

SHORELINE MASTER PROGRAM -

City of Castle Rock

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CITATION

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TABLE OF CONTENTS

| | |
|---|-----|
| 1. INTRODUCTION | 1-1 |
| 1.1 Title | 1-1 |
| 1.2 Adoption Authority | 1-1 |
| 1.3 Background..... | 1-1 |
| 1.4 Purpose and Intent | 1-3 |
| 1.5 Governing Principles | 1-4 |
| 1.6 Liberal Construction | 1-4 |
| 1.7 Severability | 1-5 |
| 1.8 Relationship to Other Plans and Regulations | 1-5 |
| 1.9 Effective Date | 1-5 |
| 2. DEFINITIONS | 2-1 |
| 3. APPLICABILITY, SHORELINE PERMITS, AND EXEMPTIONS | 3-1 |
| 3.1 Applicability..... | 3-1 |
| 3.2 Exemptions from a Shoreline Substantial Development Permit | 3-2 |
| 3.3 Nonconforming Use and Development..... | 3-3 |
| 4. SHORELINE MASTER PROGRAM GOALS AND POLICIES | 4-1 |
| 4.1 General Shoreline Goals | 4-1 |
| 4.1.1 Goal..... | 4-1 |
| 4.1.2 Policies..... | 4-1 |
| 4.2 Historic, Cultural, Archaeological, and Educational Resources | 4-2 |
| 4.2.1 Goal..... | 4-2 |
| 4.2.2 Policies..... | 4-2 |
| 4.3 Conservation and Restoration..... | 4-2 |
| 4.3.1 Goal..... | 4-2 |

| | |
|--|------|
| 4.3.2 Policies | 4-2 |
| 4.4 Economic Development..... | 4-3 |
| 4.4.1 Goal | 4-3 |
| 4.4.2 Policies | 4-3 |
| 4.5 Flood Prevention and Flood Damage Minimization | 4-3 |
| 4.5.1 Goal | 4-3 |
| 4.5.2 Policies | 4-3 |
| 4.6 Public Access | 4-5 |
| 4.6.1 Goal | 4-5 |
| 4.6.2 Policies | 4-5 |
| 4.7 Recreation..... | 4-5 |
| 4.7.1 Goal | 4-5 |
| 4.7.2 Policies | 4-6 |
| 4.8 Transportation..... | 4-6 |
| 4.8.1 Goal | 4-6 |
| 4.8.2 Policies | 4-6 |
| 4.9 Utilities and Essential Public Facilities | 4-7 |
| 4.9.1 Goal | 4-7 |
| 4.9.2 Policies | 4-7 |
| 4.10 Shoreline Uses | 4-8 |
| 4.10.1 Goal | 4-8 |
| 4.10.2 Policies | 4-8 |
| 4.11 Shoreline Modifications | 4-10 |
| 4.11.1 Goal | 4-10 |
| 4.11.2 Policies | 4-10 |

| | |
|--|-----|
| 5. SHORELINE ENVIRONMENT DESIGNATIONS AND SHORELINES OF STATEWIDE SIGNIFICANCE..... | 5-1 |
| 5.1 Introduction | 5-1 |
| 5.2 Authority..... | 5-1 |

| | |
|--|---------|
| 5.3 Shoreline Environment Designation Interpretation | 5-1 |
| 5.4 Shoreline Environment Designations | 5-2 |
| 5.4.1 High-Intensity Environment | 5-2 |
| 5.4.2 Residential Environment..... | 5-3 |
| 5.4.3 Aquatic Environment | 5-4 |
| 5.4.4 Recreation Environment | 5-5 |
| 5.5 Shorelines of Statewide Significance | 5-5 |
| 6. GENERAL SHORELINE REGULATIONS | 6-1 |
| 6.1 No Net Loss of Ecological Function | 6-1 |
| 6.2 Archaeological, Cultural, and Historic Resources | 6-2 |
| 6.3 Critical Areas Protection | 6-3 |
| 6.3.1 Applicable Critical Areas..... | 6-3 |
| 6.3.2 General Provisions | 6-3 |
| 6.4 Flood Prevention and Flood Damage Minimization | 6-3 |
| 6.5 Public Access | 6-6 |
| 6.6 Vegetation Conservation | 6-11 |
| 6.7 Water Quality and Quantity | 6-12 |
| 7. SPECIFIC SHORELINE USE REGULATIONS | 7-1 |
| 7.1 Shoreline Use, Modification, and Standards Tables..... | 7-1 |
| 7.2 Shoreline Use | 7-3 |
| 7.2.1 Agriculture..... | 7-3 |
| 7.2.2 Aquaculture..... | 7-4 |
| 7.2.3 Boating Facilities..... | 7-4 |
| 7.2.4 Commercial | 7-9 |
| 7.2.5 Forest Practices | 7-10 |
| 7.2.6 Industrial..... | 7-11 |
| 7.2.7 Institutional | 7-12 |

| | |
|---|------------|
| 7.2.8 In-stream Structures | 7-12 |
| 7.2.9 Mining..... | 7-13 |
| 7.2.10 Recreational Development | 7-14 |
| 7.2.11 Residential Development..... | 7-15 |
| 7.2.12 Transportation Facilities..... | 7-16 |
| 7.2.13 Utilities Uses | 7-17 |
| 7.3 Shoreline Modification | 7-19 |
| 7.3.1 General Regulations | 7-19 |
| 7.3.2 Shoreline Stabilization | 7-19 |
| 7.3.3 Breakwaters and Groins | 7-22 |
| 7.3.4 Fill and Excavation..... | 7-22 |
| 7.3.5 Dredging and Dredge Material Stockpiling..... | 7-23 |
| 7.3.6 Shoreline Habitat and Ecological Enhancement Projects | 7-25 |
| 8. SHORELINE ADMINISTRATION AND ENFORCEMENT..... | 8-1 |
| 8.1 General | 8-1 |
| 8.2 Application Requirements | 8-1 |
| 8.3 Shoreline Letter of Exemption (SLE)..... | 8-3 |
| 8.4 Shoreline Substantial Development Permits (SSDP) | 8-4 |
| 8.5 Shoreline Conditional Use Permits (SCUP)..... | 8-5 |
| 8.6 Variances | 8-7 |
| 8.7 Revisions to Permits | 8-8 |
| 8.8 Restoration Project Relocation of OHWM..... | 8-9 |
| 8.9 Enforcement..... | 8-10 |
| 8.10 Shoreline Activity Tracking | 8-10 |

Appendices

Appendix A. Shoreline Environment Designations Map

Appendix B. Critical Areas Regulations

Appendix C. Shoreline Restoration Plan

Appendix D. Exemptions from a Shoreline Substantial Development Permit

Appendix E. Aerial Photos of Castle Rock Shorelines September 2014 (CD Format)

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1. Introduction

1.1 Title

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

1.2 Adoption Authority

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

1.3 Background

The City of Castle Rock recognizes the intent of the voters and the legislature of the state of Washington in adopting the “Shoreline Management Act of 1971” and adopts by reference the finding 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. In addition, it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state.

The Act’s paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all “reasonable and appropriate uses” that are dependent upon a waterfront location or that offer opportunities for the public to enjoy the state’s shorelines. With this clear mandate, the provisions of the SMA established a planning and regulatory program, which is initiated at the local level under state guidance.

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas. Local governments are required to plan for shoreline development by developing local shoreline master programs. They are also required to regulate such development through a shoreline permit system for substantial development projects.

Local government actions are monitored by the State of Washington Department of Ecology (Ecology), which approves new or amended shoreline master programs, reviews shoreline substantial development permits (SSDPs), and approves shoreline conditional use permits (SCUPs) and variances. The master program is essentially a shoreline comprehensive plan with a distinct orientation toward shoreline areas and customized to local circumstances. Collectively, the local master programs comprise the State Shoreline Master Program.

The City developed and adopted its first shoreline master program with the help of a citizen advisory group in 1976. The Master Program was subsequently amended several times during the intervening years. For the current comprehensive update, the City prepared a Shoreline Analysis Report which includes a comprehensive inventory of the natural

characteristics, present land uses, and patterns of ownership along the City's shoreline that provides a substantial information base for understanding ecological functions and other considerations for the development of this Master Program update.

The Shoreline Analysis Report provides the following information for Castle Rock. The Castle Rock Assessment Unit has 170 acres of shoreline jurisdiction covering 6.6 miles of river and streams. Much of the Castle Rock shoreline is owned by the City and managed for a variety of public access uses. Approximately 10 percent of the area in the assessment unit is mapped as wetlands by the National Wetlands Inventory. Approximately 50 percent of the assessment unit is in the mapped floodplain, and another 24 percent of the shoreline area is within the floodway. A certified levee within the City limits occupies approximately 45 percent of the shoreline length along the east bank of the Cowlitz River within the City's jurisdiction. Priority species and habitats are limited to the shoreline waterbodies, which provide migratory, rearing, and potential spawning areas for six species of priority and listed salmonids.

