



City of Raymond

Shoreline Master Program

Effective Date: June 2023

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Preface

Summary of the Shoreline Management Act

The citizens of the State of Washington, hereafter referred to as the “State” passed the Shoreline Management Act, hereinafter referred to as the “Act”, in 1972 in recognition “that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.” With this purpose in mind, the Act requires “a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”¹

There are three broad policies for implementing the intent of the Act:

- ❖ The accommodation of preferred uses that require a shoreline location in the following priority:
 - Areas for protecting and preserving shoreline health;
 - Water-dependent uses;
 - Water-related uses;
 - Water-enjoyment uses;
 - Single family residences; and
 - Non-water related uses in the High Intensity environment.
- ❖ The protection of shoreline natural resources, including “...the land and its vegetation and wildlife, and the waters of the state and their aquatic life...” against adverse effects. All allowed uses are required to mitigate adverse environmental impacts to the maximum extent feasible and preserve the natural character and aesthetics of the shoreline.
- ❖ Provide public access to publicly owned shoreline areas and promote recreational opportunities for the public in shoreline areas.

Under the Act, the City of Raymond, hereafter referred to as the “City”, must prepare and adopt a Shoreline Master Program, hereafter referred to as the “SMP” for managing development along shorelines of the state. The preparation and adoption of the city’s SMP must conform to Chapter 173-26 of the Washington Administrative Code (WAC), *State Master Program Approval/Amendment Procedures, and Master Program Guidelines*.

The Act also establishes a balance of authority between the City and the State of Washington, hereafter referred to as the “State”. While the Act gives authority to the city to prepare and implement a SMP that reflects local geographic, economic, and environmental conditions, the state, through the Washington Department of Ecology (ECY), has dual approval authority for specific permits issued by the city under its SMP.

¹ [RCW 90.58.020](#)

History of the Shoreline Management Act in the City of Raymond

The City has been planning under the Act since the adoption of its first SMP in 1976. The city adopted a substantially revised SMP in June 1994 that it has used to manage shoreline development since that time.

The requirement to update the city's current SMP was an outcome of amendments to the Act the State Legislature passed in 1995 that required local governments to update their SMPs in accordance with rules adopted by ECY in 2003. The 1995 amendment also requires local governments to review and revise their SMPs, if necessary, every eight years to assure consistency with state law.

The City was not required to begin its SMP update until the State Legislature appropriated funds to complete the work. The city received its funding for updating its SMP in July 2013, with the requirement of completing the update by June 2016.

Goals for Future Shoreline Development

The vision for future development along the City's shorelines anticipates accomplishing five broad goals through this SMP. These are:

Shoreline uses should follow existing zoning patterns

Future SMP environment designations along the city's shorelines should mirror land use patterns identified through the comprehensive plan and the zoning ordinance. This is particularly important for protecting industrial areas along the shoreline owned by Weyerhaeuser and the Port of Willapa Harbor. Ensuring continuation of existing industrial development, as well as accommodating future growth, will be vital to the city's long-term local economy.

Keep the updated SMP simple and locally focused

Because the city's waterways dominate its landscape, the SMP is a frequent permitting consideration with new or expanding development. Many community members find the current SMP and its permitting process complex and intimidating. The updated SMP needs to have simpler permitting procedures and demonstrate flexibility in its application, especially in adopting realistic environment designations. Property owners also need clear rules for how they can maintain their structures and land under the SMP.

Water recreation and access is why we live here

Raymond citizens love their rivers and sloughs. Active and passive recreation along shorelines and in the waterways is part of their daily routine that contributes significantly to the quality of their lives. Citizens expect their SMP to not only protect and improve current access points, but to promote a wide-range of future water-enjoyment activities. The improvement and expansion of waterfront trails and the reconfiguration of the Willapa Landing Park and Boat Launch are important public water-enjoyment projects. Equally important is encouraging private development of RV camping and hotels along the shoreline.

Find a respectful balance between development and protecting our natural resources

Living in such close proximity to so much water, Raymond's citizens know how important it is to coexist with its rivers and sloughs. On the one hand, they recognize the importance of protecting their local waterways that significantly contribute to their community's identity. However, their homes, businesses, and industries exist along these same shorelines. Raymond needs a SMP that celebrates Raymond's waterfront by balancing between environmental protection and much-needed growth.

Keeps land banking for local projects

The city has many opportunities to restore shoreline ecological functions within Raymond, especially in the wetland areas associated with the South Fork of the Willapa River, the Willapa River, and Ellis Slough. The city identifies and reserves these areas as potential mitigation projects for shoreline development that occurs elsewhere within the city.

Chapter 1: Introduction

Section 1.1 **Title**

The title of this document is the City of Raymond Shoreline Master Program.

Section 1.2 **Purpose and Intent**

- 1.2.1 The purpose and intent of the policies and development standards within this SMP shall be to implement the policies of the Act under Chapter 90.58 of the Revised Code of Washington (RCW).
- 1.2.2 The goals of this SMP shall be to promote the health, safety, and general welfare of the citizens of the City by:
- A. Utilizing shorelines of the state for economically productive uses that are particularly dependent on shoreline location or use;
 - B. Promoting access to publicly-owned shoreline areas and encouraging recreational use;
 - C. Protecting and preserving the ecological functions of shoreline natural resources;
 - D. Ensuring the public's right of navigation and corollary uses in shorelines of the state;
 - E. Protecting and preserving buildings and sites that have historic, cultural, educational, and scientific importance;
 - F. Planning for circulation and public facilities and utilities serving city and regional needs;
 - G. Preventing and minimizing flood damage;
 - H. Recognizing and protecting private property rights; and
 - I. Coordinating shoreline management with other local, state, and federal programs.

Section 1.3 **Adoption authority**

The City adopts this SMP pursuant to the authority granted under the Act, Chapter 90.58 RCW and the State SMP Approval/ Amendment Procedures and SMP Guidelines, Chapter 173-26 WAC.

Section 1.4 **Applicability**

- 1.4.1 This SMP is the comprehensive use plan for those shorelines in the City under the jurisdiction of the Act.
- 1.4.2 All proposed uses and development activities occurring within shoreline jurisdiction shall be consistent with the Act.
- 1.4.3 This SMP achieves the procedural and substantive requirements of Chapter 173-26 WAC by establishing overall plan goals, policies, and regulations that includes maps, diagrams, tables, and other descriptive text and materials.

1.4.4 The following supporting documents used in developing this SMP are not adopted as part of this SMP or the city's Comprehensive Plan:

- A. Public Participation Plan for the Shoreline SMP Update;
- B. Shoreline Analysis Report for Shorelines in the City of Raymond;
- C. Shoreline Restoration Plan for Shorelines in the City of Raymond; and
- D. Cumulative Impacts Analysis and No Net Loss reports for the City of Raymond SMP.

Section 1.5 **Incorporation of Critical Areas Regulations by Reference**

1.5.1 Critical Areas Ordinance (CAO) #1863, adopted on August 21, 2017, is integral to this SMP and is hereby incorporated by reference; provided, however, that the following exceptions and modifications to the CAO shall apply in shoreline jurisdiction:

- A. Developments and uses within shoreline jurisdiction requiring a reasonable use exception or variance within any critical area buffer shall be subject to the variance provisions under Section 6.7 of this SMP and not Sections 19 and 20 of the CAO.
- B. Water-oriented uses may locate within critical area buffers when consistent with the policies and regulations of this SMP.
- C. Where shoreline buffers overlap with other critical area buffers, the most restrictive buffer shall apply.
- D. Exemption from critical areas regulations authorized in Section 8.A.7 of the CAO applies only if within existing developed rights-of way.
- E. Section 10 Emergency Work in Critical Areas shall be addressed through the emergency exemption process in Section 6.4 of the SMP. Within wetlands, mitigation to compensate for unavoidable impacts may be necessary in addition to restoration of the critical area.
- F. Within shoreline jurisdiction, identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.
- G. Buffer reduction provisions in Section 31.D in the CAO do not apply to shoreline buffers set forth in Section 3.3.3 Table 2 of the SMP. Buffer averaging for shoreline buffers greater than 25' may be allowed consistent with Section 32 Habitat Buffer Averaging in the CAO.

1.5.2 If there is a conflict between any provisions in this SMP and the CAO, the SMP takes precedence.

1.5.3 Incorporation of amendments to the CAO into the SMP requires an amendment to the SMP consistent with Chapter 7.

Section 1.6 **Relationship to other plans and regulations**

- 1.6.1 Uses and development activities regulated by this SMP may also be subject to other provisions of the Raymond Municipal Code (RMC) and other state and federal laws.
- 1.6.2 Shoreline permit applicants are responsible for complying with all applicable laws before commencing any use or development activity permitted through this SMP.
- 1.6.3 Whenever this SMP cites any RCW, WAC, or other state, or federal law, regulation, or policy, the most recent amendment shall apply, except those ordinances adopted by reference into the SMP in Section 1.5.
- 1.6.4 In the event this SMP conflicts with any other city regulations or policies, the more restrictive provision shall apply unless stated otherwise.
- 1.6.5 Federal projects must comply with WAC 173-27-060.

Section 1.7 **Liberal construction**

This SMP is exempt from the rule of strict construction and the City shall liberally construe its provisions to give full effect to the objectives and purposes provided under the Act.

Section 1.8 **Severability**

Any section, policy, or regulation of this SMP declared invalid shall not affect the validity of this SMP.

Chapter 2: Shoreline Jurisdiction & Environments

Section 2.1 **Shoreline Jurisdiction**

- 2.1.1 This SMP applies to shorelines of the state within the jurisdiction of the City. Shorelines of the state include:
- A. Rivers and streams with a mean annual flow greater than 20 cubic feet per second; and
 - B. Shorelands extending landward two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all associated wetlands and river deltas.
- 2.1.2 The Willapa River, the South Fork of the Willapa River, Skidmore Slough, and Elk Creek, including their associated shorelands, comprise shorelines of the state within city boundaries.
- 2.1.3 The Act identifies the Willapa River and its associated shorelands in the City as shorelines of statewide significance.
- 2.1.4 Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of Chapter 90.58 RCW.

Section 2.2 **Designation of Shoreline Environments and Official Map**

- 2.2.1 There are five Shoreline Environment Designations (SEDs) within the City. A description of the purpose, designation criteria, and policies for each SED follows below.
- 2.2.2 The Official Shoreline Environment Map and descriptive text in Appendix A shows the location of each Shoreline Environment and is for general planning purposes only. The lateral extent of shoreline jurisdiction and the location of the OHWM and associated wetlands will require a site-specific evaluation at the time of a project proposal. The boundary of each Shoreline Environment shall be determined as follows:
- A. Boundaries that appear to follow lot, tract, or section lines shall be interpreted as such;
 - B. Boundaries that appear to follow roads shall be interpreted as such to their centerlines; or
 - C. Whenever boundaries on the Official Shoreline Map are inconsistent with existing physical features, the Director of Public Works or designee, hereinafter referred to as the "Administrator", shall interpret the boundaries with deference to actual conditions and the designation criteria of the SMP.
- 2.2.3 The City's Official Shoreline Environment Map with descriptive text shall be kept on file in City Hall.
- 2.2.4 In the event of a mapping error, the city shall rely on common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect map.

- 2.2.5 Any area shown on the map as within shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction shall not be subject to the requirements of the SMP.
- 2.2.6 All areas within shoreline jurisdiction that are not mapped and/or designated are assigned an Urban Conservancy designation until it is designated otherwise through a SMP amendment.

Section 2.3 **Aquatic Environment (A)**

- 2.3.1 Purpose: The purpose of the Aquatic Environment is to protect, preserve, and manage the shorelines of the state waterward of the OHWM.
- 2.3.2 Designation Criteria:
- A. Waters of the state waterward of the OHWM;
 - B. Estuarine wetlands; and
 - C. Aquatic environments that offer significant opportunities for preservation that benefit ecological functions and ecosystem-wide processes.
- 2.3.3 Policies:
- A. The primary uses within this shoreline environment should serve water-dependent, public access, recreation, and preservation uses.
 - B. The design of new over-water structures should be the least size necessary for its intended use to minimize impact to aquatic and upland development.
 - C. To reduce potential impacts to shorelines, over-water structures should serve multiple uses.
 - D. Nonwater-oriented development should not locate over water except in existing structures or in limited instances where they are auxiliary to and necessary in support of water-dependent uses.
 - E. Uses that adversely affect shoreline ecological functions should not be allowed unless necessary to achieve the policies of the Act and only when impacts are mitigated to assure no net loss of ecological functions.
 - F. The design and management of shoreline uses and modifications should prevent degradation of water quality and alteration of shoreline ecological functions.

Section 2.4 **High Intensity Environment (HI)**

- 2.4.1 Purpose:
- The purpose of the High Intensity Environment is to serve a mix of intensive water-oriented and nonwater-oriented industrial, commercial, recreational, port, and marine transportation development. The environment also accommodates the retention and expansion of existing, nonwater-oriented industrial and commercial uses located along the shoreline.

2.4.2 Designation Criteria:

- A. Shorelands with a mix of intensive water-oriented and nonwater-oriented industrial, commercial, recreational, port, and marine transportation development;
- B. Shorelands that exhibit low ecological function because of existing and past development patterns, extensive structural shoreline modifications, historic fill, and little to no riparian habitat;
- C. Shorelands that have limited upland opportunities for preserving riparian vegetation; and/or
- D. Shorelands not suitable for redevelopment into less intensive commercial or residential uses.

2.4.3 Policies:

- A. Uses should serve water-oriented and nonwater-oriented industrial, commercial, recreational, port, and marine-related transportation uses and activities.
- B. New or expanded development should not result in a net loss of existing shoreline ecological functions.
- C. Nonwater-oriented development should not locate over water except in existing structures or in limited instances where they are auxiliary to and necessary in support of water-dependent uses.
- D. Existing nonwater-oriented high intensity uses shall be allowed to continue and expand.
- E. New development and redevelopment may provide public access.
- F. New development should be encouraged to protect water quality by using low impact development (LID) measures.
- G. Encourage infill and redevelopment to achieve full utilization of properties.
- H. Encourage actions that restore degraded ecological functions.

Section 2.5 **City Waterfront Environment (CW)**

2.5.1 Purpose:

The purpose of the City Waterfront Environment is to recognize traditional development patterns along Raymond's waterfront. This includes a mix of water-oriented and nonwater-oriented commercial, residential, cultural, recreational, and public access developments that serve the everyday needs of residents and provide amenities for tourists.

2.5.2 Designation Criteria:

- A. Shorelands upland of the OHWM in the downtown area;
- B. Shorelands that have low to moderate shoreline ecological function;

- C. Shorelands with an existing mix of water-oriented and nonwater-oriented development serving the commercial, residential, cultural, recreational, and public access needs of the community; and/or
- D. Shorelines that offer opportunities for public access for residents and visitors alike.

2.5.3 Policies:

- A. New or expanded development should not result in a net loss of existing shoreline ecological functions.
- B. Provide a mix of water- and nonwater-oriented commercial, residential, cultural, recreation, and public access development that serve the everyday needs of residents and provide amenities for tourists.
- C. New water-oriented development should have priority over new nonwater-oriented development.
- D. New development or redevelopment may provide public access.
- E. New development or redevelopment should protect water quality by using LID measures.
- F. Encourage actions that restore degraded ecological functions along shorelines.

Section 2.6 **Shoreline Residential Environment (SR)**

2.6.1 Purpose:

The purpose of the Shoreline Residential Environment is to provide for shoreline residential development and appurtenances and to encourage recreational uses and public access.

2.6.2 Designation criteria:

- A. Shorelands that have existing residential development or are appropriate for future residential development;
- B. Shorelands with low to high shoreline ecological function; and/or
- C. Shorelands with medium-intensity shoreline uses, including a mix of residential, commercial, forestry, transportation, and recreational development.

