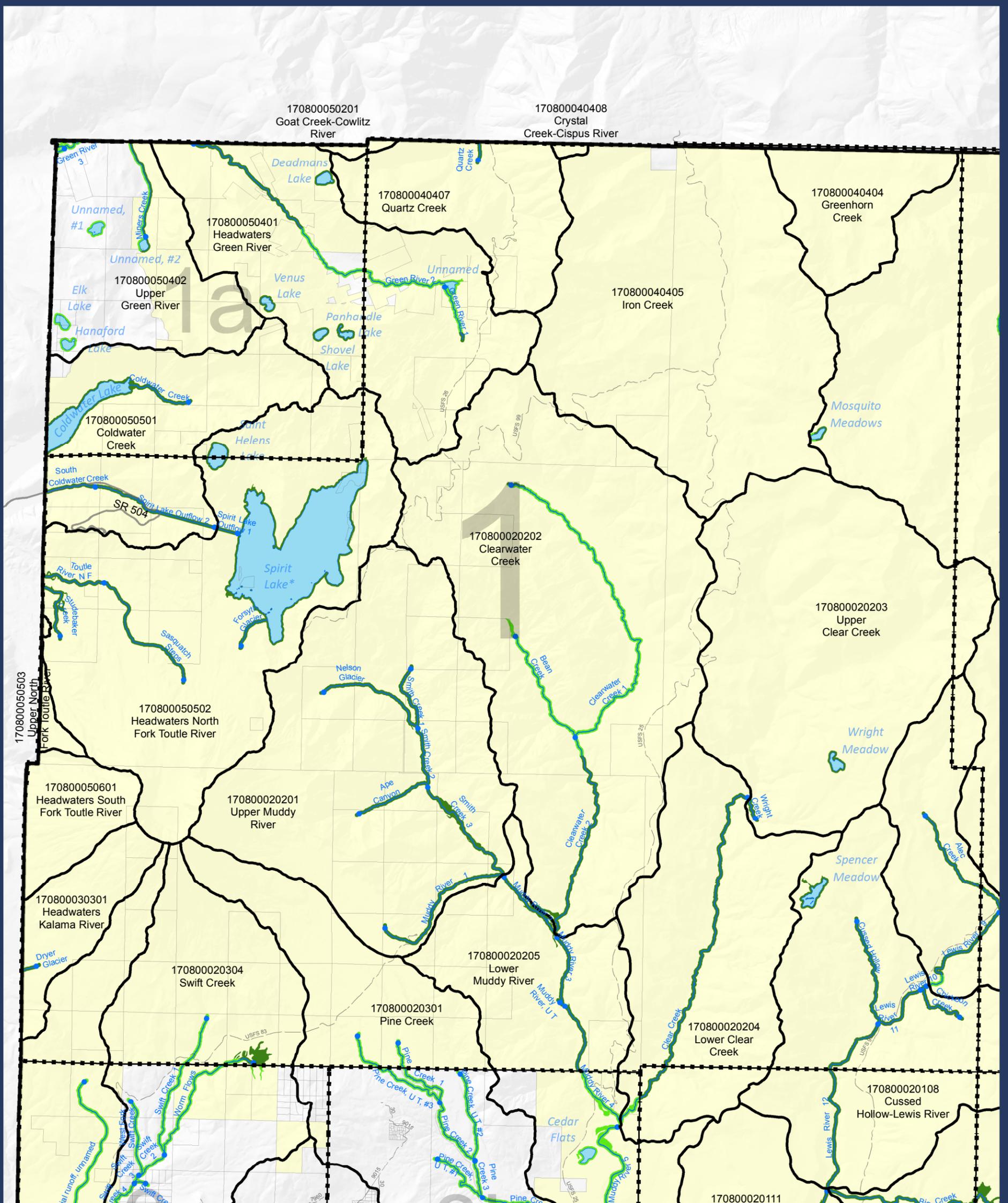
Water-Related Use - a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because: (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by 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.

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

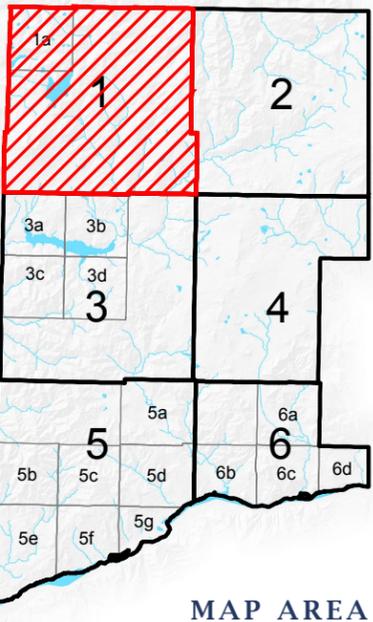
Wetlands Rating System – the *Washington State Wetland Rating System for Eastern Washington: 2014 Update*, and the *Washington State Wetland Rating System for Western Washington: 2014 Update*, Washington Department of Ecology, January 2015.

**Shoreline Master Program
Skamania County, Washington**

**Appendix A
Shoreline Environmental Designation Maps**



170800050503
Upper North
Fork Toutle River



MAP AREA



LEGEND:

- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- HUC 12 Boundary
 - Streams (Reach breaks at dots)
 - Lakes
 - Map index grid
 - Skamania County boundary
 - Nat'l Scenic Area Bndy
 - Urban Area Bndy
 - City Limits
 - Federal ownership
 - Parcel
 - State Hwy
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and GIS

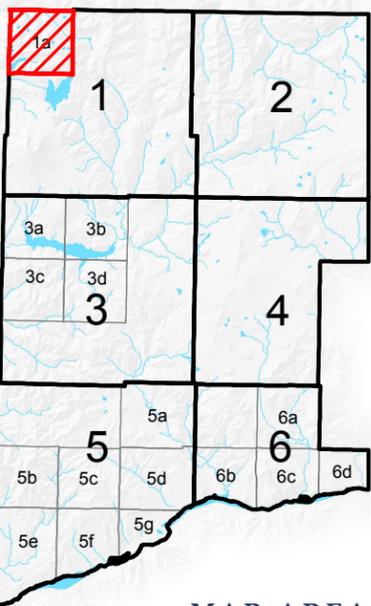
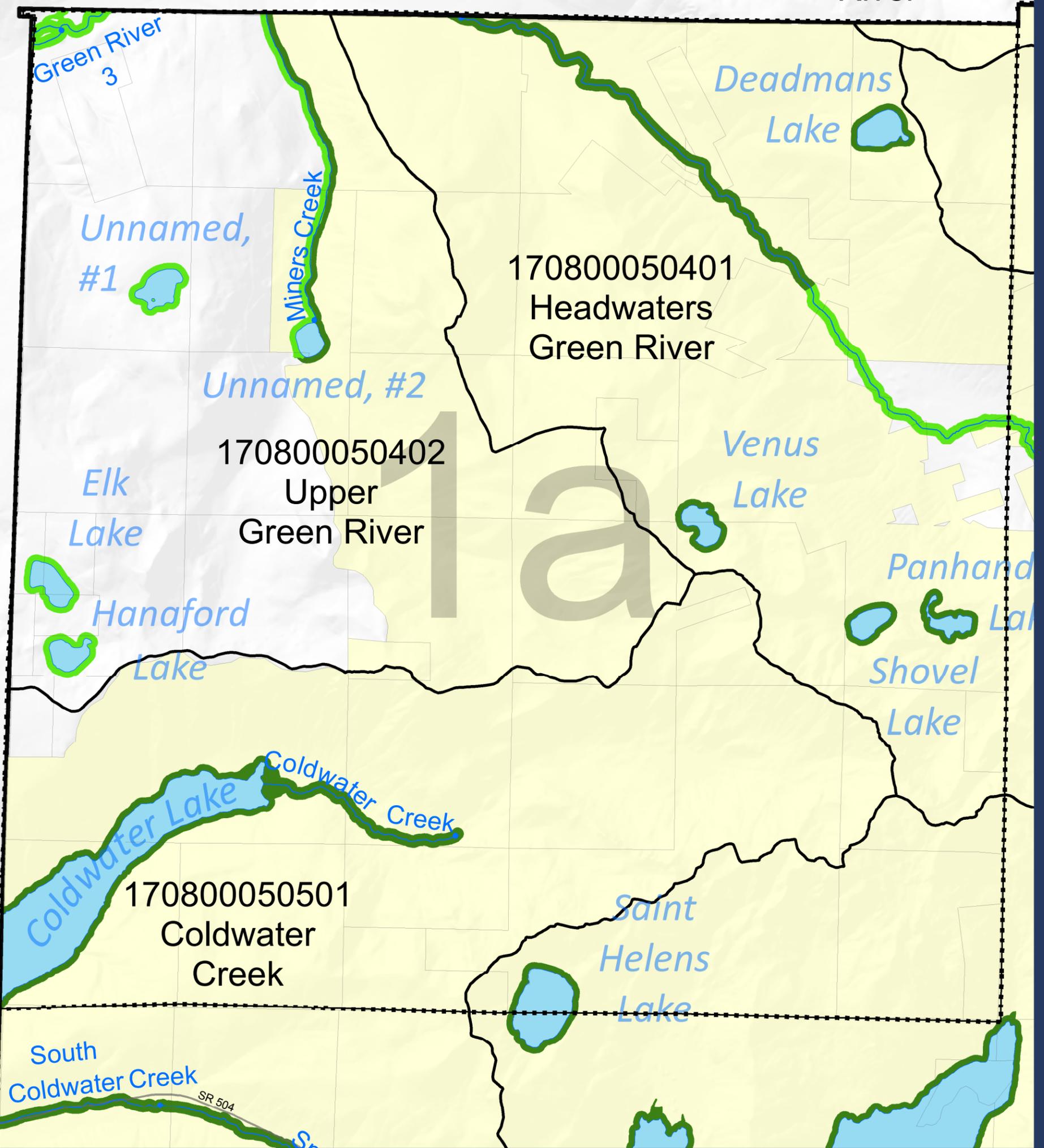


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Shoreline Environmental Designation

170800050201
Goat Creek-Cowlitz
River



MAP AREA



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LEGEND:

Shoreline Environmental Designation

- High Intensity
- Shoreline Residential
- Rural Conservancy
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- Aquatic
- NA

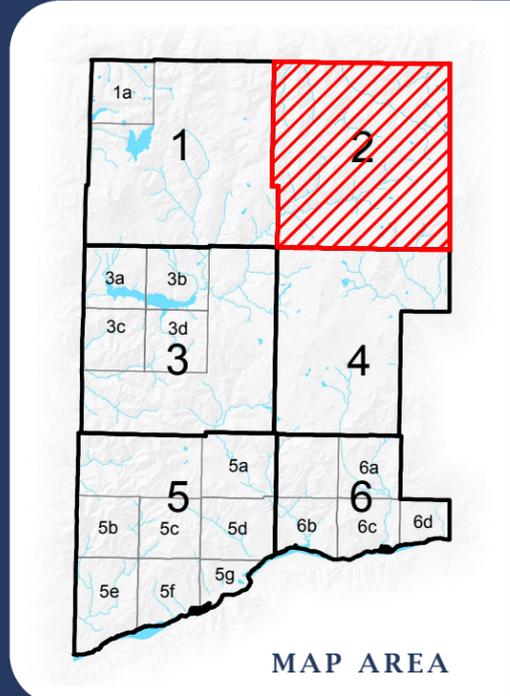
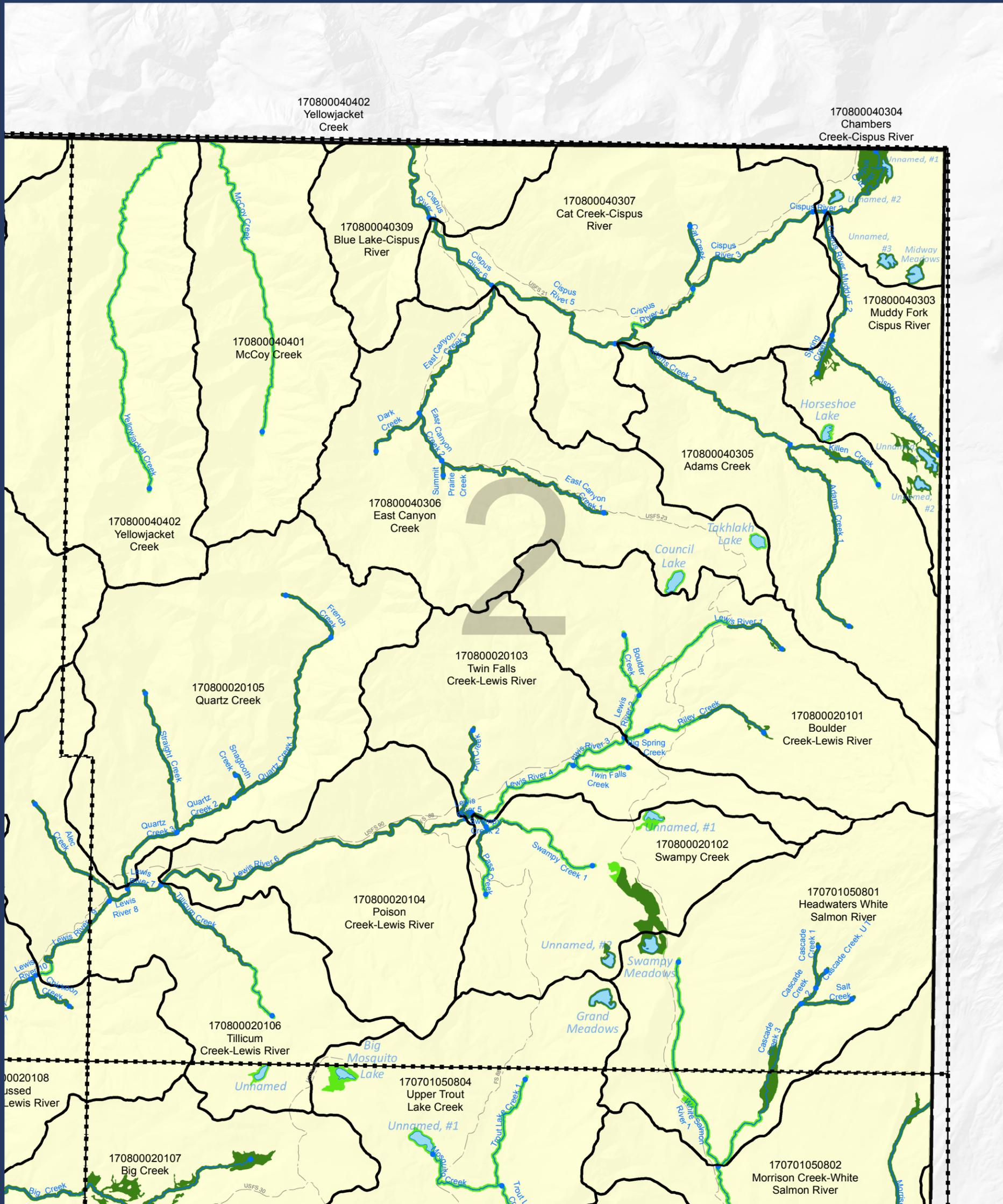
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- ~ Lakes
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**Shoreline
Environmental
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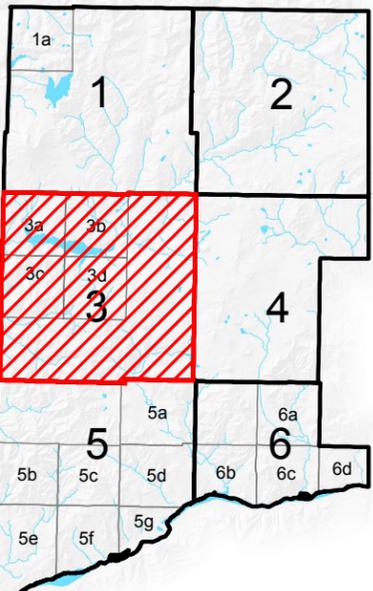
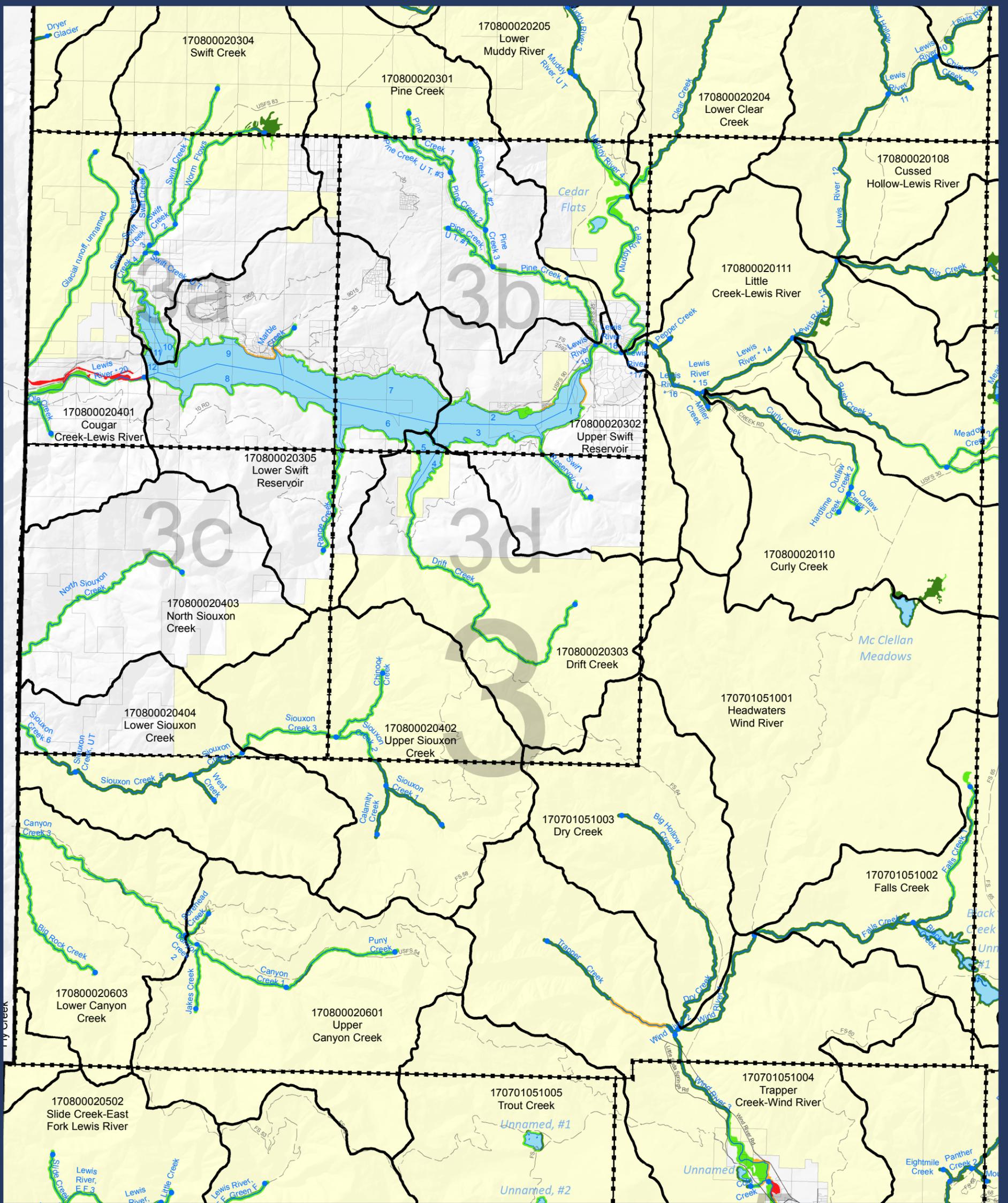
LEGEND:

- Shoreline Environmental Designation**
- High Intensity
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Shoreline Environmental Designation



MAP AREA



Absolute Scale:
1:120,000

LEGEND:

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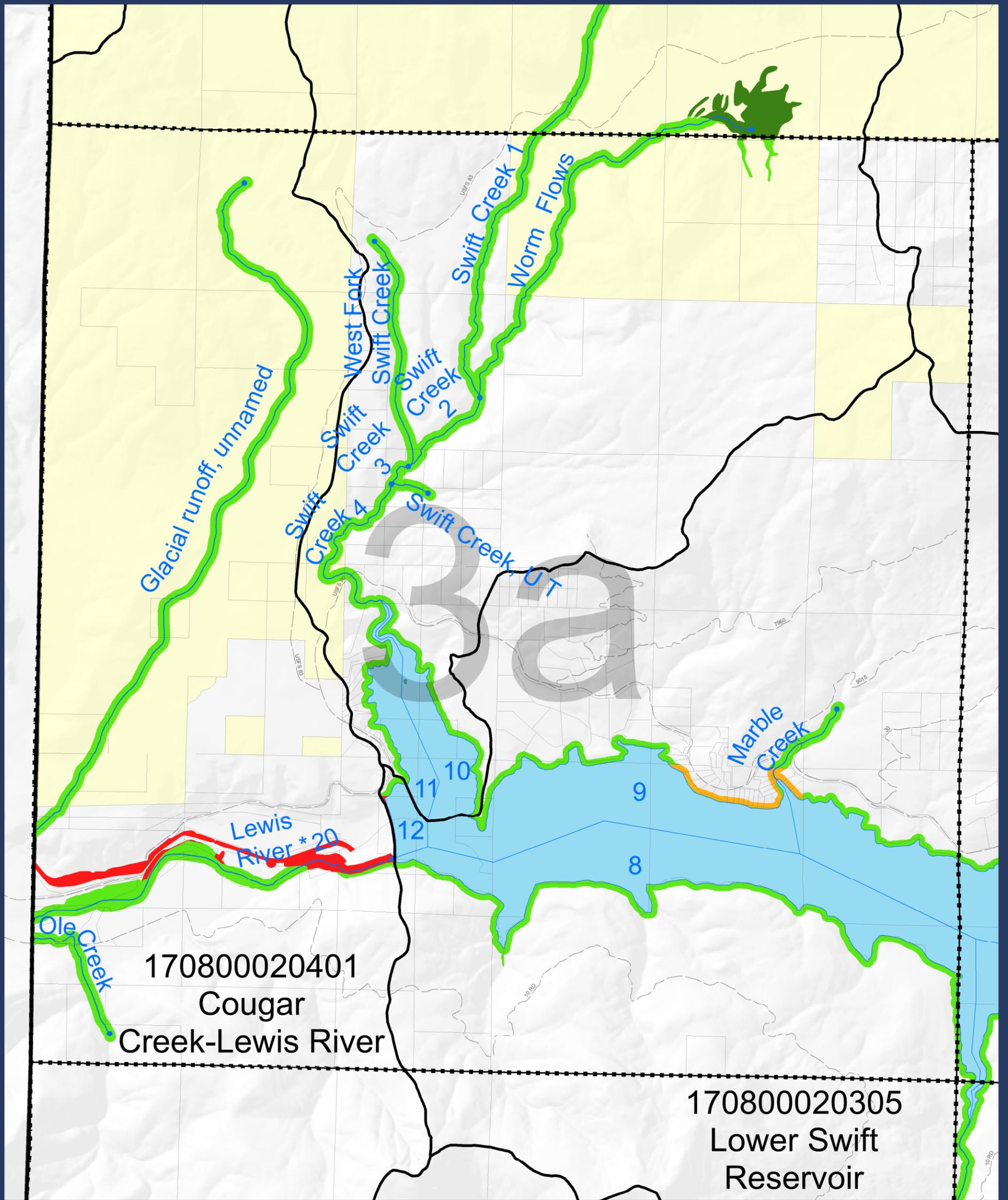
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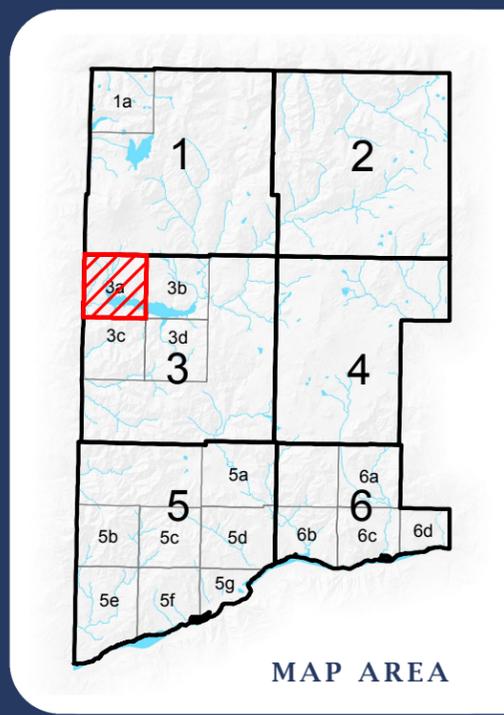
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**Shoreline
Environmental
Designation**