As a result of the eruption of Mt. Saint Helens, the Cowlitz River and its tributaries in the City of Castle Rock have been substantially altered and area subject to ongoing sedimentation and erosion. The downtown core of the City of Castle Rock is protected by levees and revetments which limits the natural functions of the shoreline.

Vegetation is limited to a relatively narrow forested riparian corridor along much of the City's shoreline; however, there are some areas with substantial forested vegetation extending up to 500 feet from the river.

Salmon Creek and Arkansas Creek within the City's shoreline jurisdiction have narrow bands of forested riparian vegetation. Although not confined by armoring or a levee, Salmon Creek borders the railway, and is artificially confined to its present course.

Over the past ten years, vacant lands and undeveloped lands decreased while single family residential uses and recreational uses increased substantially in the Castle Rock Assessment Unit. The City's Riverfront Master Plan, Park and Recreation Plan, and the Riverfront Trails Project, as amended and incorporated here by reference, provide a comprehensive public access approach for shoreline jurisdiction lands in Castle Rock.

In addition to the Shoreline Analysis Report, the City also engaged local citizens, agencies and interested parties to gather opinions and created a Visioning Report. Comments during the visioning process included a few questions from citizens but largely reflected Planning Commission questions about the process and how the shoreline master program will function with other programs. A Castle Rock Parks and Recreation survey, conducted at the same time, focused primarily on outdoor recreation, sports, and park facilities and amenities versus shoreline uses. However, in addition to increasing athletic fields, community center facilities, etc. the survey did indicate a desire to have some increased access to the Cowlitz River and more water related activities and trails developed.

The City with the involvement of its local citizens, agencies, and interested parties has developed this Shoreline Master Program to serve as both a planning guide and resource for

specific regulations pertaining to development and use of the shorelines in City of Castle Rock Included is a description of the goals, objectives, policies, environments, use regulations, and provisions for administration including variances and shoreline conditional uses.

1.4 Purpose and Intent

- A. To guide the future development of shorelines in the City in a positive, effective, and equitable manner consistent with the Act;
- B. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and
- C. To experience no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state:

"It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto....

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

1.5 Governing Principles

- A. The goals, policies, and regulations of this Program are intended to be consistent with the Washington State (State) Shoreline Master Program guidelines in Chapter 173-26 of the WAC. The goals, policies, and regulations are informed by the Governing Principles in WAC 173- 26-186 and the policy statements of RCW 90.58.020.
- B. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
- C. Regulatory or administrative actions contained in this Program must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- D. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.
- E. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecosystems from such impairments in the following ways:
 - 1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;
 - 2. By including policies and regulations that require mitigation of adverse impacts in a manner that results in no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e) Environmental Impact Mitigation;
 - 3. By including policies and regulations to address cumulative impacts and by fairly allocating the burden of addressing such impacts among development opportunities; and
 - 4. By including regulations and regulatory incentives designed to protect shoreline ecological functions and to restore impaired ecological functions where such functions have been identified.

1.6 Liberal Construction

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

1.7 Severability

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

1.8 Relationship to Other Plans and Regulations

- A. Proponents of shoreline use or development shall comply with all applicable laws prior to commencing any shoreline use or development activity.
- B. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation, the most recent amendment or current edition shall apply.
- C. Uses, developments, and activities regulated by this Program may also be subject to the provisions of the following: the City of Castle Rock Comprehensive Plan; the City's Riverfront Master Plan, Park and Recreation Plan, and the Riverfront Trails Project; the Washington State Environmental Policy Act (SEPA; RCW 43.21C and WAC 197-11); other provisions of the Castle Rock Municipal Code (CRMC), specifically CRMC Title 17 Zoning Code; and various other provisions of local, state, and federal law, as may be amended.
- D. In the event this Program conflicts with other applicable City policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated, the provisions that provide the most protection to shoreline ecological processes and functions as determined by the City, shall prevail.
- E. Projects and plans in the shoreline jurisdiction that have been previously approved through local and state reviews in accordance with the Shoreline Master Program in effect at the time, shall remain in full force and effect until such time that they expire or are expressly changed by the City and DOE as appropriate.

1.9 Effective Date

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

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2. Definitions

The following definitions shall be used to guide the implementation of this Program. In the event of any question about the use, applicability, or interpretation of these terms, the City shall make an administrative determination in consultation with the Department of Ecology, as appropriate.

Accessory Structure – A subordinate building incidental to the use of the main building.

Accessory Use – Any use or activity incidental and subordinate to a primary use or development.

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

Adjacent Lands – Lands adjacent to the shorelines of the state (not within shoreline jurisdiction) (RCW 90.58.340).

Adjacent to – For purposes of the Critical Areas Regulations in Appendix B, any activity or development located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer or zoning and building setback requirements;
3. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle's nest;
4. A distance equal to or less than 300 feet upland from a stream, wetland or water body;
5. Bordering or within the floodway, floodplain, or channel migration zone; or
6. A distance equal to or less than 200 feet from a critical aquifer recharge area.

Agriculture or agricultural activities – 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 (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:

1. 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;
2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
3. Farm residences and associated equipment, lands, and facilities; and
4. Roadside stands and on-farm markets for marketing fruit or vegetables.

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

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.

Alluvial fan – A low, outspread, relatively flat to gently sloping mass of loose alluvium, shaped like an open fan, deposited by a stream where it issues from a narrow valley, or where a tributary stream issues into the main stream, or wherever a constriction in a valley abruptly ceases or the gradient of the stream suddenly decreases; it is steepest near the mouth of the valley where its apex points upstream, and it slopes gently and convexly outward with gradually decreasing gradient.

Alluvium – Sand, clay, etc., gradually deposited by moving water, as along a riverbed, stream or shore of a lake.

Alteration – A human action which results in a physical change to the existing condition of land or improvements including but not limited to: clearing vegetation, filling and grading and construction of structures or facilities including impervious surfaces.

Appurtenance – A structure or development incidental to a single family residence in accordance with the provisions of WAC 173-27-040(2)(g).

Aquaculture – The culture or farming of fish, shellfish, or other aquatic plants and animals.

Aquifer recharge area – Areas where water infiltrates the soil and percolates through it and surface rocks to the groundwater.

Associated Wetlands – Those wetlands that are in proximity to and either influence or are influenced by a lake, river or stream subject to the Shoreline Management Act.

Average grade level – The average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the finished ground level. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark.

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

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

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

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

Bioengineering – The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

Boating facility for the purposes of this Program – Any public or private facility for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps, and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage.

Breakwater – A structure aligned parallel or at an angle to the shore, sometimes shore-connected, that provides protection from waves or currents.

Buffer – An area that is part of or adjacent to a jurisdictional shoreline or designated critical area that functions to avoid loss or diminution of the ecologic functions and values of the critical area. Specifically, a buffer may:

1. Preserve the ecologic functions and values of a system including, but not limited to, providing microclimate conditions, shading, input of organic material, and sediments; room for variation and changes in natural wetland, river, or stream

characteristics; providing for habitat for lifecycle stages of species normally associated with the resource; and

2. Physically isolate a critical area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers, and generally including dense sustainable vegetation, but also may include human-made features such as fences and other barriers;
3. Act to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters such as from landslide or flooding.

Building height – The vertical distance between average grade and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. 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. Temporary construction equipment is excluded in this calculation.

Bulkhead – A structure of timber, concrete, steel, rock, or similar substance located parallel to the shore, which has as its primary purpose to contain and prevent the loss of soil by erosion, wave, or current action.

Channel migration zone (CMZ) – The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. The channel migration zone does not include areas that are separated from the active river channel by legally existing artificial structures or channel constraints that limit channel movement. Examples of such structures and constraints include transportation facilities built above or constructed to remain intact through a 100-year flood (such as an arterial road, public road serving as a sole access route, or a state or federal highway or a railroad), levees, and other lawfully established structures that are significant investments likely to be repaired and maintained even if damaged.

Clearing – The destruction or removal of vegetation from a site by physical, mechanical, chemical, or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.

Commercial dredging – Applies to establishments engaged in the dredging of sand, gravel or rocks for resale or wholesale marketing.

Commercial fishing – The activity of capturing fish and other seafood under a commercial license.

Conservation easement – An interest or right of use over a property, less than fee simple (means that the easement has been conveyed to the public by deed or other document, but the actual land stays with the original landowner), to protect, preserve, maintain, improve, restore, limit the future use of, or conserve for open space purposes any land or improvement on the land.

