Cosmopolis SMP Update – Draft Critical Areas Regulations

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Cosmopolis SMP Update – Draft Critical Areas Regulations

1 GENERAL REGULATIONS

1.01 PURPOSE

Comment [BM1]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.010, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

The Shelton CAO was cited as a good example on the MRSC website.

A. This Appendix establishes regulations pertaining to the development and protection of critical areas, as required under the SMA within the shoreline jurisdiction. "Critical areas" are wetland areas, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

B. The purpose of the Appendix is to protect the environmentally sensitive resources within the shoreline jurisdiction of the city by establishing minimum standards for development of properties that contain or border environmentally sensitive features and thus protect the public health, safety, and welfare concerning critical areas. These standards serve to preclude land uses and developments which are incompatible with critical areas by:

1. Protecting the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence;
2. Protecting against publicly financed expenditures to address improper use or improper management of critical areas;
3. Preventing degradation of the natural environment;
4. Protecting unique, fragile, and valuable elements of the environment;
5. Including BAS in developing policies and development regulations to protect the functions and values of critical areas;
6. Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;
7. Alerting property owners, potential buyers or lessees, and others to the existence of and the development limitations of critical areas; and
8. Providing city officials with sufficient information to protect critical areas when approving, conditioning, or denying public or private development proposals.

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1.02 APPLICABILITY

This Appendix establishes designations and regulations for the protection of all properties that are critical areas within the shoreline jurisdiction. Properties classified as critical areas are those so designated on the resource maps referenced in this Appendix, or by separate studies which indicate that all or portions of a particular area or specific site are environmentally sensitive or critical areas. A site-specific analysis that indicates that any element regulated by this Appendix is present will result in the classification of a property as an environmentally sensitive critical area. Land uses or developments proposed on or adjacent to sites which are critical areas shall comply with the provisions of this Appendix.

Comment [BM2]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.020, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

1.03 BEST AVAILABLE SCIENCE

A. Critical area identification, assessment, and evaluation, as well as the associated reports and decisions, shall rely on the applicable BAS and must consider conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat.

B. BAS is the scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or a team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

C. In the absence of valid scientific information or incomplete scientific information relating to a critical area, which leads to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the city shall:

   1. Take a precautionary or a no-risk approach that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and

   2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area.

Comment [BM3]: AHBL Comment: Source was the Ocean Shores CAO.

Citations for BAS were added to each critical area section.

1.04 CRITICAL AREA MAPS

Maps referenced in this Appendix for designation of critical areas are resources for the identification of the probable location, extent, and classification of critical areas. The Shoreline Administrator may use such information as a basis for applying the provisions of this Appendix,

Comment [BM4]: AHBL Comment: There are no adopted critical areas maps for the City of Cosmopolis. There are maps that show critical areas in the Hazard Mitigation Plan (2010) and the SMP map folio.

including requiring field investigation and special reports. In the event of a conflict between information contained in the critical area maps and information resulting from a field investigation, the latter shall prevail.

1.05 MULTIPLE CRITICAL AREAS DESIGNATIONS

Where any parcel contains more than one critical area, the development standards for each category of critical area must be met. Where there is conflict between development standards for critical area categories, the most restrictive standards shall apply.

Comment [BM5]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.050, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

1.06 PERMITTED USES

A. Each use permitted on properties classified as critical areas within the shoreline jurisdiction shall be evaluated in accordance with the review process specified in SMP Chapter 7: Shoreline Administration, in conjunction with the requirements of this Appendix, as well as state and federal regulations.

B. Altering critical areas or buffers related to wetlands, streams, and geological hazard areas is prohibited except when:

   1. Alteration is approved pursuant to the shoreline variance provisions of SMP Section 7.04.03; or
   2. Alteration is necessary to accommodate an essential public facility or public utility where no feasible alternative location will accommodate the facility and the facility is located, designed, and constructed to minimize, mitigate, and where possible avoid critical area disturbance to the maximum extent feasible.

C. Land that is located wholly within a critical area or buffer may not be subdivided for purposes of creating buildable parcels. Land that is located partially within a critical area or its buffer may be divided if each resulting lot has sufficient buildable area outside of the critical area or buffer with provision for drainage, erosion control, vegetation maintenance, and related features that will not adversely affect the critical area or its buffer.

Comment [BM6]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.070, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

1.07 ALLOWED ACTIVITIES

Comment [BM7]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.071, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

In critical areas, the following actions and activities are allowed as actions with negligible effects on the resource and ecological functions. These actions and activities are subject to the standards and criteria provided, and subject to review and approval processes.

A. Emergency actions are those activities necessary to prevent an immediate threat to life, to public health, safety, or welfare, or that pose an immediate risk of damage to private structures or improvements and that require remedial or preventative action in a timeframe too short to allow for compliance with the procedural requirements of this Appendix.

   1. Emergency actions that create an impact on a critical area or its buffer shall be limited to those actions that are required to address the emergency and generally are limited to the actions necessary to remove the immediate threat. Additional actions to address a deficiency permanently generally do not qualify as emergency actions and require full compliance with the procedural requirements of this Appendix. Emergency actions also must be carried out in a manner that has the least feasible impact on the critical area or its buffer.

   2. The person or agency undertaking emergency action shall notify the Shoreline Administrator within one working day following commencement of the emergency activity. Within 14 days, the Shoreline Administrator shall determine if the action taken was within the scope of the emergency actions allowed in this Section. If the Shoreline Administrator determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the enforcement provisions of SMP Section 7.08: Enforcement and Penalties shall apply.

   3. After the emergency, the person or agency undertaking the action shall submit a critical area report to assess effects on critical areas and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for all approvals required by this Appendix. Restoration and/or mitigation activities must be initiated within 60 days of the date of the emergency, unless an extension is approved by the Shoreline Administrator, and completed in a timely manner.

B. Maintenance, operation, and/or repair of existing developed rights-of-way, trails, roads, utilities, buildings, and other facilities within critical areas and buffers, provided that the activity does not further alter, impact, or encroach upon the sensitive area or buffer or further affect the functions of sensitive areas, and there is no increased risk to life or

property as a result of the proposed operation, maintenance, or repair and provided further that:

1. Prior to undertaking such actions, the applicant shall submit a written description of the maintenance activity to the Shoreline Administrator with all of the following general information:
    a. Type, timing, frequency, and sequence of maintenance activity to be conducted;
    b. Type of equipment to be used (hand or mechanical);
    c. Manner in which the equipment will be used; and
    d. BMPs to be used.

C. Maintenance of existing, lawfully established landscaping and gardens within a regulated critical area or its buffer, including but not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this code, provided that native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants are not covered by this exception.

D. Maintenance, repair, or replacement of an existing non-conforming structure pursuant to SMP Section 7.07: Non-Conforming Development that does not further alter or increase the impact to the sensitive area or buffer and results in no increased risk to life or property as a result of the proposed modification or replacement.

E. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the existing improved portion of the public right-of-way (road surface, shoulder, sidewalks, and fill slopes) or the improved portion of city authorized private roadway provided that no fill or discharge occurs outside the existing improved area and with appropriate BMPs to control erosion, sedimentation and other potential impacts. Excluded is work within a water body or wetland, including but not limited to culverts or bridge replacement or construction.

F. Utility projects that have minor or short-duration impacts to critical areas and buffers, as determined by the Shoreline Administrator in accordance with the criteria below, and which do not significantly impact the functions or values of a sensitive area(s), provided that such projects are constructed with BMPs and appropriate restoration measures are

provided. These activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:

1. There is no practical alternative to the proposed activity with less impact on sensitive areas;
2. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and
3. The activity involves disturbance of less than 75 square feet of the sensitive area and/or buffer;

G. Low impact activities such as hiking, canoeing, nature study, photography, fishing, education, or scientific research.

H. Vegetation removal subject to the requirements of SMP Section 4.08: Vegetation Conservation.

I. Measures to control a fire or halt the spread of disease or damaging insects consistent with the FPA, if the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan.

J. Minor site investigative work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads, removal of native trees or shrubs, or displacement of more than five cubic yards of material. Investigations involving displacement of more than five cubic yards of material, including geotechnical soil borings, groundwater monitoring wells, percolation tests, and similar activities shall require submittal of specific plans and restoration plans. In every case, impacts to the sensitive area shall be minimized and disturbed areas shall be immediately restored.

K. Activities undertaken to comply with an EPA superfund related order, or an Ecology order pursuant to the Model Toxics Control Act that specifically preempts local regulations in the findings of the order.

L. Project and facilities for restoration and enhancement of ecological functions of critical areas and related resources may be allowed within critical areas and buffers, upon approval of a restoration and mitigation plan in accordance with the provisions of this Appendix, or for restoration of enhancement programs in an adopted Shoreline Restoration Plan pursuant to WAC 173-26, a watershed planning document prepared and adopted pursuant to RCW 90.82, a watershed restoration project pursuant to RCW 89.08.460, a Salmonid Recovery Plan, the Salmon Recovery Board Habitat Project List, or

identified by the WDFW as essential for fish and wildlife habitat enhancement pursuant to RCW 77.55.290.