2.6.3 Policies:

- A. New or expanded development should not result in a net loss of existing shoreline ecological functions.
- B. Residential subdivisions and multifamily development should protect water quality by using LID measures.
- C. Residential development with greater than four single-family residences should provide public access to the shoreline.
- D. Encourage actions that restore degraded ecological functions along shorelines.
- E. Commercial development should be limited to water-oriented uses.

Section 2.7 **Urban Conservancy Environment (UC)**

2.7.1 Purpose:

The Urban Conservancy Environment protects and restores ecological functions of open space, associated wetlands, floodplains, and other sensitive lands while allowing a variety of compatible uses.

2.7.2 Designation Criteria:

- A. Shorelands consisting primarily of undeveloped areas appropriate for uses that are compatible with maintaining or protecting ecological functions;
- B. Shorelands with associated wetlands, quality riparian corridors, and parcels with intact habitat;
- C. Shorelands that have high potential for water-enjoyment activities or ecological preservation; and/or
- D. Shorelines that retain important ecological function even though partially developed with low-intensity shoreline uses, such as agriculture, forestry, or larger residential lots.

2.7.3 Policies:

- A. New development and uses should not result in a net loss of ecological functions. Site design should preserve the natural character of the area and promote preservation of open space and critical areas.
- B. New water-oriented development should have priority over new nonwater-oriented development.
- C. Site design for water-related and water-enjoyment uses should leave critical area buffers and wetlands undisturbed to the greatest extent feasible.

Section 2.8 **Ocean Management Area**

In addition to the five SEDs defined in this chapter, an ocean management area covers the entirety of Raymond's shoreline jurisdiction. Within this ocean management area, additional requirements for ocean uses apply, as follows:

2.8.1 Applicability:

- A. Ocean Resources Management Act (ORMA; RCW 43.143). The ORMA geographical area includes Washington coastal waters, including Willapa Bay estuary to the upriver extent of tidal influence on the Willapa River. Within the City of Raymond, the ORMA geographical area includes all of shoreline jurisdiction as defined in Section 2.1 of this chapter. Ocean uses, as defined in this SMP and WAC 173-26-360(3), must be consistent with the policies, regulations, and additional application review procedures for ocean uses set forth in this SMP.
- B. Marine Spatial Plan (MSP). The MSP study area includes marine waters of the Pacific Ocean within state waters (from OHWM out to 3 nautical miles), including Willapa Bay estuary to the upriver extent of tidal influence on the Willapa River. Within the City of Raymond, the MSP study area includes all of shoreline jurisdiction as defined in Section

2.1 of this chapter. New ocean uses, as defined in this SMP and the MSP, must be consistent with the additional procedural requirements and protection standards set forth in Appendix C of this SMP.

2.8.2 Policies:

- A. The ocean management guidelines (WAC 173-26-360), including the general ocean management policies of WAC 173-26-360(7), should be used to evaluate ocean uses, developments, and activities proposed in coastal waters. These guidelines augment the other requirements of the SMP, and are not intended to regulate recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources.
- B. The state's Marine Spatial Plan (MSP) provides a base of scientific information on ocean uses and resources, provides a framework for evaluating new ocean use proposals, and establishes protections for sensitive areas and fisheries. As such, the state's MSP informed the ocean management provisions of this SMP and should be utilized in their implementation.

Section 2.9 **Use, Development, and Modification Table**

Table 1 summarizes the permitted, conditional, and prohibited uses by shoreline environment. All permitted and conditional uses in Table 1 are subject to the provisions of this SMP and may require other permits from the city or other regulatory agencies. In the event of a conflict between the Table and the text, the text will govern. The symbols used in the table are:

- A** = Aquatic
- HI** = High Intensity
- CW** = City Waterfront
- SR** = Shoreline Residential
- UC** = Urban Conservancy
- P** = Permitted use
- C** = Conditional use
- X** = Prohibited use
- NA** = Not applicable

Table 1: Permitted, Conditional, & Prohibited Uses by Shoreline Environment

Shoreline Uses	A	HI	CW	SR	UC
Agriculture	P	P	P	P	P
Aquaculture	P	P	X	X	P
Boating facilities	P	P	P	P	X
Commercial development					
- Water-oriented	P	P	P	P	X ¹
- Nonwater-oriented	X ²	X ²	X ²	X ²	X
Forest practices	NA	P ³	NA	P ³	P ³
Industrial development	X	P	X ⁹	X	X

Shoreline Uses	A	HI	CW	SR	UC
Institutional development	P	P	P	P	P
In-stream structural uses	P	P	P	P	X
Mining	X	X	X	X	X
Recreational development	P	P	P	P	P
Residential development	X ⁴	X ⁸	P	P	P
Transportation development	P ¹²	P ^{5,12}	P ^{5,12}	P ^{5,12}	C ^{5,12}
Utilities development	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰
Uses not listed	C	C	C	C	C
Shoreline Modifications					
Dredging	C ⁶	NA	NA	NA	X ⁶
Dredge disposal	P ¹¹	P	C	C	X
Filling & grading	C ⁷	P	P	P	C ⁷
Piers & docks	P	P	P	P	P
Shoreline habitat & natural system enhancement projects	P	P	P	P	P
Shoreline stabilization	C	P	P	P	C

Notes:

¹Home occupations allowed

²SEE exceptions under §4.5.3

³Forest practices regulated under RCW 90.58.150

⁴Permitted in existing overwater structures

⁵Parking as a primary use is prohibited

⁶Maintenance dredging and minor dredging to facilitate restoration is exempt when consistent with Section 6.4

⁷Waterward fills for ecological restoration is a permitted use

⁸Residential Development is a permitted use as a Planned Unit Development

⁹See exceptions under §4.7.3

¹⁰Oil and gas uses and activities, including the extraction of oil and gas resources from beneath the ocean, and associated exploration, development, or production, are prohibited. Ocean energy production uses are subject to additional restrictions in §4.13.3.

¹¹Ocean disposal uses, involving the deliberate deposition or release of material at sea, such as solid wastes, industrial waste, radioactive waste, incineration, incinerator residue, dredged materials, vessels, aircraft, ordinance, platforms, or other man-made structures, shall be prohibited, except that disposal of dredged materials may be permitted subject to the provisions of §5.3.3

¹²Ocean transportation uses are subject to additional restrictions in §4.12.3

Chapter 3: General Provisions for all Environments

Section 3.1 **Applicability**

The provisions of this chapter establish goals, policies, and regulations that shall apply to all shoreline environments or to shoreline areas that meet the specified criteria of the provisions without regard to environment designation.

Section 3.2 **Archaeology and Historic Preservation**

3.2.1 Goal:

Encourage the identification, protection, and preservation of sites within the city's shorelines that have archeological and historic importance to the public.

3.2.2 Policies:

- A. Consult and cooperate with community groups; county, state, and federal agencies; and affected Indian tribes to identify, protect, and preserve important archeological, historic, and cultural sites located within shoreline jurisdiction.
- B. Where appropriate, encourage public access to archeological, historic, and cultural sites in a manner that protects these resources.

3.2.3 Regulations:

- A. Shoreline permits issued in areas documented to contain archeological or historic resources shall have a qualified professional perform a site assessment and prepare a recommendation report unless the Washington State Department of Archaeology and Historic Preservation (DAHP) waive this requirement. The assessment and recommendation shall conform to DAHP guidelines and the applicant shall pay for its preparation.
- B. The city, in consultation with DAHP or other affected tribal, state, or federal agencies, shall determine whether the research design or study is adequate.
- C. The Administrator may attach conditions of approval to a shoreline permit (including mitigation measures) to assure the protection of archeological, cultural, and/or historic sites.
- D. If archeological or historic resources are uncovered during project excavation or construction, all work shall stop immediately and report the discovery to the Administrator, DAHP, and affected tribes. The developer or property owner shall prepare a report as described in Section A above.
- E. Depending on the outcome of the report, the Administrator may revise a shoreline permit with conditions to assure the protection of the site.

Section 3.3 **Protection of Ecological Functions**

3.3.1 Goal:

Protect shoreline resources by ensuring no net loss of existing ecological functions by providing shoreline buffers and conserving native shoreline vegetation.

3.3.2 Policies:

- A. Manage shoreline development and uses so that critical areas or existing native shoreline vegetation should remain unaltered to the greatest extent feasible.
- B. Impacts to critical areas and native riparian vegetation should be avoided first; but when such impacts are unavoidable, minimize or mitigate them to ensure no net loss of ecological function.
- C. Establish shoreline buffer widths along shorelines that recognize existing shoreline development patterns and do not result in a net loss of ecological function.
- D. Develop regulations for shoreline buffers that should include exceptions for single-family residences to access, view, and enjoy the shoreline.
- E. Encourage activities that create, restore, or enhance ecological functions, especially for priority species.

3.3.3 Regulations:

- A. Shoreline development, uses, and activities shall be located and designed to ensure no net loss of ecological function unless authorized otherwise under this SMP.
- B. Ecological functions existing at the time of the adoption of this SMP shall serve as the baseline for evaluating new development and its effect on the no net loss standard.
- C. Development and uses shall protect existing shoreline ecological functions. Avoiding impacts is the first priority. However, if avoidance is not possible, mitigation is required to address impacts in accordance with the following order of priority:
 - i. 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;
 - ii. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
 - iii. Reduce or eliminate the impact over time by preservation and maintenance operations;
 - iv. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - v. Monitor the impact and the compensation projects and take appropriate corrective measures.
- D. Requirements for mitigation shall be consistent with Sections 14 through 18 of the CAO.
- E. Shoreline buffers shall be maintained along all Type 1 shorelines to protect and maintain ecological functions of the shoreline and to minimize risks to public safety. The depth of the shoreline buffer shall be measured horizontally from the

site's OHWM to the building line of the structure. The depth of the shoreline buffer shall be consistent with Table 2.

Table 2: Minimum Shoreline Buffer by Shoreline Designation

Shoreline Designation	Minimum Shoreline Buffer
High Intensity (HI)	25 feet
City Waterfront (CW)	25 feet
Shoreline Residential (SR)	50 feet
Urban Conservancy (UC)	110 feet

- F. Primary uses and structures that meet the definition of water-dependent may locate within a shoreline buffer when consistent with the mitigation requirements under Section 3.3.3 C and D.
- G. Primary uses and structures that meet the definition of water-related or water-enjoyment may locate within a shoreline buffer when the development or use
 - i. Is associated with a water-dependent use; and
 - ii. Meets the mitigation requirements under Section 3.3.3 C and D.
- H. Removal of vegetation within the shoreline buffer shall be avoided except under the following conditions:
 - i. Where removal of native vegetation cannot be avoided, it shall be mitigated consistent with the requirements under Section 3.3.3 C and D.
 - ii. Property owners may do limited and selective clearing for views that do not compromise slope stability and ecological functions. View maintenance techniques shall preserve plant composition and structure by removing no more than 25 percent of the canopy cover of any individual tree or native plant vegetation. The Administrator may allow removal of hazard trees if structures or site improvements on the property are in danger.
 - iii. A single-family residence may locate within a shoreline buffer a private dock and/or pier, a six-foot pedestrian pathway leading to the shoreline, and a cleared recreation area that does not exceed 15% of the total area of the shoreline buffer.
 - iv. Removal of non-native vegetation should be replaced with native vegetation.

Section 3.4 **Existing Development**

3.4.1 Goal:

Provide reasonable provisions to allow the continuation and use of lawfully established uses, structures, and parcels created before the adoption of this SMP.

3.4.2 Policies:

- A. Existing upland structures shall be allowed to accommodate nonwater-oriented uses when there is no foreseeable demand for water-oriented ones.

- B. Existing structures within a shoreline buffer shall be allowed to expand if the expansion minimizes the impacts to ecological functions to the greatest extent feasible.

3.4.3 Regulations:

- A. Any legally established development or use, including residential and appurtenant structures, built before the effective date of this SMP and which does not meet all the provisions therein, is a conforming one and may undergo repair, maintenance, or replacement.
- B. Existing development and uses within a required shoreline buffer may expand, redevelop, change occupancy class, or rebuild without a Shoreline Variance in accordance with the following provisions:
 - i. The existing development is in the High Intensity, City Waterfront, or Urban Conservancy Environments;
 - ii. Expansion of a development or use extends landward of the existing footprint of the structure or activity; and
 - iii. Upward expansion may occur in conformance to applicable height limitations in accordance with Section 3.7.
- C. Existing parcels landward of the OHWM that were created before the effective date of this SMP, and unable to meet the shoreline buffer requirements under Section 3.3.3 may accommodate a single-family residence under the following provisions:
 - i. There is no opportunity to consolidate lots under common ownership to alleviate the nonconformity; and
 - ii. The proposed location of the building area uses the minimum area necessary within a shoreline buffer.

Section 3.5 **Flood Hazard Reduction**

3.5.1 Goal:

Provisions should promote the public health, safety, and general welfare and minimize losses due to flood conditions.

3.5.2 Policies:

- A. Development in floodplains should not significantly increase flood hazards.
- B. Whenever feasible, the SMP gives preference to the use of nonstructural flood hazard reduction measures over structural ones.
- C. The city should not allow new development or uses in shoreline jurisdiction, including the subdivision of land, which would require anticipated structural flood hazard reduction measures during the estimated life of the project.

- D. Where feasible, the city may consider the removal of artificial restrictions to natural channel migration, restoration of off-channel hydrological connections, and returning river processes to a more natural state.
- E. Coordinate comprehensive land use plans and development regulations with the SMP to allow appropriate development within floodplains.

3.5.3 Regulations:

- A. Development in floodplains shall not significantly or cumulatively increase flood hazards or be inconsistent with Chapter 15.16 RMC, Development in Flood Areas.
- B. New development or uses, including the subdivision of land, shall not be permitted if it can be reasonably expected that there will be a need for future structural flood hazard reduction measures.
- C. New structural flood hazard reduction measures shall not be permitted to locate within shoreline jurisdiction unless scientific and engineering analysis prepared by a qualified professional demonstrates that:
 - i. The measure is necessary to protect existing development;
 - ii. Nonstructural measures are not a feasible alternative; and
 - iii. Mitigation can successfully reduce impacts on ecological functions and priority species and habitats so there is no net loss of shoreline ecological function.
- D. The location of new structural flood hazard reduction measures shall be landward of the OHWM and associated wetlands except for actions that increase ecological functions, such as wetland restoration or if it is determined that no other alternative to reduce flood hazard to existing development is feasible.
- E. New structural public flood hazard reduction measures, such as dikes and levees, shall provide public access pathways, except as provided under Section 3.6.

Section 3.6 **Public Access**

3.6.1 Goal:

Increase the ability of the public to enjoy the water's edge, travel on the shorelines of the state, and to view the water and shoreline from adjacent locations.

3.6.2 Policies

- A. Development activities within shoreline jurisdiction should promote and enhance public access to shorelines of the state, including opportunities to view shorelines from public rights-of-ways, in a manner consistent with private property rights, public safety, and the protection of shoreline ecological functions.
- B. Nonwater-oriented uses should provide a higher level of public access improvements over water-oriented uses.
- C. The city should work towards improving the Willapa Hills Trail system as well as creating other trail systems along shorelines in other areas of the city.

- D. Shoreline development by public entities should provide public access except when access is incompatible due to reasons of safety, security, or impact to ecological functions.
- E. Encourage water-oriented commercial development to integrate design features that satisfy public access requirements, such as including windows looking out to the shoreline and outdoor decks, patios, and walkways.
- F. Protect view corridors of the shoreline by limiting structural encroachment into side yard setbacks established through the zoning ordinance.
- G. Public access requirements for new or expanded development or uses should be reasonable and reflect the scale of the improvement.
- H. Allow flexibility when deciding where required public access improvements should be located that considers the needs of the developer and the community.