170800020401
Cougar
Creek-Lewis River

170800020305
Lower Swift
Reservoir



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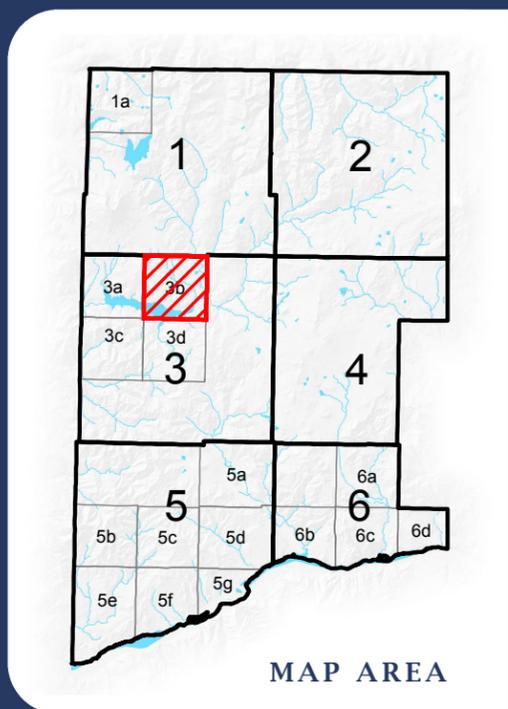
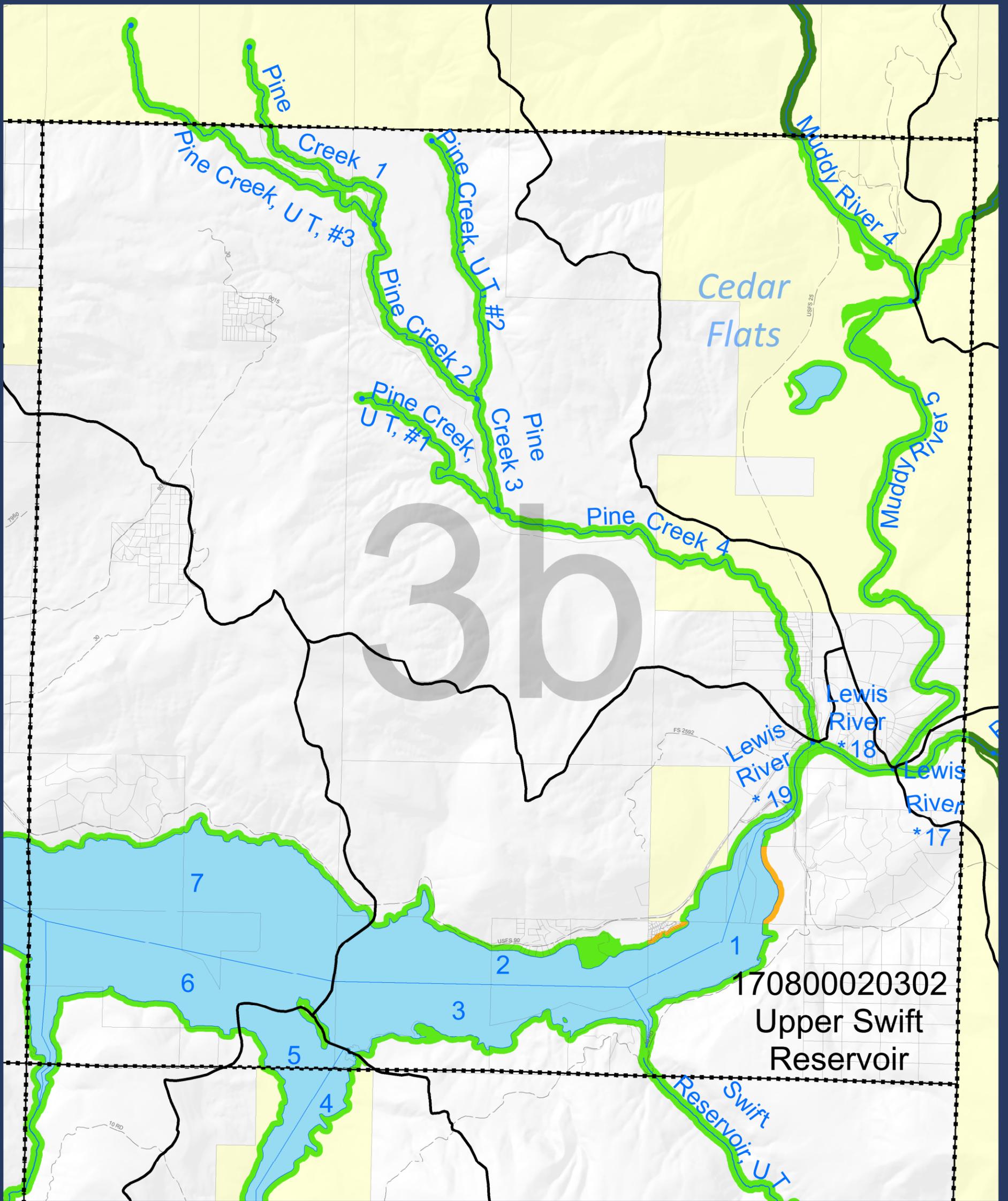
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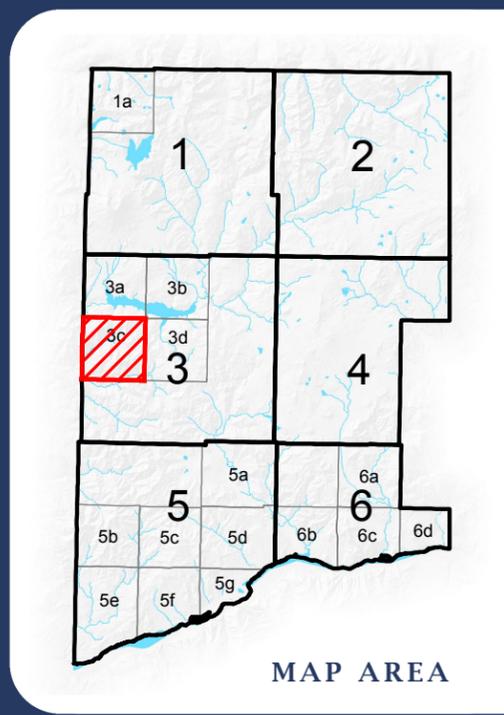
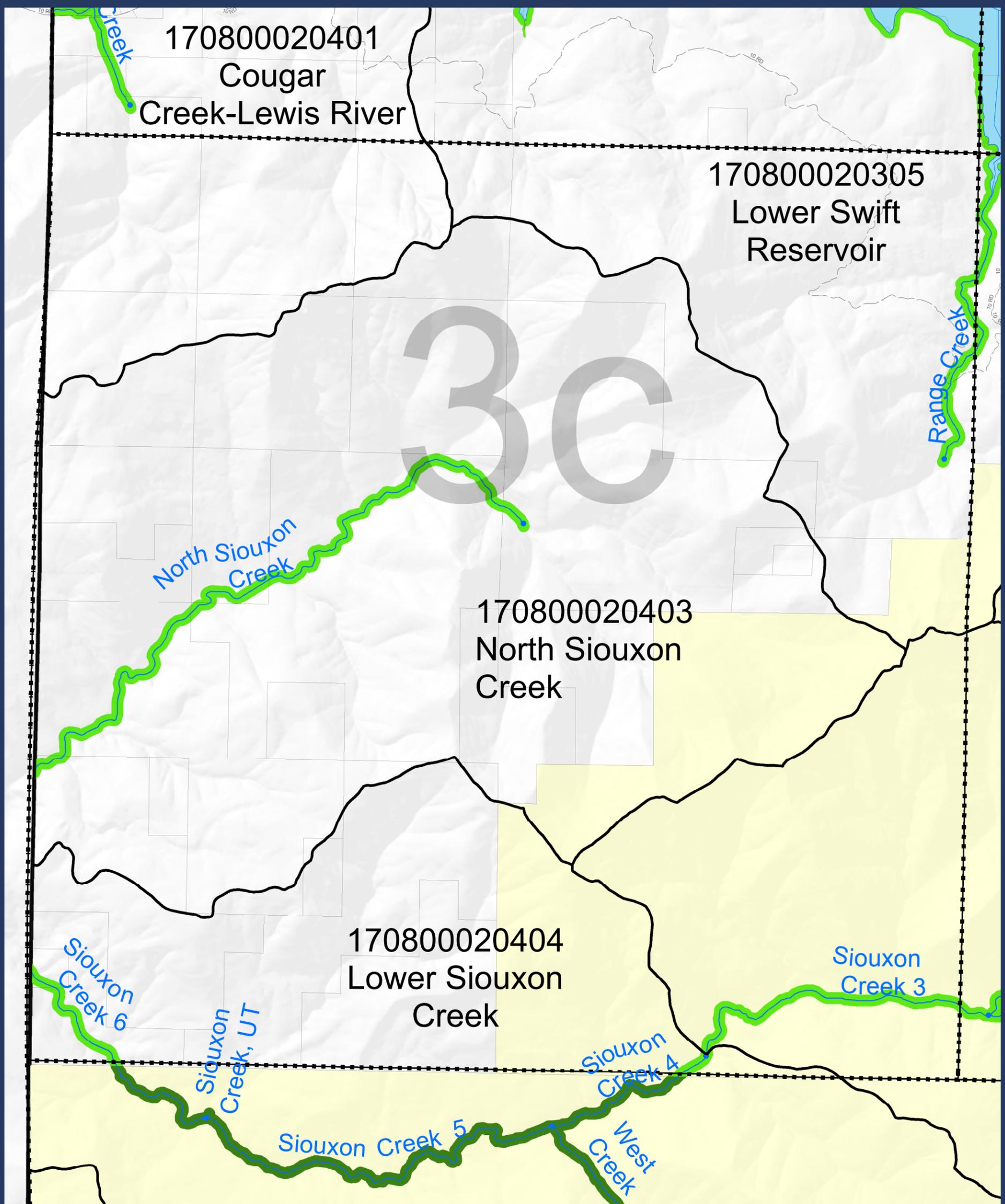
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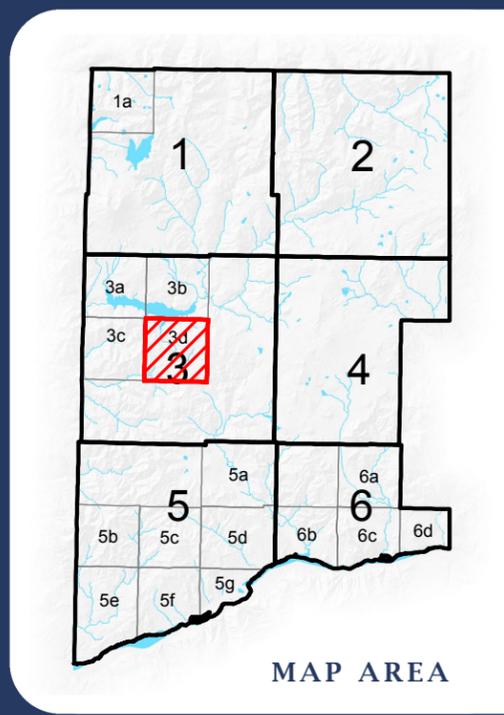
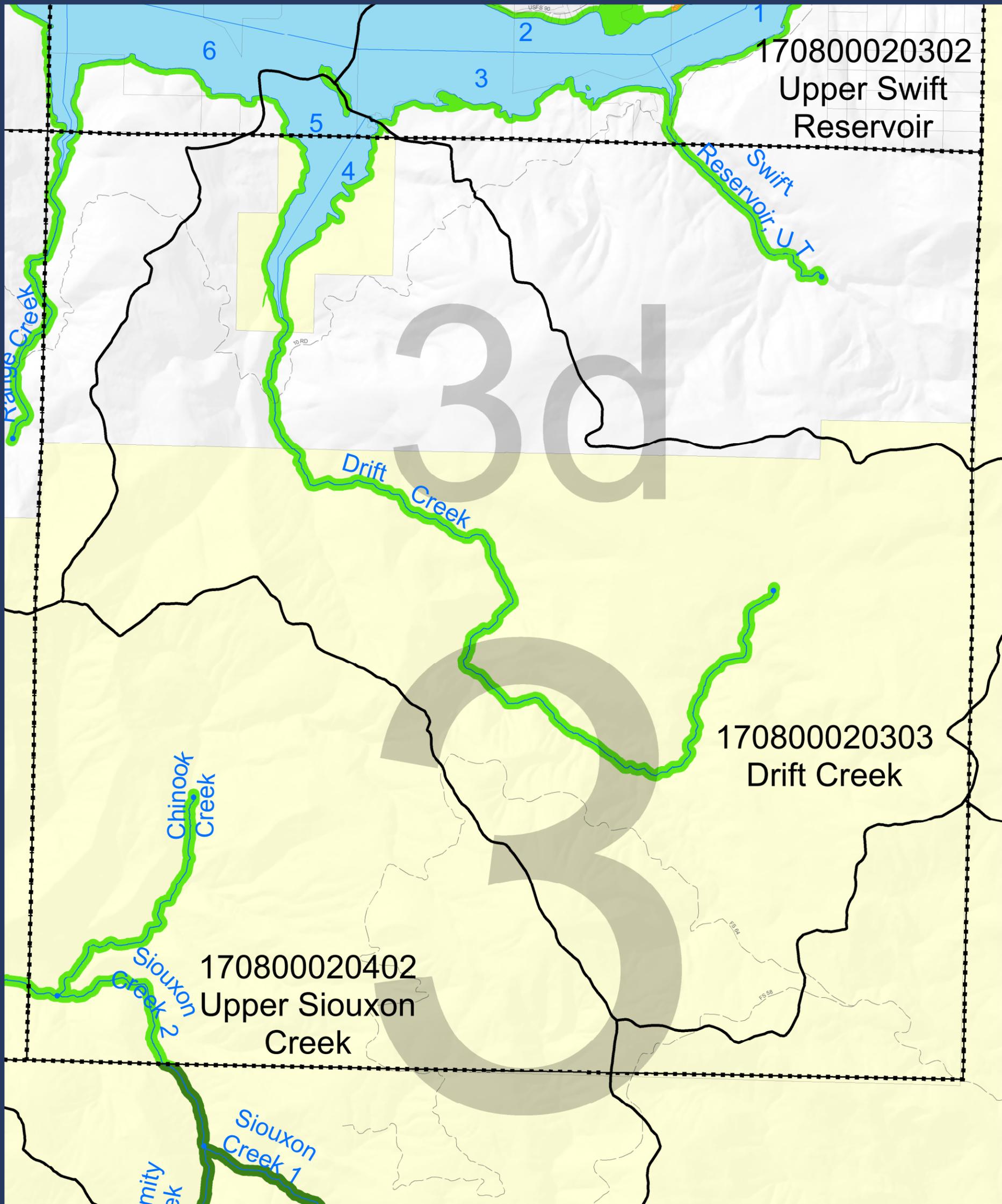
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**Shoreline
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SKAMANIA COUNTY
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LEGEND:

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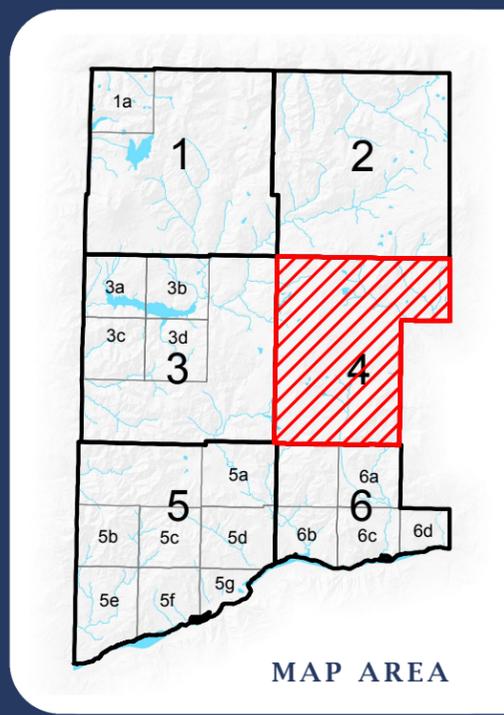
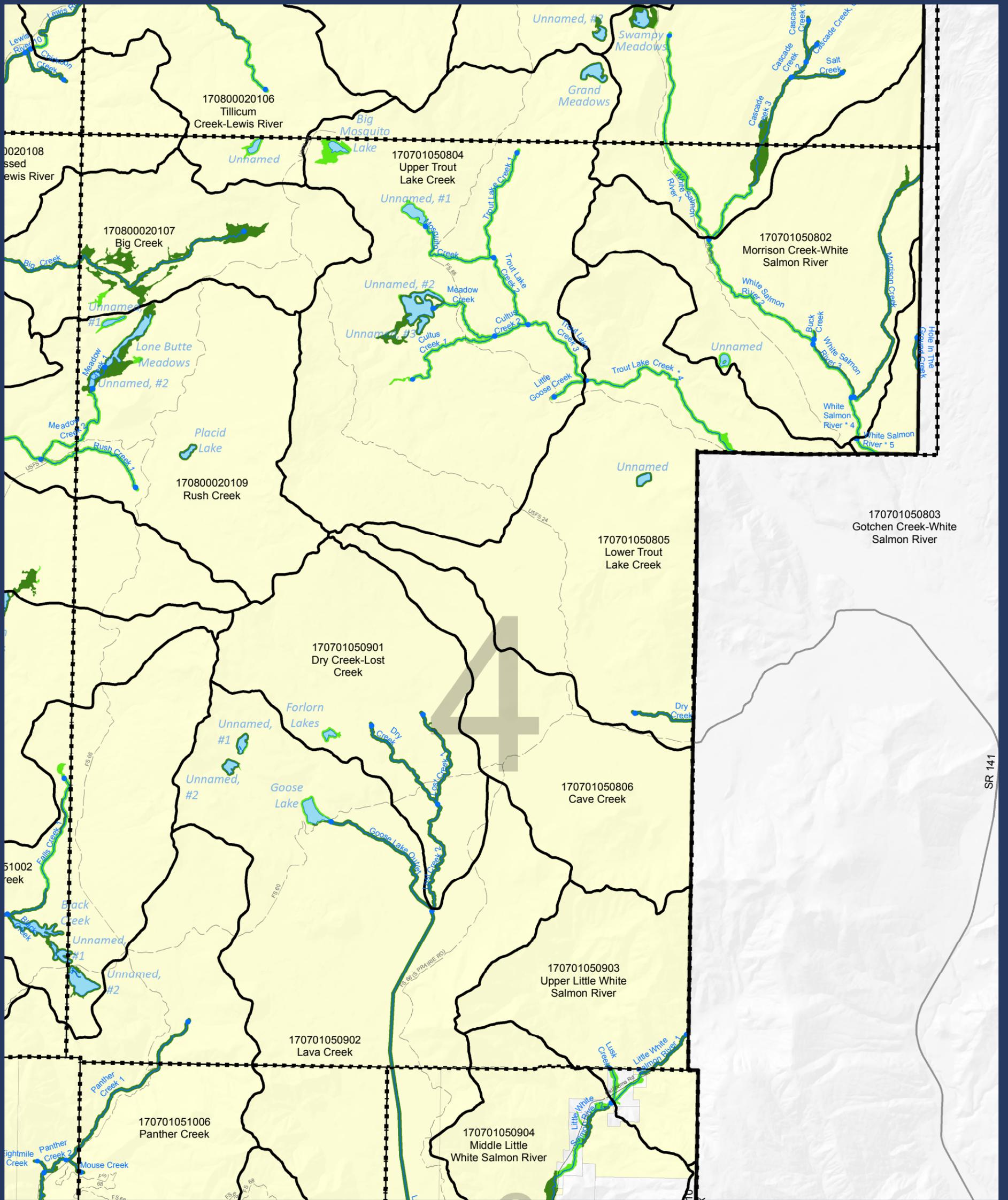
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Shoreline Environmental Designation