1.08 BUILDING SETBACKS

Comment [BM8]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.086, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

A. Buildings and other structures shall be set back a sufficient distance to assure that disturbance to sensitive area vegetation and soils is avoided during construction, maintenance, and use.

B. Buildings and other structures shall be set back a distance of fifteen feet from the edges of all critical area buffers or from the edges of all critical areas if no buffers are required.

C. If slopes adjacent to the buffer for wetlands or water bodies exceed 15 percent, including slopes created by grading, a swale sufficient to intercept surface water movement shall be installed outside the edge of the buffer.

D. The following facilities and uses are allowed in the building setback:

1. Landscaping, including rockeries not over 42 inches high provided construction does not alter the buffer or critical area;
2. Uncovered decks, platforms, porches, and similar projections not over 42 inches high;
3. Building eaves, cornices, chimneys, and similar projections in compliance with CMC 18.56.020: Architectural Features;
4. Impermeable surfaces such as driveways, parking lots, roads, and patios provided that such surfaces conform to applicable water quality standards and that construction equipment does not enter the buffer or critical area; and
5. Clearing and grading consisting of not over 42 inches of cut or fill.

1.09 PRELIMINARY CONSULTATION AND PROCESSING

Comment [BM9]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.090 and Chapter 21.64.081, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

A. When an application for a shoreline permit is submitted according to the process established in SMP Chapter 7: Shoreline Administration, the Shoreline Administrator will conduct a preliminary site inspection to confirm the presence or absence of a potential critical area on or adjacent to the property to be developed. Within 15 city business days of the receipt of any such application, the city shall notify the applicant in writing of the possible presence of a critical area and provide consultation, if requested,

regarding additional data requirements or methods of compliance with this Appendix, including submittal of a critical area study.

B. The Shoreline Administrator shall perform a critical area review for any application for a development proposal on a site that includes one or more critical areas or affect critical areas on adjacent lands within the shoreline jurisdiction. The Shoreline Administrator shall verify the information submitted by the applicant to:

1. Confirm the nature and type of the critical areas and associated buffers;
2. Evaluate the need for critical area studies or the adequacy of any such studies submitted with the application;
3. Determine whether the development proposal is consistent with these critical area regulations;
4. Determine whether proposed alterations to critical areas are necessary; and
5. Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety, and welfare consistent with the goals, purposes, objectives, and requirements of the SMP.

1.10 CRITICAL AREA STUDIES

Comment [BM10]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.082, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

An applicant for a development proposal that could impact critical areas or buffers shall submit such studies prepared by a qualified professional, as defined in SMP Chapter 8: Definitions, as are required by the Shoreline Administrator to evaluate the proposal and all probable impacts adequately. The applicant shall pay for such studies.

A. The Shoreline Administrator may waive the requirement for a critical area study if there is a substantial showing that:

1. The boundaries of the critical area and associated buffers can be reliably determined without a technical study;
2. There will be no alteration of the critical area or required buffer;
3. The development proposal will not impact critical areas in a manner contrary to the goals, purposes, objectives and requirements of this Appendix; and
4. The criteria and standards required by this Appendix are met.

B. The contents of the critical area study are specified in the following sections of this Appendix. The Shoreline Administrator may require such supplements or amendments

to the study as necessary to develop a reasonably comprehensive understanding of the site conditions, potential impacts, and required mitigation.

C. Based on a review of the information contained in the critical area study and the conditions of the development proposal site, the Shoreline Administrator may require independent review of any such study. A qualified professional selected by the city and paid for by the applicant shall perform this independent review. The purpose of such independent review is to assist the city in evaluating the effects on critical areas that may be caused by a development proposal and to facilitate the decision making process.

1.11 MITIGATION

Comment [BM11]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.087, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

A. Mitigation measures shall be implemented to protect critical areas and buffers from alterations occurring on all or portions of a site being developed. Except for wetlands, which are subject only to SMP Appendix 2: Section 2.09: Mitigation Requirements, the mitigation measures required below shall be implemented in conjunction with other applicable mitigation requirements outlined in the subsequent sections of this Appendix.

B. For purposes of this Appendix, mitigation means the use of the following actions that are listed in descending order of preference:

1. Avoiding the impact all together by not taking a certain action or parts of an action;
2. Minimizing impact 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 impact;
3. Rectifying the impact by repairing, rehabilitating, or restoring the critical areas;
4. Reducing or eliminating the impact over time by prevention and maintenance operations;
5. Compensating for the impact by replacing, enhancing or providing substitute areas and environments and replacing the ecological processes and functions of the resource;
6. Monitoring the impact and taking appropriate corrective measures.

C. Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success. Off-

site mitigation is preferred close as possible to the impact area and within the same watershed sub-basin as the permitted alteration

D. A mitigation plan shall be required for the design, implementation, maintenance, and monitoring of mitigation. A plan shall provide the following, in addition to criteria for the specific critical areas provided below for individual critical areas:

   1. A description and evaluation of any critical areas that could be altered by the proposed development, including evaluation of ecological processes and functions based on BAS and detailed field assessment of the affected resources;
   2. A description and scaled drawings of the proposed mitigation activities including, but not limited to, clearing, grading/excavation, drainage alterations, planting, invasive plant management, installation of habitat structures, irrigation, and other site treatments;
   3. A description of the ecological functions and values that the proposed alteration may affect and of the specific ecological functions and values the proposed mitigation area(s) shall provide;
   4. A description of required or recommended mitigation ratios and an assessment of factors that may affect the success of the mitigation program;
   5. Specific measurable performance standards that the proposed mitigation action(s) shall achieve together with a description of how the mitigation action(s) will be evaluated and monitored to determine if the performance standards are being met;
   6. A description of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates that project performance standards are not being met; and
   7. Cost estimates for the installation of the mitigation program, monitoring, and maintenance as well as for corrective action if mitigation performance standards are not met.

E. A performance assurance shall be provided to guarantee installation, monitoring, and performance of mitigation actions.

   1. Performance Surety: The applicant shall post a cash performance bond, letter of credit, or other security acceptable to the city in the amount of one hundred and twenty-five percent (125%) of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater. The surety shall be based on an itemized cost estimate of the mitigation activity including clearing and grading, plant materials, plant

installation, irrigation, weed management, monitoring, and other costs. The conditions of the surety shall be consistent with the purposes of this Appendix and the conditions to be fulfilled. In the event of a breach of any condition of any such bond, the city may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution. The city shall release the bond upon determining that:

a. All activities, including any required compensatory mitigation, have been completed in compliance with the terms and conditions of the permit and the requirements of this Appendix;

b. Upon the posting by the applicant of a maintenance surety.

2. Maintenance Surety: The city shall require the holder of a development permit issued pursuant to this Appendix to post a cash performance bond, letter of credit, or other security acceptable to the city in an amount and with surety and conditions sufficient to guarantee that structures, improvements and mitigation required by the permit of by this Appendix perform satisfactorily, generally for a period of five years after they have been completed. The city shall release the maintenance bond upon determining that the performance standards that were established for evaluating the effectiveness and success of the structures, improvements, and/or compensatory mitigation have been satisfactorily met for the required period. For compensation projects, the performance standards shall be those contained in the mitigation plan developed and approved during the permit review process. The maintenance bond applicable to a compensation project shall not be released until the city determines that performance standards established for evaluating the effect and success of the project have been met. The Shoreline Administrator may return up to 50 percent of the surety following the first year of monitoring if the year 1 performance standards are met and the risk of subsequent failure is considered low.

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

4. Public development proposals may be relieved from having to comply with the surety requirements of this section if public funds have been committed through a budget process with final approval for mitigation, maintenance, or monitoring.

1.12 NOTICE ON TITLE

Comment [BM12]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.085, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

A. The owner of any property containing critical areas in the shoreline jurisdiction on which a development proposal is approved shall file with the Grays Harbor Auditor a notice in a format approved by the Shoreline Administrator. A copy of the filed notice shall be provided by the owner to the Shoreline Administrator unless notice is provided on a plat as provided in SMP Appendix 2: Section 1.12(B), below. The notice shall:

1. State the presence of the critical area and/or buffer area on the property, and identify that there are limitations and restrictions on uses and actions in or affecting the critical area and/or buffer imposed by the provisions of this Appendix and specific conditions of approval. The notice shall indicate that the restrictions run with the land and they may be altered only in conjunction with an amendment of specific conditions of approval as provided by the SMP.
2. Provide that management of the critical area is required to include, but is not limited to, maintenance or replacement of vegetation to assure the long-term viability of a community of native vegetation, control of invasive plant control, and fulfillment of other conditions of approval.
3. Provide for the right of the public, and specifically the city, to enforce the terms of the restrictions through civil infraction or other legal address.
4. If a site plan has been approved indicating the extent of the critical area and buffer and permit conditions, a copy of the site plan together with relevant survey information and permit conditions shall be included in the notice filed.