Construction – Any act or process that requires a building or fill and grading permit, and/or that adds an addition onto an existing building or erects a new principal or accessory structure on a lot which is subject to the design standards for the district in which the property is located.

Covered moorage – A roofed structure over a boat, either with or without walls and typically supported by posts mounted on the dock.

Critical Aquifer Recharge Area – Areas with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act and as designated in Appendix B of this Program.

Critical areas – Those areas and ecosystems as defined under RCW 36.70A, which include:

1. Wetlands;
2. Areas with a critical recharging effect on aquifers used for potable waters;
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas; and
5. Geologically hazardous areas.

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

Cumulative impacts – The results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed substantial and subject to mitigation conditions even though they may consist of individual actions having relatively minor impacts.

Date of Filing – The date upon actual receipt by Ecology of the City's decision except as provided for below:

With regard to a permit for a variance or a conditional use, "date of filing" means the date the decision of Ecology is transmitted by Ecology to the City.

When the city simultaneously transmits to Ecology its decision on a shoreline substantial development with its approval of either an SCUP or variance, or both, "date of filing" has the same meaning as defined in (1).

Development – An activity consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that may interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level (RCW 90.58.030(3d)). “Development” does not include dismantling or removing structures of there is no other associated development or re-development.

Dike – An artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

Dock – A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses. A dock typically consists of the combination of one or more of the following elements: pier, ramp, and/or float. Floats may stand alone with no over-water connection to shore or may be located at the end of a pier or ramp.

Dredging – The removal of earth, sand, gravel, silt, or debris from below the ordinary high water mark of any river, stream, pond, lake, or other water body and beneath the area of seasonal saturation of any wetland.

Dredge Material Stockpiling – The placement of dredge materials on land on a permanent or long-term basis, or on a temporary or interim basis pending removal to another location.

Ecological functions or **shoreline functions** – The work performed, or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

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

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

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

Erosion Hazard Area – See “geologic hazard areas.”

ESA – The Endangered Species Act, specifically Section (4)(d), Protective Regulations.

Excavation – The mechanical removal of earth material.

Existing and Ongoing Agricultural Activities – See “agricultural activities.”

Fair market value – The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (WAC 173-27-030(8)).

Feasible – That an action, such as a development project, mitigation, or restoration requirement, meets all of the following conditions:

1. 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;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this Master Program may require certain actions that may not be feasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in short- and long-term timeframes.

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

Fish – As used in these regulations, refers to resident game fish; anadromous fish and specified salmonoids listed as endangered or threatened under the Federal Endangered Species Act, Section (4)(d), or the Washington State List of Threatened and Endangered Species.

Fish and wildlife habitat conservation areas – Those habitats designated by WAC 365-190-080(5)(a) and include all areas listed in the WAC.

Floating Home – A single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Floating on water residences – Any floating structure other than a floating home, as defined by this chapter: (a) that is designed or used primarily as a residence on the water and has detachable utilities; and (b) whose owner or primary occupant has held an ownership interest in space in a marina, or had held a lease or sublease to use space in a marina, since a date prior to July, 1, 2014. New over-water residential are not a preferred use and should be prohibited.

Flood hazard reduction – Measures taken to reduce flood damage or hazards. Flood hazard

reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Floodplain – Synonymous with one hundred-year floodplain and 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 which meets the objectives of the act.

Floodway – 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 reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Forest practices – Any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber for commercial purposes. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, precommercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control (WAC 222-16-010(21)).

Frequently Flooded Areas – Those areas of special flood hazard which are commonly identified as critical areas in local government development regulations.

Game Fish – “Game fish,” as described in the Washington Game Code, spend their life cycle in freshwater.

Geologic hazard areas – "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

Geotechnical assessment – An assessment prepared by a geotechnical engineer licensed by the state of Washington, which evaluates the site conditions and the effects of a proposal, and identifies mitigating measures to ensure that the risks associated with geologic hazards will be substantially reduced.

Geotechnical report or **geotechnical analysis** – 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 – The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

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

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

Hazard Tree – Dead or dying trees, dead parts of live trees, or unstable live trees (due to structural defects or other factors) that are within striking distance of people or. Hazard trees have the potential to cause property damage, personal injury or fatality in the event of a failure.

Hydric soils – Soils which are wet long enough to periodically produce anaerobic (reduced oxygen) conditions, thereby influencing plant growth.

Hydrologic unit (watershed) – An area of land above or upstream from a specific point on a stream, which is enclosed by a topographic divide (i.e., hillsides, mountains, cliffs, etc.) such that direct surface runoff from precipitation normally drains by gravity into the stream or the area above the specified point on a stream.

Institutional – A use or development whose purpose is to serve or promote a government, educational, charitable, or religious organization or its mission. Examples include, but are not limited to: community centers, educational facilities, government offices, health care facilities, and religious facilities.

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

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

International Building Code – The Washington State International Building Code's most currently adopted edition, as adopted by the City.

Invasive – A non-native plant or animal species that either:

1. Causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;
2. Threatens or may threaten natural resources or their use in the state;
3. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or
4. Threatens or harms human health (RCW 77.08.010(28)).

Landfill – A disposal facility or part of a facility at which solid waste is placed in or on land.

Landslide – Abrupt downslope movement of a mass of soil or rock.

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

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

Liquefaction – A process in which soil loses strength, and behaves like a liquid.

Local utility – Public or private utilities normally servicing a neighborhood or defined subarea in the City, e.g., telephone exchanges; sanitary sewer; stormwater facilities; distribution lines; electrical distribution less than fifty-five (55) kilovolts; telephone; cable television, etc.

Marina – Any commercial or club-owned facility consisting of docks or piers serving five or more vessels or a shared moorage serving a subdivision serving 10 or more vessels.

May – The action is acceptable, provided it conforms to the provisions of this Program.

Merchantable Trees – Live trees, 6 inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability.

Mining – The removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

Mitigation – Actions designed to replace project-induced losses or impacts to shoreline resources, including, but not limited to, restoration, creation, or enhancement. Mitigation in jurisdictional shoreline areas should be sequenced in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments, and/or
6. Monitoring the impact and taking appropriate corrective measures.

Mitigation, In-Kind – Replacement of shoreline resources, such as wetlands or surface water systems, with substitute wetlands or surface water systems whose characteristics and functions and values closely approximate those destroyed or degraded by a regulated activity.

Mitigation, Out-of-Kind – Replacement of shoreline resources, such as surface water systems or wetlands, with substitute surface water systems or wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.

Mitigation plan – A plan that outlines the activities that will be undertaken to alleviate project impacts. The plan generally contains: a site and project description; an environmental assessment of the functions and values of the site that will be impacted; a description of the proposed mitigation; the goals and objectives of the proposed mitigation; the performance standards against which success will be measured; monitoring of and reporting on the success of the mitigation; and a contingency plan in case of failure.

Mixed use within an area subject to the jurisdiction of the Shoreline Management Act – A combination of compatible uses within one development, in which water-oriented and non-water-oriented uses are included.

Multiple use – A combination of compatible uses within one development, and may include commercial, multi-family, and recreation uses, among others.

Must – A mandate; the action is required.

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

No net loss of ecological functions – The maintenance of existing ecological processes and functions.

1. No net loss of ecological functions on the level of the City - that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.
2. On a project basis, no net loss - that permitted use or alteration of a site will not result in on-site or off-site deterioration of the existing condition of ecological functions that existed prior to initiation of use or alterations as a direct or indirect result of the project.
3. No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site or off-site mitigation of ecological functions to compensate for localized degradation.

Non-conforming Development or Non-conforming Structure – an existing structure that was lawfully constructed as the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Non-conforming Lot – a lot that met dimensional requirements of the applicable master program at the time of its establishments but now contains less than the required width, depth or area due to subsequent changes to the master program.

Non-conforming Use – an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable changes to the master program.

Non-Water-Dependent Use – Those uses which are not dependent on a waterfront location.

Non-Water-Oriented Use – Those uses which are not water-dependent, water-related, or water-enjoyment.

Noxious weeds – Any plant which, when established, is highly destructive, competitive, or difficult to control. The county maintains a noxious weed list.

Open space – An area that is intended to provide light and air, view, use, or passage of persons or animals which is almost entirely unobstructed by buildings, paved areas, or other human-made structures, and is designed or preserved for environmental, habitat, scenic, or recreational purposes.

Ordinary high water mark on all lakes, streams, and tidal water – That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation

as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water.

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

Permit – Any substantial development, variance, conditional use permit, or revision authorized under the Act (RCW 90.58).