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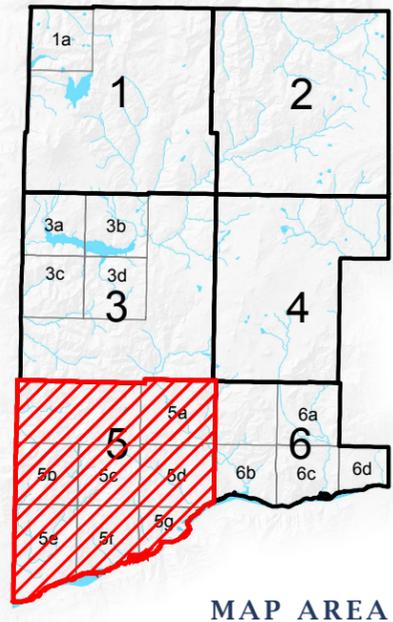
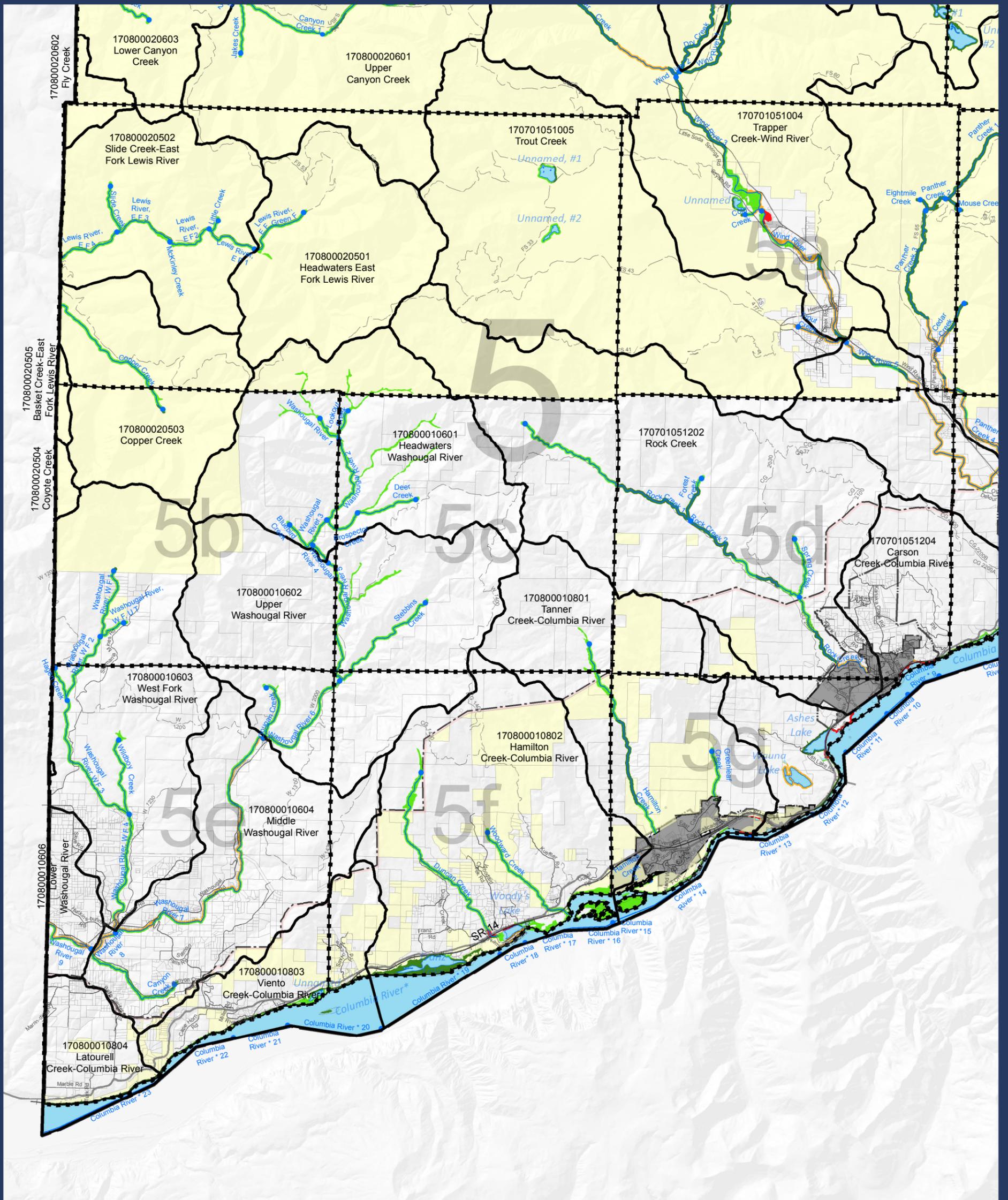
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**Shoreline
Environmental
Designation**

Sheet 4



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Department of Assessment
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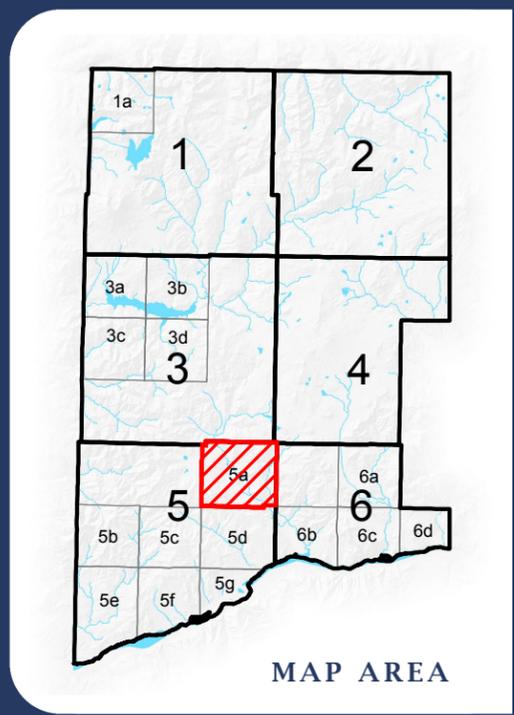
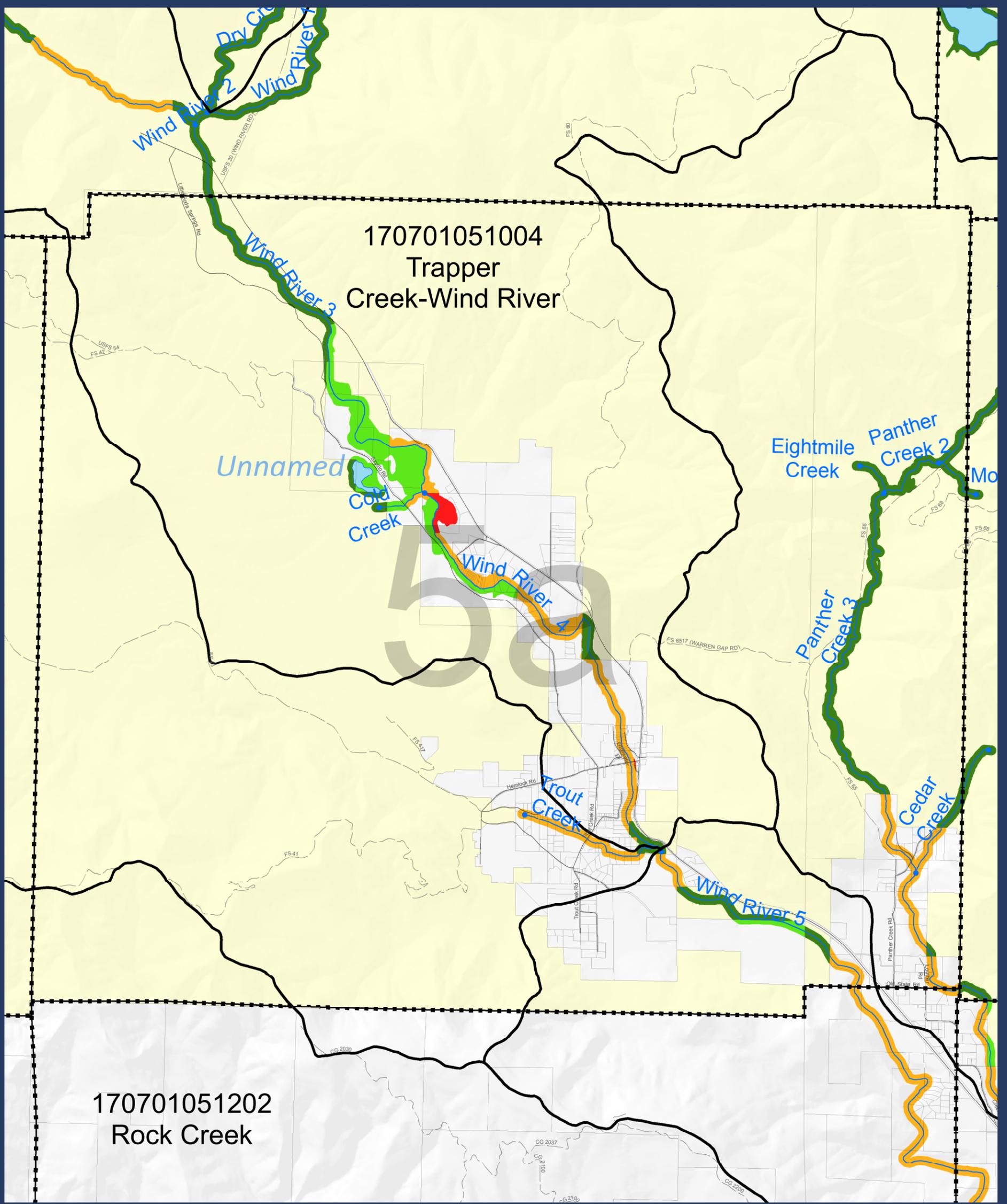
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 - Railroad

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Shoreline Environmental Designation



SKAMANIA COUNTY
Department of Assessment
and GIS



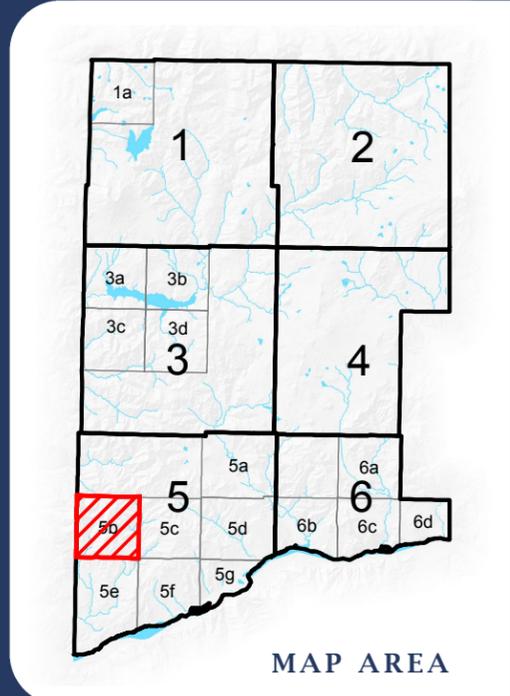
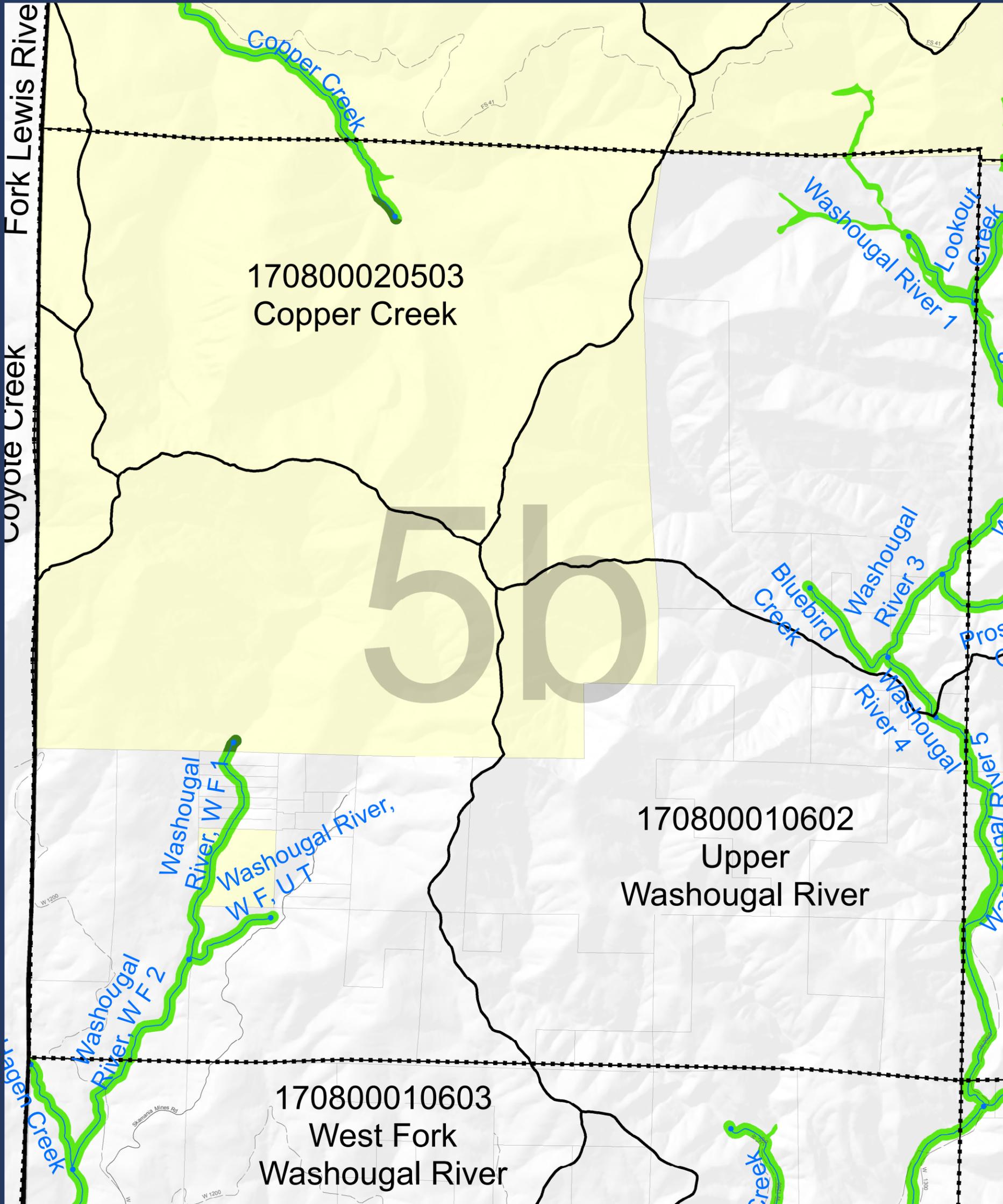
LEGEND:

- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- HUC 12 Boundary
 - Parcel
 - Streams (Reach breaks at dots)
 - Lakes
 - Map index grid
 - Skamania County boundary
 - Nat'l Scenic Area Bndy
 - Urban Area Bndy
 - City Limits
 - Federal ownership
 - State Hwy
 - Local road
 - Forest road
 - Railroad

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Shoreline Environmental Designation