B. Restrictions on use and development of critical areas buffers and setback areas on plats and short plats shall include the information in SMP Appendix 2: Section 1.12(A), above, shall designate the party responsible for maintenance of the critical area, if other than the property owner, and shall place critical areas in tracts or easements as provided below:

1. Designation of separate tracts for critical areas and buffers shall be the preferred method of designation and protection of critical areas in plats to provide for integrated management of the critical area and buffer separately from lots. The tract may be:
    a. Held in an undivided interest by each owner of a building lot within the development, the ownership of which shall pass with the ownership of the lot. Responsibility for meeting all requirements of preservation and management

shall be designated to an incorporated homeowner's association or other legal entity that assures the ownership and protection of the critical area.

b. Dedicated to the city or other governmental entity qualified to own and manage open space.

c. Conveyed to a non-profit land trust, provided the land may not be thereafter transferred to a private party, and provided that if the land trust is dissolved or otherwise fails to perform its functions, ownership and responsibility for management shall devolve to an undivided interest by each owner of a building lot within the development, as provided in SMP Appendix 2 Section 1.12(B)(1)(a) above.

2. The Shoreline Administrator may allow a critical area and buffer to be placed within a protective easement on a parcel with the responsibility for meeting all requirements of preservation and management placed on the owner of the parcel over which the easement is placed. This means of designation shall be used in cases where the size and the ecological functions of the critical area do not require coordinated management or where formation of an incorporated homeowner's association or other legal entity for management is found to be impractical because of the limited number of lots, or where ownership and management by the city, a qualified special district or a land trust is found to be impractical. This alternative generally will be limited to critical areas and buffers of less than 20,000 square feet and developments of fewer than ten parcels, or commercial or multi-family development.

C. This notice on title shall not be required for a development proposal by a public agency or public or private utility within a right-of-way or easement for which they do not have fee-simple title.

D. The applicant shall submit proof that the notice, dedication, or easement has been filed for public record before the city shall approve any final plat or final site plan for such site. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be a violation of this section.

E. SMP Section 7.08: Enforcement and Penalties are applicable to enforcement to the provisions of this Appendix.

2 WETLANDS

2.01 PURPOSE

Comment [BM13]: AHBL Comment: Purpose statement is based on Ocean Shores'.

The city shall regulate development activities to protect wetlands. Development activities shall be managed in a manner that does not significantly diminish the capacity of wetlands to do the following:

A. Provide flood and stormwater control;

B. Recharge the aquifer;

C. Protect surface and groundwater quality by trapping sediments, removing nutrients, and providing chemical detoxification; and

D. Provide habitat for fish and wildlife including listed endangered and threatened species.

2.02 BEST AVAILABLE SCIENCE

Comment [BM14]: AHBL Comment: BAS is an update from Ocean Shores.

Question for Ecology: Will this section be needed in the final Critical Areas Regulations appendix?

The city adopts by reference the following as current BAS resources for wetlands in the city:

A. U.S. Army Corps of Engineers. (1987). Wetlands Delineation Manual

B. U.S. Army Corps of Engineers. (May 2010). Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0).

C. USDA. (1986). Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County, Washington.

D. Washington Department of Ecology. (2014). Washington State Wetland Rating System for Western Washington: 2014 Update. Ecology Publication No. 14-06-029, as revised.

E. Washington Department of Ecology. (April 2005). Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands. Ecology Publication No. 05-06-008.

F. Washington Department of Ecology. (March 2005). Wetlands in Washington State, Volume 1: A Synthesis of the Science. Ecology Publication No. 05-06-006.

G. Washington Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. (March 2006). Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Ecology Publication No. 06-06-011a.

H. Washington Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. (March 2006). Wetland Mitigation in Washington State: Part 2 – Developing Mitigation Plans (Version 1). Ecology Publication No. 06-06-011b.

2.03 WETLAND IDENTIFICATION AND DELINEATION

Identification of wetlands and delineation of their boundaries pursuant to this Appendix shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the shoreline jurisdiction of the city meeting the wetland designation criteria in that procedure are designated critical areas and are subject to the provisions of this Appendix. Wetland delineations are valid for five years; after such date, the city shall determine whether a revision or additional assessment is necessary.

Comment [BM15]: AHBL Comment: Source for SMP Appendix 2: Section 2.03 is the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) by Ecology. Note that the state delineation manual was repealed by Ecology in 2011 and replaced by the federal USACE manual.

2.04 WETLAND RATING

A. Wetlands shall be rated in accordance with *Washington State Wetland Rating System for Western Washington: 2014 Update*, 2014, Ecology Publication No. 14-06-029, as revised and approved by Ecology, which contains the definitions and methods for determining whether the criteria below are met.

1. Category I Wetlands. Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. Category I wetlands are those wetlands of exceptional value in terms of protecting water quality, storing flood and storm water, and/or providing habitat for wildlife as indicated by their special characteristics and/or a total rating system score of 23 to 27 points or more on the Ecology rating forms. These wetland communities of infrequent occurrence often provide documented habitat for sensitive, threatened

Comment [BM16]: AHBL Comment: Source for SMP Appendix 2: Section 2.04 is the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) by Ecology.

The *Washington State Wetland Rating System for Western Washington: 2014 Update* provides a current, defensible, and common system.

or endangered species, and/or have other attributes that are very difficult or impossible to replace if altered.

2. Category II Wetlands. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands have significant value based on their function as indicated by their special characteristics and/or a total rating system score of between 20 and 22 points on the Ecology rating forms. They do not meet the criteria for Category I rating but occur infrequently and have qualities that are difficult to replace if altered.
3. Category III Wetlands. Category III wetlands are 1) wetlands with a moderate level of functions (scores between 16-19 points), and 2) can often be adequately replaced with a well-planned mitigation project. Wetlands scoring between 16-19 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
4. Category IV Wetlands. Category IV wetlands have the lowest levels of functions (scores fewer than 16 points) and are often heavily disturbed. These wetlands should be replaced, and in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and need to be protected.

B. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

Comment [BM17]: AHBL Comment: There are no interdunal wetlands in the City of Cosmopolis, so that phrase was removed from this section.

2.05 REGULATED ACTIVITIES

Comment [BM18]: AHBL Comment: Source for SMP Appendix 2: Section 2.05 is the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) by Ecology.

A. For any regulated activity, a critical areas report as defined in SMP Appendix 2: Chapter 2.08: Critical Area Report for Wetlands may be required to support the requested activity.

B. The following activities are regulated if they occur in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
2. The dumping of, discharging of, or filling with any material;
3. The draining, flooding, or disturbing of the water level or water table;

4. Pile driving;
5. The placing of obstructions;
6. The construction, reconstruction, demolition, or expansion of any structure;
7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;
8. Class IV - General Forest Practices under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations," WAC 222-12-030, or as thereafter amended; and
9. Activities that result in:
    a. A significant change of water temperature;
    b. A significant change of physical or chemical characteristics of the sources of water to the wetland;
    c. A significant change in the quantity, timing, or duration of the water entering the wetland; or
    d. The introduction of pollutants.

2.06 EXEMPTIONS AND ALLOWED USES IN WETLANDS

A. The following wetlands are exempt from the buffer provisions contained in this Appendix and the normal mitigation sequencing process in SMP Appendix 2: Section 2.09: Mitigation Requirements. These wetlands may be filled if impacts are fully mitigated based on provisions in SMP Appendix 2: Section 2.09: Mitigation Requirements. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in SMP Appendix 2: Section 2.08: Critical Areas Reports for Wetlands must be submitted.

1. All isolated Category III and IV wetlands less than 1,000 square feet that:
    a. Are not associated with riparian areas or buffers;
    b. Are not part of a wetland mosaic; and
    c. Do not contain habitat identified as essential for local populations of priority species identified by the WDFW or species of local importance identified in SMP Appendix 2: Section 6.03: Applicability.

Comment [BM19]: AHBL Comment: Source for SMP Appendix 2: Section 2.06 is the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) by Ecology.

Reasonable use exemption provisions are not allowed under the SMA and will be addressed through the shoreline variance provisions in SMP Section 7.04.03.

B. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Those activities and uses conducted pursuant to the FPA and its rules and regulations where state law specifically exempts local authority, except those developments requiring local approval for Class IV – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, if the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
5. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
6. Educational and scientific research activities.
7. Normal and routine maintenance and repair of any existing public or private facilities within an existing developed right-of-way, if the maintenance or repair does not expand the footprint of the facility or right-of-way.

2.07 WETLAND BUFFERS

Comment [BM20]: AHBL Comment: Source for SMP Appendix 2: Section 2.07 is the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) by Ecology.

A. A wetland buffer that separates a wetland from a development is required. The purpose of the buffer is to mitigate adverse impacts of development activities and future use on the wetland. The width and character of buffers shall be as necessary to protect the identified functions and values of the wetland from impacts associated with the specific type and character of the proposed development activities and use of the property in accordance with the BAS.

B. The standard wetland buffer widths in SMP Appendix 2: Table 2-1: Wetland Buffer Requirements have been established in accordance with the BAS. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington.

   1. The use of the standard buffer widths requires the implementation of the measures in SMP Appendix 2: Table 2-2: Required Measures to Minimize Impacts to Wetlands, where applicable, to minimize the impacts of the adjacent land uses.
   2. If an applicant chooses not to apply the mitigation measures in SMP Appendix 2: Table 2-2: Required Measures to Minimize Impacts to Wetlands, then a 33 percent increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.
   3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community, or the buffer should be widened to ensure that adequate functions of the buffer are provided.
   4. Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 8 points for habitat function would require a buffer of 225 feet (75 feet (Standard Buffer) + 150 feet (Additional Buffer Width if Wetland Scores 8-9 Habitat Points)).