Pier – Docks and similar structures consisting of a fixed and/or floating platform extending from the shore over the water. This definition does not include overwater trails.

Pond – A naturally existing or artificially created body of standing water which exists on a year-round basis and occurs in a depression of land or expanded part of a stream.

Potentially Hazardous Substances – Hazardous materials as well as other materials if discharged or improperly disposed that may present a risk to water resources.

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

1. Comparatively high fish or wildlife density;
2. Comparatively high fish or wildlife species diversity;
3. Fish spawning habitat;
4. Important wildlife habitat;
5. Important fish or wildlife seasonal range;
6. Important fish or wildlife movement corridor;
7. Rearing and foraging habitat;
8. Important marine mammal haul-out;
9. Refugia habitat;
10. Limited availability;
11. High vulnerability to habitat alteration; or
12. Unique or dependent species.

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). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

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

1. 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.
2. 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.
3. 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.
4. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Public access – Physical and/or visual approach to and along the shoreline available to the general public.

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

Qualified professional – A person with experience, education, and/or professional degrees and training pertaining to the critical area in question as described for each critical area below. Qualified professionals will also possess experience with performing site evaluations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The City shall require professionals to demonstrate the basis for qualifications and shall make final determination as to qualifications. Demonstration of qualifications may include, but not be limited to, professional certification(s) and/or recognition through publication of technical papers or journals. Qualified professionals for each critical area shall include as follows:

1. Wetlands. Biologist or wetland ecologist who has a bachelor's degree in wetland science from an accredited college or university, at least two years of experience under the supervision of a practicing wetland professional and has experience delineating wetlands, preparing wetland reports, conducting function assessments and developing and implementing mitigation plans.

2. Fish and Wildlife Habitat Areas. Biologist/wildlife biologist/stream ecologist/habitat ecologist who has a bachelor's degree in biological, wildlife and/or stream ecology science from an accredited college or university and has at least two years of experience under the supervision of a practicing professional biologist or ecologist.
3. Geologically Hazardous Areas.
 - a. Geologist – a person who has a bachelor's degree in geologic sciences from an accredited college or university and at least five years of professional experience as described in WAC 308-15-040 and is licensed as a professional geologist in the State of Washington. The licensed geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.
 - b. Hydrogeologist – a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.
 - c. Engineering geologist – a licensed geologist in the State of Washington with a specialty license in engineering geology meeting the requirements of WAC 308-15-055. The licensed engineering geologist shall have demonstrated experience analyzing geologic hazards and preparing reports for the relevant type of hazard.
 - d. Geotechnical engineer – a person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing geotechnical engineer, and is a registered professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting geotechnical investigations, analyzing geologic hazards, and preparing reports for the relevant type of hazard.
4. Critical Aquifer Recharge Areas. Hydrogeologist – a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.
5. Frequently Flooded Areas.

- a. Hydrogeologist – a licensed geologist in the State of Washington with a specialty license in hydrogeology meeting the requirements of WAC 308-15-057. The licensed hydrogeologist shall have demonstrated experience analyzing hydrogeologic hazards and preparing reports for the relevant type of hazard.
- b. Fluvial geomorphologist – a person who has a bachelor's degree in earth sciences from an accredited college or university with applicable course work in fluvial geomorphology and at least five years of professional experience in fluvial geomorphology.
- c. Hydraulics engineer – a person who has a bachelor's degree in civil engineering from an accredited college or university and at least five years of experience as a practicing hydraulics engineer, and is a registered professional engineer in the State of Washington (meeting the requirements of RCW 18.43.040). The licensed engineer shall have demonstrated experience conducting, analyzing and preparing reports for hydraulic investigations.

Recreation areas or facilities – Any privately or publicly owned passive or active facility that provides for activities undertaken for pleasure or relaxation and for the refreshment of the mind and body that takes place in the outdoors or in a facility dedicated to the use including walking, fishing, photography, viewing, and bird-watching and may include parks, playgrounds, sports fields, paths and trails, beaches, or other recreation areas or facilities.

Residential – Buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, manufactured homes, and other structures that serve to house people, as well as the creation of new residential lots through land division. This definition includes accessory uses common to normal residential use, including but not limited to, residential appurtenances, accessory dwelling units, and home occupations.

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

Right-of-way – Land or easements dedicated for public roads, railways, public utilities, public levees, and public dikes.

Riparian habitat area (RHA) – An area adjacent to aquatic streams with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.

Riparian zone – The upland area immediately adjacent to and paralleling a body of water and is usually composed of trees, shrubs and other plants. Riparian functions include bank and channel stability, sustaining water supply, providing flood storage, retainment of woody debris, leaf litter, nutrients, sediment and pollutant filtering, while providing shade, shelter and other functions that are important to the survival of both fish and wildlife.

Seasonal stream – Those streams that are not perennial but area physically connected by a defined channel system to downstream waters so that water or sediment initially delivered to these waters may eventually be delivered to a Type S, F, Np, or, Ns water. Stormwater drainage channels are considered in this type.

Shall – A mandate; the action must be done.

Shared or Joint-use moorage – Interchangeable terms in this Program. These terms mean moorage constructed and utilized by more than one waterfront property owner or by a homeowner's association that owns waterfront property. Shared moorage includes moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. If a shared moorage provides moorage for more than ten slips then it is a marina.

Shorelands or shoreland areas – Those lands under the jurisdiction of the Shoreline Management Act extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of the Shoreline Management Act (RCW 90.58.030); the same to be designated as to location by the Washington State Department of Ecology.

Shorelines – All of 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 – All “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

Shorelines Hearings Board (SHB), State – A quasi-judicial body established at the state level by the Act to hear appeals by any aggrieved party on the issuance of an SSDP, SCUP, variance or, enforcement penalties. See RCW 90.58.170 and RCW 90.58.190.

Shoreline master program – The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a

shoreline master program approved under RCW 90.58 shall be considered an element of the City of Castle Rock's Comprehensive Plan. All other portions of this Program adopted under RCW 90.58, including use regulations, shall be considered a part of the City of Castle Rock's development regulations.

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

Shoreline stabilization – Structural and non-structural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as currents, floods, tides, wind, or wave action.

Shoreline Substantial Development Permit (SSDP) – The permit required by this Program for uses that are substantial developments in shoreline jurisdiction.

Shorelines of the state – The total of all “shorelines” and “shorelines of statewide significance” within the state.

Shorelines of statewide significance – With respect to the City of Castle Rock, shorelines of statewide significance are identified as the Cowlitz River (see RCW 90.58.030(2)(f)).

Should – That the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and the provisions of the Castle Rock Shoreline Master Program, against taking the action.

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

Site – Any parcel or lot or combination of contiguous parcels, or right-of-way or combination of contiguous rights-of-way under the applicant's ownership or control where the proposed project occurs.

Slope – An inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. Slopes 15 to 30 percent constitute areas of geologic concern. Slopes greater than 30 percent constitute potential areas of geological hazard.

Snag – Any dead, partially dead, or defective (cull) tree at least 10 feet tall and 12 inches in diameter at breast height.

Snag-rich areas – Areas that are characterized by the presence of relatively high numbers of large diameter (greater than 20 inches DBH) snags, in varying states of decay, suitable for use by broad and diverse groups of wildlife. Snag-rich areas include naturally regenerated (unmanaged) forests, riparian areas, and burned, damaged or diseased forests. Snag-rich areas may also include individual snags or small groups of snags of exceptional value to wildlife due to their scarcity or location in particular landscapes.

Soil with severe erosion hazard – Any soil type having a degree of hazard or limitation of severe or very severe according to Table 3 of the Soil Survey of Cowlitz County Area, Washington, issued February 1974 by the U.S. Department of Agriculture, Soil Conservation Service.

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

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

Substantial development – Any development of which the total cost or fair market value exceeds seven thousand, and forty-seven dollars (\$7,047), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this Subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period.

Substantially degrade – To cause significant ecological impact.

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

Talus slope – A slope formed by the accumulation of rock debris at the bottom of steep slopes or cliffs.

Transmittal – *Transmit* means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination.

Undisturbed buffer – A protective area left in its natural state, except for any access and/or utility crossings approved by the city planner, between land development and a critical area.

Upland – Generally described as the dry land area above and landward of the OHWM.

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

Utility line – Pipe, conduit, cable, or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water

supply, electric power, natural gas, communications, and sanitary sewer.

Variance – A means to grant relief from the specific bulk, dimensional or performance standards set forth in this Program and not a means to vary a use of a shoreline.

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 (WAC 173-27).