SKAMANIA COUNTY
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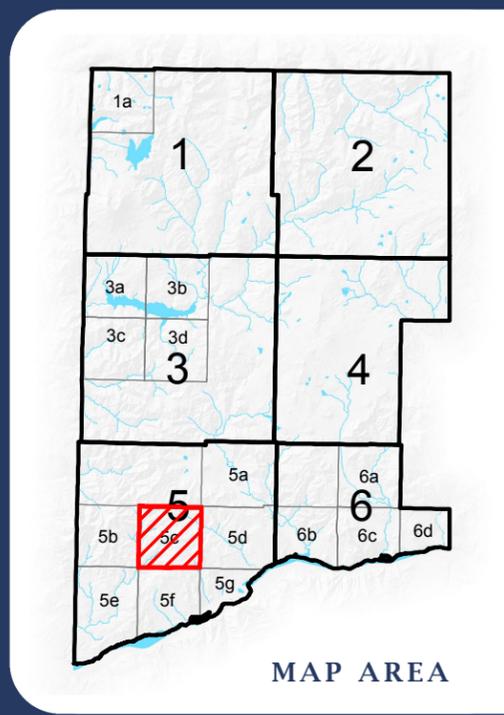
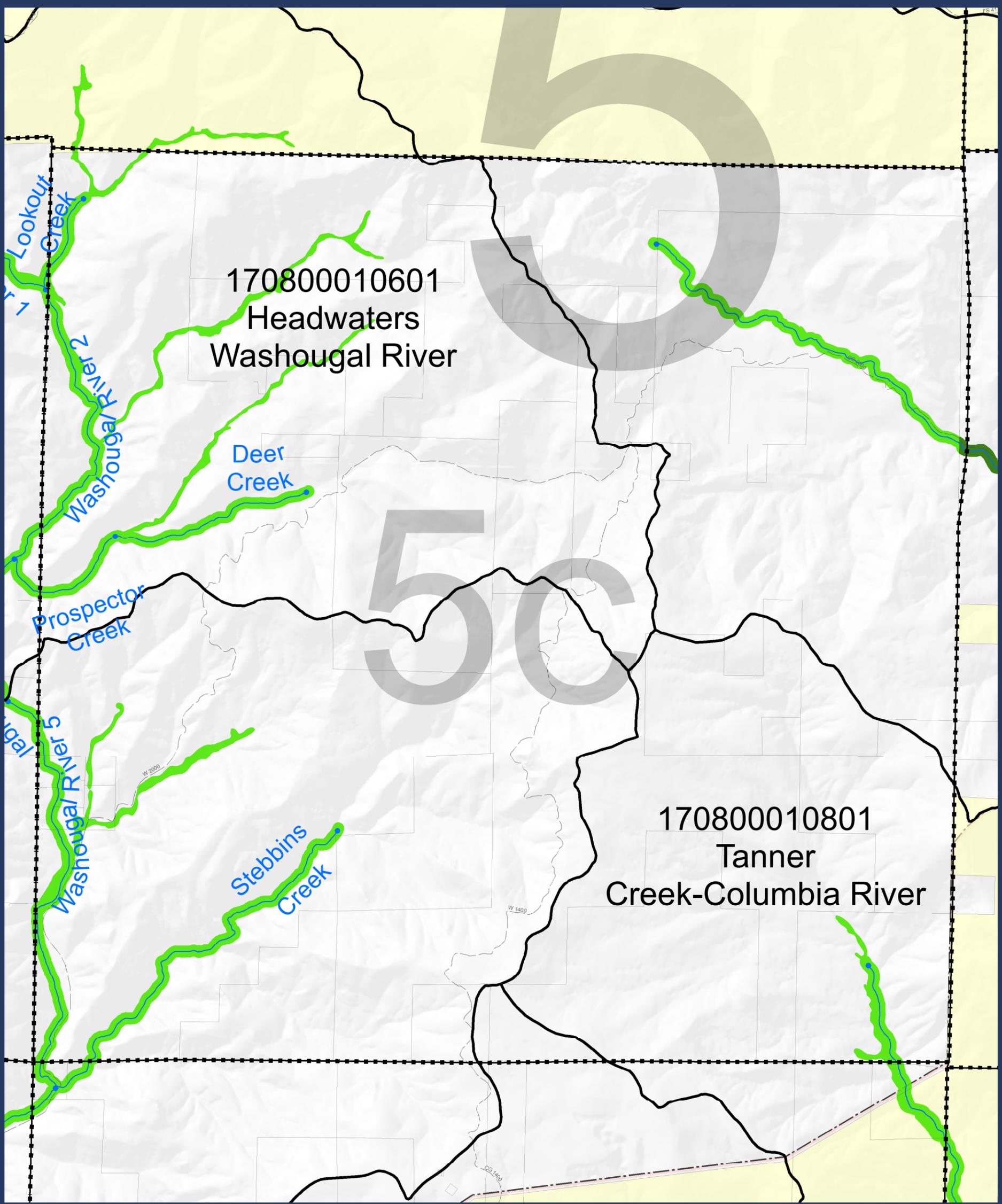
- LEGEND:**
- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- HUC 12 Boundary
 - Parcel
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 - Lakes
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**Shoreline
Environmental
Designation**

Sheet 8



SKAMANIA COUNTY
Department of Assessment
and GIS



LEGEND:

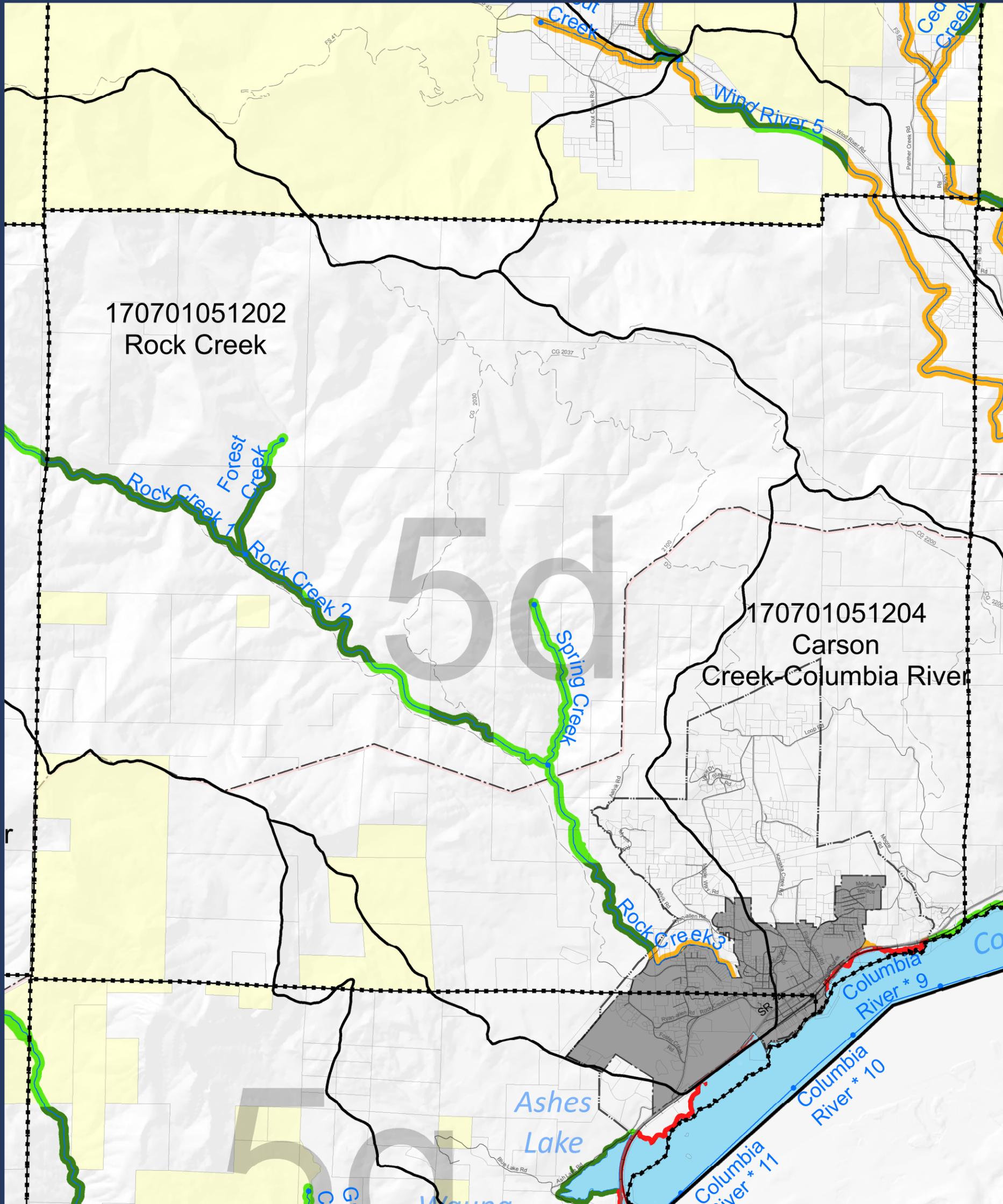
- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- Other Features:**
- HUC 12 Boundary
 - Streams (Reach breaks at dots)
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**Shoreline
Environmental
Designation**

Sheet 9



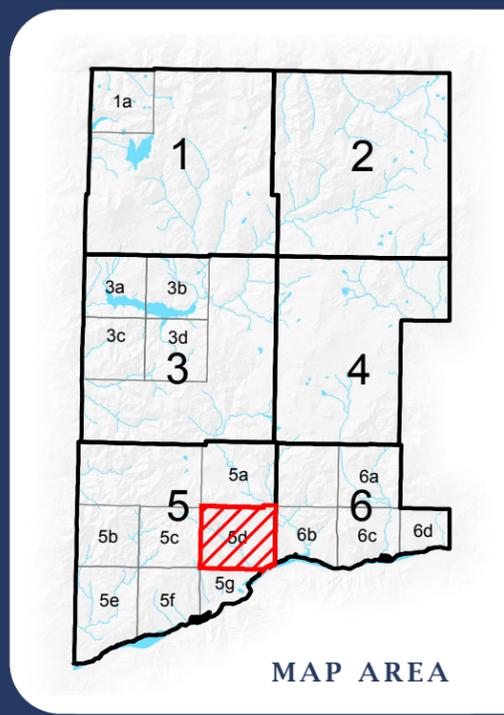
170701051202
Rock Creek

170701051204
Carson
Creek-Columbia River

5d

Ashes
Lake

Columbia
River * 9
Columbia
River * 10
Columbia
River * 11



SKAMANIA COUNTY
Department of Assessment
and GIS



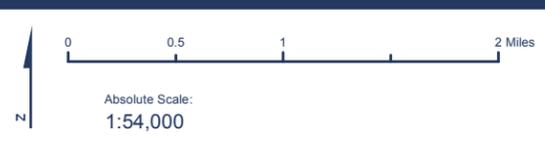
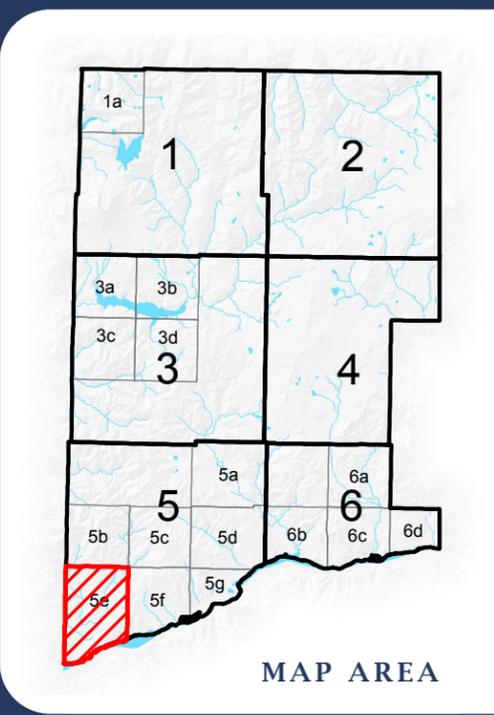
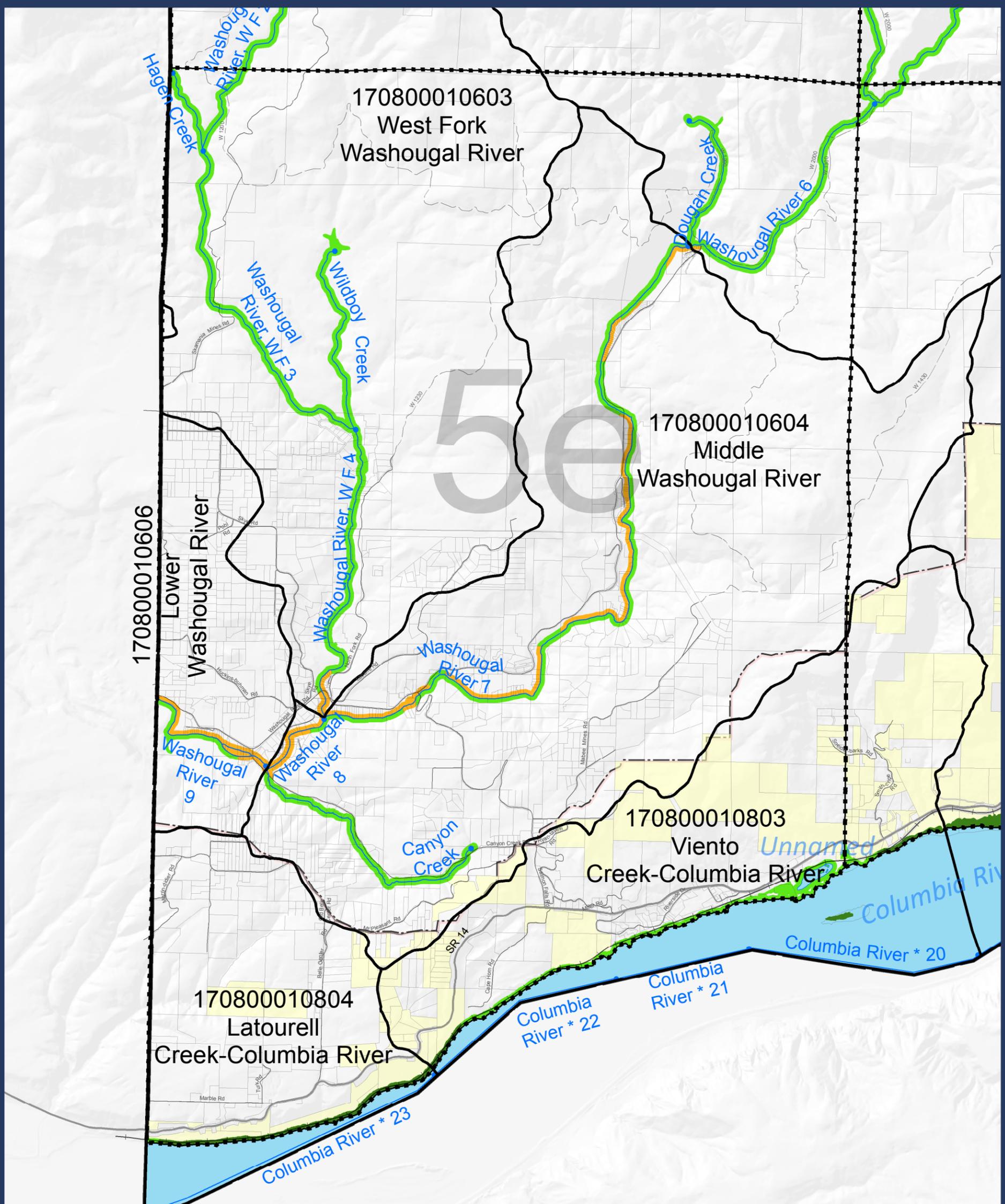
LEGEND:

- Shoreline Environmental Designation**
- █ High Intensity
 - █ Shoreline Residential
 - █ Rural Conservancy
 - █ Natural Environment
 - █ Aquatic
 - █ NA
- Other Features:**
- HUC 12 Boundary
 - ~ Streams (Reach breaks at dots)
 - █ Lakes
 - Map index grid
 - Skamania County boundary
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 - Urban Area Bndy
 - City Limits
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 - ~ Forest road
 - + Railroad

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**Shoreline
Environmental
Designation**