3.6.3 Regulations:

- A. Visual or physical public access should be required where feasible for development within shorelines except as provided below:
 - i. Single-family residences or residential projects containing four or fewer dwelling units;
 - ii. Another property or public right-of-way physically separates the development from the shoreline; or
 - iii. Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.
- B. The requirement for public access to shorelines does not confer the right to enter upon or cross private property except on dedicated and marked public easements.
- C. Required public access shall be commensurate with the level of shoreline development and may consist of one or more of the following physical improvements approved by the Administrator:
 - i. A five-foot wide walkway or trail on an easement no less than twelve feet wide that leads from a public right-of-way to waters of the state;
 - ii. Installation of amenities, such as benches, picnic facilities, windbreaks, covered patios, interpretive centers, parking improvements, or restrooms;
 - iii. The connection or continuation of a public walkway, bike path, or trail that is equivalent in design and area;
 - iv. A viewpoint, deck, pier, or boat launch; or
 - v. Other improvements appropriate to the level of development.

- D. The location of public access required for development normally occurs on the subject property, provided, however, that the Administrator may approve off-site public access or improvements under the following situations:
 - i. There are unavoidable health or safety hazards to the public created by the proposed use that site design cannot mitigate;
 - ii. On-site design alternatives cannot address inherent security concerns related to the proposed use;
 - iii. Public access would create adverse impacts to shoreline ecological functions; and/or
 - iv. Significant, unavoidable conflicts could occur between public access improvements, the proposed use, and/or adjacent uses that site design cannot mitigate.
- E. Alternatives for satisfying off-site public access or improvements may include enhancing existing public access points, developing viewpoints at street ends abutting shorelines, and/or improving or extending shoreline trails.
- F. When appropriate, the Administrator may condition public access by limiting the hours of public use or requiring fencing or landscaping that separate uses and activities.
- G. The permit applicant shall record with the County Auditor the public access easement and permit conditions on the deed or on the face of a plat as a condition running with the land.
- H. The permit applicant shall install a sign indicating the public access site and any applicable information required by the Administrator.
- I. Required public access improvements shall be fully developed and available for public use at the time of occupancy of the development.

Section 3.7 **Setbacks and Heights**

3.7.1 Goal:

Limit the placement and height of structures within shoreline jurisdiction to ensure protection of shoreline aesthetic qualities and ecological functions.

3.7.2 Policies:

- A. The height and lot coverage of structures should not unreasonably obstruct the shoreline view from rights-of way or neighboring properties.
- B. Use appropriate building setbacks from shoreline buffers to prevent impacts to these areas from construction and maintenance activities related to the development or use.

3.7.3 Regulations:

- A. Pursuant to RCW 90.58.320, no permit shall allow new or expanded development to be more than 35 feet above average grade level that will obstruct the view of

a substantial number of residences on areas adjoining such shorelines unless overriding considerations of the public interest will be served.

- B. Power poles and transmission towers are not subject to height limits but shall be no higher than necessary to achieve the intended purpose.
- C. New or expanded development shall maintain a minimum building setback of ten feet from the landward edge of a shoreline or critical area buffer. This setback may include architectural features, landscaping, internal roads, accessory utilities, decks, and patios.

Section 3.8 **Shorelines of Statewide Significance**

3.8.1 Goal:

Manage shorelines of statewide significance in a manner that recognizes the overall best interests of the state and its citizens.

3.8.2 Policies:

- A. Management of shorelines of statewide significance should give preference to development in the following order of priority:
 - i. Recognize and protect the statewide interest over local interest;
 - ii. Preserve the natural character of the shoreline;
 - iii. Result in long term over short term benefit;
 - iv. Protect the resources and ecology of the shoreline;
 - v. Increase public access to publicly owned areas of the shorelines;
 - vi. Increase recreational opportunities for the public in the shoreline; and
 - vii. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
- B. To ensure the protection of statewide interests over local interests, the city should review all development proposals, along the Willapa River, a shoreline of statewide significance, for consistency with RCW 90.58.020 through the following actions:
 - i. Include mitigation and/or enhancement of ecological conditions if such opportunities exist when shoreline development or redevelopment occurs;
 - ii. Consult with state and federal resource agencies and tribal governments for development proposals that affect fish and wildlife and other shoreline resources;
 - iii. Give preference to those uses that are sustainable, do not deplete natural resources, and are compatible with other approved uses over those that do not have these qualities;
 - iv. Give preference to those uses that provide long-term benefits over those uses that provide only short-term gains;

- v. Give preference to those uses that preserve aesthetic qualities over those uses that impact aesthetic qualities;
- vi. Give preference to those uses that require a shoreline location over those that are nonwater-oriented uses;
- vii. Locate nonwater-oriented uses outside shoreline jurisdiction or in areas where they will not interfere with or displace preferred uses or public access;
- viii. Protect and support areas that serve aquaculture, recreation and tourism, and other economic resources of statewide importance;
- ix. Regulate those uses that have the potential to cause significant adverse impacts to shoreline ecological functions and ecosystem-wide processes;
- x. Design all public access and recreation development to protect the ecological resources upon which such activities depend; and
- xi. Encourage public and private development that provides trails, viewpoints, water access points, and water-related recreation opportunities where conditions are appropriate for such uses.

Section 3.9 **Water Quality and Quantity**

3.9.1 Goal:

Protect and enhance the quality and quantity of the region's water resources critical to the city's public health, economy, wetlands, and fish and wildlife resources.

3.9.2 Policies:

- A. The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance surface and ground water quality.
- B. The requirements for and maintenance of critical area buffers and vegetation along rivers and associated wetlands are important for protecting water quality.
- C. The city should encourage stormwater control projects that improve discharges to rivers and associated wetlands.

3.9.3 Regulations:

- A. Shoreline development shall protect water quality by preventing stormwater and nonpoint pollution from entering waters of the state consistent with the provisions of the most current *Stormwater Management Manual for Western Washington*.
- B. New development and uses in the High Intensity, City Waterfront, and Shoreline Residential Environments shall incorporate appropriate LID measures to control and filter stormwater from impervious surfaces used as parking or storage areas. Landscape filter/buffer corridors, infiltration trenches, and grassed bio-retention swales are examples of LID measures.

Chapter 4: Shoreline Uses

Section 4.1 **Applicability**

The provisions in this chapter apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. All uses and development must be consistent with the SMP.

Section 4.2 **Agriculture**

4.2.1 Goal:

Manage agricultural practices within the shoreline environment to ensure protection of shoreline ecological functions.

4.2.2 Policies:

- A. The siting, operation, and maintenance of new agricultural uses on non-agricultural land should ensure protection of shoreline ecological resources.
- B. Encourage existing agriculture to minimize impacts to the shoreline environment by utilizing best management practices for soil conservation and fertilizer, pesticide, and herbicide application.

4.2.3 Regulations:

- A. This section shall not require modification of or limit agricultural activities occurring on agricultural lands existing before the adoption of this SMP.
- B. New agricultural lands created after the effective date of this SMP shall:
 - i. Conform to all SMP provisions;
 - ii. Assure no net loss of ecological functions; and
 - iii. Not create adverse impacts to shoreline resources.
- C. Conversion of existing agricultural land and activities to non-agricultural uses shall be consistent with this SMP.
- D. A shoreline substantial development permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv).

Section 4.3 **Aquaculture**

4.3.1 Goal:

Encourage aquaculture practices that contribute to the city's economy while protecting shoreline aesthetics and ecological functions.

4.3.2 Policies:

- A. The design and location of aquaculture facilities should:
 - i. Avoid conflicts with navigation and other water-dependent uses;

- ii. Prevent the spread of disease to native aquatic life and the introduction of non-native invasive species; or
 - iii. Be consistent with the aesthetic qualities of the surrounding shorelines.
- B. Provide flexibility when siting and locating new or innovative aquaculture development and uses because potential locations are restricted and the technology associated with some forms of aquaculture are experimental.

4.3.3 Regulations:

- A. Aquaculture is water-dependent activity that when consistent with control of pollution and prevention of damage to the environment is a preferred use of the water area.
- B. No aquaculture project shall conflict with navigation or other water-dependent uses.
- C. The ongoing maintenance, harvest, replanting, or changing of species cultivated in any existing or permitted operation does not constitute new use or development and shall not require a permit.
- D. Net pens for finfish shall not interfere with navigation, impact shorelines for adjacent landowners, or result in a net loss of shoreline ecological function.
- E. New aquatic species not previously cultivated within the city require written approval of the Director of the Washington Department of Fish and Wildlife before introduction to any aquatic environment designation.

Section 4.4 **Boating Facilities**

4.4.1 Goal:

Design, site, and operate commercial and recreational boating facilities to be compatible with the surrounding aquatic environment and adjacent land uses.

4.4.2 Policies:

- A. Multiple use and/or expansion of existing piers and floats should be encouraged over construction of new structures when possible.
- B. The size of piers and floats for boating facilities should be the minimum necessary to meet the needs of the proposed water-dependent use.
- C. The location of boating facilities should be in areas that create the least impact to shoreline functions.
- D. Avoid locating boating facilities where shallow depths require excessive overwater lengths or frequent dredging.
- E. Public boat launches are preferred over private ones.

4.4.3 Regulations:

- A. The location of new boating facilities shall not interfere with navigation.

- B. The design and construction of new or expanded boating facilities shall consist of materials approved by applicable state agencies.
- C. Applications for new or expanded boating facilities shall provide an operational plan that addresses the following elements:
 - i. Fuel handling and storage;
 - ii. Sewage and waste collection and disposal;
 - iii. Parking and storage;
 - iv. Access to emergency services; and
 - v. Provisions for live-aboard boaters.
- D. All non-water dependent structures associated with a boating facility shall locate landward of the OHWM.
- E. Boating facilities that allow live-aboard shall provide pump-out and/or treatment facilities for sewage.
- F. Boating facilities existing before the adoption of this SMP that do not comply with this section may be repaired with appropriate permitting without changing the dimensions or configuration. However, a modification to a non-compliant boating facility may not exceed its nonconformity.
- G. Water-related and water-enjoyment uses may be allowed at boating facilities where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water dependent use is not violated.
- H. The design, operation, and maintenance of commercial fueling docks shall be consistent with the "Guidelines for the Safe Operation and Maintenance of Marinas" published by the National Water Safety Congress.
- I. Anchored vessels shall not interfere with navigation or moor on open waters of the state more than 30 days without a lease or permission from the Washington Department of Natural Resources, except as allowed by applicable state regulations.

Section 4.5 **Commercial Development**

4.5.1 Goal:

Encourage commercial development along the city's shorelines that creates economic opportunity for the community while protecting ecological functions.

4.5.2 Policies:

- A. Water-dependent, water-related, and water-enjoyment commercial uses are preferred over nonwater-oriented uses.
- B. Allow nonwater-oriented uses to locate in existing buildings when vacancies demonstrate a lack of market demand for water-oriented uses.

- C. The design and location of commercial development along shorelines should be visually compatible with adjacent properties.

4.5.3 Regulations:

- A. Commercial development is not a water-dependent, water-related or water-enjoyment use until the Administrator determines that the proposed design, layout, and operation of the use or development is consistent with the definition and intent under this SMP.
- B. New nonwater-oriented commercial development is not an allowed use unless:
 - i. The use is part of a mixed-use project that includes water-oriented uses;
 - ii. Navigability is severely limited at the proposed site and the commercial use provides significant public benefit with respect to providing public access and ecological restoration; and/or
 - iii. Another property or public right-of-way including rail beds, physically separates the development from the shoreline.
- C. Nonwater-oriented commercial development shall not locate over water except if located within an existing structure or in support of water dependent uses.
- D. Nonwater-oriented commercial development may locate within an existing, vacant structure that remains unoccupied for greater than 90 days.
- E. Marine salvage. Marine salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Where such uses are conducted for commercial purposes and meet the definition of development as set forth in this SMP, they shall be subject to the following requirements:
 - i. Review procedures. Marine salvage uses shall be subject to the additional application review procedures for ocean uses set forth in Section 7.12.1 of this SMP.
 - ii. Nonemergency marine salvage and historic shipwreck salvage activities shall be conducted in a manner that minimizes adverse impacts to the aquatic environment and renewable resources such as fishing.
 - iii. Nonemergency marine salvage and historic shipwreck salvage activities shall not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies.

Section 4.6 **Forest Practices**

4.6.1 Goal:

Promote forest practices within shoreline jurisdiction that protect shoreline ecological functions.

4.6.2 Policies:

- A. Forest practices should be conducted in a manner that minimizes adverse impacts on the aesthetic qualities of shorelines of statewide significance.

4.6.3 Regulations:

- A. Management of forest practices within shoreline jurisdiction fall under the purview of the Forest Practices Act, Chapter 76.13 RCW, the Forest Practice Rules, Title 222 WAC, and the *Forests and Fish Report* (1999).
- B. Forest practices regulated under this SMP include conversions, other Class IV-General forest practices that likely will result in a conversion to non-forest uses, and selective commercial timber cutting along shorelines of statewide significance as provided under RCW 90.58.150.
- C. A forest practice that only involves timber cutting is not a development under the Shoreline Management Act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the Shoreline Management Act and may require a substantial development permit, as required by WAC 222-50-020.
- D. Forest practices within shorelines of statewide significance shall allow selective commercial timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten-year period, provided that:
 - i. Other timber harvesting methods may occur in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration make selective logging ecologically detrimental; and
 - ii. Clear cutting may occur if it is solely incidental to the preparation of land for other uses.
- E. Exceptions to forest practices under Section 4.6.3.C require a conditional use permit.
- F. Timber harvest activities subject to this SMP cannot happen until city approval of a local plat approval or other applicable land use decision, including the issuance of any required shoreline permits.
- G. Conversion of forestlands within shoreline jurisdiction to a different use shall protect shoreline ecological functions consistent with the provisions in Section 3.3.

Section 4.7 **Industrial Development**

4.7.1 Goal:

Encourage industrial development along the city's shorelines that creates economic opportunity while protecting ecological functions.

4.7.2 Policies:

- A. Water-dependent and water-related industrial developments are preferred over nonwater-oriented industrial developments.
- B. Preferred sites for water-oriented industrial development should demonstrate compatibility with adjacent land uses.

- C. Industrial developments and redevelopments should be encouraged to locate where environmental cleanup and restoration is needed.
- D. Encourage private and public industrial developments to share piers, cargo handling, storage, parking, and other accessory facilities.

4.7.3 Regulations:

- A. Industrial development is not a water-oriented use until the Administrator determines that the proposed design, layout, and operation of the use or development is consistent with the definition and intent under this SMP.
- B. Nonwater-oriented industrial development is not an allowed use unless:
 - i. The use is part of a mixed-use project that includes water-oriented uses and provides public benefit with respect to providing public access and ecological preservation;
 - ii. Navigability is severely limited at the proposed site;
 - iii. Another property or public right-of-way, including rail beds, physically separates the development from the shoreline; and/or
 - iv. The use is in a High Intensity environment.
- C. Existing nonwater-oriented industrial development may expand landward if the expansion is consistent with the provisions of this SMP.
- D. Nonwater-oriented industrial development may locate within an existing, vacant structure that remains unoccupied for greater than 90 days.

Section 4.8 **Institutional Development**

4.8.1 Goal:

Encourage institutional development along the city's shorelines that serves the public while protecting ecological functions.

4.8.2 Policies:

- A. Water-dependent, water-related, and water-enjoyment institutional uses are preferred over nonwater-oriented uses.