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

Water-dependent use – A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include, but are not limited to, the following: ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, boating facilities, private moorage facilities, aquaculture, float plane facilities, sewer outfalls, hydroelectric generating plants and water diversion facilities, such as agricultural pumphouses.

Water-enjoyment use – A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use, or a use that provides for enjoyment or recreational use 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 visual and physical qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

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

Water quality – The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this Chapter, the term "water quantity" refers only to development and uses regulated under this Chapter and affecting water quantity, such as impermeable surfaces and 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 – A use or portion of a use which is not intrinsically dependent on a waterfront location, but its economic viability is dependent upon a waterfront location because:

1. 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
2. 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.

Weir – A structure in a stream or river for measuring or regulating stream flow.

Wetlands or wetland areas – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, the methodology shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided in RCW 90.58.380 and WAC 173-22-035.

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3. Applicability, Shoreline Permits, and Exemptions

3.1 Applicability

All new or expanded uses and development within shoreline jurisdiction shall be carried out in a manner consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether an SSDP, Shoreline Letter of Exemption (SLE), shoreline variance, or SCUP is required. Unless described otherwise, this Program does not apply to the continuance of legally established and permitted uses and developments.

- A. This Program shall apply to all of the shorelands and waters within the City of Castle Rock that fall under the jurisdiction of RCW 90.58. Such shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways and contiguous floodplain areas landward two hundred feet from such floodways, associated wetlands, critical areas with associated buffer areas, and river deltas associated with the streams, that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.
 - 1. Within the City of Castle Rock the following waters are considered “shorelines” and are subject to the provisions of this Program: Cowlitz River, Salmon Creek, and Arkansas Creek. A copy of the Castle Rock Shoreline Environment Designations Map is shown in Appendix A.
 - 2. The provisions of this Program shall not apply to developments specified in WAC 173-27-045, Developments Not Subject to the Shoreline Management Act.
- B. All shoreline uses and development activities outside of the city limits, are subject to the provisions of the Cowlitz County Shoreline Master Program. Upon annexation, the City will continue to apply the shoreline environment designation and applicable standards of the County’s Shoreline Master Program until such time that the City Master Program is amended to include the annexed property per WAC 173-26-160. Maps indicating the extent of shoreline jurisdiction and shoreline environment designations are for guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Program.

- C. This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act; and within the external boundaries of federally owned lands (including but not limited to, private in-holdings in national wildlife refuges).
- D. Non-federal agency actions undertaken on federal lands must comply with this Program and the Act.
- E. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this Chapter shall affect any rights established by treaty to which the United States is a party.
- F. Hazardous substance remedial actions pursuant to a consent decree, order, or agreed order issued under RCW 70.105(D) are exempt from all procedural requirements of this Program.
- G. Applicants that are responding to an emergency water withdrawals and facilities shall be provided an expedited permit decision from the City, no longer than fifteen (15) days in accordance with RCW 90.58.370.
- H. Certain forest practices that are not regulated by the Act and are regulated under RCW 76.09 are not subject to additional requirements of this Program.
- I. The administrative regulations of this Program are superseded in authority by the terms and provisions of an environmental excellence program or agreement entered into under RCW 43.21(K), Environmental Excellence Program. The environmental excellence agreement must meet the substantive requirements of this Program. An environmental excellence program agreement must achieve more effective or efficient environmental results than the results that would be otherwise achieved.
- J. Shoreline development occurring in or over navigable waters may require a shoreline permit in addition to other approvals required from state and federal agencies.
- K. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this Program whether or not a permit is required.
- L. Special procedures for WSDOT projects.
 - i. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
 - ii. Optional Process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public

safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

3.2 Exemptions from a Shoreline Substantial Development Permit

- A. Substantial development as defined by this program and RCW 90.58.030 requires approval from the City through a Shoreline Substantial Development Permit (SSDP) (See Chapter 8 for permit review and approval procedures), except that:
 - 1. An SSDP is not required for projects that meet the terms established in WAC 173-27-040(2), Developments Exempt from Substantial Development Permit Requirement, and in Appendix D.
 - 2. An SSDP is not required for those actions described in WAC 173-27-045, Developments Not Subject to the Shoreline Management Act (See Appendix D).
- B. Any person claiming exemption from the permit requirements of this Program as a result of the exemptions specified in this Section shall make application for an SLE as described in Chapter 8.
- C. If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.
- D. Any development which occurs within the regulated shorelines of the state, whether it requires a permit or not, must be consistent with the intent of the Act and this Program.
- E. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of any project with the Act and this Program.
- F. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.
- G. Developments not required to obtain shoreline permits or local reviews. Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:
 - i. Remedial actions. Pursuant to RCW 90.58.355, any person 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 the department of ecology when it conducts a remedial action under chapter 70.105D RCW.
 - ii. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person 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.
 - iii. WSDOT facility maintenance and safety improvements. Pursuant to RCW

90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.

- iv. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045
 - v. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.
- H. Consistent with WAC 173-27-040 a public or private project designed to improve fish or wildlife habitat or fish passage, that conforms to the provisions of RCW 77.55.181.

3.3 Nonconforming Use and Development

A. Nonconforming structures

- i. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may continue as legal nonconforming structures and may be maintained and repaired.
- ii. Nonconforming structures may be enlarged or expended provided that said enlargement meets the applicable provisions of the master program. In the absence of other more specific regulations, proposed expansion shall not increase the extent of nonconformity by further encroaching upon or extending into areas where construction would not be allowed for new structures, unless a shoreline variance permit is obtained.
- iii. Nonconforming single-family residences that are located landward of the ordinary high-water mark may be enlarged or expended in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)g) upon approval of a Conditional Use Permit.
- iv. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- v. In the absence of other more specific regulations, a structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Conditional Use Permit. A Conditional Use Permit may be approved only upon a finding that:
 - a) No reasonable alternative conforming use is practical; and
 - b) The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

- vi. A nonconforming structure which is moved any distance must be brought as closely as practicable into conformance with the applicable master program and the act.
- vii. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within two years of the date the damage occurred.

B. Nonconforming uses

- i. Uses that were legally established and are nonconforming with regard to the sue regulations of the master program may continue as legal nonconforming uses.
- ii. In the absence of other more specific regulations in the master program, such uses shall not be enlarged or expanded, except upon approval of a Conditional Use Permit.
- iii. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire, and any subsequent use shall be conforming unless re-establishment of the use is authorized through a Conditional Use Permit which must be applied for within the two-year period. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use included a phased or rotational operations as part of typical operations. A use authorized pursuant to subsection (2)(e) of this section shall be considered a conforming use for purposed of this section.

C. Nonconforming lot

- i. A nonconforming lot may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

D. Vegetation conservation standards of this Program shall not apply retroactively in a way which requires lawfully existing uses and developments, including residential landscaping and gardens, to be removed except as required as mitigation for new and expanded development.

E. The following shall apply only to pre-existing legal residential structures constructed

prior to the effective date of this Program:

1. The City may allow redevelopment, expansion, or a change of class of occupancy, for residential structures that are consistent with underlying zoning, the SMP, including requirements for no net loss of shoreline ecological functions and maximum height, and that do not intrude farther into a required buffer.
2. Pre-existing legal residential structures that are damaged or destroyed may be replaced to their prior size and location provided:
 - a. All other requirements of the Castle Rock Municipal Code and the Cowlitz County Health Department are satisfied; and
 - b. A complete application for a building permit shall be submitted within one (1) year of the act causing damage or destruction to the dwelling unit.
3. Nothing in this Section shall:
 - a. Restrict the ability of this Program to limit development, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or
 - b. Affect the application of other federal, state, or City requirements to residential structures.

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4. Shoreline Master Program Goals and Policies

4.1 General Shoreline Goals

4.1.1 Goal

Plan for and foster all reasonable and appropriate uses of shorelines in the City of Castle Rock. This should be done in a manner which will achieve an orderly balance of shoreline uses that improve the quality of the environment.

4.1.2 Policies

- A. Require that all new or expanded uses and new or expanded developments are as compatible as possible with the site, the surrounding area and the environment, provide restoration as appropriate, and do not result in a net loss of shoreline ecological functions.
- B. Water-dependent and associated water-related uses are the highest priority for shorelines.
- C. Water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives are the second highest priority.
- D. Limit non-water-oriented uses to those locations where access to the water is not provided or where the non-water-oriented use contributes to the objectives of the Act in providing ecological restoration and public access.
- E. Use of shoreline areas should consider optimal uses for future generations by recognition and of potential long term benefits to the public, and discouragement of short term gain or convenience.
- F. Provide site development performance standards and other appropriate criteria to guide the use and development of shorelines.
- G. Allow multiple use of shoreline areas where integration of compatible uses or activities is feasible.
- H. Provide flexibility for development, including non-water-oriented uses, within the shoreline in areas physically separated from the shoreline by another property or public right-of-way.
- I. Respect and protect private property rights.
- J. Prepare and implement a management plan for the levee along the east bank of the Cowlitz River.
 - 1. This plan shall be prepared in consultation with the US Army Corps of Engineers, local, state, and federal natural resource agencies, and affected property owners.