SKAMANIA COUNTY
Department of Assessment
and GIS



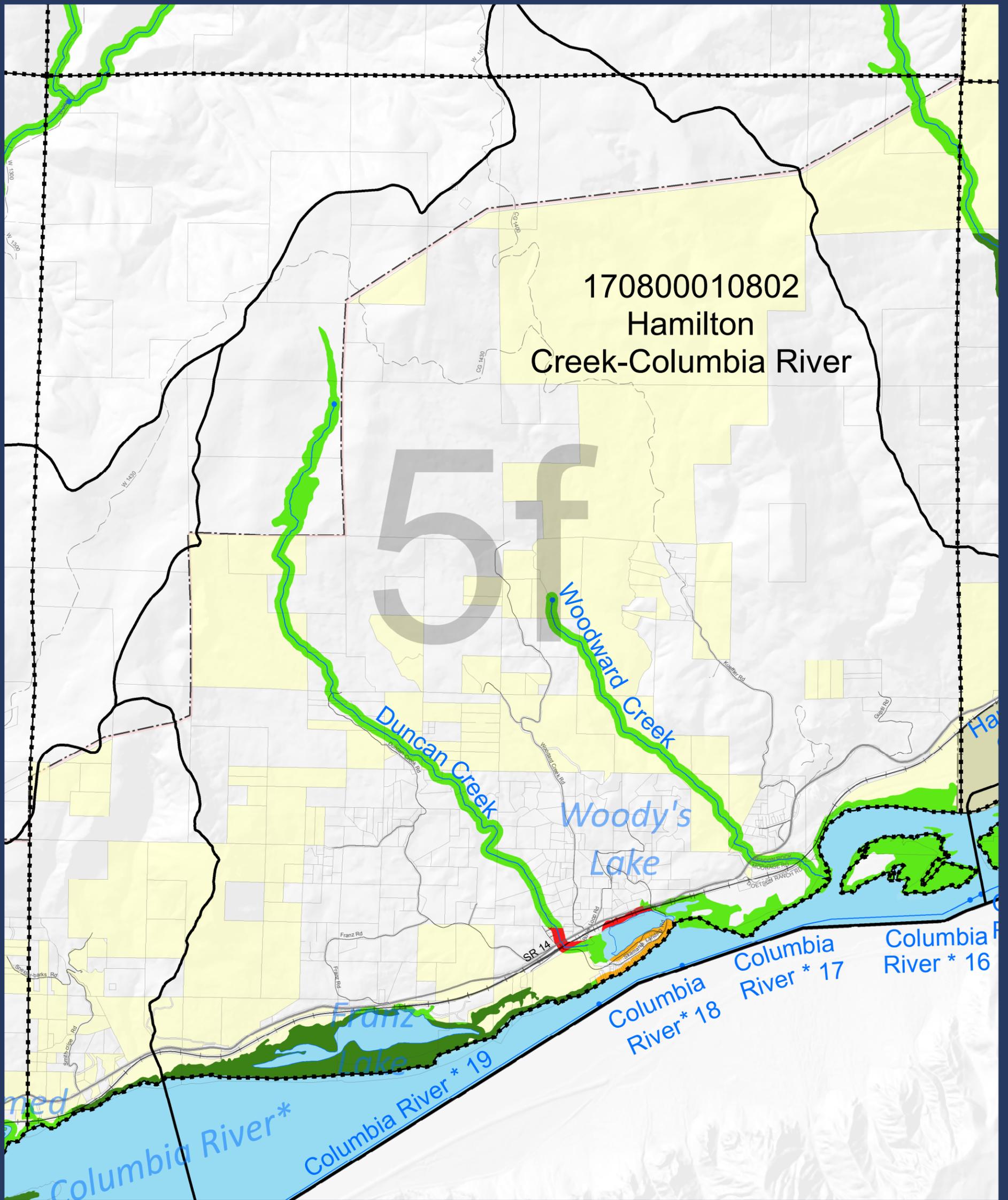
- LEGEND:**
- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- HUC 12 Boundary
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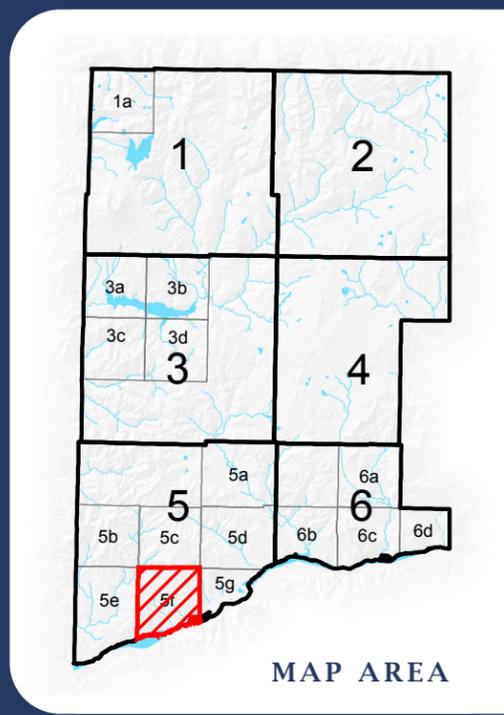
**Shoreline
Environmental
Designation**

Sheet 14



170800010802
Hamilton
Creek-Columbia River

5f



MAP AREA



SKAMANIA COUNTY
Department of Assessment
and GIS



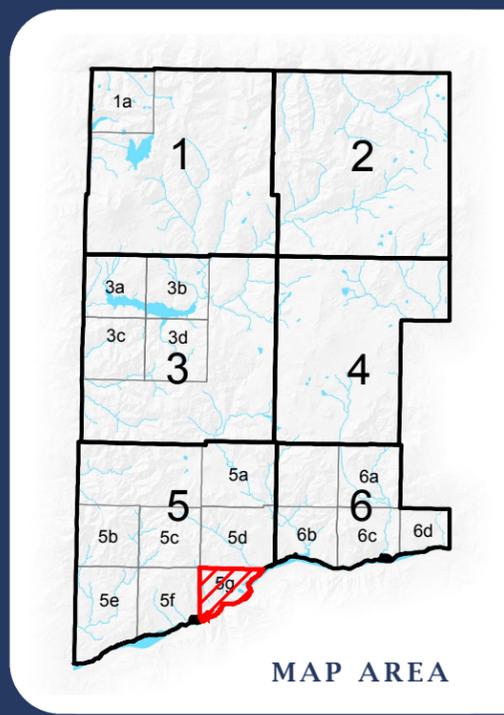
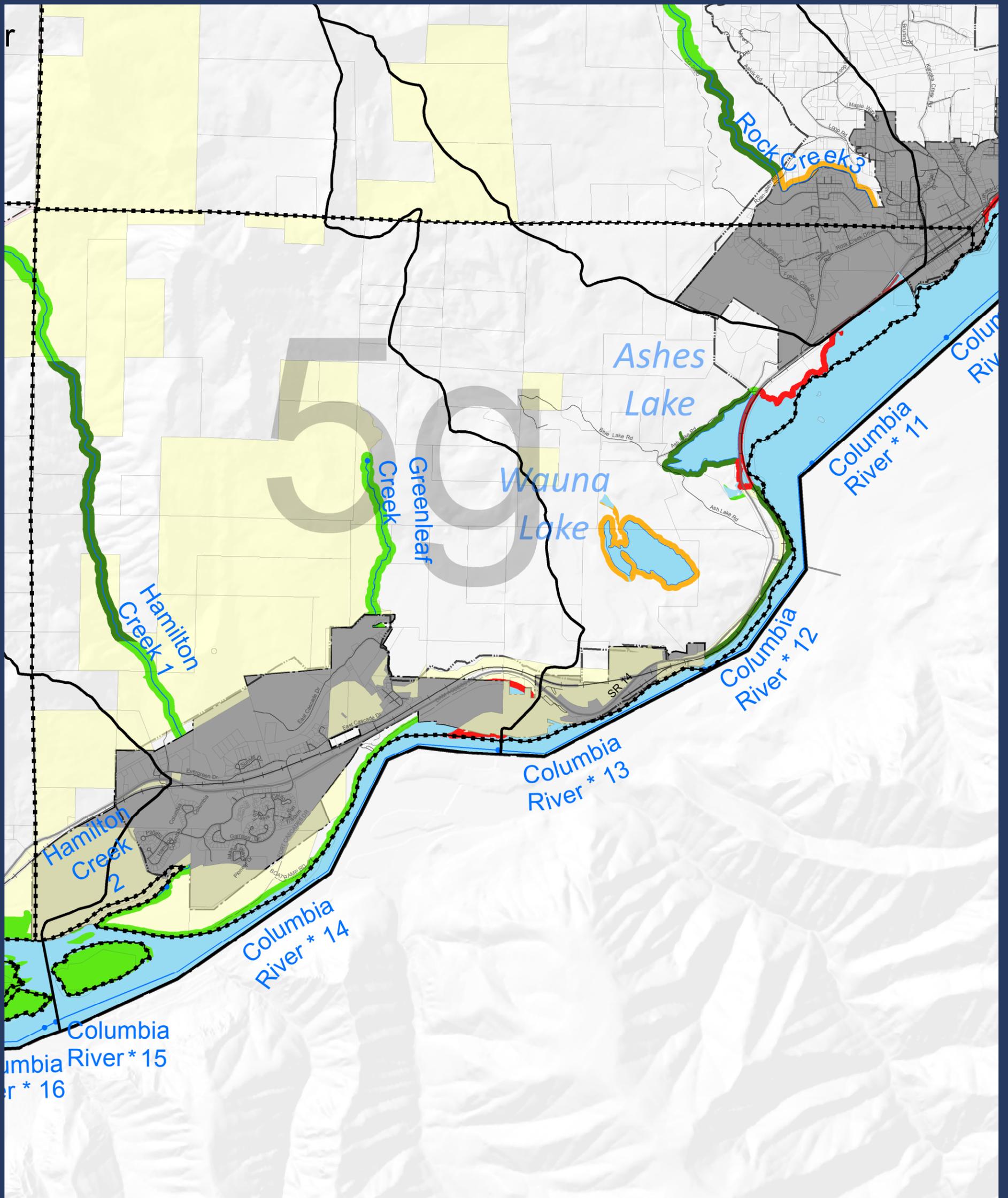
LEGEND:

- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- HUC 12 Boundary
 - ~ Streams (Reach breaks at dots)
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**Shoreline
Environmental
Designation**



SKAMANIA COUNTY
 Department of Assessment
 and GIS



LEGEND:

Shoreline Environmental Designation

- █ High Intensity
- █ Shoreline Residential
- █ Rural Conservancy
- █ Natural Environment
- █ Aquatic
- █ NA

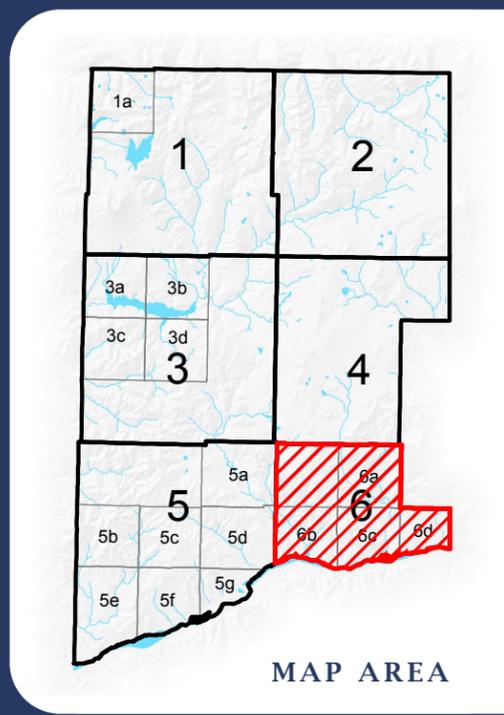
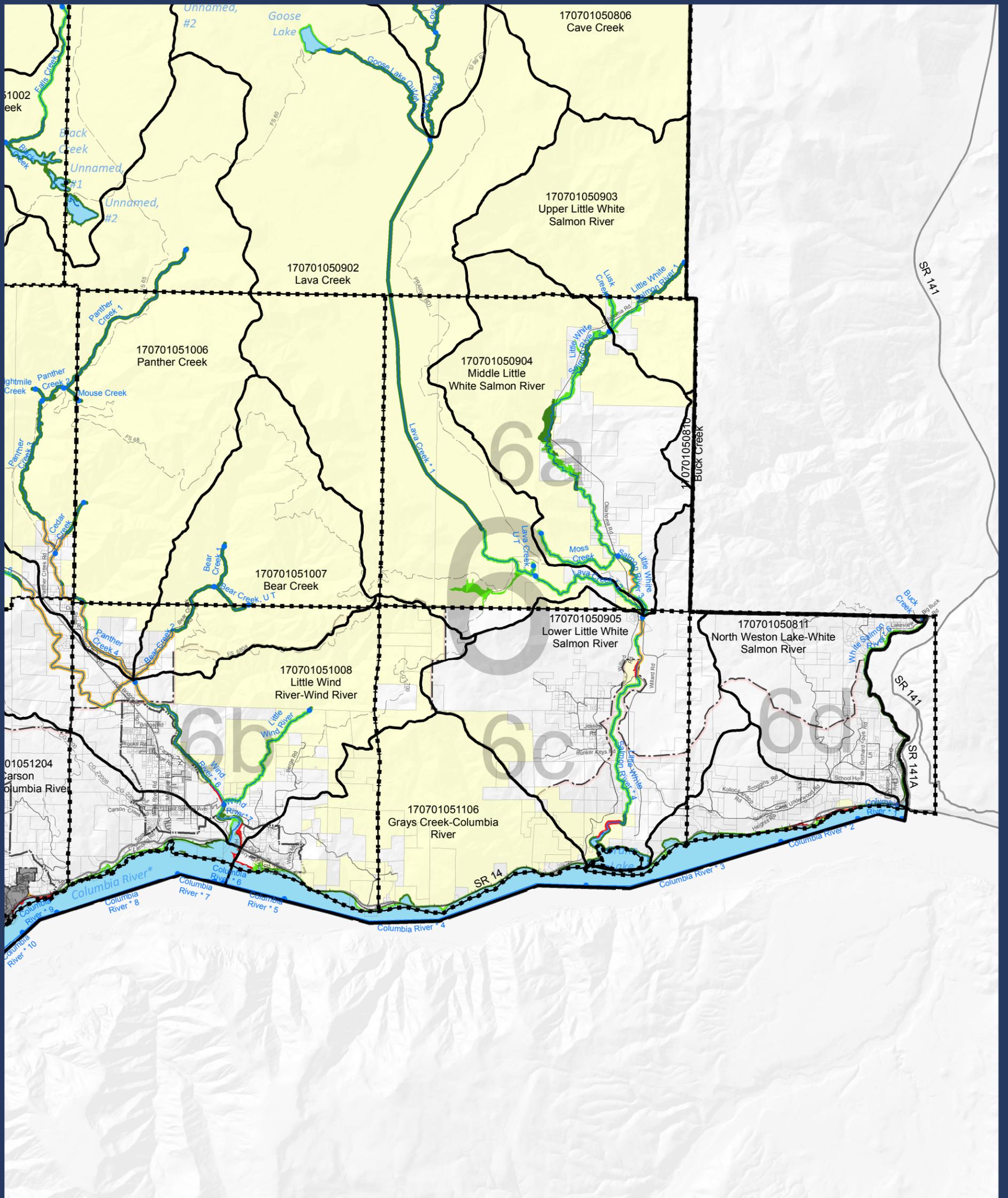
- HUC 12 Boundary
- ~ Streams (Reach breaks at dots)
- Lakes
- Map index grid
- Skamania County boundary
- Nat'l Scenic Area Bndy
- Urban Area Bndy
- City Limits
- Federal ownership
- Parcel
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**Shoreline
 Environmental
 Designation**