4.8.3 Regulations:

- A. Regulations for commercial development, as found in Section 4.5.3 of this SMP, shall apply to institutional development.
- B. Ocean research. Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Where ocean research activities meet the definition of development as set forth in this SMP, they shall be subject to the following requirements:

- i. Review procedures. Ocean research proposals shall be subject to the additional application review procedures for ocean uses set forth in Section 7.12.1 of this SMP.
- ii. Ocean research shall be located and operated consistent with the provisions of WAC 173-26-360(13).

Section 4.9 **Instream Structures**

4.9.1 Goal:

Ensure that necessary instream structures minimize impacts to ecological functions, navigation, public access, and fish and wildlife resources.

4.9.2 Policies:

- A. Projects for instream structures should demonstrate a compelling public benefit that outweighs the potential adverse impacts to ecological functions, fish and wildlife, navigation, and public access.
- B. Encourage instream structures that allow for ecological restoration and improve fish and wildlife habitat.
- C. Encourage improvements to existing instream structural developments that minimize impacts to fish and wildlife resources, ecological functions, and ecosystem-wide processes.

4.9.3 Regulations:

- A. Authorization of instream structures shall be permitted when a qualified professional demonstrates that:
 - i. The instream structure addresses a need for public safety or infrastructure;
 - ii. Nonstructural measures are not feasible; and
 - iii. Impacts to ecological functions and critical areas are avoided or mitigated.
- B. New or expanded instream structural developments shall provide adequate fish passage and avoid loss of habitat.
- C. The design and location of instream structures shall avoid interfering with navigation.
- D. Breakwaters and jetties require a conditional use permit, except for those structures installed to protect or restore ecological functions such as woody debris, and when analysis by a qualified professional demonstrates that:
 - i. The structure is necessary for protecting water-dependent uses in the Aquatic Environment, such as boating facilities, from strong wave actions or currents; and
 - ii. Adverse impacts to water circulation, sediment transport, fish and wildlife migration, and aquatic vegetation can be avoided or mitigated.

Section 4.10 **Recreational Development**

4.10.1 Goal:

Encourage the development of a wide range of publicly- and privately-owned recreational opportunities for residents and tourists to enjoy shorelines and shorelands within the city.

4.10.2 Policies:

- A. Coordinate city efforts with local, state, federal, and nonprofit entities to increase recreational opportunities for citizens and visitors to enjoy the city's shorelines.
- B. Site and design of recreational facilities should minimize impacts to ecological functions and neighboring private properties.

4.10.3 Regulations:

- A. Water-oriented recreation developments are preferred over nonwater-oriented development unless another property or public right-of-way separates the development from the shoreline.
- B. All recreational developments should make adequate provisions for
 - i. Providing adequate parking and access;
 - ii. Avoiding adverse impacts to adjacent properties; and
 - iii. Preventing trespass on adjacent private property.
- C. Recreational developments shall make adequate provisions for conserving natural features of the shoreline, including protecting critical areas, shoreline vegetation, and water quality.
- D. Marine salvage uses conducted for recreational purposes and meeting the definition of development as set forth in this SMP shall be subject to the requirements for commercial marine salvage in Section 4.5.3(E)(i)-(iii) of this SMP.

Section 4.11 **Residential Development**

4.11.1 Goal:

Ensure the compatibility of residential development with ecological functions and avoid those areas that present a risk to people and property.

4.11.2 Policies:

- A. Residential development is a preferred use of the shoreline when it is located in a manner that protects shoreline functions, critical areas, and vegetation conservation.
- B. Residential development should be consistent with the character of the SED.
- C. Residential development should avoid locating where structural shoreline stabilization improvements will be necessary for protecting from future flooding.
- D. Provide incentives to residential development that restores ecological functions.

4.11.3 Regulations:

- A. A shoreline substantial development permit is not required for construction of a single-family residence by any owner, lessee, or contract purchaser for their own use or the use of their family when consistent with Section 6.4. Single-family residences and their appurtenances must otherwise conform to this SMP.
- B. New residential lots created through subdivision shall not create the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements.
- C. New residential subdivisions developing more than four parcels shall incorporate provisions for LID techniques to protect shoreline water quality.
- D. New over-water residences, including floating homes, are a prohibited use in all shoreline environments.
- E. The footprint expansion of a residential structure waterward of the OHWM, including decks and balconies, is prohibited.

Section 4.12 **Transportation Development**

4.12.1 Goal:

Design, site, and maintain transportation and parking developments in a manner that complements shoreline aesthetics and minimizes impacts to ecological functions.

4.12.2 Policies:

- A. The location of new streets should avoid shorelines whenever feasible.
- B. The design and location of new streets should minimize the need for structural shoreline stabilization improvements, modification of natural drainage systems, and waterway crossings.
- C. Major improvements to state highways by the Washington State Department of Transportation should include public access improvements for pedestrians and bicycles when feasible.
- D. Parking facilities should incorporate landscaping as a LID measure for treating stormwater runoff and improving the aesthetics of the shoreline environment.

4.12.3 Regulations:

- A. Major street and highway improvements within shoreline jurisdiction shall include LID techniques to protect, maintain, or improve water quality.
- B. Parking as a primary use is prohibited within shoreline jurisdiction.
- C. Parking as an accessory to an authorized use shall locate as far upland from the shoreline as possible and use LID measures to protect water quality.
- D. The city shall not vacate any right-of-way that abuts a shoreline except as provided under RCW 35.79.035.
- E. Ocean transportation uses.

- i. Applicability. Ocean transportation uses include shipping, transferring between vessels, and offshore storage of oil and gas; transport of other goods and commodities; and offshore ports and airports.
- ii. Review procedures. Ocean transportation uses shall be subject to the additional application review procedures for ocean uses set forth in Section 7.12.1 of this SMP. Application materials shall include an assessment of the impacts of the proposed transportation use on renewable resource activities such as fishing, environmentally critical and sensitive habitat areas, and environmental and scientific preserves and sanctuaries.
- iii. Ocean transportation uses shall be prohibited in the City Waterfront, Urban Conservancy, and Shoreline Residential environments.
- iv. Ocean transportation uses shall be located or routed to avoid the following areas to the maximum extent feasible: Habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, migration routes of marine species and birds, marine sanctuaries, and environmental or scientific preserves.
- v. Ocean transportation uses involving transport of hazardous materials shall be routed to pose the least environmental risk, and when feasible shall avoid highly productive commercial, tribal, and recreational fishing areas.

Section 4.13 **Utilities Development**

4.13.1 Goal:

The design and location of utilities infrastructure within shoreline jurisdiction should be consistent with the character of the environment designation.

4.13.2 Policies:

- A. The design and location of utilities should avoid aesthetic impacts to the shoreline environment.
- B. Utilities that do not serve shoreline development should locate outside of shoreline jurisdiction whenever feasible.

4.13.3 Regulations:

- A. New public or private utilities should locate beyond shoreline jurisdiction, unless:
 - i. The utility requires a location adjacent to the water;
 - ii. Alternative locations are not feasible; or
 - iii. The utilities are necessary for a permitted shoreline development or use consistent with this SMP.
- B. The design and location of utility facilities and services shall protect scenic views. Where feasible, conveyance utilities shall locate underground or alongside or under bridges.

- C. Aboveground utilities, such as pump stations or electrical substation, should incorporate appropriate screening or landscaping to minimize visual impacts.
- D. The location and design of utilities shall avoid the need for structural shoreline modifications to the greatest extent feasible.
- E. On-site utilities serving a primary use are “accessory utilities” and shall be considered a part of the primary use.
- F. Ocean energy production uses.
 - i. Applicability. Ocean energy production uses include the production of energy in usable form directly in or on the ocean rather than extracting material that is transported elsewhere to produce energy in a readily usable form. Examples include facilities that use wave action or differences in water temperature to generate electricity.
 - ii. Review procedures. Ocean energy production uses shall be subject to the additional application review procedures for ocean uses set forth in Section 7.12.1 of this SMP. Application materials shall include an assessment of the effect of the proposed use on upwelling, and other oceanographic and ecosystem processes relevant to the proposed location.
 - iii. Ocean energy production uses shall be prohibited in the City Waterfront, Urban Conservancy, and Shoreline Residential environments.
 - iv. Ocean energy production uses shall be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes.

Chapter 5: Shoreline Modifications

Section 5.1 **Applicability**

Shoreline modifications relate to the construction of a physical element, such as a dike, piers, and docks, dredging, and fill, but can include other actions such as clearing, grading, or significant vegetation removal. Shoreline modifications usually support a shoreline use or are undertaken in preparation for a shoreline development or use.

Section 5.2 **General Requirements**

- 5.2.1 Modifications shall be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions.
- 5.2.2 The schedule for in-water work shall protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated in the permit.

Section 5.3 **Dredging and Dredge Materials Disposal**

5.3.1 Goal:

Allow dredging and dredge material disposal practices that provide for navigation, utility development, environmental restoration, and public access in a manner that will minimize impacts to ecological resources.

5.3.2 Policies:

- A. Support routine maintenance of navigation channels to piers, docks, and boat launches to ensure safe access to water-dependent and water-related development and uses.
- B. Siting of new water-dependent development should be in locations that avoid or minimize the need for future maintenance dredging.
- C. Land disposal of dredge materials should be in areas outside of shoreline jurisdiction.
- D. Avoid dredge spoil disposal in the Aquatic Environment that would interfere with navigation, critical areas, aquaculture, and areas with potential for ecological restoration.

5.3.3 Regulations:

- A. On-going maintenance dredging of navigation channels, basins, and boating facilities is limited to the facility's existing authorized location, depth, and width and is exempt from the need for a Substantial Development Permit. All other provisions of this SMP shall apply.
- B. Allow minor dredging to facilitate environmental restoration, enhancement, or remediation projects if consistent with this SMP and restoration strategies.

- C. The in-water discharge of dredge materials shall be at aquatic disposal sites approved by the Washington Dredged Material Management Program, except as allowed in Section 5.3.3.B.
- D. The in-water discharge of dredge materials shall be located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, or loss of opportunities for mineral resource development.
- E. Storage, loading, transporting, and disposal of materials shall be done in conformance with local, state, and federal requirements for protection of the environment.
- F. Dredging for the primary purpose of obtaining fill material is not allowed except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM and either associated with a Model Toxics Control Act or a Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project, or if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

Section 5.4 **Fill and Grading**

5.4.1 Goal:

Minimize the need to fill and grade within the shoreline environment except to accommodate approved shoreline uses and modifications.

5.4.2 Policies:

- A. The amount of fill used within the shoreline environment should be the minimum necessary to accommodate a shoreline use or modification.
- B. Monitor the cumulative impacts of placing fill in areas that increase the potential of flooding area properties.

5.4.3 Regulations:

- A. Fill and grading shall only occur in conjunction with an approved activity of development authorized in this SMP.
- B. The placement of fill waterward of the OHWM shall occur only when necessary for the following approved developments:
 - i. Water-dependent development;
 - ii. Mitigation action, ecological restoration or enhancement project;
 - iii. Aquaculture operations to improve production;
 - iv. Expansion or alteration of transportation facilities currently located on the shoreline if alternatives to fill are not feasible; or
 - v. Water-oriented public access or recreation.

- C. A conditional use permit is required for any fills waterward of the OHWM except for ecological restoration projects.
- D. Fills shall avoid critical areas and critical area buffers to the greatest extent feasible.
- E. Fill material used in shoreline areas shall be free of contaminated materials.

Section 5.5 **Docks, Piers, Floats, and Boat Launches**

5.5.1 Goal:

Develop docks, piers, floats, and boat launches to serve residential, commercial, industrial, and recreational uses effectively while ensuring the protection of shoreline ecological functions.

5.5.2 Policies:

- A. Multiple use and/or expansion of existing piers and floats should be encouraged over construction of new structures when possible.
- B. The size of piers and floats should be the minimum necessary to meet the needs of the proposed water-dependent use.
- C. The location of piers, floats, and boat launches should be in areas that create the least impact to shoreline functions.
- D. Avoid locating piers and docks where shallow depths require excessive overwater lengths or frequent dredging.
- E. Encourage residential developments to provide joint use or community dock facilities.
- F. Encourage residences to rely on mooring buoys rather than docks, piers, or floats.
- G. Public boat launches are preferred over private facilities.

5.5.3 Regulations:

- A. New docks, piers, and floats shall be allowed for water-dependent uses, recreation, or public access. A dock associated with a single-family residence is a water dependent use if it is designed and intended as a facility for access to watercraft and complies with the provisions of this SMP.
- B. A single-family residence shall not have more than one single-use pier or dock per lot.
- C. Docks and piers for commercial, industrial, and transportation uses shall only serve water-oriented uses and shall be the minimum size necessary to accommodate the proposed use, provided, however, that larger structures may be permitted if an analysis demonstrates the need for future expansion over the next 10 years.
- D. The design of all new residential docks, piers, and floats shall be the minimum necessary for their intended use. The following standards shall apply:
 - i. Docks and piers:

- a. The width shall not exceed 4 feet for single-use or 6 feet for joint-use;
 - b. Surfaces must be fully grated with grating that has 60% open space; and
 - c. Piers shall be no longer than the maximum length necessary to reach useable water to ensure vessels do not rest on substrate at any time.
- ii. Floats:
 - a. The width of a single-use float shall not exceed 8 feet in width and 30 feet in length;
 - b. The width of a joint-use float shall not exceed 8 feet in width and 60 feet in length;
 - c. Grating shall cover at least 50% of the surface area; and
 - d. The float location shall ensure that the float, anchor lines, or any vessel shall not rest on substrate at any time.
 - iii. Ramp widths shall not exceed 4 feet.
 - iv. Piers and floats shall be located at least 10 feet away from the abutting side property line or the imaginary extension thereof into the water.
 - v. The Administrator may waive the maximum dimensions for piers, floats, and ramps to accommodate a resident with disabilities.
- E. Docks existing before the adoption of this SMP that do not comply with this section may be repaired without changing the dimensions or configuration.
 - F. The location and design of docks and floats shall not interfere with navigation or public access.
 - G. The design and construction of new or expanded docks shall consist of materials approved by applicable agencies.
 - H. No pier or dock shall be used as a residence.
 - I. Storage of fuel, oils, and other toxic materials is prohibited on residential docks and piers.

Section 5.6 Shoreline Habitat and Natural System Enhancement Projects

5.6.1 Goal:

Encourage shoreline habitat and natural systems enhancement projects that improve shoreline ecological functions and contribute to healthy fish and wildlife populations.

5.6.2 Policies:

- A. Encourage community groups, local, state, federal, and tribal entities to aid in implementing restoration projects identified through the City of Raymond Restoration Plan prepared pursuant to WAC 173-26-201 (2)(f).
- B. Provide incentives through the city's development regulations that encourage property owners to restore habitat along shorelines.

5.6.3 Regulations:

- A. Shoreline habitat or natural enhancement projects shall not create adverse impacts to ecological functions or present safety hazards to people and property.
- B. Shoreline habitat or natural enhancement projects shall be based on state and federally approved best management practices and/or reliable sources of science.
- C. The city may grant relief from the development standards and use regulations within this SMP for a shoreline habitat and natural system enhancement project, consistent with the standards of RCW 90.58.580.

Section 5.7 **Shoreline Stabilization**

5.7.1 Goal:

Avoid or minimize the need for shoreline stabilization, and if unavoidable, give preference to nonstructural stabilization methods over structural ones.