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SMP Appendix 2: Table 2-1: Wetland Buffer Requirements

Wetland Category	Standard Buffer Width (3-4 Habitat Points)	Additional Buffer Width if Wetland Scores 5 Habitat Points	Additional Buffer Width if Wetland Scores 6-7 Habitat Points	Additional Buffer Width if Wetland Scores 8-9 Habitat Points
Category I:				
Based on total score	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
Bogs and Wetlands of High Conservation Value	190 feet			Add 35 feet
Forested	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
Category II:				
Based on score	75 feet	Add 30 feet	Add 90 feet	Add 150 feet
Category III (all)	60 feet	Add 45 feet	Add 105 feet	Add 165 feet
Category IV (all)	40 feet (habitat scores not applicable)			

SMP Appendix 2: Table 2-2: Required Measures to Minimize Impacts to Wetlands

Disturbance	Required Measures to Minimize Impacts (1)
Lights	• Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10 foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques

Disturbance	Required Measures to Minimize Impacts (1)
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impermeable surfaces and new lawns
Pets and human disturbance	• Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use BMPs to control dust
Disruption of corridors or connections	• Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

Note:

(1) Measures are required, where applicable to a specific proposal

5. Increased Wetland Buffer Area Width. Buffer widths shall be increased on a case-by-case basis as determined by the Shoreline Administrator when a larger wetland buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

   a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or

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

   c. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

6. Buffer averaging following the procedure in SMP Section 4.04.02(C) may be followed to improve wetland protection may be permitted when all of the following conditions are met:

   a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded

emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area;

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

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

d. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

C. Measurement of Wetland Buffers. All wetland buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

D. Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this Section. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

E. Buffer Maintenance. Except as otherwise specified, or allowed in accordance with this Section, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond.

F. Impacts to Buffers. Requirements for the compensation for impacts to buffers are outlined in SMP Appendix 2: Section 2.09: Mitigation Requirements.

G. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap, such as buffers for a shoreline and a wetland, the wider buffer applies.

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

1. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
2. Passive recreation facilities designed and in accordance with an approved critical area report, including:
    a. Walkways and trails provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer 25 percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to permeable surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.
    b. Wildlife-viewing structures.
3. Educational and scientific research activities.
4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, if the maintenance or repair does not increase the footprint or use of the facility or right-of-way.
5. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, if the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.
7. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and disposed of properly. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

8. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:
    a. No other location is feasible; and
    b. The location of such facilities will not degrade the functions or values of the wetland.
9. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

I. Signs and Fencing of Wetlands and Buffers:

1. Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that unauthorized intrusion will not occur. The marking is subject to inspection by the Shoreline Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
2. Permanent signs. As a condition of any permit or authorization issued pursuant to this Section, the Shoreline Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.
    a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Shoreline Administrator:

Protected Wetland Area

Do Not Disturb

Contact the City of Cosmopolis

Regarding Uses, Restrictions, and Opportunities for Stewardship

b. The provisions of SMP Appendix 2 Section 2.07(I)(2)(a) may be modified as necessary to assure protection of sensitive features or wildlife.

3. Fencing

a. Fencing installed as part of a proposed activity or as required in this Section shall be designed not to interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

2.08 CRITICAL AREA REPORT FOR WETLANDS

Comment [BM21]: AHBL Comment: The source for SMP Appendix 2: Section 2.08 is the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) by Ecology.

A. If the Shoreline Administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to a wetland; a wetland report, prepared by a qualified professional, shall be required. The expense of preparing the wetland report shall be borne by the applicant.

B. Minimum Standards for Wetland Reports. A wetland report consists of a written report and accompanying plan sheets:

1. The written report shall include at a minimum:

a. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.

b. A statement specifying the accuracy of the report and all assumptions made and relied upon.

c. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.

d. A description of the methodologies used to conduct the wetland delineations, rating system forms, or impact analyses including references.

e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.

f. For each wetland identified on site and within 300 feet of the project site provide: the wetland rating, including a description of and score for each function, per Wetland Ratings (SMP Appendix 2: Section 2.04: Wetland Rating); required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.

g. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative.

h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.

i. A description of reasonable efforts made to apply mitigation sequencing pursuant to Mitigation Sequencing (SMP Appendix 2: Section 2.09: Mitigation Requirements) to avoid, minimize, and mitigate impacts to critical areas.

j. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.

k. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

l. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.

2. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

   a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project

site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates).

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

2.09 MITIGATION REQUIREMENTS

Comment [BM22]: AHBL Comment: The source for SMP Appendix 2: Section 2.09 is the *Wetlands & CAO Updates: Guidance for Small Cities Western Washington Version* (2nd Revision October 2012) by Ecology.

A. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitor the required compensation and take remedial or corrective measures when necessary.

B. Requirements for Compensatory Mitigation:

1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1*, (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised), and

Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication #09-06-32, Olympia, WA, December 2009).

2. Mitigation ratios shall be consistent with SMP Appendix 2: Section 2.09(G).

C. Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the city, such as replacement of historically diminished wetland types.

D. Preference of Mitigation Actions. Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

1. Restoration (re-establishment and rehabilitation) of wetlands:

   a. The goal of re-establishment is returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

   b. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

2. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. Establishment results in a gain in wetland acres. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.

   a. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the approval authority may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland scientist that:

1) The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;
2) The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;
3) Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and
4) The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.

3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:
   a. How the proposed enhancement will increase the wetland's/buffer's functions;
   b. How this increase in function will adequately compensate for the impacts; and
   c. How all other existing wetland functions at the mitigation site will be protected.
4. Preservation. Preservation of high quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement, if a minimum of 1:1 acreage replacement is provided by re-establishment or creation. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being altered and the quality of the wetlands being preserved.

   Preservation of high quality at-risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:

   a. The area proposed for preservation is of high quality. The following features may be indicative of high-quality sites:

1) Category I or II wetland rating (using the wetland rating system for western Washington)
2) Rare wetland type (for example, bogs, mature forested wetlands, estuarine wetlands)
3) The presence of habitat for priority or locally important wildlife species.
4) Priority sites in an adopted watershed plan.

b. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA listed species.

c. There is no net loss of habitat functions within the watershed or basin.

d. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost.

e. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by a land trust.

f. The impact area is small (generally <½ acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).

All preservation sites shall include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

E. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of SMP Appendix 2: Section 2.09(E)(1 – 4) below applies. In that case, mitigation may be allowed off-site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank or advanced mitigation.

1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate wildlife impacts (such as connectivity).

2. On-site mitigation would require elimination of high-quality upland habitat.
3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
4. Off-site locations shall be in the same sub-drainage basin unless:
    a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site; or
    b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument.

The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

F. Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
    1. The Shoreline Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request

for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the city.

G. Wetland Mitigation Ratios:

SMP Appendix 2: Table 2-3: Wetland Mitigation Ratios[1]

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I:			
Bog, Natural Heritage site	Not Considered Possible	Case by case	Case by case
Mature Forested	6:1	12:1	24:1
Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

H. Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:

1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in Minimum Standards for Wetland Reports (SMP Appendix 2: Section 2.08: Mitigation Requirements).
2. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full guidance can be found in Wetland Mitigation in *Washington State– Part 2: Developing Mitigation Plans (Version 1)* (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).
    a. The written report must contain, at a minimum:

[1] Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1a, *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1,* (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised). See also SMP Appendix 2: Section 20.09(D)(4) for more information on using preservation as compensation.

1) The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
2) Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
3) Description of the existing wetland and buffer areas proposed to be altered. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding lands uses, and functions. Also, describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on Wetland Ratings found in SMP Appendix 2: Section 2.04: Wetland Rating.
4) Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are not undertaken, such as how this site would progress through natural succession.
5) A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
6) A description of the proposed mitigation construction activities and timing of activities.
7) A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs for remaining wetlands and compensatory mitigation wetlands.
8) A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five

years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.

9) Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

b. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:

1) Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.

2) Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be altered and cross-section (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.

3) Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.

4) Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.

5) Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Section.

6) A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, timing of installation.

7) Performance standards in terms of measurable standards reflective of years post-installation for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.

I. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

J. Protection of the Mitigation Site. The area where the mitigation occurred and any associated buffer shall be located in a critical area tract or a conservation easement.

K. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

L. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations.

M. Alternative Mitigation Plans. The Shoreline Administrator may approve alternative critical areas mitigation plans that are based on BAS, such as priority restoration plans that achieve restoration goals identified in the SMP and Restoration Plan. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this Section.

The Shoreline Administrator shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with Washington Department of Ecology, U.S. Environmental Protection Agency Region 10, U.S. Army Corps of Engineers, Seattle District. (December 2009). Selecting Wetland Mitigation Sites Using a Watershed Approach. Ecology Publication No. 09-06-32.
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
3. Mitigation according to SMP Appendix 2: Section 2.09(E) is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.
4. There is clear potential for success of the proposed mitigation at the proposed mitigation site.