2. This plan should include, but is not limited to:
 - a. Maintenance priorities and standards.
 - b. Vegetation management priorities.
 - c. Strategies to preserve and enhance fish and wildlife habitat.
 - d. Opportunities to preserve and enhance physical and visual access to the Cowlitz River.

4.2 Historic, Cultural, Archaeological, and Educational Resources

4.2.1 Goal

Protect, preserve and encourage restoration of those sites and areas on the shoreline which have significant historical, cultural, educational or scientific value.

4.2.2 Policies

- A. Continue to identify historic, cultural and archaeological resources within the shoreline in cooperation with federal, state, local and tribal agencies.
- B. Preserve for the public benefit, with opportunity for appropriate public utilization, significant historic, scientific, and educational areas of the shoreline.
- C. Provide that the review and construction of development permits includes professional assessment of historic, cultural and archaeological resources and that such resources are preserved or conserved in compliance with applicable laws when such resources are present.

4.3 Conservation and Restoration

4.3.1 Goal

Protect, preserve, and encourage the restoration of shoreline areas and critical areas.

4.3.2 Policies

- A. All development within shoreline jurisdiction should implement the following sequence of actions when addressing potential adverse effects on the ecological functions within shoreline jurisdiction in the listed order of priority.
 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected

environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 6. Monitoring the impact and the compensation project and take appropriate corrective measures.
- B. Identify, prioritize, and implement shoreline restoration projects in accordance with the provisions of the Program and supporting documents.

4.4 Economic Development

4.4.1 Goal

Give priority to those industrial, commercial and recreational developments that are particularly dependent on their location on City of Castle Rock's shoreline.

4.4.2 Policies

- A. Minimize the adverse effects of new commercial, industrial and recreational development upon the physical environment and natural processes, through careful siting and design and the mitigation sequencing provisions of this Program.
- B. Provide effective flood protection for the City of Castle Rock.

4.5 Flood Prevention and Flood Damage Minimization

4.5.1 Goal

To minimize flood hazards to human life and to property while enhancing the ecological processes of the shoreline.

4.5.2 Policies

- A. Manage flood protection through implementation of the City's Comprehensive Plan, Comprehensive Stormwater Management Plan, stormwater regulations, and the regional flood hazard control plans for the Cowlitz River in accordance with applicable local, state, and federal requirements.
- B. Recognize that flood control works, such as levees, dikes, and revetments, are an existing and important feature to protect life and property in the City of Castle Rock and the region.
- C. Where feasible, non-structural methods or integrated bioengineering/soft engineering approaches to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural flood control works.

D. Protect existing development from flood damage:

1. Maintain existing levee and pump systems to effectively reduce flood hazards in areas currently protected by such facilities.
2. Provide for maintenance dredging of the Cowlitz River and other streams affected by continuing deposition of Mt. St. Helens volcanic deposits to maintain flow capacity and control risk of flooding.
3. New structural flood hazard reduction measures shall be avoided whenever possible. When necessary to protect public health and safety, they shall be consistent with an adopted comprehensive flood hazard management plan and accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes.
4. Long-term programs for flood hazard reduction should include measures to prevent or remove development in flood-prone areas, to manage storm water within the floodplain, and to maintain or restore river and stream systems' natural hydrological and geomorphological processes in addition to structural flood control measures such as levees.
5. Removal of gravel, as opposed to volcanic deposits, for flood management purposes should be avoided unless identified as a necessary part of an adopted flood hazard reduction plan and allowed only after a biological and hydraulic study shows that extraction has a long-term benefit to flood hazard reduction, and does not result in a net loss of ecological functions.

E. Reduce potential hazard to new development by reducing exposure to flood hazards to the extent feasible.

1. New development should be located outside of floodways and should avoid location in floodplains to the maximum extent feasible.
2. New development should be designed and located to preclude the need for flood control structures. New or expanded development or uses in the shoreline, including subdivision of land, that would likely require flood control structures within a stream, channel migration zone, or floodway should be prohibited.
3. Development should be prohibited in the channel migration zone if it would result in interference with the process of channel migration which may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions associated with the rivers and streams.

F. Support measures to restore floodplain and channel migration zone functions, including flood storage, off-channel habitat, associated wetlands, and buffers of sustainable vegetation, through levee setbacks and similar programs, when feasible.

4.6 Public Access

4.6.1 Goal

Ensure safe, convenient and diversified access to publicly owned shorelines of the City of Castle Rock that recognizes the rights of private property owners.

4.6.2 Policies

- A. Public access should be provided consistent with the existing character of the shoreline and with consideration of opportunities and constraints for physical and visual access, as well as consideration of ecological functions and public safety.
- B. Public access to and along the water's edge should be available throughout publicly owned shoreline areas although direct physical access to the water's edge may be restricted to protect shoreline ecological values.
- C. Future developments and redevelopments should not adversely affect existing public access, and should provide new opportunities for the public to reach touch and enjoy the water's edge.
- D. Locate, design and maintain public access development in a manner that enhances the natural environment.
- E. As opportunities and funds arise, purchase or otherwise make available to the public, shoreline properties if their value for public use merits such action.
- F. Existing highway and railroad corridors along shorelines should accommodate public access to the shoreline and provide safe overcrossings to shoreline public access facilities where feasible.
- G. Coordinate with local, state, and federal agencies so that shoreline access is consistent with city and regional parks and recreation, open space and trails plans.
- H. Respect and protect the enjoyment of private rights in shoreline property when considering public access development.
- I. The City shall identify and prioritize opportunities to preserve and enhance public access to shorelines. This may include, but is not limited to:
 - 1. Encouraging donations of privately-owned shorelines to the City.
 - 2. Acquiring privately owned properties along the Riverfront Trail corridor.
 - 3. Identifying sources of funding and/or establishing a public access fund within the City budget to support public access to shorelines.

4.7 Recreation

4.7.1 Goal

Provide additional opportunities for diverse forms of recreation for the public and improvement of existing facilities.

4.7.2 Policies

- A. Shoreline recreation development is a priority and facilities should be located, designed, and operated in a manner consistent with the purpose of the environmental designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes result.
- B. Water-oriented recreational uses are preferred, and the SMP should allow shoreline recreational development in order to provide access, use, and enjoyment of shorelines that does not displace water-dependent uses.
- C. Continue to identify, obtain, preserve and protect areas with high values for recreation, when feasible.
- D. Allow shoreline recreational development in order to provide access, use, and enjoyment of shorelines that does not displace water-dependent uses.
- E. Permit recreational uses as part of private development where compatible with other uses and activities.
- F. Provide a balanced choice of recreational opportunities, including those requirements of the elderly and the physically challenged, when feasible.
- G. Cultivate innovative and cooperative techniques among public agencies and private persons or groups which increase and diversify recreation opportunities.
- H. In providing space for public recreation along the shorelines, give primary emphasis to providing for the local recreation needs for boating, kayaking, canoeing, swimming, bicycling, fishing, picnicking, and other activities benefiting from shoreline access as well as retaining and expanding regional trail systems.
- I. Coordinate with public agencies and Indian tribes so that shoreline recreational developments are consistent with city, county and state parks recreation, open space and trails plan.

4.8 Transportation

4.8.1 Goal

Develop safe, convenient and multi-modal shoreline circulation systems to assure efficient movement of goods and people with minimum disruptions to the shoreline environment and minimum conflict between the different users.

4.8.2 Policies

- A. Locate and design new major circulation systems well away from the shoreline, except for necessary crossings, whenever feasible.

- B. Encourage existing corridors for transportation facilities along shorelines to better accommodate public access to the shoreline and provide safe overcrossings to shoreline public access facilities whenever feasible.
- C. Encourage non-motorized vehicle access such as pedestrian and bicycle to shorelines.
- D. Allow parking facilities within shoreline jurisdiction only to support an authorized use when locations outside of shoreline jurisdiction are not suitable or feasible or when located landward of a levee, dike, revetment, railway, or right-of-way.

4.9 Utilities and Essential Public Facilities

4.9.1 Goal

Provide utility and essential public services necessary to protect the public and safety in a cost effective and efficient manner.