5.7.2 Policies:

- A. Avoid the location of uses and shoreline modifications along shorelines that will require future shoreline stabilization measures.
- B. Nonstructural shoreline stabilization methods are preferred over structural ones.
- C. Allow structural shoreline stabilization where there is a demonstrated need to support or protect an existing primary structure that is in danger of substantial damage or loss.
- D. Provide incentives for property owners to remove structural shoreline stabilization or replace them with nonstructural modifications.
- E. Consider the impacts to area properties when evaluating proposals for shoreline modifications.
- F. Assure that the development of individual shoreline modifications does not have a cumulative adverse impact on flooding, erosion, ecological functions, and ecosystem-wide processes.

5.7.3 Regulations:

- A. Properties shall rely on nonstructural shoreline stabilization measures unless a geotechnical analysis demonstrates that such measures will be insufficient to protect primary structures, dwellings, and businesses. A geotechnical analysis shall evaluate the effectiveness of alternatives in the following order of preference before selecting an appropriate shoreline stabilization measure:
 - i. Take no action, increase building setbacks, or relocate structures;
 - ii. Use of natural materials, including bioengineering, beach nourishment, protective berms, or vegetative stabilization;

- iii. Hybrid shoreline stabilization constructed of a mix of rock, logs, and vegetation; or
 - iv. Hard shoreline stabilization constructed of materials such as rock, riprap, or concrete.
- B. New structural shoreline stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
- i. To protect existing primary structures:
 - a. There is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, waves, or sea level rise. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstrated need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization; and
 - b. The erosion control structure will not result in a net loss of shoreline ecological functions.
 - ii. In support of new nonwater-dependent development, including single-family residences, when all the following conditions apply:
 - a. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
 - b. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or insufficient;
 - c. A geotechnical report demonstrates the need to protect primary structures from damage due to erosion. The damage must be the result of natural aquatic processes, such as tidal action, currents, waves, and sea level rise; and
 - d. The erosion control structure will not result in a net loss of shoreline ecological functions.
 - iii. In support of water-dependent development when all the following conditions below apply:
 - a. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
 - b. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
 - c. A geotechnical report demonstrates the need to protect primary structures from damage due to erosion. The damage must be the result of natural aquatic processes, such as tidal action, currents, waves, and sea level rise; and

- d. The erosion control structure will not result in a net loss of shoreline ecological functions.
 - iv. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105.D when all the conditions below apply:
 - a. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or insufficient; and
 - b. The erosion control structure will not result in a net loss of shoreline ecological functions.
 - v. A property owner may replace an existing shoreline stabilization structure with a similar structure if there is a demonstrated need to protect primary uses or structures from erosion caused by currents, tidal action, waves, or sea level rise. Replacement may occur in accordance with the following provisions:
 - a. The design, location, size, and construction of the replacement structure results in no net loss of shoreline ecological functions;
 - b. Replacement walls or bulkheads do not encroach waterward of the OHWM or existing structure unless occupied before January 1, 1992 and there is significant safety or environmental concern. In such cases, the replacement structure shall abut the existing shoreline stabilization structure;
 - c. Where a net loss of shoreline ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure; and
 - d. Replacement of structural stabilization measures with nonstructural ones that restore shoreline ecological functions may locate waterward of the OHWM.
- C. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- D. When allowed pursuant to the provisions of this SMP, structural shoreline stabilization must meet all the following requirements:
 - i. The impacts can be mitigated in accordance with the mitigation sequencing established under Section 3.3.3.C and .D such that there is no net loss of ecological functions;
 - ii. The size of a shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure or use. Shoreline stabilization shall be designed by a state licensed professional geotechnical engineer and/or

engineering geologist, and constructed according to applicable state and federal laws;

iii. The shoreline stabilization shall be constructed in a manner that does not degrade the quality of affected waters; and

E. No demolition debris or other solid waste shall be used for shoreline stabilization.

Chapter 6: Permit Procedures and Enforcement

Section 6.1 Administrative Duties and Responsibilities

- 6.1.1 The Administrator is designated the following duties and responsibilities:
- A. Provide overall administration of this SMP;
 - B. Make administrative decisions and interpretations of the policies and regulations within this SMP and the Act;
 - C. Prepare Letters of Exemption from substantial development permits;
 - D. Determine completeness of project applications under this SMP;
 - E. Approve revisions to permits in accordance with the provisions in this SMP;
 - F. Prepare written findings and conclusions; and approve, approve with conditions, or deny a substantial development permit;
 - G. Prepare and submit written findings, conclusions, and recommendations to the City Council on project applications for conditional use permits and variances, and include relevant information, testimony, and questions regarding a specific matter to aid the City Council during their review and decision process;
 - H. Issue a stop work order pursuant to the procedures set forth in WAC 173-27-270 upon a person undertaking an activity on shorelines in violation of RCW 90.58 or this SMP and seek remedies for alleged violations;
 - I. Prepare and submit the city's final decision on a shoreline permit or revision to ECY; and
 - J. Develop and maintain a permit tracking system.
- 6.1.2 The duties and responsibilities of the Planning Commission are to:
- A. Periodically review the SMP and make recommendations to the city council for amendment.
- 6.1.3 The duties and responsibilities of the City Council are to:
- A. Hear appeals of decisions by the Administrator;
 - B. Prepare and adopt findings of fact, conclusions, and decision that grants or denies a conditional use permit or variance; and
 - C. Initiating and adopting amendments to this SMP.
- 6.1.4 The duties and responsibilities granted under this SMP shall regulate development of private property in a manner consistent with all relevant constitutional and other legal limitations in accordance with WAC 173-26-186(5).

Section 6.2 General Shoreline Permit Requirements

- 6.2.1 A shoreline permit is necessary for development within the jurisdiction of this SMP unless a specific exemption applies. Shoreline permits under this SMP include:
- A. Substantial development permits;

- B. Conditional use permits; and
 - C. Variances.
- 6.2.2 The Administrator shall determine if a substantial development permit, conditional use permit, variance, or a consolidated permit is necessary under the provisions of this SMP.
- 6.2.3 All development shall be consistent with the provisions of this SMP regardless if a shoreline permit is necessary.

Section 6.3 **Administrative Decisions and Interpretations**

The Administrator shall make administrative decisions and interpretations of the management policies and development standards of this SMP and the Act in accordance with RMC 15.08.140. The Administrator shall consult with ECY to ensure that any formal written interpretations are consistent with the purpose and intent of the Act and Chapters 173-26 and 173-27 WAC.

Section 6.4 **Shoreline Exemptions**

- 6.4.1 A shoreline permit shall be required for projects occurring within the City's shoreline jurisdiction pursuant to the requirements and procedures contained in Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures), as amended, except that:
- A. A substantial development permit is not required for projects that meet the conditions established in WAC 173-27-040(2), "Developments Exempt from Substantial Development Permit Requirement." Exempt projects are excluded from the permit process, but are not exempt from compliance with the Act, this SMP, or any other regulatory requirements. After review of a completed application, the Administrator shall issue a Letter of Exemption consistent with WAC 173-27-050.
 - B. A substantial development permit is not required for those projects listed either in WAC 173-27-044, "Developments not required to obtain shoreline permits or local review" or in WAC 173-27-045, "Developments not subject to the Shoreline Management Act".
- 6.4.2 Application and interpretation of exemptions
- A. The city shall construe exemptions narrowly. Only those developments that meet the terms of one or more of the listed exemptions may be exempt from a shoreline permit.
 - B. An exemption from a shoreline permit is not an exemption from compliance with the Act or this SMP, or from any other regulatory requirements.
 - C. The burden of proof that a development is exempt from the permit process is on the applicant.
 - D. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

- E. The Administrator may attach conditions to the approval of exempt development as necessary to assure consistency of the project with the Act and this SMP.

6.4.3 Letters of Exemption

- A. The Administrator shall prepare a letter of exemption whenever a development is determined to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:
 - i. A U.S. Army Corps of Engineers Section 10 Permit under the Rivers and Harbors Act of 1899 (the provisions of Section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters); or
 - ii. A Section 404 permit under the Federal Water Pollution Control Act of 1972 (the provisions of Section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area).
- B. The letter shall indicate the exemption provision from WAC 173-27-040 that is being applied to the development and shall provide a summary of the Administrator's analysis of the consistency of the project with the SMP and the Act.
- C. The Administrator shall provide the project applicant and ECY with copies of any required Letters of Exemption.
- D. The Administrator shall maintain a list of project applications deemed exempt under 6.4.4 for 6 years.

Section 6.5 **Shoreline Substantial Development Permits**

- 6.5.1 The Act provides that no substantial development shall take place on the shoreline of the state without first obtaining a substantial development permit.
- 6.5.2 The city shall grant a substantial development permit only when the project applicant can demonstrate that the proposed development is consistent with the policies and procedures of the Act and this SMP, as well as criteria in WAC 173-27-150.
- 6.5.3 The Act provides a limited number of exceptions to the definition of substantial development. Those exceptions listed under Section 6.4.3 and in RCW 90.58.030(3)(e) do not require a substantial development permit. Whether or not a development constitutes a substantial development, all development must comply with the requirements contained in the Act and this SMP and may require other permits or approvals.
- 6.5.4 The city may issue a substantial development permit with limitations or conditions to assure consistency with the Act and this SMP.

Section 6.6 **Shoreline Conditional Use Permits**

- 6.6.1 The purpose of a shoreline conditional use permit is to provide flexibility in authorizing uses in a manner consistent with RCW 90.58.020. Accordingly, the city may impose special

conditions to prevent undesirable effects of the proposed development to assure consistency of the project with the Act and this SMP.

- 6.6.2 The city shall grant a shoreline conditional use permit only after the applicant has demonstrated compliance with WAC 173-27-160 and this section as follows:
- A. The proposed use is consistent with the policies of RCW 90.58.020 and this SMP;
 - B. That the proposed use will not interfere with the normal public use of public shorelines.
 - C. The proposed location and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;
 - D. The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and;
 - E. The public interest suffers no substantial detrimental effect.
- 6.6.3 In the granting of conditional use permits, the city shall consider the cumulative impact of additional requests for like actions in the area. For example, if there were conditional use permits granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- 6.6.4 Uses, which are specifically prohibited by the SMP, may not be authorized.

Section 6.7 **Variations**

- 6.7.1 The purpose of a variance permit is strictly limited to circumstances where:
- A. Granting relief from specific bulk, dimensional, or performance standards set forth in this SMP; and
 - B. There are extraordinary or unique circumstances relating to the physical character or configuration of the property such that the strict implementation of this SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- 6.7.2 In all instances, the project applicant shall show evidence that extraordinary circumstances exist and the public interest suffers no substantial detrimental effect.
- 6.7.3 Variance permits for development located landward of the OHWM and/or landward of any wetland as defined in RCW 90.58.030(2)(h) may be authorized provided the applicant can demonstrate all the following:
- A. That the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude, or significantly interfere with, reasonable use of the property;

- B. That the hardship described under Section 6.7.1 is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, and not from deed restrictions or from the actions of the applicant or a predecessor in title;
 - C. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP, and will not cause net loss to shoreline ecological functions;
 - D. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - E. That the variance requested is the minimum necessary to afford relief; and
 - F. That the public interest will suffer no substantial detrimental effect.
- 6.7.4 Variance permits for development and/or uses that will be located waterward of the OHWM or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all the following:
- A. That the strict application of the bulk, dimensional or performance standards set forth in this SMP preclude all reasonable use of the property;
 - B. That the proposal is consistent with the criteria established under Section 6.7.2 B through F; and
 - C. The action will not adversely affect public rights of navigation and use of the shorelines.
- 6.7.5 In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if there were previous granting of variances to other developments in the area where similar circumstances exist, the total of the variances shall remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the ecological functions.
- 6.7.6 Variances shall not authorize uses different from the Shoreline Use and Modifications in Table 1 under Section 2.8.

Section 6.8 Developments Not Required to Obtain Shoreline Permits or Local Reviews

- 6.8.1 Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by the city to implement the SMP do not apply to the following:
- A. Conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or to ECY when it conducts a remedial action under Chapter 70.105D RCW. The department must ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

- B. Installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit. ECY must ensure compliance with the substantive requirements of the Act through the review of engineering reports, site plans, and other documents related to the installation of boatyard storm water treatment facilities.
- C. Washington State Department of Transportation facility maintenance and safety improvements consistent with RCW 90.58.356.
- D. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
- E. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

Section 6.9 **Unclassified Uses**

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

Section 6.10 **Prohibited Uses**

Any use specifically prohibited by this SMP may not be authorized through a shoreline permit.

Section 6.11 **Application Review Procedures**

- 6.11.1 Preapplication conferences shall follow the provisions of RMC 15.08.040.
- 6.11.2 A complete application for a shoreline development permit shall include the following data in accordance with 173-27-180 WAC:
 - A. City Shoreline Development Permit Application form in accordance with RMC 15.08.060;
 - B. State Environmental Policy Act (SEPA) Checklist in accordance with Chapter 15.12 RMC, as applicable;
 - C. Joint Aquatic Resource Permit Application (JARPA) form when undertaken on lands in or partially covered by water;
 - D. Any critical area technical report(s) required by the CAO;
 - E. Site Plan consisting of maps and elevation drawings;
 - F. Other information as required by the Administrator; and
 - G. Application fee (see current fee schedule).
- 6.11.3 The Administrator determines if the project application is complete in accordance with RMC 15.08.070.
- 6.11.4 The Notice of Application for the project application shall follow the requirements of RMC 15.08.080 and .090.

- 6.11.5 The review criteria for granting or denying a shoreline substantial development permit shall evaluate the consistency of the project application with the provisions provided under Section 6.5.
- 6.11.6 The criteria for granting or denying a shoreline conditional use permit shall be consistent Section 6.6.
- 6.11.7 The review for granting or denying a shoreline variance shall be consistent with Section 6.7.
- 6.11.8 Any public hearing required for a shoreline conditional use permit or variance shall follow the requirements under RMC 15.08.110.
- 6.11.9 The city may issue a shoreline permit with limitations or conditions to assure consistency of the project application with the Act and this SMP.

Section 6.12 **Additional Application Review Procedures for Ocean Uses**

- 6.12.1 In addition to the other applicable approval criteria in this chapter, the following criteria must be met or exceeded for all new proposals for ocean uses as defined in this SMP and WAC 173-26-360(3), or when otherwise required by this SMP:
 - A. There is a demonstrated significant local, state, or national need for the proposed use or activity;
 - B. There is no reasonable alternative to meet the public need for the proposed use or activity;
 - C. There will be no likely long-term significant adverse impacts to coastal or marine resources or uses;
 - D. All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Willapa Bay estuary;
 - E. All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
 - F. Compensation is provided to mitigate adverse impacts to coastal resources or uses;
 - G. Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and
 - H. The use or activity complies with all applicable local, state, and federal laws and regulations.
- 6.12.2 New ocean uses, as defined in this SMP and the Marine Spatial Plan (MSP), shall be consistent with the additional procedural requirements set forth in Appendix C of this SMP.