5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall meet the provisions in SMP Appendix 2: Section 2.09(H) at a minimum.
6. The plan shall be reviewed and approved as part of overall approval of the proposed use.
7. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.
8. Mitigation guarantees shall meet the minimum requirements as outlined in SMP Appendix 2: Section 2.09(H)(2)(a)(8)).
9. Qualified professionals in each of the critical areas addressed shall prepare the plan.
10. The city may consult with agencies with expertise and jurisdiction over the resources during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

Comment [BM23]: AHBL Comment: Need to confirm proper code reference with Ecology.

3 CRITICAL AQUIFER RECHARGE AREAS

3.01 AQUIFER RECHARGE AREAS DELINEATION AND PROTECTION

A. There are no identified critical aquifer recharge areas in the city of Cosmopolis. The city will enact appropriate provisions for critical aquifer recharge areas should any such areas be identified and designated in the future.

4 FREQUENTLY FLOODED AREAS

4.01 PURPOSE

Comment [BM24]: AHBL Comment: Source for Purpose statement is from Ocean Shores

A. It is the purpose of this Section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

4.02 BEST AVAILABLE SCIENCE

Those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Cosmopolis" dated November 5, 1979, with an accompanying flood insurance map(s) and any revisions thereto, are designated as frequently flooded areas. The flood insurance study and accompanying map(s) are hereby adopted by reference, declared part of this Appendix, and are available for public review.

Comment [BM25]: AHBL Comment: Source for text is Ocean Shores CAO.

Question for Ecology: Will this section be needed in the final Critical Areas Regulations appendix?

4.03 APPLICABILITY

All development within the designated frequently flooded areas shall be managed in accordance with CMC Chapter 18.48 – Flood Damage Prevention. The critical areas provisions related to the flood damage prevention of Ordinance # 910, dated 1989 (CMC 18.48) and the flood hazard management provisions of SMP Section 4.06 are hereby incorporated by reference.

Comment [BM26]: AHBL Note for City Staff: Ecology will need a copy of this ordinance since it is being adopted by reference.

AHBL has copied and saved ordinance @ \\Ahbl.com\data\Projects\2013\2130611\30_PLN\Research_Feasibility

5 GEOLOGICALLY HAZARDOUS AREAS

The following section establishes geologically hazardous regulations for the city. Based on a review of available scientific and technical information, the city has concluded that no areas of the city require regulation for protection from mine hazards or volcanic hazards.

Comment [BM27]: AHBL Comment: Source for text is Ocean Shores CAO.

Comment [BM28]: AHBL Comment: Source for text is modified from City of Port Townsend Municipal Code 19.05.100(A). AHBL is currently working with the City on an update to its CAO to meet current GMA requirements.

5.01 PURPOSE

Geologically hazardous areas are characterized by lot slope, soil type, geologic material, and ground water which may combine to create problems with slope stability, erosion and water quality during and after construction or during natural events such as tsunamis, earthquakes or excessive rain storms. The following regulations, in combination with the performance standards for development, will guide development in geologically hazardous areas. The purpose of these regulations is to maintain the natural integrity of hazardous areas and their buffers in order to protect adjacent lands from the impacts of landslides, subsidence, excessive erosion, and seismic events, and to safeguard the public from these threats to life or property. Construction in geologically hazardous areas should be avoided when the potential risk to public health and safety cannot be reduced to a level comparable to the risk if the site were stable.

5.02 BEST AVAILABLE SCIENCE

Comment [BM29]: AHBL Comment: Source Ocean Shores Municipal Code 19.02.100(A) with additional citations from Ocean Shores Additional BAS citations based on Commerce memo dated April 25, 2008.

Question for Ecology: Will this section be needed in the final Critical Areas Regulations appendix?

The city adopts by reference the following maps and BAS resources for geologically hazardous areas in the city:

A. Erosion monitoring and profiles for Cosmopolis and beaches, including historic shorelines and contemporary monitoring data and trends, available from Department of Ecology's Coastal Monitoring and Analysis Program at: http://www.ecy.wa.gov/programs/sea/swces/index.htm.

B. Erosion monitoring and profiles for Cosmopolis and beaches, including historic shorelines and contemporary monitoring data and trends, available from Department of Ecology's Coastal Monitoring and Analysis Program at: http://www.ecy.wa.gov/programs/sea/swces/index.htm.

C. Manson, C. J., & Walkling, L. (1998). Tsunamis on the Pacific Coast of Washington State and Adjacent Areas—A Selected, Annotated Bibliography and Directory. Washington Division of Geology and Earth Resources Open File Report 98-4.

D. McCrory, P. A., Foster, D. S., Danforth, W. W., & Hamer, M. R. (2002). Crustal Deformation at the Leading Edge of the Oregon Coast Range Block, Offshore Washington (Columbia River to Hoh River). U.S. Geological Survey Professional Paper 1661-A.

E. Palmer, S. P., Magsino, S. L., Bilderback, E. L., Poelstra, J. L., Folger, D. S., & Niggemann, R. A. (2004). Liquefaction Susceptibility and Site Class Maps of Washington State, by County. Washington State Department of Natural Resources.

F. USDA. (1986). Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County, Washington.

G. USDA. (no date). Web Soil Survey. Retrieved from Web Soil Survey: http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

H. Walsh, C., Caruthers, C., Heinitz, A., Myers III, E., Baptista, A., Erdakos, G., et al. (2000). Tsunami hazard map of the southern Washington coast - Modeled tsunami inundation from a Cascadia subduction zone earthquake. 12 p. text, 1 pl., scale 1:100,000. Washington State Department of Natural Resources.

I. Washington Division of Geology and Earth Resources. (1987). Geologic Map of the South Half of the Shelton and South Half of the Copalis Beach Quadrangles, Washington.

5.03 DESIGNATION CRITERIA

The following areas are designated as geologically hazardous:

A. Any area containing soil or soil complexes described or mapped within the United States Department of Agriculture/Soil Conservation Service Soil Survey for Grays Harbor County as having a severe to very severe erosion hazard potential;

B. Areas with all three of the following characteristics:

   1. Slopes steeper than 15 percent;

   2. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and

   3. Springs or ground water seepage;

C. Any slope of 40 percent or steeper that exceeds a vertical height of 10 feet over a 25-foot horizontal run;

Comment [BM30]: AHBL Comment: Source for text is Ocean Shores CAO.

With additional modifications from City of Port Townsend Municipal Code 19.05.100(B). AHBL is currently working with the City of Port Townsend on an update to its CAO to meet current GMA requirements.

D. Any area potentially unstable or subject to erosion or sloughing as a result of rapid stormwater runoff, soil saturation or undercutting by wave action;

E. Any area potentially subject to mass movement due to a combination of geologic, topographic, and hydrologic factors, but not limited to those areas mapped or described by the Soil Conservation Service, Ecology, WDNR, or U.S. Geologic Service. These classifications may be based on performance standards rather than mapping; and

F. The seismic hazard area identified as moderate to high liquefaction susceptibility, which includes the majority of the city.

G. Areas susceptible to tsunami hazards from flooding and inundation as the result of excessive wave action derived from seismic or other geologic events. Tsunami hazard areas include those areas mapped within the Tsunami Hazard Map of the Southern Washington Coast by WDNR.

5.04 REGULATED ACTIVITIES

Comment [BM31]: AHBL Comment: Source for text is modified from City of Port Townsend Municipal Code 19.05.100(C). AHBL is currently working with the City on an update to its CAO to meet current GMA requirements.

The city shall manage activities in geologically hazardous areas to protect the public's health, safety, and welfare.

A. Seismic hazard areas in the city.

B. Any development or alterations in steep slopes, landslide, erosion hazard, tsunami hazard area, or liquefaction prone areas shall comply with this section.

5.05 PERFORMANCE STANDARDS FOR DEVELOPMENT

Comment [BM32]: AHBL Comment: Source for text is modified from City of Port Townsend Municipal Code 19.05.05.060 and 19.05.100(D). AHBL is currently working with the City on an update to its CAO to meet current GMA requirements.

A. Avoiding Impacts to Geologically Hazardous Areas.

1. An applicant for a development shall apply the following sequential measures, which appear in order of priority and supersede those found in SMP Appendix 2 Section 1.11: Mitigation, to avoid impacts to geologically hazardous areas and their buffers:

   a. Avoiding the impact or hazard by not taking a certain action;

   b. Minimizing the impact or hazard by:

      1) Limiting the degree or magnitude of the action with appropriate technology; or

2) Taking affirmative steps, such as project redesign, relocation or timing;

c. Rectifying the impact to geologically hazardous areas by repairing, rehabilitating or restoring the affected geologically hazardous area or its buffer;

d. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

e. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal or alteration; and

f. Monitoring the impact, hazard, or success of required mitigation and taking remedial action.

2. The specific mitigation requirements of this section apply when compensation for adverse impacts is required by the sequence in SMP Appendix 2: Section 5.05(A)(1) above.

B. Mitigation and Monitoring.

1. If mitigation is required to compensate for adverse impacts, unless otherwise provided, an applicant shall:

a. Mitigate adverse impacts to:

1) Geologically hazardous areas and their buffers; and

2) The development proposal as a result of the proposed alterations on or near the geologically hazardous areas; and

b. Monitor the performance of any required mitigation.