4.9.2 Policies

- A. All new utility facilities should be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- B. New utility processing and production facilities shall not be located in shoreline areas unless it can be demonstrated that no other feasible option exists.
- C. Utilities should be upgraded and maintained to ensure water quality standards will be met.
- D. Utilities should be located in existing rights of way and corridors whenever possible.
- E. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, should be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of ecological functions.
- F. Non-water-dependent essential public facilities or parts thereof should not be located in shoreline areas unless no other feasible alternative exists and shall be designed and operated to assure that there is no net loss of ecological function in accordance with the mitigation sequencing provisions of this Program.

4.10 Shoreline Uses

4.10.1 Goal

Establish specific shoreline use standards in accordance with the provisions of the Washington State Shoreline Management Act, WAC 173-26, WAC 173-27, the Castle Rock Comprehensive Plan, the Castle Rock Municipal Code, and this Master Program.

4.10.2 Policies

A. Agriculture

1. Agricultural uses legally established prior to the effective date of this Master Program may be continued.

B. Aquaculture

1. New aquaculture uses may be permitted only in association with the restoration of native fish species in the Columbia and Cowlitz Rivers.

C. Boating Facilities

1. New or expanded boating facilities should be located at sites with suitable environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.
2. Boating facilities that minimize the amount of shoreline modification, in-water structures, and overwater cover are preferred.
3. Joint use of boating facilities is encouraged.

D. Commercial Uses

1. Priority should be given to water-dependent commercial uses within shoreline jurisdiction.
2. New commercial development that is not water-oriented should be discouraged in shoreline jurisdiction unless such development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration, or if the site is physically separated from the shoreline by another property or public right-of-way.

E. Forest Practices

1. New forest practices within shoreline areas, unless documented to have a positive impact on ecological functions, are strongly discouraged.

F. Industrial Uses

1. Priority should be given to water-dependent industrial uses within shoreline

jurisdiction.

2. New industrial development that is not water-oriented should be discouraged in shoreline jurisdiction unless such development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration, or if the site is physically separated from the shoreline by another property or public right-of-way.

G. Institutional Uses

1. Priority should be given to water-oriented institutional uses within shoreline jurisdiction.
2. New or expanded institutional development that is not water-oriented should be prohibited in shoreline jurisdiction unless such development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration, or if the site is physically separated from the shoreline by another property or public right-of-way.
3. Institutional uses that foster appreciation of shoreline historic, cultural, scientific, and educational resources are encouraged.

H. In-stream Structures

1. Ensure the location, design, construction and maintenance of in-stream structures give due consideration to the full range of public interests, ecological functions and processes, and environmental concerns.
2. Priority consideration shall be given to non-structural and non-regulatory approaches as an alternative to the construction of new in-stream structures.

I. Mining

1. Mining activities should be prohibited in Residential and Recreation Environment Designations.
2. Mining activities should be sited, designed, operated and completed to result in no net loss of shoreline ecological functions and processes after final reclamation of the site.
3. Give preference to mining proposals that result in the creation, restoration or enhancement of habitat for priority species.

J. Residential Development

1. The design of residential uses should minimize the need for new shoreline stabilization.
2. New residential development in shoreline jurisdiction, comprising more than four (4) dwelling units, multi-unit residential development, including the subdivision of land into more than four (4) parcels should provide for public access to the shoreline consistent with this Program, when feasible.

4.11 Shoreline Modifications

4.11.1 Goal

Establish specific standards to limit and guide modifications to shoreline areas in accordance with the provisions of the Shoreline Management Act, WAC 173-26, the Castle Rock Comprehensive Plan, the Castle Rock Development Regulations, and the provisions of the Master Program.

4.11.2 Policies

A. General Policies

1. Allow shoreline modifications only when they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use and adverse impacts are avoided, minimized, and mitigated resulting in no net loss of shoreline ecological functions.
2. The individual and cumulative effects of shoreline modification should not result in a net loss of ecological functions. Ecological impacts should be avoided and mitigated in accordance with the mitigation sequence of this Program.
3. Shoreline modifications should only be approved if they are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. As much as possible, the number and extent of shoreline modifications should be limited.
5. Ecological functions impaired by development activities should be enhanced and/or restored where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, the projects should incorporate all feasible measures to protect ecological shoreline functions and ecosystem wide processes.

B. Shoreline Stabilization

1. New structural shoreline stabilization should be allowed only where demonstrated to be necessary to support or protect an allowed primary structure or legally existing shoreline use that is in danger of loss or substantial damage or where structural modifications are necessary for mitigation or enhancement purposes.
2. Types of shoreline stabilization that have a lesser impact on ecological functions are preferred.

C. Breakwaters and Groins

1. Should only be permitted waterward of the OHWM when necessary to support water-dependent uses, public access, shoreline stabilization, or to protect a publicly owned flood control structure.

D. Piers and Docks

1. Moorage buoys are preferred over docks where appropriate to minimize shallow impacts to shoreline resources.
2. Joint use docks are preferred over single-use docks to help reduce the number of over water structures.
3. Piers and docks should only be permitted when they are in support of a water-dependent use or for the public to gain access to shorelines of the state.

E. Fill and Excavation

1. Fill and excavation should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration in accordance with the provisions of WAC 173-26-231 (3)(c).

F. Dredging and Dredge Material Stockpiling

1. Dredging and dredge material stockpiling may be permitted in jurisdictional shoreline areas in accordance with the mitigation sequencing provisions in this Program.
2. Dredging operations should conform to the operating standards specified on any federal and state permits required for such operations.
3. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
4. The necessary and ongoing maintenance dredging of the Cowlitz River for flood control purposes, including actions by the U.S. Army Corps of Engineers, should be supported.

G. Shoreline Habitat and Ecological Enhancement Projects

1. Facilitate the projects described within the Shoreline Restoration Plan (Appendix C).
2. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species.
3. Shoreline restoration and enhancement activities should be designed to create or improve dynamic and sustainable ecosystems.
4. All shoreline restoration and enhancement projects should protect the integrity of adjacent natural resources, including aquatic habitats and water quality.
5. Where possible, restoration and enhancement activities should be integrated and coordinated with other parallel natural resource management efforts.
6. May include public access facilities when feasible.

5. Shoreline Environment Designations and Shorelines of Statewide Significance

5.1 Introduction

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

Management policies are an integral part of the shoreline environment designations and are used for determining uses and activities that can be permitted in each shoreline environment designation.

Sections 6 and 7 contain development regulations to specify how and where permitted development can take place within each shoreline environment designation and they govern height and setback.

5.2 Authority

Local governments are required under the Act to develop and assign a land use categorization system known as “shoreline environment designations” for shoreline areas as a basis for effective shoreline master programs.

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

5.3 Shoreline Environment Designation Interpretation

- A. Shoreline jurisdiction maps are approximate. The OHWM and resultant upland, lateral extent of shoreline jurisdiction will need to be determined on a site-specific basis at the time of application. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the upland extent of shoreline jurisdiction are automatically assigned the category of the contiguous upland shoreline environment designation.
- B. All other areas that were neither mapped in the shoreline jurisdiction nor meet the applicability criteria in Section 3.1, Applicability, shall be assigned a conservancy

designation until the shoreline can be designated through a Program amendment, unless otherwise provided in this Program.

- C. Property shown in shoreline jurisdiction that does not meet the definitions of shoreline or shoreland found in RCW 90.58.030 or the applicability criteria in Section 3.1 Applicability, shall not be subject to the requirements of this Program.
- D. Potentially associated wetlands shown on the Shoreline Environment Designation Map (Appendix A) must be delineated at the time of application. Those portions of delineated associated wetlands would receive the adjoining shoreline environment designation. In the case that there is more than one adjoining designation, the most restrictive designation should be assigned.
- E. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow the nearest right-of-way edge.

5.4 Shoreline Environment Designations

The City classification system consists of shoreline environment designations that are consistent with and implement the Act, the Program, and the City of Castle Rock Comprehensive Plan.

These designations have been assigned consistent with the corresponding criteria provided for each shoreline environment designation. In delineating shoreline environment designations, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. The shoreline environment designations are, High-Intensity, Residential, Aquatic, and Recreation.

5.4.1 High-Intensity Environment

Purpose

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

Management Policies

- A. Priority should be given to water-dependent, water-related, and water-enjoyment uses in that order of preference. Non-water-oriented uses within the High-Intensity shoreline environment designation are appropriate on sites where there is no direct access to the shoreline because of another property separating it from the shoreline or an intervening public right-of-way.