Section 6.13 **Notice of Decision and Filing**

- 6.13.1 Upon consideration of a project application for a shoreline permit, the review authority shall decide, whether approved or denied, that is supported by written findings of fact and conclusions that describe the proposed development's consistency with the Act and this SMP.
- 6.13.2 In granting approval of a shoreline permit, the city may attach conditions, modifications, or restrictions regarding the location, character, and other features of the proposed development necessary to assure that the development will be consistent with the policies and provisions of the Act and this SMP as well as the SEPA requirements in Chapter 15.12 RMC.
- 6.13.3 The Administrator shall file the decision, whether approved or denied, with ECY. A decision includes:
- A. A copy of the complete application as provided under Section 6.10.2;
 - B. Written findings and conclusions;
 - C. The permit decision;
 - D. The permit data sheet required by WAC 173-27-190;
 - E. Applicable documents required under the SEPA procedures, Chapter 15.12 RMC, if applicable; and
 - F. Any project modifications of text or plans that occurred during the city's review process.
- 6.13.4 The submittal of shoreline permits or permit rescissions and revisions, are complete when ECY receives all pertinent documents required under Section 6.11.3 above. If ECY determines the submittal is incomplete, it shall identify the missing documents and notify the city and the project applicant in writing. ECY will not act on a conditional use permit or variance submittal until it receives the material requested.
- 6.13.5 The effective date of a permit shall be the date of filing as provided below:
- A. The date of filing for a substantial development permit is the actual date of receipt ECY receives a copy of the complete application as required under Section 6.10.2 by certified mail with return receipt.
 - B. The date of filing for a conditional use permit or variance is the date ECY transmits its decision to the applicant and the city.
 - C. The date of filing when the city simultaneously transmits its decision on a substantial development permit with its approval of either a shoreline conditional use permit or variance, or both, is the date ECY transmits its decision to the applicant and the city.
- 6.13.6 Construction activities shall not begin until 21 days from the date of filing or until all review proceedings initiated within 21 days from the date of filing have been completed.
- 6.13.7 If a permitted development begins construction before the completion of the required 21-day period stated in Section 6.11.6, the construction is at the owner's risk. If,

because of judicial review, the courts order the removal of any portion of the construction, or the restoration of any portion of the environment involved, or require the alteration of any portion of a substantial development constructed pursuant to a permit, the project applicant cannot recover damages or costs involved.

Section 6.14 **Permit Revisions**

- 6.14.1 A permit revision is necessary whenever the project applicant proposes substantive changes to the design, terms, or conditions within an approved permit. Changes are substantive if the project is materially altered in a manner that relates to its conformance to the terms and conditions of the permit, the SMP, and/or the policies and provisions of the Act. Changes, which are not substantive in effect, do not require approval of a revision.
- 6.14.2 If the city determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the SMP and the Act, the revision may be approved. Within the scope and intent of the original permit means all the following:
- A. There is no additional over-water construction, except that a pier, dock or floating structure may be increased by 500 square feet or ten percent over that approved under the original shoreline permit approval, whichever is less;
 - B. An increase of ground area coverage and/or height may be increased a maximum of ten percent over that approved under the original approval;
 - C. The revised approval does not authorize development to exceed the height, setback, or any other requirements of this SMP except as authorized under a variance granted for the original development;
 - D. Additional or revised landscaping is consistent with any conditions attached to the original approval and with this SMP;
 - E. The use authorized pursuant to the original approval has not changed; and
 - F. There is no adverse environmental impact caused by the project revision.
- 6.14.3 Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of the Act, WAC 173-27 and the SMP. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- 6.14.4 The project applicant will submit a written request for a shoreline permit revision to the Administrator. The request shall include detailed plans and text describing the proposed changes. The city authority that approved the original permit will review the request to assure consistency with this SMP and the Act and may approve, approve with conditions, or deny the request upon adopting a permit decision as provided under Section 6.11.

- 6.14.5 The city shall require a new permit if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original approval.

Section 6.15 **Expiration of Permits**

- 6.15.1 The following time requirements shall apply to all shoreline permits:
- A. Construction shall commence, or those activities when there is no construction involved, within two (2) years of the effective date of the permit. The Administrator may authorize a single one-year extension, based on reasonable factors, if the project permit applicant files a written request for extension before the expiration date and the city gives notice of the proposed extension to parties of record and ECY.
 - B. Authorization to conduct development activities shall terminate five (5) years after the effective date of a permit. The Administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if the project permit applicant files a written request for an extension before the expiration date and the city gives notice of the proposed extension to parties of record and ECY.
 - C. The effective date of a shoreline permit is the date of filing as provided in Section 6.11.5. The permit time periods identified in this section do not include the time that a development did not commence because:
 - i. The pendency of an administrative appeal; or
 - ii. A Legal action or need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

Section 6.16 **Appeals**

- 6.16.1 Any person aggrieved by a shoreline permit decision of the Administrator may appeal that decision to the City Council by filing a written appeal within 15 days after the date of issuance of the decision or interpretation being appealed. The appeal must identify:
- A. The decision or interpretation being appealed;
 - B. The name and address of the appellant and the appellant's standing;
 - C. The specific reason(s) why the appellant asserts that the decision or interpretation is in error; and
 - D. The desired outcome or changes to the decision or interpretation.
- 6.16.2 All requests for review of any final permit decisions under the Act and Chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and Chapter 461-08 RCW. The filing of the appeal with the Shoreline Hearings Board shall be within 21 days of the date of filing as defined in Section 6.11.5 for a Notice of Decision.

Section 6.17 **Enforcement**

- 6.17.1 The city may bring such declaratory, injunctive, or other action as may be necessary to assure that no development within shoreline jurisdiction is inconsistent with the provisions of this SMP or the Act. Ecology also shall have enforcement authority pursuant to Chapter 90.58 RCW and Chapter 173-27 WAC "Part II Shoreline Management Act Enforcement."
- 6.17.2 The city shall have the authority to serve upon a person a cease and desist order if an activity undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the SMP.
- 6.17.3 The content of the order shall set forth and contain:
 - A. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
 - B. A notice that the violation, or the potential violation, shall cease and desist and may include in appropriate cases, the specific corrective action the person shall take within a given time. The city may issue a civil penalty under WAC 173-27-280 with the order.
- 6.17.4 The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
- 6.17.5 Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

Section 6.18 **Civil Penalties**

- 6.18.1 A person who fails to conform to the terms of a shoreline permit issued under RCW 90.58.140, or who undertakes a development or use on shorelines of the state without first obtaining a shoreline permit, or who fails to comply with a cease and desist order issued under these regulations, may be subject to a civil penalty by the city and/or ECY. The city and/or ECY may impose a penalty only upon an additional finding that a person:
 - A. Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule;
 - B. Has been given previous notice of the same or similar type of violation of the same statute or rule;
 - C. The violation has a probability of placing a person in danger of death or bodily harm;
 - D. Has a probability of causing more than minor environmental harm; or
 - E. Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
- 6.18.2 In the alternative, the city and/or ECY may issue a penalty to a person for violations that do not meet the criteria under Section 6.16, after ECY and/or city provides the

following information in writing to a person through a technical assistance visit or a notice of correction:

- A. A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- B. A statement of what is required to achieve compliance;
- C. The date of completion for compliance to be achieved;
- D. Notice of the means to contact any technical assistance services provided by the agency or others; and
- E. Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

6.18.3 No penalty shall be issued until the person or business has been given a reasonable time to correct the violation and has not done so.

6.18.4 The amount of the penalty shall not exceed one-thousand (1,000) dollars for each violation. Each day of violation shall constitute a separate violation.

6.18.5 Any person who, through an act of commission or omission, procures, aids or abets in the violation, shall be considered to have committed a violation for the purposes of the civil penalty.

6.18.6 A civil penalty shall be imposed by a Notice of Penalty in writing, by certified mail either with return receipt requested or by personal service, to the person incurring the same from ECY and/or the city, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

Section 6.19 **Appeal of Civil Penalties**

6.19.1 Persons incurring a penalty imposed by ECY or imposed jointly by ECY and the city may appeal the same to the Shorelines Hearings Board. Appeals to the Shorelines Hearings Board are adjudicatory proceedings subject to the provisions of Chapter 34.05 RCW. Persons incurring a penalty imposed by a local government may appeal the same to the local government legislative authority.

6.19.2 Appeals shall be filed within thirty days of the date of receipt of the penalty. The term "date of receipt" has the same meaning as provided in RCW 43.21B.001.

6.19.3 Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the city's and/or ECY's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

- 6.19.4 If the amount of a penalty owed ECY is not paid within thirty days after it becomes due and payable, the attorney general, upon request of ECY, shall bring an action in the name of the state to recover such penalty. If the amount of a penalty owed a local government is not paid within thirty days after it becomes due and payable, the city may take actions necessary to recover such penalty.
- 6.19.5 Penalties recovered by ECY shall be paid to the state treasurer. Penalties recovered by the city shall be paid to the local government treasury. Penalties recovered jointly by ECY and the city shall be divided equally between ECY and the city unless otherwise stipulated in the order.

Section 6.20 **Criminal penalties**

Any person willfully engaged in activities on the shorelines of the state in violation of the Act, this SMP, or any rules and regulations adopted pursuant thereto, shall be guilty of a gross misdemeanor, pursuant to RCW 90.58.220.

Chapter 7: Master Program Amendments

Section 7.1 Master Program Review

- 7.1.1 The city shall periodically review this SMP to evaluate its relationship to community goals, new information, and changes in local, state, and federal statutes and rules. This periodic review shall occur at a minimum of every 8 years, beginning on or before June 30, 2022, and every eight years thereafter.

Section 7.2 Amendments to the Master Program

- 7.2.1 Any person, resident, property owner, business owner, and nongovernmental or governmental agency may initiate amendments to this SMP.
- 7.2.2 Applications for SMP amendments shall specify the changes requested, including justification for the request.
- 7.2.3 The city shall undertake amendments to this SMP in accordance with the procedures of the Act, Chapter 173-26 WAC, and Chapter 15.08 RMC.
- 7.2.4 The planning commission shall hold a public hearing on applications for amendments to the SMP in accordance with RMC 15.08.110. After completing the public hearing, the planning commission shall consider the application and issue a recommendation with findings of fact based on the following criteria:
- A. The proposed amendment would make the SMP
 - i. More consistent with the Act and Chapter 173-26 WAC or
 - ii. More equitable in its application to persons or property due to changed conditions within an area; and
 - B. The SMP and the amendment shall ensure no net loss of shoreline ecological functions.
- 7.2.5 The planning commission shall forward said recommendation within 15 days of the date of its adoption to the city council.
- 7.2.6 Upon receipt of the planning commission's recommendation, the city council shall set a date for a public meeting where it will consider and act on the recommendation.
- 7.2.7 If the city council agrees with the recommendation of the planning commission, it shall approve the amendment. If the city council considers a change in the recommendation, it may proceed as follows:
- A. The city council may approve the amendment if the changes are within the scope of alternatives considered by the planning commission, public testimony, or staff recommendation;
 - B. The city council may refer the application for amendment back to the planning commission for further consideration and reissuance of a recommendation; or
 - C. The city council may conduct its own public hearing and adopt its own findings of fact and decision consistent with Section 7.2.4 A and B.

- 7.2.8 Upon local adoption of the amendment, the city shall forward it to ECY for review and approval in accordance with WAC 173-26-110.
- 7.2.9 An amendment to the SMP takes effect when and in such form as approved or adopted by ECY. The effective date is fourteen days from the date of ECY's written notice of final action to the city stating ECY has approved or rejected the amendment. ECY's written notice to the city must conspicuously and plainly state that it is ECY's final decision and that there will be no further modifications to the proposal.

Chapter 8: Definitions

The terms used throughout this SMP shall be defined and interpreted as indicated below. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular.

"Accessory" means any structure or use incidental and subordinate in size, intensity, etc. to a primary structure, use, or development.

"Act" means the Washington State Shoreline Management Act, chapter 90.58 RCW.

"Adjacent lands" means lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

"Adoption by rule" means an official action by the department to make a local government SMP effective through rule consistent with the requirements of the Administrative Procedure Act, chapter [34.05](#) RCW, thereby incorporating the adopted SMP or amendment into the state SMP.

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

"Agricultural equipment" and "agricultural facilities" includes, but is not limited to:

- i. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
- ii. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
- iii. Farm residences and associated equipment, lands, and facilities; and
- iv. Roadside stands and on-farm markets for marketing fruit or vegetables;

"Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local SMP pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements of the SMP.

"Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the

animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products;

"Amendment" means a revision, update, addition, deletion, and/or reenactment to an existing SMP.

"Approval" means an official action by a local government legislative body agreeing to submit a proposed SMP or amendments to the ECY for review and official action pursuant to this chapter; or an official action by ECY to make a local government Master Program effective, thereby incorporating the approved Master Program or amendment into the state SMP.

"Appurtenance" means a structure or use which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and the perimeter of any wetland. On a statewide basis, normal appurtenances include garages, decks, driveways, utilities, fences, sheds, septic tanks and drain fields, and other similar legally established structures. Appurtenances also include grading that does not exceed five hundred cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM. It does not include bulkheads or other shoreline modifications, or over-water structures.

"Aquaculture" means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wild stock geoduck fishery. For purposes of this SMP, aquaculture does not include activities on private property for personal consumption.

"Aquatic" means pertaining to those areas waterward of the OHWM.

"Archaeological" means having to do with the scientific study of material remains of past human life and activities.

"Associated wetlands" means those wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to RCW 90.58. Refer to WAC 173-22-030(1).

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

"Boating facility" means a facility that includes boat launch ramps, covered moorage, dry boat storage, and marinas. The term excludes docks serving four or fewer single-family residences.

"Boat launch" means an inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.

"Building setback" means an area in which buildings or structures shall not be permitted or allowed to project into. Landscaping and non-structural features such as trails may be allowed in setbacks. In the context of this SMP, a setback is measured horizontally landward of and perpendicular to the OHWM or from the landward edge of an environmentally sensitive areas buffer.

"Conditional use" means a use, development, or substantial development that is classified as a conditional use or is not classified within the applicable Master Program.

"Consumer price index" means, for any 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 thresholds, rounded to the nearest hundred dollars, and transmit them to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar thresholds are to take effect.

"Critical areas" as defined under chapter 36.70A RCW includes the following areas and ecosystems:

- i. Wetlands;
- ii. Areas with a critical recharging effect on aquifers used for potable waters;
- iii. Fish and wildlife habitat conservation areas;
- iv. Frequently flooded areas; and
- v. Geologically hazardous areas.

"Department" means the state department of ecology.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

"Development regulations" means the controls placed on development or land uses by the city, including, but not limited to, zoning ordinances, CAO, all portions of a SMP other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

"Dock" means a landing and/or moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. A dock floats on the surface of the water and is connected to land or a pier.

"Ecological functions" or **"shoreline functions"** include but are not limited to hydrologic functions such as transport of water and sediment, shoreline vegetation, hyporheic functions, and habitat functions."

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions. Examples of ecosystem-wide processes include movement of sediment, surface- and groundwater, nutrients, toxins, pathogens, and large wood.



"Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local SMP.

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

“Feasible” means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all the following conditions:

- i. 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;
- ii. The action provides a reasonable likelihood of achieving its intended purpose; and
- iii. The action does not physically preclude achieving the project's primary intended legal use.

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

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

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

“Float” means a platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft, and that does not include above water storage.

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

“Flood plain” is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the act.

“Forest land” means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under *RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that

affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

"Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified professional 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" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

"Guidelines" means those standards adopted by ECY to implement the policy of chapter [90.58](#) RCW for regulation of use of the shorelines of the state prior to adoption of SMPs. Such standards shall also provide criteria for local governments and ECY in developing and amending SMPs.

"Hazard tree" means any tree that presents a risk to persons or property due to a high probability of falling soon because of a debilitating disease, a structural defect, a root ball significantly exposed, or having been exposed to wind throw within the past ten years. Hazardous trees include, but are not limited to, conditions where a permanent, primary structure or appurtenant or accessory structure is within one and one-half tree lengths of the base of the trunk.

"Height" is 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.

"Instream structures" means a structure placed by humans within a stream, river, or estuary 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-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, tide gates, transportation, utility service transmission, breakwaters, jetties, fish habitat enhancement, or other purpose.

"Local government" means the City of Raymond and the shorelines of the state within its boundaries subject to chapter 90.58 RCW.