2. The Shoreline Administrator shall not approve a development proposal until mitigation and monitoring plans are in place to mitigate for alterations to geologically hazardous areas and buffers.

3. Whenever mitigation is required, an applicant shall submit a geologically hazardous area report that includes:

a. An analysis of potential impacts;

b. A site mitigation plan, as further described in SMP Appendix 2: Section 5.05(F), that meets the specific mitigation requirements in this Section for the geologically hazardous area impacted; and

c. A monitoring plan that includes:

1) A demonstration of compliance with this Section;

2) A contingency plan in the event of a failure of mitigation or of unforeseen impacts if the Shoreline Administrator determines that failure of the mitigation would result in a significant impact on the geologically hazardous area or buffer; and

3) A monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.

4. Mitigation shall not be implemented until after the Shoreline Administrator approves the site mitigation and monitoring plan. The applicant shall notify the Shoreline Administrator when mitigation is installed and monitoring is commenced and during any monitoring period, the applicant shall provide the city with reasonable access to the mitigation for the purpose of inspections.

5. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation including a monitoring plan and financial guarantee requirements.

C. Standards for Seismic Hazard Areas.

1. Standards for development of structures and improvements in seismic hazard areas shall be in accordance with the provisions of building and construction codes as currently adopted by the city. No additional setback or other requirements are necessary to regulate structural design.

2. Critical facilities shall not be located in seismic hazard areas unless mitigation shall be provided which renders the proposed development as stable as if it were not located within a seismic hazard area.

D. Standards for Tsunami Hazard Areas

1. Tsunami hazard areas require an Emergency Management Plan that includes plans for emergency building exit routes, site evacuation routes, emergency training,

notification of local emergency management officials, and an emergency warning system.

Comment [BM33]: AHBL Comment: From Hoquiam CAR.

E. Standards for Steep Slopes, Landslide, and Erosion Hazard Areas.

1. There are no steep slopes, landslide or erosion hazards within the shoreline jurisdiction.

Comment [BM34]: AHBL Comment: No steep slopes, erosion or landslide hazards within the City of Cosmopolis per SIC section 4.2.1 Table 4.10.

F. It shall be the responsibility of the applicant to provide the city with appropriate technical assessments and reports prepared by a qualified professional, if necessary, to fulfill the requirements of an application for a project permit review or threshold decision, or to comply with any other city, state, or federal laws. The applicant shall pay all expenses associated with the preparation of any technical assessment required by the city.

6 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

6.01 PURPOSE

The city shall manage development and subsequent uses in fish and wildlife habitat conservation areas to maintain species in suitable habitats within their natural geographic distribution and to prevent isolated subpopulations.

6.02 BEST AVAILABLE SCIENCE

The city adopts by reference the following maps and the BAS resources for fish and wildlife habitat conservation areas:

A. Washington Department of Fish and Wildlife. (1999). *Priority habitats and species list, as amended*, available online at: http://wdfw.wa.gov/conservation/phs/list/

B. Washington Department of Fish and Wildlife. *Management Recommendations for Washington's Priority Habitats and Species*, available online at: http://wdfw.wa.gov/conservation/phs/mgmt_recommendations/

C. Washington Department of Fish and Wildlife. (n.d.). *Aquatic Habitat Guidelines (AHG)*, available online at: http://wdfw.wa.gov/conservation/habitat/planning/ahg/

6.03 APPLICABILITY

The following areas are designated as fish and wildlife conservation areas:

A. Areas with which endangered, threatened, and sensitive species have a primary association;

B. Habitats and species of local importance;

C. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

D. Waters of the state and their associated riparian areas; and

Comment [BM35]: AHBL Comment: Source for text is Ocean Shores CAO.

Comment [BM36]: AHBL Comment: Source for text is Ocean Shores CAO.

Question for Ecology: Will this section be needed in the final Critical Areas Regulations appendix?

Comment [BM37]: AHBL Comment: Source for text is Ocean Shores CAO.

Comment [BM38]: AHBL Comment: Source for text is Hoquiam's CAO

E. State natural area preserves and natural resource conservation areas.

6.04 FISH AND HABITAT MANAGEMENT AREA BUFFERS AND SETBACKS

A. Buffers and structural setbacks shall comply with the requirements of SMP Section 4.04.02.

B. The width of a buffer may be averaged, thereby reducing the width of a portion of the shoreline buffer and increasing the width of another portion of the shoreline buffer. Buffer averaging may be permitted in accordance with SMP Section 4.04.02(C).

6.05 HABITAT ASSESSMENT

A. A qualified professional shall prepare a habitat assessment required by the city when any of the following development activities are proposed on parcels located within or adjacent to a designated fish and wildlife habitat conservation area:

1. Subdivisions or short subdivisions;
2. Clearing of vegetation, grading, filling, or excavation; and
3. Construction of a building of any type.

B. The habitat assessment shall include:

1. An identification of species known or suspected to use the site and a description of the habitat functions and values related to those species;
2. Evaluation of the effects of the proposed development activities and subsequent use of the property on the identified species and their habitats; and
3. Recommended measures to avoid, minimize and, or mitigate impacts to the identified species and habitat based on BAS information about those species. The mitigation sequence contained in SMP Appendix 2: Section 1.11 shall apply. Preference shall be given to avoidance of impacts. Mitigation of identified unavoidable impacts to all state priority habitats and areas associated with state priority species shall be required.

Comment [BM39]: AHBL Comment: Source for text is Ocean Shores CAO.

6.06 HABITAT MANAGEMENT PLAN

Comment [BM40]: AHBL Comment: Source for text is Ocean Shores CAO.

Similar to what is currently used by the City of Montesano.

If the habitat assessment demonstrates to the satisfaction of the Shoreline Administrator that fish and wildlife habitat are not located on or within one hundred feet of the site, then the development can proceed without further requirement for special wildlife studies. Otherwise, a habitat management plan shall be submitted. All habitat management plans shall be prepared by a qualified professional. The habitat management plan shall contain at a minimum:

A. A discussion of the project's effects on fish and wildlife habitat;

B. A discussion of any federal, state, or local special management recommendations which have been developed for species or habitats located on the site;

C. A discussion of measures proposed to preserve existing habitats;

D. An evaluation of the effectiveness of any proposed mitigation measures; and

E. A discussion of ongoing management practices, which will protect fish and wildlife habitats after the project site, has been fully developed, including proposed monitoring and maintenance programs.

Habitat management plans shall be forwarded to WDFW and similar appropriate state and federal agencies for their comments at the discretion of the city. Bald eagle management plans shall comply with bald eagle protection rules as per WAC 232-12-292.

All projects may be conditioned based on comments from agencies and the Shoreline Administrator's evaluation of the impacts of the project. Projects may be denied if the proposal will result in extirpation or isolation of endangered or threatened fish and wildlife species.

6.07 MITIGATION PLAN

Measures to avoid, minimize, or mitigate impacts to fish and wildlife habitat from development and subsequent use of a property as recommended or as determined to be necessary by the city shall be attached as conditions to any approval granted authorizing the development or use of the property.

7 DEFINITIONS

7.01 UNLISTED WORDS OR PHRASES

Any word or phrase not defined in SMP Chapter 8: Definitions that is called into question when administering the SMP shall be defined utilizing the SMA and its implementing rules.

The Shoreline Administrator may obtain secondary definition sources from one of the following sources:

1. The cities' code.
2. Any city resolution, ordinance, policy, or regulation.
3. The most applicable statute or regulation from the state of Washington.
4. Legal definitions generated from case law or provided within a law dictionary.
5. The common dictionary.

7.02 DEFINITIONS

A

Accessory Structure or Use – A structure or use incidental, related, and clearly subordinate to the principal structure or use of a lot or main building. An accessory structure or use is only located on the same lot as a permitted principal structure or use.

Act – The Washington State Shoreline Management Act (SMA) (Chapter 90.58 RCW and Chapter 173-27 WAC, as amended).

Activity – Human activity associated with the use of land or resources.

Adaptive management – The use of scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. Management policy may be adapted based on a periodic review of new information.

Agriculture – The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities. In all cases, the use of agriculture related terms should be consistent with the specific meanings provided in WAC 173-26-020.

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 of vegetation,

Comment [BM41]: AHBL Comment: This Chapter will replace SMP Chapter 8: Definitions in the SMP adopted by the City of Cosmopolis.

Comment [BM42]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.030 - Definitions, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

Comment [BM43]: AHBL Comment: Source for this section City of Shelton Chapter 21.64.030 - Definitions, revised to reflect its location as part of the CAR for the Cosmopolis SMP.

construction, compaction, excavation, or any other activity that changes the character of the critical area.

Comment [BM44]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

Applicant – Any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a shoreline development proposal, permit, or approval.

Appurtenance – A building, structure, or development necessarily connected to the use and enjoyment of a single-family residence that is located landward of the OHWM and 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 250 cubic yards (except to construct a conventional drain field) and which does not involve placement of fill in any wetland or waterward of the OHWM. Refer to WAC 173-27-040(2)(g).