Sheet 16



SKAMANIA COUNTY
Department of Assessment
and GIS

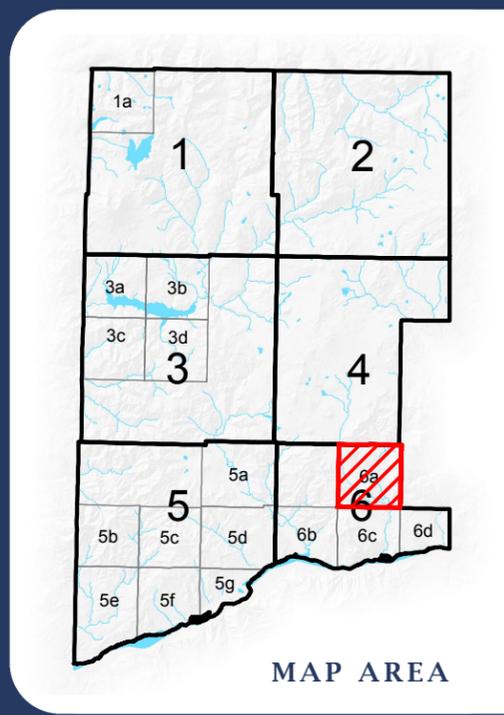
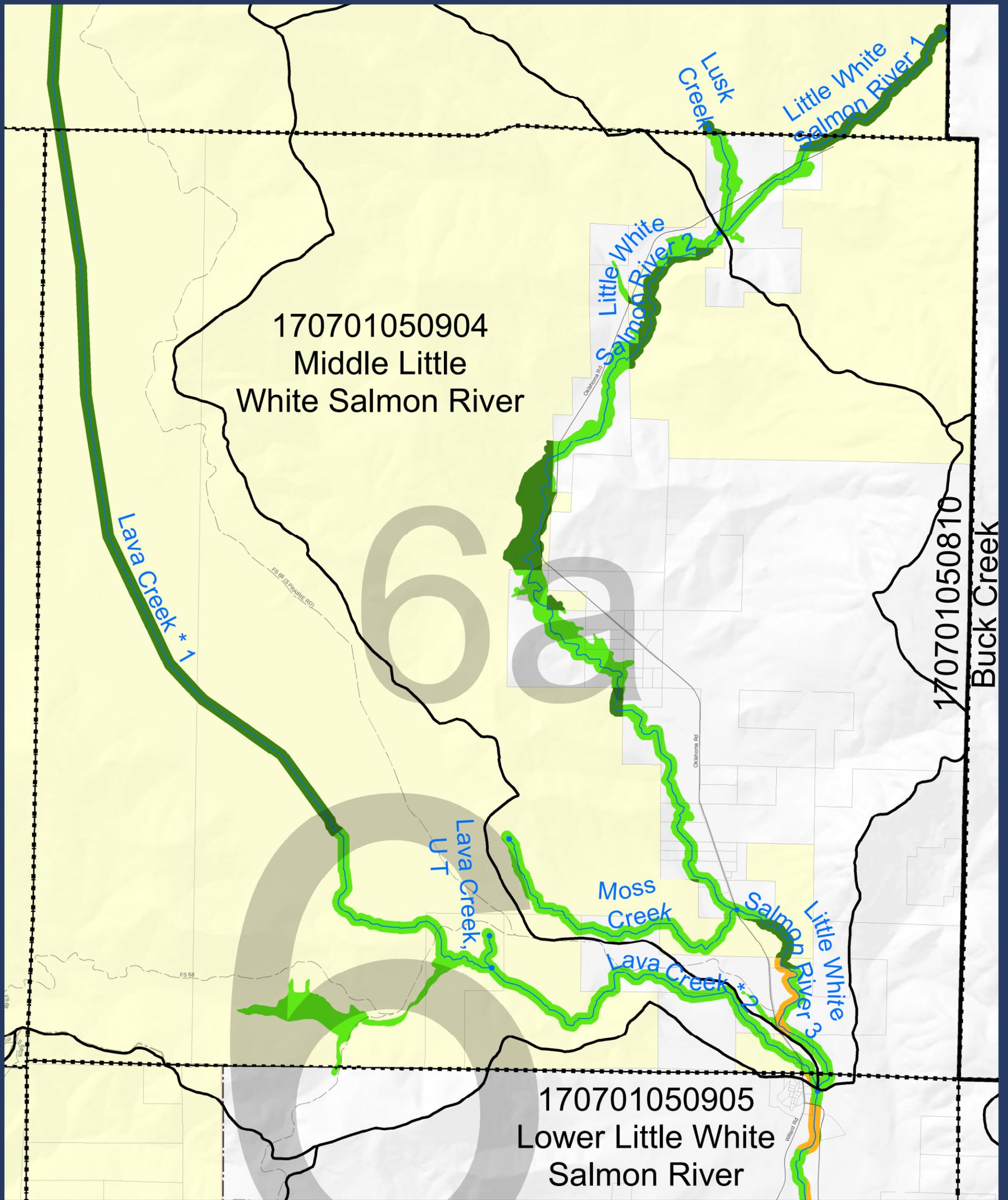


- LEGEND:**
- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- HUC 12 Boundary
 - Parcel
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Shoreline Environmental Designation



SKAMANIA COUNTY
Department of Assessment
and GIS



LEGEND:

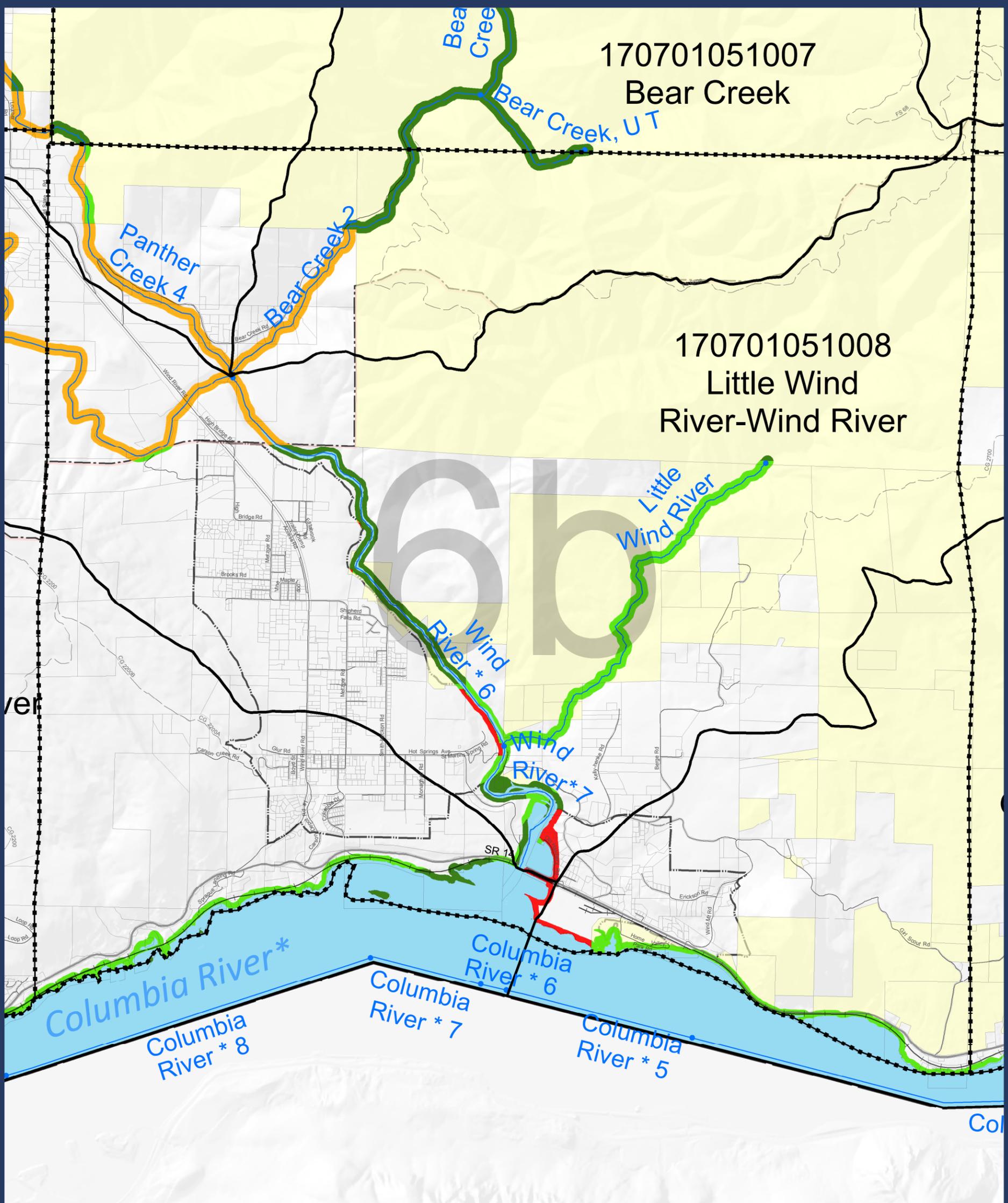
- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- HUC 12 Boundary
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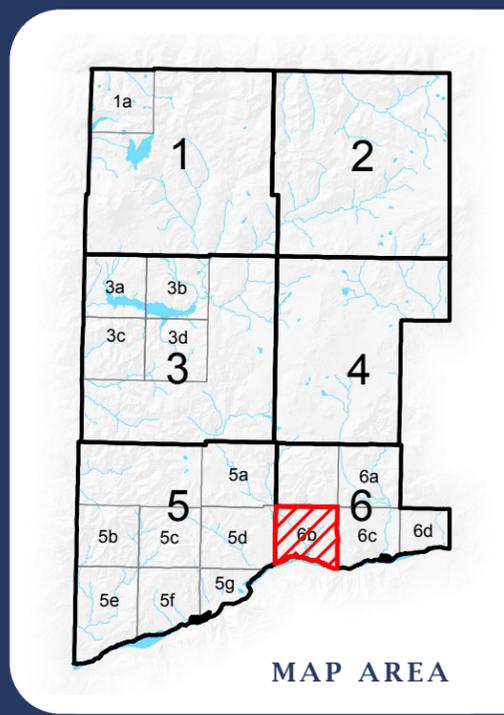
Shoreline Environmental Designation

Sheet 7



170701051007
Bear Creek

170701051008
Little Wind
River-Wind River



SKAMANIA COUNTY
Department of Assessment
and GIS



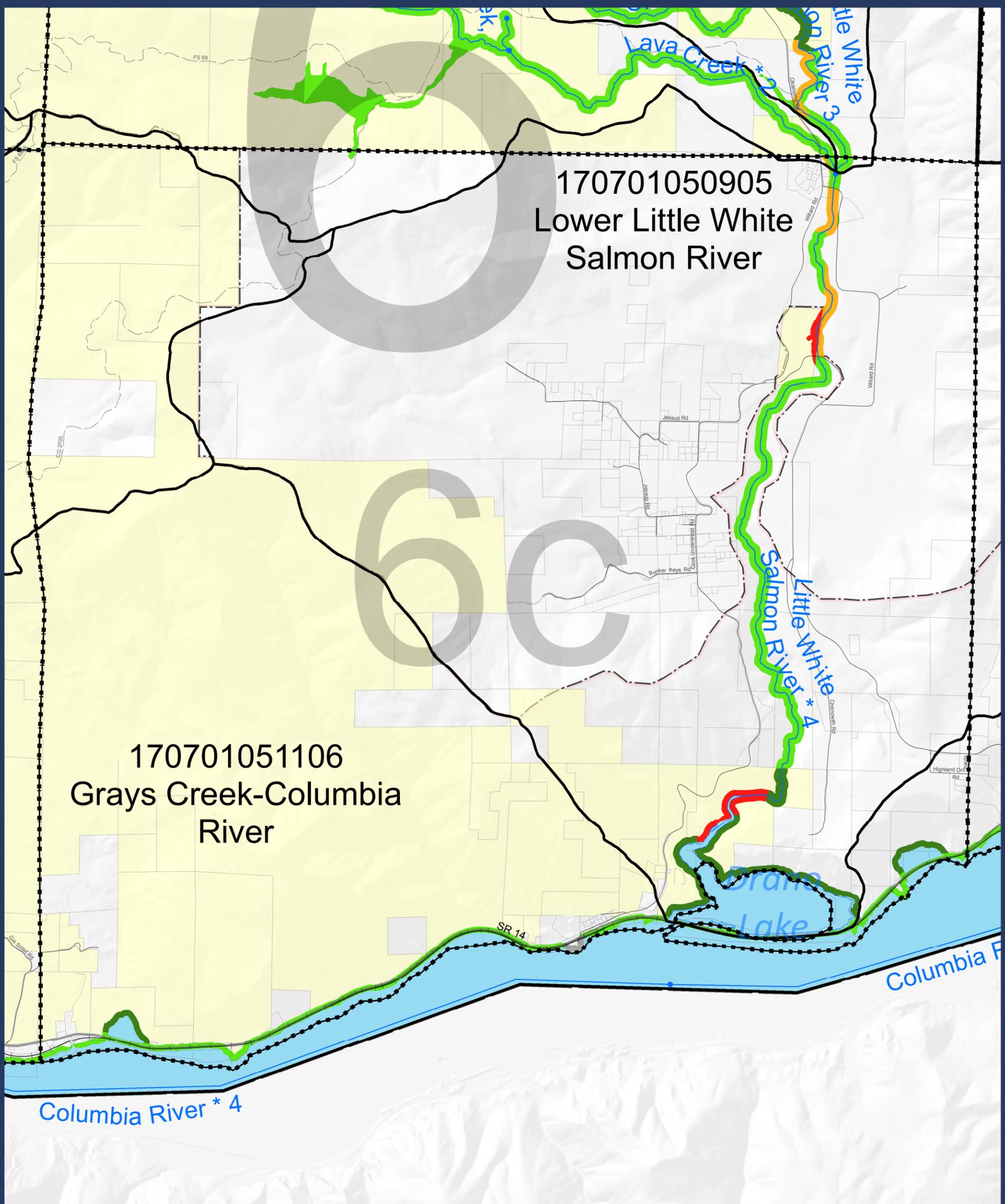
LEGEND:

- Shoreline Environmental Designation**
- █ High Intensity
 - █ Shoreline Residential
 - █ Rural Conservancy
 - █ Natural Environment
 - █ Aquatic
 - █ NA
- Other Features:**
- HUC 12 Boundary
 - Parcel
 - ~ Streams (Reach breaks at dots)
 - █ Lakes
 - Map index grid
 - Skamania County boundary
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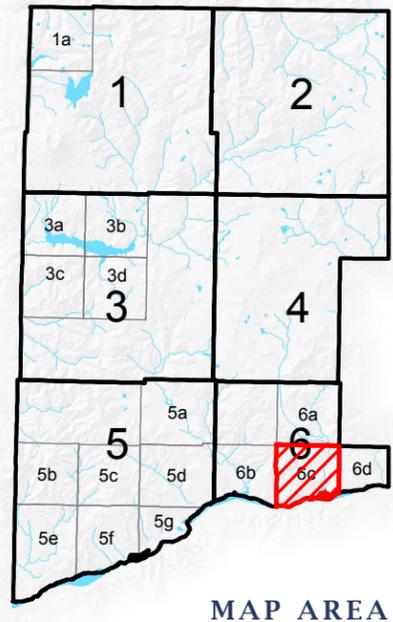
**Shoreline
Environmental
Designation**