"Low impact development (LID)" means a storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

"Marine Spatial Plan for Washington's Pacific Coast (MSP)" means a planning document designed to address new ocean use development off Washington's Pacific coast that had

not been previously permitted or approved prior to the adoption of the plan in June 2018. The MSP uses a series of data, maps, and analyses in combination with a management framework to evaluate potential impacts from new ocean use projects on existing uses and resources, based on the principles and criteria outlined in the Ocean Resources Management Act (ORMA) (RCW 43.143.030(2)) and the Ocean Management Guidelines (WAC 173-26-360). It applies a coordinated decision-making process between various governments, tribes, and stakeholders, and includes additional siting recommendations and fisheries protection standards. These principles have been incorporated into this SMP. See Ecology Publication No. 17-06-027, Revised June 2018.

"May" means the action is acceptable, provided it conforms to the provisions of this chapter.

"Minerals" include gravel, sand, and valuable metallic substances.

"Mining" means the removal of sand, soil, minerals, and other naturally occurring materials from the earth or sea floor for commercial or economic use.

"Mooring buoy" means an anchored floating device in a water body used for the landing or storage of a vessel or watercraft.

"Must" means a mandate; the action is required.

"Native Vegetation" means vegetation comprised of plant species, other than noxious weeds, that are naturally occurring in the surrounding shoreline environment. Examples of trees include Douglas fir, western hemlock western red cedar, alder, big-leaf maple, and vine maple. Examples of shrubs and plants include willow, elderberry, salmonberry, salal, sword fern, and fireweed.

"Natural or existing topography" means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

"Navigability" means deep and wide enough to provide passage to ships:

"Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

"New ocean uses" means uses and developments that have not occurred or were not permitted within Washington's coastal waters prior to the completion of the Marine Spatial Plan (MSP) for Washington's Pacific Coast, as adopted June 2018. New uses, as defined by the MSP, are in-water uses, with potential adverse impacts to renewable resources or existing uses that have not been previously reviewed or authorized/permitted within the MSP study area. The MSP anticipates new ocean use proposals for activities such as renewable energy, dredged materials disposal, mining, marine product harvesting, and offshore aquaculture operations.

"Nonwater-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

"Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

"Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.

“Ocean management area” means that area within shoreline jurisdiction subject to the Ocean Resources Management Act (ORMA; RCW 43.143) and the Marine Spatial Plan (MSP). For the City of Raymond, the ocean management area covers the entirety of shoreline jurisdiction.

“Ocean use” means activities or developments involving renewable and/or nonrenewable resources that occur on Washington’s coastal waters and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses that generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

“Ordinary high water mark” on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or ECY: PROVIDED, That in any area where the OHWM cannot be found, the OHWM adjoining salt water shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water.

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

“Permit” means any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW.

“Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

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

“Primary structure” means any permanent building, road, bridge, or utility requiring a permit or approval that is necessary to support the primary use of a site.

“Primary use” means the predominate use of any lot or development as determined by the comprehensive plan and development regulations.

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

- i. Comparatively high fish or wildlife density;
- ii. Comparatively high fish or wildlife species diversity;
- iii. Fish spawning habitat;
- iv. Important wildlife habitat;
- v. Important fish or wildlife seasonal range;

- vi. Important fish or wildlife movement corridor;
- vii. Rearing and foraging habitat;
- viii. Important marine mammal haul-out;
- ix. Refugia habitat;
- x. Limited availability;
- xi. High vulnerability to habitat alteration;
- xii. Unique or dependent species; or
- xiii. 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 importance to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

"Priority species" means 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 criteria listed below.

- i. 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 department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- ii. 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.
- iii. Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
- iv. Criterion 4. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

"Project permit" of **"project application"** means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

"Provisions" means policies, regulations, standards, guideline criteria or environment designations.

"Public access" means 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.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, municipal structures and facilities and schools.

"Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

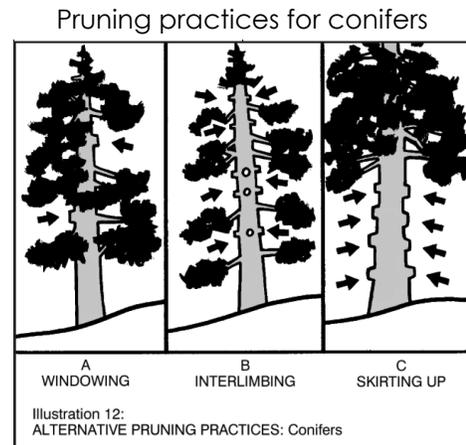
"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific professional with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained 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.

- i. A qualified professional for habitats must have a degree in biology and professional experience related to the subject species.
- ii. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.
- iii. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State.
- iv. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydro geologic assessment.

"Restore," "restoration" or "ecological restoration" means 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.

“Selective clearing” for trees means:

- i. “Windowing,” the pruning of major limbs that obscure a view, excluding the top third of the tree;
- ii. “Interlimbing,” the removal of an entire branch or individual branches through the canopy, excluding the top third of the tree, to allow more light to pass through as well as reducing wind resistance; and
- iii. “Skirting-up,” the limbing of the tree from the bottom upward to a maximum of twenty feet from the ground.



“Shall” means a mandate; the action must be done.

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

“Shoreline Master Program (SMP)” shall mean the comprehensive use plan for a described area, the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020 and the applicable guidelines. As provided in RCW 36.70A.480, the goals and policies of a SMP shall be considered an element of the city's comprehensive plan. All other portions of the SMP adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the city's development regulations.

“Shorelines” means all the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except

- i. Shorelines of statewide significance;
- ii. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
- iii. Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

“Shoreline areas” and **“shoreline jurisdiction”** means all **“shorelines of the state”** and **“shorelands”** as defined in RCW 90.58.030.

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

“Shorelines of statewide significance” means the shorelines of the Willapa River.

“Shorelines of the state” are the total of all **“shorelines”** and **“shorelines of statewide significance”** within the state.

“Shoreline stabilization” means modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches and/or influence wave action, currents and/or the natural transport of sediments along the shoreline. Shoreline stabilization measures may consist of:

- i. Nonstructural stabilization measures, which may include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization; and
- ii. Structural stabilization measures, which may include:
 - a. Soft stabilization measures that contribute to restoration, protection, or enhancement of shoreline ecological functions, such as the use of gravels, cobbles, boulders, logs, and native vegetation that have been placed to provide shore stability in a non-linear, sloping arrangement; or
 - b. Hard stabilization measures that control erosion using hardened structures that armor and stabilize the shoreline landward of the structure from further erosion, including, but not limited to, bulkheads, riprap, and revetments.

“Should” means that the action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this chapter, against taking the action.

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

“Silviculture” means management practices related to controlling, establishment, growth, composition, and quality of forest vegetation.

“State master program” means the cumulative total of all SMPs and amendments thereto approved or adopted by rule by ECY.

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

“Substantial development” shall mean any development of which the total cost or fair market value exceeds six thousand four hundred sixteen dollars (\$6,416), or any development that materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold 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 period.

“Substantially degrade” means to cause significant ecological impact.

“Transmit” means to send from one person or place to another by mail, email, fax, or hand delivery. The date of transmittal for mailed, emailed, and faxed items is the date that the document is certified for mailing, electronically sent, or, for hand-delivered items, is the date of receipt at the destination.

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

“Variance” is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

“Vegetation conservation” means activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

“Vessel” includes ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

“Water-dependent use” means a use or portion of a use that cannot exist in a location that is not adjacent to the water and which is dependent on the water due to the intrinsic nature of its operations.

“Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. 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-enjoyment uses may include, but are not limited to:

- i. Parks with activities enhanced by proximity to the water.
- ii. Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- iii. Food and beverage establishments with water views and public access improvements.
- iv. Museums with an orientation to shoreline topics.
- v. Scientific/ecological reserves.
- vi. Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

“Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

“Water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

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

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

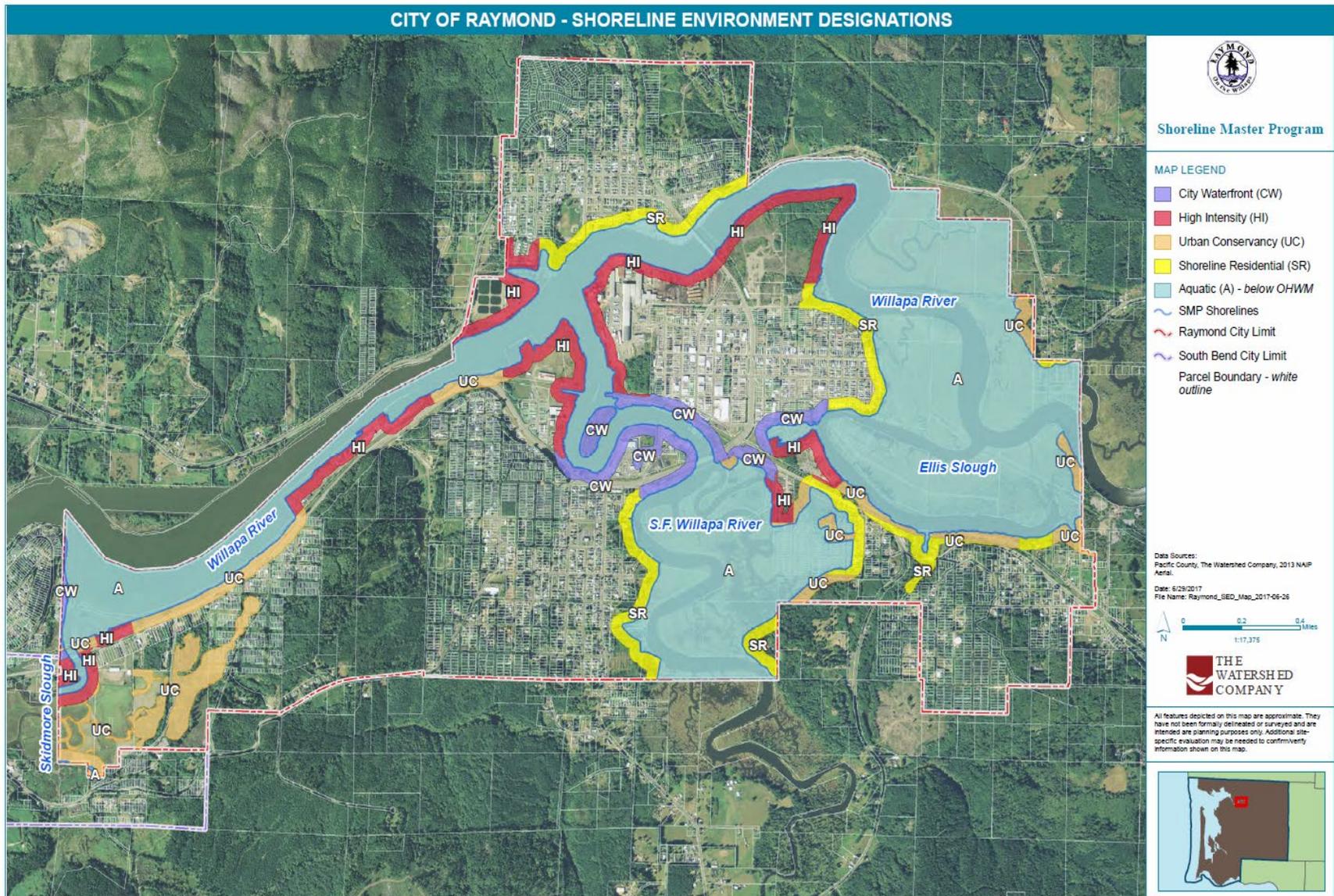
"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps,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

Chapter 9: Abbreviations

The abbreviations used throughout this SMP shall refer to the following as indicated below:

Act	Shoreline Management Act
Administrator	Director of Public Works
CAO	Critical Areas Ordinance
City	City of Raymond
DAHP	Washington State Department of Archaeology and Historic Preservation
ECY	Washington Department of Ecology
JARPA	Joint Aquatic Resource Permit Application
LID	Low impact development
MSP	Washington Marine Spatial Plan
OHWM	Ordinary high-water mark
ORMA	Ocean Resources Management Act
RCW	Revised Code of Washington
RMC	Raymond Municipal Code
SED	Shoreline environment designation
SEPA	State Environmental Policy Act
SMP	Shoreline Master Program
State	State of Washington
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife

Appendix A: Shoreline Environment Designation Map



Appendix B: Report on Assigning Shoreline Designations and Shoreline Buffer Widths for the City of Raymond

Assigning SEDs is an important step in the development of a SMP. The following factors were analyzed when assigning SEDs and developing appropriate shoreline buffer widths that protect shoreline ecological functions within the city:

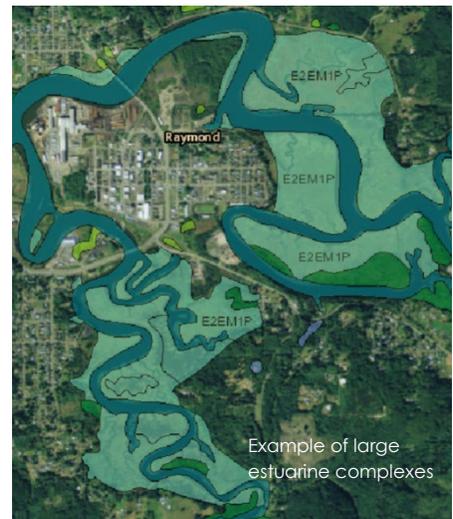
1. Current shoreline ecological functions, including the presence of critical areas, and the measures needed to ensure no net loss of their function.
2. Existing land use patterns within the shoreline environment that included:
 - a. Future land use map in the comprehensive plan and zoning designations,
 - b. Presence of preferred and non-preferred uses, and
 - c. Proximity of structures in relation to the OHWM.

Aquatic SED

The Aquatic SED consists of rivers, sloughs, and estuarine wetlands. The Willapa and South Fork Willapa Rivers are Type 1 (S) waterbodies, with the Willapa River being a designated Shoreline of Statewide Significance. Major sloughs include Skidmore and Ellis.

Large estuarine wetland complexes extend south of the US 101 bridge on the South Fork of the Willapa River and along the east bank of the Willapa River beginning approximately at River Mile 9 and extending to the city limits, south of Monohon Landing Road and east of 14th Street near Ellis Slough. Estuarine wetlands also form fringes and pockets along other sections of the Willapa River.

Protecting estuarine wetlands and water quality are focal points for ensuring no net loss of ecological function within the Aquatic SED.



Estuarine wetlands waterward of the OHWM are high importance habitat for fish and wildlife resources. The CAO provides protection for these wetlands with varying buffers widths in relation to their rating; in some areas, these buffers will extend upland of the OHWM and beyond shoreline buffers. However, it is important to note that in many areas these estuarine wetlands often lack connectivity to upland functions due to shoreline armoring, structures, roads, and trails. This situation is common along the south shore of the Willapa River east of the mouth of Skidmore Slough upstream to the mouth of the South Fork Willapa. The complexity of these situations along the shoreline requires field verification to delineate their presence and rating, as well as evaluation to determine the most appropriate protection measures when in-water and upland development occurs.

Protection of water quality within the Aquatic SED is very critical to the ecology, economy, and fish and wildlife resources of Willapa Bay. Ensuring no net loss of this ecological function, however, is largely a function of the shoreline buffers in the four upland SEDs.

Existing in-water structures within the Aquatic SED are limited to piers, docks, bridges, tide gates, and sewer and stormwater outfalls.

Within the Aquatic SED, the current zoning for the two large estuarine wetlands is Conservation.

High Intensity SED

Heavy commercial and manufacturing activities dominate large areas of shoreline areas upland of the OHWM in the proposed High Intensity SED. Many of these areas originally were wetlands that were filled to provide flat, developable land for industry. These shorelands also provided ready access to the shoreline for shipping, which served historic water-related uses. Many of these uses water-related uses no longer exist at the frequency or intensity as they did in the past.