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

Aquifer Recharge Area – The incorporated area of the city is designated as an aquifer recharge area.

Associated Wetlands – Those wetlands that are in proximity to, and either influence or are influenced by, tidal waters or a lake or stream in the shoreline jurisdiction. Refer to WAC 173-27-030(1).

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

B

Best Available Science (BAS) – Information from research, inventory, monitoring, surveys, modeling, synthesis, expert opinion, and assessment that is used to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through -925, BAS is derived from a process that includes peer-reviewed literature, standard methods, logical conclusions and reasonable inferences, quantitative analysis, and documented references to produce reliable information.

Berm – A linear mound or series of mounds of sand or gravel generally that parallels the water at or landward of the line of ordinary high tide or OHWM. In addition, a linear mound used to screen an adjacent use, such as a parking lot, from transmitting excess noise and glare.

Best Management Practices (BMPs) – BMPs are the utilization of methods, techniques or products which have been demonstrated to be the most effective and reliable in minimizing environmental impacts. BMPs encompass a variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater run-off and in receiving waters and include conservation practices or systems of practices and management measures that:

A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;

B. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

C. Protect trees, vegetation and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and

D. Provide standards for proper use of chemical herbicides within critical areas.

Bog – A low nutrient, acidic wetland with organic soils and characteristic bog plants, which is sensitive to disturbance and impossible to re-create through compensatory mitigation.

Buffer or Buffer Zone – The area contiguous with a shoreline of the state or a critical area that maintains the functions and/or structural stability of the shoreline of the state or critical area.

Breakwater – An offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to protect harbors, moorages, and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion.

Bulkhead – A vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

C

Channel Migration Zone (CMZ) – The area along a river or stream within which the channel can reasonably be expected to migrate over time because of normally occurring processes. It encompasses that area of lateral stream channel movement that can be identified by credible scientific information that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion. The area within which a river channel that is likely to move over an interval of time is referred to as the CMZ or the meander belt.

Chapter 90.58 RCW – The Shoreline Management Act of 1971, as amended.

City – The city of Aberdeen, Cosmopolis, or Hoquiam.

Clean Water Act – The primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

Clearing – The removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

Comprehensive Plan – The document, including maps adopted by the city in accordance with applicable state law, that guides land use development within the city.

Comment [BM45]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

Comment [BM46]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

Comment [BM47]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

Conditional Use – A use, development, or substantial development that is classified as a conditional use or is not classified within the applicable SMP. Refer to WAC 173-27-030(4).

County – Grays Harbor County.

Creation – The manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species.

Comment [BM48]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

Critical Areas – Defined under Chapter 36.70A RCW includes the following areas and ecosystems:

A. Wetlands;
B. Areas with a critical recharging effect on aquifers used for potable waters;
C. Fish and wildlife habitat conservation areas;
D. Frequently flooded areas; and
E. Geologically hazardous areas

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

D

Developable Area – A site or portion of a site that may be used as the location of development, in accordance with the rules of this SMP.

Comment [BM49]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

Development – The construction or exterior alteration of buildings or structures; dredging; drilling; dumping; filling; removal of sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or a project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3)(a)).

Dredging – Excavating or displacing of the bottom or shoreline of a waterbody. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes; other dredging is for cleanup of polluted sediments.

E

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.

Ecology – The Washington State Department of Ecology.

Ecosystem-wide Processes – The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Emergency – An unanticipated and imminent threat to public health, safety, or the environment, requiring immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3)(e)(iii) and WAC 173-27-040(2)(d)). Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

Endangered Species Act (ESA) – A federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

Enhancement – The manipulation of the physical, chemical, or biological characteristics of a shoreline buffer or wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement results in a change in shoreline buffer or wetland function(s) and can lead to a decline in other shoreline buffer or wetland functions, but does not result in a gain in shoreline buffer or wetland area. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

Comment [BM50]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

Environmental Impacts – The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the SEPA. Refer to WAC 197-11-600 and WAC 197-11-444.

Environments, (Shoreline Environment) – Designations given to specific shoreline areas based on the existing development pattern, the biophysical character and limitations, and the goals and aspirations of local citizenry, as part of an SMP.

Exemption – Certain specific developments are exempt from the definition of substantial developments and are therefore exempt from the shoreline substantial development permit process of the SMA. A use or activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the SMA and the cities' SMP. Shoreline conditional use permits and variances may also still be required even though the use or activity does not need a shoreline substantial development permit (WAC 173-27-040).

F

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 donated, contributed or found labor, equipment or materials (WAC 173-27-030(8)).

Feasible – An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

B. The action provides a reasonable likelihood of achieving its intended purpose; and

C. The action does not physically preclude achieving the project's primary intended legal use.

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

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

Feasible Alternatives – Alternatives to the proposed project that will accomplish essentially the same objective as the original project while avoiding or having less adverse impacts.

Fill – Raising the elevation or creating dry land by adding soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area waterward of the OHWM, in wetland, or on shorelands.

Floodplain – Term is synonymous with 100-year floodplain. The land area that is susceptible to being inundated with a one percent chance of being equaled or exceeded in a 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 173-22-030(2)).

Floodway – The area that has either: (i) has been established in FEMA flood insurance rate maps (FIRMs) or floodway maps; or (ii) consists of those portions of the area 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 floodwaters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Frequently Flooded Areas – Those lands in the floodplain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like. The one-hundred-year floodplain designations of the National Flood Insurance Program delineate the presence of frequently flooded areas.

Functions and Values – The services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

Comment [BM51]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

G

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

Grading – The movement or redistribution 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 waterbody. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water or deposition of materials. This is accomplished by building or preserving an accretion beach on its updrift 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.

Growth Management Act (GMA) – Chapter 36.70A RCW and Chapter 36.70B RCW, as amended.

Guidelines – See Shoreline Master Program (SMP) Guidelines (Chapter 173-26 WAC).

H

Hazardous Substances – Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

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Applicable to SMP Appendix 2: Critical Areas Regulations.

Hazard Tree – Any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

Height – Measured from average grade level to the highest point of a structure: provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable SMP specifically requires that such appurtenances be included: provided further that temporary construction equipment is excluded in this calculation.

Historic Condition – Condition of the land, including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by Euro-American settlement, or in some cases before any human habitation occurred.

Historic Resources – Those historic or cultural properties or items that fall under the jurisdiction of the DAHP.

I – J – K

Impermeable Surface – The area of a lot that is covered by impermeable surfaces, measured by percentage. A non-vertical surface artificially covered or hardened to prevent or impede the percolation of water into the soil mantle including, but not limited to rooftops, swimming pools, paved or graveled roads and walkways or parking areas, but excluding landscaping and surface water retention/detention facilities.

In-Kind Compensation – To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.

In-Water Structure – A structure placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

Infiltration – The downward entry of water into the immediate surface of soil.

Interested Party – Synonymous with party of record, all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified the city of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail (WAC 173-27-030(12)).

Isolated Wetlands – Those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water, including other wetlands.

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Jetty – A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. Most jetties are of riprapped mound construction.

L

Landscaping – Vegetation ground cover including shrubs, trees, flower beds, grass, ivy and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

Low Impact Development (LID) – A stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

M

Mature Forested Wetland – A wetland where at least one acre of the wetland surface is covered by woody vegetation greater than 20 feet in height with a crown cover of at least 30 percent and where at least 8 trees/acre are 80 to 200 years old or have average diameters (d. b. h.) exceeding 21 inches (53 centimeters) measured from the uphill side of the tree trunk at 4.5 feet up from the ground.

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Marine – Pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.

May – An action that is acceptable, provided it conforms to the provisions of the SMP.

Mitigation or Mitigation Sequencing – Avoiding, reducing, or compensating for a proposal's environmental impact(s). See WAC 197-11-768 and WAC 173-26-020(30). Mitigation or mitigation sequencing means the following sequence of steps listed in order of priority, with (a) of this subsection being top priority:

A. Avoiding the impact all together by not taking a certain action or parts of an action;
B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
D. Reducing or eliminating the impact over time by preservation and maintenance operations;
E. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

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

Monitoring – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems, and assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring includes gathering baseline data.

Must – A mandate; the action is required.

N

Native Vegetation – Vegetation comprised of plant species that are indigenous to an area.

Natural or Existing Topography – The topography of the lot, parcel, or tract of real property immediately prior to site preparation or grading, including exaction or filling.

Non-Conforming Use or Development – A shoreline use, building, or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions (WAC 173-27-080).

Non-Water-Oriented Uses – Those uses that are not water-dependent, water-related, or water-enjoyment, 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, residential development, department stores and gas stations.

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

Normal Repair – To restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2)(b)). See also Normal Maintenance.

O

Off-Site Compensation – To replace critical areas away from the site on which a critical area has been impacted.

On-Site Compensation – To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

Ordinary High Water Mark (OHWM) – That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change

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Comment [BM60]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

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thereafter, or as it may change thereafter in accordance with permits issued by the city or Ecology: provided, that in an area where the OHWM cannot be found, the OHWM adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(5).

Over-water Structure – A device or structure projecting over the OHWM, including, but not limited to: bridges for motorized or non-motorized uses, piers, docks, floats, and moorage.