170701050905
Lower Little White
Salmon River

170701051106
Grays Creek-Columbia
River

Columbia River * 4



MAP AREA



SKAMANIA COUNTY
Department of Assessment
and GIS



LEGEND:

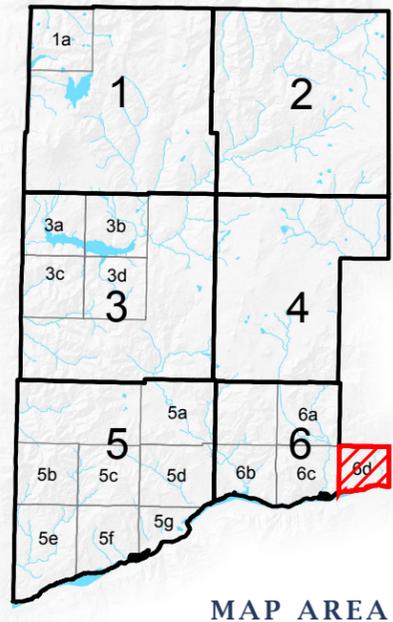
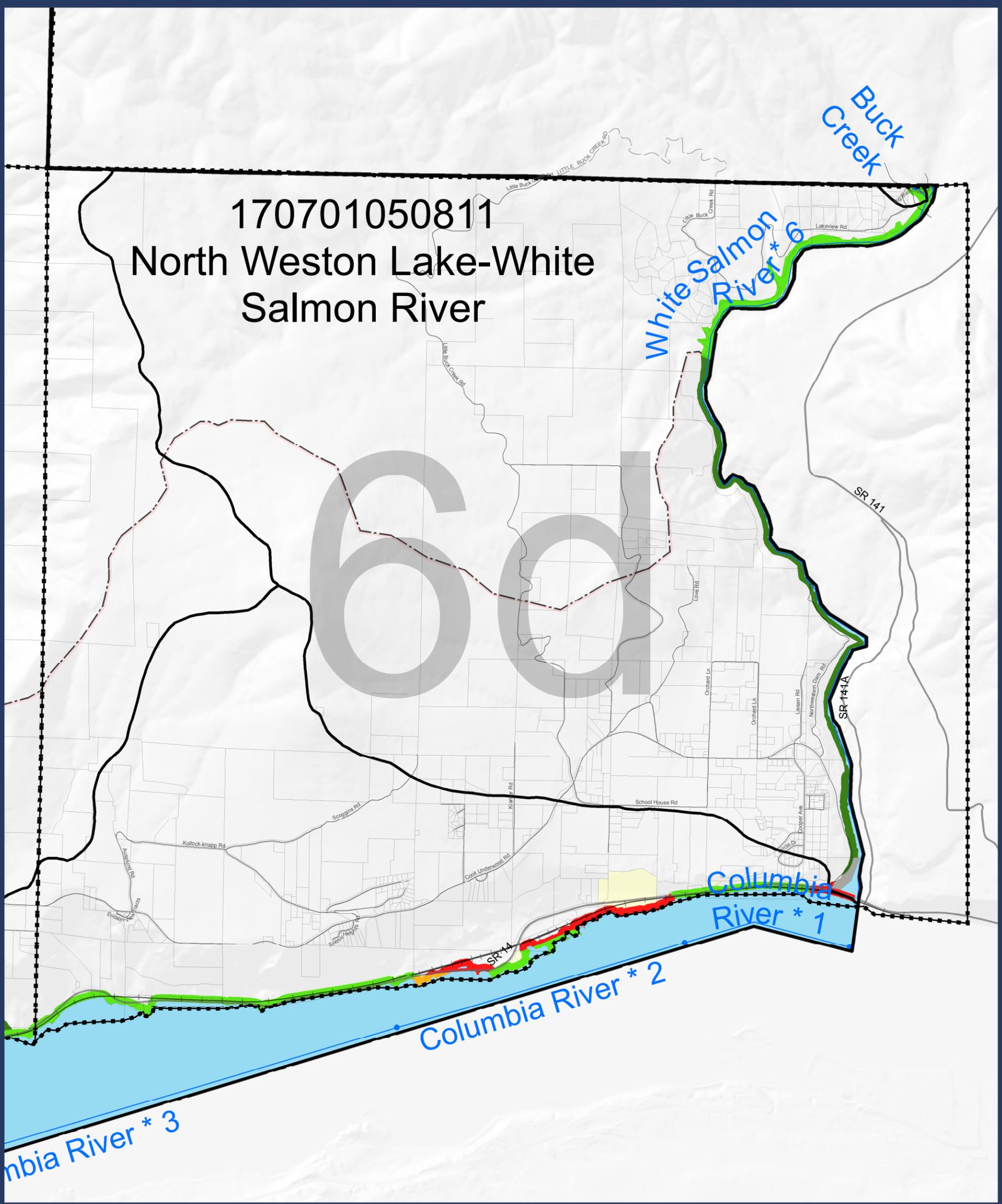
- Shoreline Environmental Designation**
- █ High Intensity
 - █ Shoreline Residential
 - █ Rural Conservancy
 - █ Natural Environment
 - █ Aquatic
 - █ NA
- Other Features:**
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**Shoreline
Environmental
Designation**

170701050811 North Weston Lake-White Salmon River



SKAMANIA COUNTY
Department of Assessment
and GIS



LEGEND:

- Shoreline Environmental Designation**
- High Intensity
 - Shoreline Residential
 - Rural Conservancy
 - Natural Environment
 - Aquatic
 - NA
- Other Symbols:**
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 - Streams (Reach breaks at dots)
 - ~ Lakes
 - Map index grid
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Shoreline Environmental Designation

**Shoreline Master Program
Skamania County, Washington**

**Appendix B
List of Shoreline Waterbodies**

WRIA 26 Cowlitz

<u>Lakes</u>	<u>Rivers</u>	<u>Start of Shoreline Jurisdiction (Lat/Long)</u>	<u>Streams</u>	<u>Start of Shoreline Jurisdiction Lat/Long</u>	<u>Other</u>
Horseshoe Lake	Cispus River Muddy Fork	46.30266/-121.52362	Spring Creek	46.32474/-121.57387	Midway Meadows
Unnamed (HUC 1170800040303)	Cispus River	46.38814/-121.55077	Adams Creek	46.25467/-121.55848	Mosquito Meadows
Unnamed 2 (HUC 170800040303)	Green River	46.34786/-122.08168	Killen Creek	46.29368/-121.54811	Forsyth Glacier
Unnamed 1(HUC 170800040304)	Toutle River North Fork	46.26239/-122.21553	Summit Prairie Creek	46.29447/-121.72305	Sasquatch Steps
Unnamed 2 (HUC 170800040304)			East Canyon Creek	46.28536/-121.6574	
Unnamed 3 (HUC 170800040304)			Dark Creek	46.30102/-121.75023	
Council Lake			Cat Creek	46.36642/-121.62554	
Takhlakh Lake			McCoy Creek	46.30604/-121.79604	
Shovel Lake			Yellowjacket Creek	46.28956/-121.84104	
Panhandle Lake			Quartz Creek	46.38219/-122.0698	
Venus Lake			Miners Creek	46.35876/-122.20328	
Deadmans Lake			Spirit Lake Outflow	46.27694/-122.1623	
Unnamed (HUC 170800050401)			Coldwater Creek	46.31388/-122.18345	
Hanaford Lake			South Coldwater Creek	46.28936/-122.22015	
Elk Lake			Studebaker Creek	46.24651/-122.23387	

Unnamed 2 (HUC 170800050401)					
Unnamed 1 (HUC 170800050401)					
Coldwater Lake					
Spirit Lake					
Saint Helens Lake					
WRIA 27 Lewis					
Lakes	Rivers	Start of Shoreline Jurisdiction (Lat/Long)	Streams	Start of Shoreline Jurisdiction (Lat/Long)	Other
Unnamed 1 (HUC 170800020102)	Lewis River	46.24813/-121.58548	Big Spring Creek	46.2253/-121.63914	Cussed Hollow
Unnamed 2 (HUC 170800020102)	Muddy River	46.16835/-122.10081	Riley Creek	46.22436/-121.5924	Spencer Meadow
Unnamed (HUC 170800020106)	Muddy River Upper Tributary	46.14827/-122.0307	Boulder Creek	46.25232/-121.64984	Lone Butte Meadows
Placid Lake	Lewis River, East Fork, Green Fork	45.83497/-122.14238	Pass Creek	46.17787/-121.7033	Ape Canyon
Unnamed 1 (HUC 170800020109)	Lewis River East Fork	45.82288/-122.16351	Swampy Creek	46.18722/-121.65992	Nelson Glacier
Unnamed 2 (HUC 170800020109)			Twin Falls Creek	46.21443/-121.64622	Wright Meadow
Swift Reservoir			Pin Creek	46.225/-121.70925	Cedar Flats
			Snagtooth Creek	46.21129/-121.8049	Worm Flows
			Straight Creek	46.23388/-121.84168	Glacial runoff, unnamed (HUC 170800020401)
			French Creek	46.26142/-121.7867	Dryer Glacier
			Tillicum Creek	46.14348/-121.78752	
			Alec Creek	46.20248/-121.88525	

			Big Creek	46.10408/-121.79476	
			Chickoon Creek	46.14517/-121.86837	
			Meadow Creek	46.06583/-121.85034	
			Rush Creek	46.03092/-121.83705	
			Outlaw Creek	46.02641/-121.91075	
			Hardtime Creek	46.02538/-121.91988	
			Curly Creek	46.03207/-121.91451	
			Pepper Creek	46.07407/-121.9873	
			Miller Creek	46.05404/-121.97184	
			Smith Creek	46.24083/-122.09229	
			Bean Creek	46.25013/-122.0518	
			Clearwater Creek	46.29226/-122.05468	
			Wright Creek	46.19965/-121.95215	
			Clear Creek	46.20565/-121.9552	
			Pine Creek	46.13606/-122.09456	
			Pine Creek Upper Tributary 1	46.10329/-122.07897	

			Pine Creek Upper Tributary 2	46.1276/-122.07026	
			Pine Creek Upper Tributary 3	46.13786/-122.11045	
			Swift Reservoir Upper Tributary	46.02807/-122.01806	
			Drift Creek	45.9993/-122.0237	
			Swift Creek	46.14188/-122.17145	
			Swift Creek Upper Tributary	46.09423/-122.19384	
			West Fork Swift Creek	46.11802/-122.20235	
			Range Creek	46.01158/-122.12565	
			Marble Creek	46.07518/-122.13851	
			Ole Creek	46.04296/-122.23513	
			Calamity Creek	45.93232/-122.10183	
			Siouxon Creek	45.93548/-122.07507	
			North Siouxon Creek	46.00476/-122.18142	
			West Creek	45.94117/-122.16654	
			Siouxon Creek Upper Tributary	45.94929/-122.22167	
			McKinley Creek	45.82367/-122.20037	
			Little Creek	45.83234/-122.18104	

			Slide Creek	45.8424/-122.22852	
			Copper Creek	45.7723/-122.20291	
			Puny Creek	45.90066/-122.09242	
			Jakes Creek	45.88244/-122.17259	
			Canyon Creek	45.88934/-122.1356	
			Sorehead Creek	45.91066/-122.1682	
			Big Rock Creek	45.89222/-122.21378	
WRIA 28 – Salmon – Washougal					
Lakes	Rivers	Start of Shoreline Jurisdiction (Lat/Long)	Streams	Start of Shoreline Jurisdiction (Lat/Long)	Other
Franz Lake	Washougal River	45.77177/-122.13531	Bluebird Creek	45.73896/-122.14736	
Woody's Lake	Washougal River, West Fork	45.72348/-122.22264	Prospector Creek	45.74273/-122.1159	
Unnamed Waterbody (HUC 170800010803)	Washougal River, West Fork, Upper Tributary	45.70721/-122.21722	Deer Creek	45.74724/-122.09058	
	Columbia River	45.64471/-121.94081	Lookout Creek	45.77434/-122.12107	
			Dougan Creek	45.68862/-122.15625	
			Stebbins Creek	45.71575/-122.0857	
			Wildboy Creek	45.671/-122.21846	
			Hagen Creek	45.69313/-122.24915	

			Greenleaf Creek	45.67181/-121.95932	
			Hamilton Creek	45.70411/-122.01503	
			Duncan Creek	45.66347/-122.0866	
			Woodward Creek	45.6455/-122.05712	
WRIA 29 – Wind-White Salmon					
Lakes	Rivers	Start of Shoreline Jurisdiction (Lat/Long)	Streams	Start of Shoreline Jurisdiction (Lat/Long)	Other
Unnamed (HUC 170701050802)	White Salmon River	46.16132/-121.62567	Cascade Creek	46.16623/-121.57023	Swampy Meadows
Unnamed 1 (HUC 170701050804)	Little White Salmon River	45.88068/-121.61263	Cascade Creek Upper Tributary	46.15928/-121.56614	Grand Meadows
Unnamed 2 (HUC 170701050804)	Wind River	45.90784/-121.94979	Salt Creek	46.15142/-121.55543	McClellan Meadows
Big Mosquito Lake	Little Wind River	45.75388/-121.76003	Buck Creek (in HUC12 named "Morrison Creek- White Salmon River")	46.07539/-121.56675	
			Buck Creek (in HUC12 named "Buck Creek")	45.78212/-121.51685	
Unnamed (HUC 170701050805)			Morrison Creek	46.06039/-121.55044	
Forlorn Lakes			Hole In The Ground Creek	46.07758/-121.52436	
Goose Lake			Little Goose Creek	46.05841/-121.67102	
Unnamed 1 (HUC 170701050902)			Cultus Creek	46.06301/-121.72817	

Unnamed 2 (HUC 170701050902)			Trout Lake Creek	46.12792/-121.68592	
Drano Lake			Dry Creek (in HUC12 named "Dry Creek")	45.922/-121.98163	
			Dry Creek (in HUC12 named "Dry Creek-Lost Creek")	45.96638/-121.74172	
			Dry Creek (in HUC12 named "Lower Trout Lake Creek")	45.97076/-121.63676	
Unnamed 1 (HUC 170701051002)			Lost Creek	45.96964/-121.72162	
Unnamed 2 (HUC 170701051002)			Lava Creek Upper Tributary	45.79551/-121.67233	
Unnamed (HUC 170701051004)			Goose Lake Outlet	45.93904/-121.75799	
Unnamed 1 (HUC 170701051005)			Lava Creek	45.91485/-121.71622	
Unnamed 2 (HUC 170701051005)			Lusk Creek	45.8713/-121.64446	
Wauna Lake			Moss Creek	45.8046/-121.66993	
Ashes Lake			Black Creek	45.90984/-121.88418	
			Falls Creek	45.95036/-121.8648	
			Big Hollow Creek	45.93981/-122.0047	
			Cold Creek	45.83647/-121.95043	
			Trapper Creek	45.90455/-122.03357	
			Trout Creek	45.80243/-121.92617	

			Panther Creek	45.88243/-121.81267	
			Cedar Creek	45.81047/-121.8512	
			Mouse Creek	45.83911/-121.85398	
			Eightmile Creek	45.84214/-121.87358	
			Bear Creek Upper Tributary	45.78262/-121.78455	
			Bear Creek	45.79965/-121.79556	
			Rock Creek	45.77112/-122.04522	
			Forest Creek	45.75545/-121.96547	