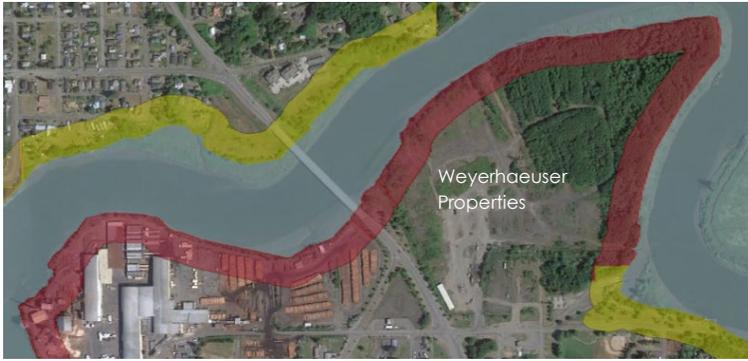
Upland areas in the High Intensity SED provide marginal ecological function due to limited or absent riparian vegetation and the presence of extensive impervious surfaces, shoreline armoring, and structures within very close proximity to the OHWM. Environmental remediation may also be needed for some parcels within this SED to address potential contamination from past land uses.

Existing land uses within the High Intensity SED are a mix of water-dependent, water-related, and nonwater-oriented uses. The Port of Willapa and Weyerhaeuser are the single largest property owners within the SED; the city, the Pacific County Public Utility District No. 2, and a few private properties make up a smaller percentage of the remaining property ownership.



Existing structures and uses stand relatively close to the OHWM. An aerial survey of structures within the SED shows them at distances ranging from just at the OHWM to 25 to 40 feet away. There are opportunities for infill development.

Within this SED are two large parcels that remain relatively undeveloped: The Port property west of the mouth of the South Fork of the Willapa and the former Weyerhaeuser log yard immediately upstream of the US 101 bridge. The Port



property currently has a substantial development permit for a marijuana growing facility on the site that allows a 25-foot setback from the OHWM.

The shoreline of the Weyerhaeuser property consists of a wide swath of mature riparian vegetation, although a roadway rings the shoreline just above the OHWM. There is a fringe of estuarine wetland adjacent to this

parcel in the Aquatic SED that may create a buffer that extends upland of the OHWM in some areas of the parcel. Aerial photos indicate that wetlands may have formed in the vegetated uplands. Previous uses of the property may have contributed to contaminated soils and a High Intensity SED for this area may encourage future environmental remediation on this site.

The future market trend for these properties suggests that there will be marginal demand for water-dependent or water-related purposes. However, these vacant properties within the High Intensity SED remain the best opportunities for future development within the city given their size and topography. All properties within the High Intensity SED are designated as Light and Heavy Industrial in the comprehensive plan and in the zoning ordinance.

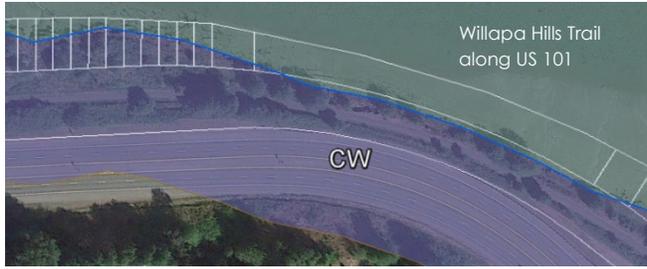
Protection of water quality is the central focus of ensuring no net loss of ecological function within the High Intensity SED. A shoreline buffer of 25 feet, along with an additional 10-foot building setback, reflects historic development patterns within the SED and the protection level necessary to meet no net loss of current shoreline ecological conditions. Requirements for low impact development measures and protection of existing shoreline vegetation will increase water quality protection goals.

City Waterfront SED



The City Waterfront SED includes properties along the shoreline primarily near the downtown core that serve commercial, institutional, recreational, and residential uses. The city's dock and waterfront park, along with the Willapa Hills Trail, are the primary water-oriented uses within the SED and comprise a large percentage of the land area. The density of development in this area is relatively low; vacant properties provide opportunities for future commercial or residential waterfront development. The potential marketability of these parcels for preferred uses is high.

Existing shoreline conditions in the SED are highly degraded. Many of the areas contain fill material, there are lengthy reaches of shoreline armoring, and riparian corridors are generally less than 10 feet in width.



Many of the existing structures in the SED are within close proximity to the OHWM. Roads and trails similarly lie close to the shoreline, effectively disconnecting ecological functions in the upland areas from the river.

The comprehensive plan and zoning map designate properties within this SED as Waterfront Commercial or General Commercial.

Given current shoreline conditions and existing development patterns, protecting water quality is the primary focus within this SED. Establishing a shoreline buffer of 25 feet, coupled with a 10-foot building setback, requirements for low impact development measures, and protection of existing shoreline vegetation, should be sufficient to ensure no further net loss of shoreline ecological function.

Shoreline Residential SED

The Shoreline Residential SED consists primarily of single-family residences in established neighborhoods. Many of these residences lie upland of high importance estuarine wetlands in the Aquatic SED. Riparian corridors, especially along sections of the South Fork Willapa River, offer relatively high-quality habitat and ecological function for an urban environment.

Residences typically sit 50 to 110 feet or more from the OHWM, with the greater distances more common along the South Fork Willapa River. Residential neighborhoods along the Willapa River mostly are built out with only limited opportunities for infill development. Even with these homes, retention of forest cover for 50 feet or more is not unusual.



Future residential development is more probable along the South Fork, but low gradient slopes, saturated soils, and the cost of extending utilities may limit interest in many vacant properties near the shoreline.

Despite the extensive shoreline in this SED, there are minimal private docks or piers, appurtenances, and limited cleared landscaping to the OHWM.

The comprehensive plan and zoning ordinance designate properties within this SED as Single-Family Residential.

In the established residential sections of the SED along the Willapa River, a shoreline buffer of 50 feet will retain existing riparian cover and continue existing development patterns for infill development. Along the South Fork Willapa River where existing shoreline conditions remains in a relatively undisturbed condition, a buffer of 50 feet is consistent with ECY guidance documents and should ensure no net loss of ecological functions, especially to those estuarine wetlands in the Aquatic SED. Buffers for estuarine wetlands in this area likely would extend an equal



distance upland. Shoreline buffers of this width will help filter sediments and suspended solids in stormwater runoff from lawns and streets.

Urban Conservancy SED

The Urban Conservancy SED includes areas that protect ecological functions as well as provide opportunities for restoration and mitigation banking within the city.

Skidmore Slough and its associated wetlands make up the largest single area within this SED. The uplands along the slough currently consist of undeveloped agricultural lands. Riparian vegetation along the slough is approximately 25 feet in width and comprised mostly of shrub vegetation. Connected hydraulically to the slough is an extensive mix of freshwater emergent and forested/scrub wetlands. These shorelands are important for providing habitat and maintaining high water quality in this small basin.



Smaller pockets of Urban Conservancy are located along the right and left banks of the Willapa River. While these lands present severe development challenges due to critical areas, public ownership, and high land development costs, they do contain relatively intact upland habitat next to high quality estuarine areas. There are similar parcels designated as Urban Conservancy along the right bank of the South Fork Willapa River.

The comprehensive plan and zoning map designate these areas for Heavy Manufacturing, Conservation, General Commercial, and Single-Family Residential.

A 110-foot shoreline buffer is appropriate for protecting ecological functions within the Urban Conservancy SED.

It is important to note that the buffers for adjacent estuarine wetlands in the Aquatic SED may extend as far upland as the shoreline buffer width of 110 feet. In addition, while associated wetlands do not have a shoreline buffer, the CAO does require a wetland buffer that will extend upland from the wetland edge. The width of that buffer will depend on the wetland rating.

Report Preparation

Primary sources used for the preparation of this report include the following:

- Shoreline Analysis Report for Shorelines in the City of Raymond, February 2015
- Protection of Marine Riparian Functions in Puget Sound, Washington, 2009
- Google Earth Pro
- Pacific County Assessor Data
- USFS National Wetlands Inventory Wetland Mapper
- Washington State Coastal Atlas, 2006 photos

Appendix C: Additional Procedures and Protection Standards for New Ocean Uses

Section 1. Applicability

The Marine Spatial Plan (MSP) study area includes marine waters of the Pacific Ocean within state waters (from OHWM out to 3 nautical miles), including Willapa Bay estuary to the upriver extent of tidal influence on the Willapa River. Within the City of Raymond, the MSP study area includes all of shoreline jurisdiction. New ocean uses, as defined in the MSP and in Chapter 8 of the SMP, must be consistent with the additional procedural requirements and protection standards set forth in this appendix.

Section 2. Protection Standards

Proposals for new ocean uses shall be subject to the following regulations:

3.1 Fisheries Protection Standards.

- A. Applicants for new ocean uses involving offshore development must consult with WDFW, individuals participating in affected commercial and recreational fisheries, and each of the coastal tribes to identify and understand the proposed project's potential adverse effects to fisheries and tribal uses.
- B. New ocean uses involving offshore development shall only be allowed when the applicant can demonstrate that their project meets all of the following standards to protect fisheries located at the project site and nearby from adverse effects:
 - i. There are no likely long-term significant adverse effects for commercial or recreational fisheries. Adverse effects can be direct, indirect, or cumulative, and may include but are not limited to the following:
 - a. A significant reduction in the access of commercial or recreational fisheries to the resource used by any fishery or fishing community;
 - b. A significant increase in the risk to entangle fishing gear;
 - c. A significant reduction in navigation safety for commercial and recreational fisheries; and
 - d. Environmental harm that significantly reduces quality or quantity of marine resources available for harvest.
 - ii. All reasonable steps are taken to avoid and minimize social and economic impacts to fishing. Avoidance and minimization considerations include but are not limited to the following:
 - a. Avoid adverse social and economic impacts to fishing through proposed project location, design, construction, and operation, such as avoiding heavily used fishing areas. Where adverse impacts to fishing cannot be reasonably avoided, demonstrate how project has minimized impacts;

- b. Minimize the number of and size of anchors. Space structures for greater compatibility with existing uses and bury cables in the seafloor and through the shoreline;
- c. Minimize risk of entangling fishing gear from new structures installed in the seafloor or placed in the water. Minimize the displacement of fishers from traditional fishing areas, and the related impact on the travel distance, routing, and navigation safety in order to fish in alternative areas;
- d. Minimize the compression of fishing effort caused by the reduction in the areas normally accessible to fishers;
- e. Minimize the economic impact resulting from the reduction in area available for commercial and recreational fishing for the affected sectors and ports;
- f. Limit the number and size of projects located in an area to minimize the impact on a particular port, sector, or fishery;
- g. Consider the distribution of projects and their cumulative effects; and
- h. Other reasonable and relevant considerations as determined by the fisheries consultation process and specifics of the proposed project.

3.2 Important, Sensitive, and Unique Areas (ISUs). ISUs are specific areas in state waters designated in the MSP that have high conservation value, high historic value, or key infrastructure, and are subject to additional protection standards, as set forth in this section.

- A. Definition. ISUs are specific areas in state waters that meet one or more of the following criteria:
 - i. Areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures (RCW 43.372.040(6)(c));
 - ii. Areas with known sensitivity and where the best available science indicates the potential for offshore development to cause irreparable harm to the inhabitants, species, or cultural resources;
 - iii. Areas with features that have limited, fixed, and known occurrence; or
 - iv. Areas with inherent risk or infrastructure (e.g. buoys or cables) that are incompatible with new ocean uses.
- B. Designation. The following ISUs are designated in the MSP:
 - i. Ecological ISUs include the following:
 - a. Biogenic Habitats: Aquatic vegetation, corals, and sponges;
 - b. Rocky Reefs;
 - c. Seabird colonies: Islands and rocks used for foraging and nesting by seabirds;
 - d. Pinniped haul-outs; and
 - e. Forage fish spawning areas: Intertidal areas used for spawning by herring, smelt or other forage fish.

- ii. Historic, Cultural, and Infrastructure ISUs include the following:
 - a. Historic and archaeological sites: Structures or sites over 45 years old that are listed or eligible for listing in local, state, or national preservation registers (e.g. shipwrecks or lighthouses); or Artifacts or other material evidence of tribal or historic use or occupation (e.g. burials, village sites, or middens); and
 - b. Buoys and submarine cables: Fixed infrastructure such as navigation or monitoring buoys, fiber optic cables, electrical transmission cables, other fixed monitoring equipment in the marine environment (e.g. hydrophones) and any associated mooring lines, anchors, or other equipment.
- C. Applicability and Mapping. Maps of ISUs are provided in the MSP. These maps utilize the best available data and are intended to assist applicants in identifying where ISUs exist. However, ISU protection standards apply to ISUs wherever they are designated and identified in state waters. It is the responsibility of the applicant to verify whether ISUs exist in their proposed project area and to demonstrate compliance with protection standards.
- D. Protection Standards.
 - i. An applicant for a new ocean use involving offshore development shall demonstrate that the proposal will have no adverse effects on any ISUs located at the project site and on any off-site ISUs potentially affected by the proposal.
 - ii. The demonstration required in (i) shall be achieved using site-specific surveys and scientific data and analysis and shall demonstrate either:
 - a. The current ISU maps do not accurately characterize the resource or use, or the project area (mapped or unmapped does not contain an ISU resource or use; or
 - b. The weight of scientific evidence clearly indicates that the project will cause no adverse effects to the resources of the ISU.
 - iii. As used in this section, adverse effects shall be defined as follows:
 - a. For Ecological ISUs, adverse impacts means degradation of ecosystem function and integrity (direct habitat damage, burial of habitat, habitat erosion, or reduction in biological diversity) or degradation of living marine organisms (abundance, individual growth, density, species diversity, or species behavior).
 - b. For Historic, Cultural, or Infrastructure ISUs, adverse impacts means: (1) Direct impacts from dredging, dumping, or filling; (2) Alteration, destruction, or defacement of historic, archaeological, or cultural artifacts; or (3) Direct impacts from placement or maintenance of new temporary or permanent structures in areas with existing infrastructure or historic, archaeological, or cultural artifacts.
 - iv. Additional buffers may be appropriate to protect ISU resources from adverse effects. Project developers shall consult with WDFW on recommended buffers for

Ecological ISUs associated with their proposal prior to filing application materials with local or state agencies. Project developers shall consult with DAHP and tribal preservation officers on further identification and protection of cultural or historical artifacts.

Section 3. Procedural Requirements

Proposals for new ocean uses shall include the following:

- A. Preapplication conference. Prior to submitting any applications for shoreline permits for new ocean uses the applicant will participate in at least one preapplication conference which may be consolidated and coordinated with all local, state, and federal agencies. During the preapplication stage:
 - i. The applicant should use the MSP to understand potential use and resource conflicts, including review of the baseline data, maps, analyses, and management framework. This information can assist applicants in avoiding and minimizing impacts to resources and uses through project siting and design.
 - ii. The applicant should provide required data and information about the project, and identify and coordinate with stakeholder groups as well as other governments, including state, tribal, and federal government entities.
 - iii. The applicant should identify state and local policies, procedures, and requirements, including those referenced in the MSP.
- B. Inventory. Review adequacy of site-specific inventory and respond to requests for additional data or studies.
- C. Effects Analysis. Submit an effects evaluation (see Section 4.5 of the MSP) that includes proposed mitigation measures and best management practices.
- D. Plans. Submit proposed construction and operation plans, including plans for adequacy of prevention, monitoring, and response.
- E. Coordination. Continue to coordinate with government entities (local, state, tribal, and federal agencies), stakeholders (representatives from fishing, aquaculture, maritime commerce, conservation, tourism, recreation), the Washington Coastal Marine Advisory Council, and the public in all aspects of project development and review.