P – Q

Permit (or Shoreline Permit) – A shoreline substantial development permit, conditional use permit, or variance, or any combination thereof, authorized by the Act. Refer to WAC 173-27-030(13).

Practical Alternative – An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, with less of an impact to critical areas.

Preservation – The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

Primary Structure – The structure associated with the principal use of the property. It may also include single-family residential appurtenant structures, such as garages, attached decks, driveways, utilities, and septic tanks and drain fields, which cannot feasibly be relocated. It does not include structures such as tool sheds, gazebos, greenhouses, or other ancillary residential improvements that can feasibly be moved landward to prevent the erosion threat.

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

A. Comparatively high fish or wildlife density;
   1. Comparatively high fish or wildlife species diversity;
   2. Fish spawning habitat;
   3. Important wildlife habitat;
   4. Important fish or wildlife seasonal range;
   5. Important fish or wildlife movement corridor;
   6. Rearing and foraging habitat;
   7. Important marine mammal haul-out;
   8. Refugia habitat;
   9. Limited availability;

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10. High vulnerability to habitat alteration;

11. Unique or dependent species; or

12. Shellfish bed.

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

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

A. Criterion 1. State-listed or state-proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State-proposed species are those fish and wildlife species that will be reviewed by the WDFW (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

B. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

C. Criterion 3. Species of recreational, commercial, or tribal importance. Native and non-native fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

D. Criterion 4. Species listed under the ESA as either proposed, threatened, or endangered.

Project Area – All areas, including those within 50 feet of the area, proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

Proposed, Threatened, and Endangered Species – Those native species that are proposed to be listed or are listed in rule by the WDFW as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the ESA.

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Provisions – Policies, regulations, standards, guideline criteria or environment designations.

Public Access – Public access is the ability of the public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public Interest – The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

Public Use – To be made available daily to the public on a first-come, first-served basis, and may not be leased to private parties on 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 scientific 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 B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.

B. A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

C. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

D. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

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R

RCW – Revised Code of Washington.

Recreational Facilities – Facilities such as parks, trails, and pathways, whether public, private or commercial, that provide a means for relaxation, play, or amusement. For the purposes of the SMP, recreational facilities are divided into two categories:

A. Water-dependent (i.e. – moorage facilities, fishing piers, docks); and

B. Non-water-dependent (i.e. – sports fields, golf courses, and RV camping).

Re-establishment – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

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Rehabilitation – The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

Repair or Maintenance – An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

Residential Development – Development, which is primarily devoted to or designed for use as a dwelling(s). Residential development includes single-family development, multifamily development and the creation of new residential lots through land division.

Restore, Restoration, or Ecological Restoration – The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Riparian – Of, on, or pertaining to the banks of a river, stream, or lake.

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.

Run-Off – Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

S

Shall – A mandate; the action must be done.

Shorelands or Shoreland Areas – Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the OHWM; adopted FEMA floodways and contiguous flood plain areas landward 200 feet from such adopted FEMA floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters, which are subject to the provisions of the SMA.

Shoreline Administrator – As appointed by the city's Mayor, the city's Shoreline Administrator is charged with the responsibility of administering the SMP.

Shoreline Buffer – A required vegetated open space measured horizontally upland from and perpendicular to the OHWM. Shoreline Buffers are naturally vegetated areas that protect the ecological functions of the shoreline and help to reduce the impacts of land uses on the water body.

Shoreline Environment Designations – The categories of shorelines established by the cities' SMP in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-26-211.

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Shoreline Jurisdiction – The term describing all of the geographic areas covered by the SMA, related rules, the applicable SMP, and such areas within the city that are under the SMA. See definitions of Shorelines, shorelines of the state, shorelines of statewide significance, Shorelands, and Wetlands.

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

Shoreline Master Program (SMP) – The comprehensive use plan and related use regulations, together with maps, diagrams, charts, or other descriptive material and text, which is used by the city to administer and enforce the permit system for shoreline management. The SMP must be developed in accordance with the policies of the SMA, be approved and adopted by the state, and be consistent with the rules (WACs) adopted by Ecology.

Shoreline Master Program (SMP) Guidelines – The state standards that the city must follow in drafting its SMP. The Guidelines translate the broad policies of the SMA into standards for regulation of shoreline uses.

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, application of chemicals, or significant vegetation removal.

Shoreline Permit – A shoreline substantial development permit, conditional use permit, variance, revision, or any combination thereof (WAC 173-27-030(13)).

Shoreline Stabilization – Actions taken to address erosion impacts to property and dwellings, businesses, buildings, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural measures such as bulkheads and non-structural methods such as structural setbacks. New stabilization measures include enlargement of existing structures.

Shoreline Structural Setback – A required structural setback, specified in the SMP, measured horizontally upland from a shoreline buffer and perpendicular to the OHWM, if used with a shoreline buffer, as specified in SMP Chapter 5: Specific Shoreline Use Policies & Regulations. A shoreline structural setback protects the shoreline buffer from the impacts related to use of a structure.

Shorelines – All of the water areas of the state, including reservoirs and their associated uplands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

Shorelines Hearings Board – A state-level quasi-judicial body, created by the SMA, which hears appeals on the granting, denying, or rescinding of a shoreline permit, enforcement penalty and approval of SMPs in jurisdictions not fully planning under GMA.. See RCW 90.58.170 and RCW 90.58.180.

Shorelines of Statewide Significance – A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where use preferences apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. See RCW 90.58.020.

Shorelines of the State – The total of shorelines and shorelines of statewide significance.

Should – A particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and the SMP, against taking the action.

Sign – A device, structure, fixture, or placard that uses words, letters, numbers, symbols, graphic designs, logos, or trademarks for the purpose of: a) providing information or directions or b) identifying or advertising a place, establishment, product, good, or service.

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.

Significantly Degrade – To cause significant ecological impact.

Single-Family Residence – A detached dwelling designed for and occupied by one family including those buildings, structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2)(g)).

Soil Survey – The most recent soil survey for the local area or county by the National Resources Conservation Service, U.S. Department of Agriculture.

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 all source-separated recyclable materials and yard waste.

Species – Any group of animals or plants classified as a species or subspecies as commonly accepted by the scientific community.

Species, Endangered – Any wildlife species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state (WAC 232-12-297, Section 2.4).

Species of Local Importance – Those species of local concern designated by the city due to their population status or their sensitivity to habitat manipulation.

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

Species, Threatened – Any wildlife species native to the state of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats (WAC 232-12-297, Section 2.5).

Comment [BM68]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

Applicable to SMP Appendix 2: Critical Areas Regulations.

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Species, Sensitive – Any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened throughout a significant portion of its range within the state without cooperative management or removal of threats (WAC 232-12-297, Section 2.6).

Stream – A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than 20 cubic feet per second and b) the water is contained within a channel (WAC 173-22-030(8)).

Strict Construction – The close or narrow reading and interpretation of a statute or written document.

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

Structural Shoreline Stabilization –Hard structural stabilization measures refer to those with solid, hard surfaces, such as concrete groins, retaining walls, and bulkheads, while soft structural stabilization measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, anchor trees, gravel placement, rock revetments, gabions, concrete groins, retaining walls, and bluff walls, and bulkheads. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Substantial Development – A development of which the total cost or fair market value exceeds $6,416.00, or any development, which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. Consumer price index means, for a calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect (RCW 90.58.030(3)(e)). A list of developments, uses, and activities that shall not be considered substantial development is provided in SMP Chapter 7: Shoreline Administration (WAC 173-27-040(2)(a)).

T – U

Unavoidable Impacts – 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 OHWM.

Utilities – Services and facilities that produce, transmit, store, process, or dispose of electric power, gas, water, stormwater, sewage, and communications.

Comment [BM74]: AHBL Comment: Source of definition *Wetland &CAO Updates: Guidance for Small Cities, Western Washington Version,* October 2012, Ecology Publication No. 10-06-002.

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Utilities, Accessory – Utilities comprised 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 and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

V – W – Y – Z

Variance – A means to grant relief from the specific bulk, dimensional or performance standards specified in the SMP, but not a means to vary a shoreline use. Shoreline variances must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

Water-Dependent Use – A use or a portion of a use, which cannot exist in any other location and is dependent on the water due to 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. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-Oriented Use – Any combination of water-dependent, water-related, or water enjoyment uses that serves as an all-encompassing definition for priority uses under the SMA.

Water-Related Use – A use or a 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. Of 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 commercial activities and the proximity of the use to its customers makes its services less expensive or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent uses and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by

water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

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

Watershed Restoration Plan – A plan developed or sponsored by the WDFW, Ecology, or the Department of Transportation acting within or in accordance with its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted in accordance with SEPA.

Weir – A low dam built across a stream to raise its level, divert its flow, or measure its flow. Weirs have been used to address erosion and scouring of stream channels, but can also have negative impacts depending on how they are constructed, such as detrimental effects on fish habitat conditions.

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

Wetland Mitigation Bank – A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for providing advance mitigation to compensate for future, permitted impacts to similar resources.

Wetland Mosaic – An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50 percent of the total area of the entire mosaic, including uplands and open water.

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