- B. Non-water-oriented uses on sites adjacent to the water should provide public benefit in the form of ecological enhancement and/or public access in compliance with the provisions of this Program.
- C. Where unavoidable impacts to ecological functions occur, appropriate mitigation should be provided in accordance with this Program to achieve no-net-loss. Where applicable, development should include environmental cleanup and restoration of the shoreline in accordance with relevant state and federal law.
- D. Visual and/or physical public access should be provided, where feasible.
- E. Aesthetic objectives of this Program should be in character with high intensity development and include height limits, screening, and other standards consistent with the primary purpose of accommodating high-intensity uses.
- F. Existing urban areas appropriate for intensive development should be fully utilized before expanding intensive development into other areas.

Designation Criteria

The High-Intensity environment designation is given to shoreline areas within the City of Castle Rock if they currently support or are planned for high-intensity uses related to commercial, industrial, or transportation.

5.4.2 Residential Environment

Purpose

The purpose of the Residential environment designation is to accommodate residential development and appurtenant structures, as well as public use, public access, and recreational uses that are consistent with this Program.

Management Policies

- A. New residential development should take into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, the proximity to levees, dikes, revetments, roads, railways, and other public right-of-ways, and comprehensive planning considerations.
- B. Multi-family and multi-lot residential (greater than four [4] lots) developments should provide public access and joint use for community facilities in compliance with this Program.
- C. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
- D. New commercial development should be limited to water-oriented uses, as provided in this Program.

Designation Criteria

The Residential environment designation has been assigned to shoreline areas inside the City of Castle Rock planned, platted, or characterized, for single or multi-family residential development.

5.4.3 Aquatic Environment

Purpose

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

Management Policies

- A. Allow new over-water and in-water structures only for water-dependent uses, public access, or ecological restoration. In order to reduce the impacts, multiple use of overwater facilities should be encouraged, and the size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.
- B. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- C. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed, except where necessary to achieve the objectives of RCW 90.58.020.
- D. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- E. New and maintenance dredging should be permitted in accordance with applicable local, state, and federal standards and the provisions of this Program.
- F. The repair and maintenance of flood control features such as levees, dikes, and revetments should be permitted in accordance with applicable local, state, and federal standards.

Designation Criteria

- A. The Aquatic environment designation is applied to lands waterward of the OHWM.

5.4.4 Recreation Environment

Purpose

The Recreation environment designation is intended to provide areas for new and continued recreational and public access opportunities along shorelines including public and private parks and recreational facilities. An additional purpose is to maintain ecological functions and open space.

Management Policies

- A. New recreation development shall be permitted in accordance with the provisions of approved plans and in accordance with the mitigation sequencing provisions of this Program.
- B. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses provided significant adverse impacts to the shoreline can be mitigated.
- C. To the extent possible, recreational opportunities should be accessible by all populations.
- D. New recreation design should encourage ecological stewardship by locating non-water-dependent activity areas away from the water's edge and planting and maintaining sustainable vegetation buffers along the water.

Designation Criteria

The Recreation environment designation is applied to shoreline areas where public and private lands are devoted to or designated for recreation use including parks and open space and water-dependent uses which provide recreational moorage, as well as where lands are not yet developed but are planned for water-oriented recreation.

5.5 Shorelines of Statewide Significance

The Act designated certain shoreline areas as Shorelines of Statewide Significance (SSWS). Because these shorelines are major resources from which all people in the state derive benefit, the City should give preference to uses which favor long-range goals and support the overall public interest.

Within the City of Castle Rock, the Cowlitz River is designated as an SSWS. SSWS are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

- A. Every project located on an SSWS shall demonstrate the following priorities, in order of preference, in all permit review, in addition to other criteria provided by this Program:

1. Recognize and protect the statewide interest over local interest.
 - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating amendments to the Program, and any proposed amendments affecting SSWS, to state agencies, affected tribes, adjacent jurisdictions, citizen's advisory committees and local officials, and statewide interest groups.
 - b. Recognize and take into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.
 - c. Solicit comments, opinions, and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
 - b. Restore, enhance, and/or redevelop those areas where intensive development or uses already exist in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.
 - c. Protect and preserve existing diversity of sustainable vegetation function and habitat values, wetlands, and riparian corridors associated with shoreline areas.
3. Support actions that result in long-term over short-term benefit.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 - b. Protect resources and values of SSWS for future generations by modifying or prohibiting development that would irretrievably damage shoreline resources.
 - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
4. Protect the resources and ecological function of the shoreline.

- a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values, and water quality.
 - b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing, and habitat areas and migratory routes.
 - c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human use.
 - d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.
 - e. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of currently degraded wetland areas.
5. Increase public access to publicly owned areas of the shoreline.
- a. Retain and enhance public access to the shoreline including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.
 - b. Give priority to developing a system of linear access consisting of paths and trails along the shoreline areas, providing connections across current barriers.
 - c. Provide multi-purpose, non-motorized trail facilities, in accordance with the provisions of the American's with Disabilities Act, wherever feasible.
6. Increase recreational opportunities for the public on the shoreline.
7. Plan for and encourage development of public facilities for water-oriented recreational use of the shoreline.

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6. General Shoreline Regulations

This Chapter describes general regulations which apply to all shorelines of the state that are located in the City of Castle Rock. The general regulations Section is used in conjunction with the use and modification regulations found in Chapter 7.

6.1 No Net Loss of Ecological Function

- A. All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological functions, in accordance with the mitigation sequencing provisions of the Program.
- B. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food web support, and water quality maintenance.
- C. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.
- D. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
- E. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:
 - 1. Avoid the adverse impact altogether by not taking a certain action or parts of an action or by moving the action.
 - 2. Minimize adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
 - 3. Rectify the adverse impact by repairing, rehabilitating, or restoring the affected environment.
 - 4. Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the action.

5. Compensate for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.
6. Monitor the adverse impact and take appropriate corrective measures.
- F. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in this Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.
- G. Uses and development activities that comply with the provisions of the Castle Rock Comprehensive Plan and the Castle Rock Municipal Code may be permitted landward of levees, dikes, revetments, roads, railways, and rights-of-way, in accordance with the provisions of the Shoreline Management Act and this Program, including but not limited to the provisions requiring no net loss of ecological function and mitigation sequencing.
- H. Wetland Mitigation Banking – Credits from a certified mitigation bank may be used to compensate for unavoidable impacts. Reference Castle Rock Municipal Code Section 18.10.120 (I).

6.2 Archaeological, Cultural, and Historic Resources

- A. If historic, cultural, or archaeological sites or artifacts are discovered in the process of development, work shall be stopped immediately in accordance with the provisions of federal, state, and local laws, the site secured, and the find reported as soon as possible to the City. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation (DAHP) and affected tribes. The City may provide for a site investigation by a qualified professional and may provide for avoidance or conservation of the resources in coordination with appropriate agencies. All shoreline permits shall contain a special provision notifying permittees of this requirement. Failure to comply with this requirement shall be considered a violation of the shoreline permit and shall subject the permittee to legal action.
- B. Prior to approval of development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist in coordination with affected tribes. Conditions of approval may require preservation or conservation of cultural resources as provided by applicable federal, state, and local statutes. All permits issued for development in areas known to be archaeologically significant shall provide for monitoring of any development activity for previously unidentified cultural resources.

6.3 Critical Areas Protection

Critical Areas Regulations are in Appendix B.

6.3.1 Applicable Critical Areas

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

6.3.2 General Provisions

- A. Shoreline uses, activities, developments and their associated structures and equipment shall be located, designed and operated to protect the ecological processes and functions of critical areas.
- B. New and/or expanded development proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions to ensure no net loss of ecological functions.
- C. Critical areas within the shoreline jurisdiction shall be regulated for any use, development, or activity as provided in accordance with this Program and Appendix B.
- D. If provisions of Appendix B and other parts of this Program conflict, the provisions most protective of ecological resources shall apply, as determined by the City.
- E. Unless otherwise stated, critical area buffers associated with jurisdictional shoreline areas shall be regulated in accordance with this Program and Appendix B, including but not limited to, Section 2.5, Table 7, and Table 8.
- F. These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 3.1, Applicability.
- G. All critical areas and critical areas buffers located outside of the jurisdiction of the Shoreline Management Act shall be subject to the provisions of the Castle Rock Municipal Code and the Washington State Growth Management Act.

6.4 Flood Prevention and Flood Damage Minimization

This Program addresses flooding in two different ways. This Section includes flood hazard reduction measures, including flood control works, intended to avoid increasing hazards and minimize damage. Section 6.3 includes flood hazard protections through the Critical Areas Regulations.

- A. Development or uses in floodplains shall avoid significantly or cumulatively increasing flood hazards, and shall be consistent with Chapter 15.24 of the CRMC.
- B. New residential, commercial, or industrial development and uses, including subdivision of land, within shoreline jurisdiction are prohibited if it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures in the channel migration zone or floodway over the life of the development.
- C. The following uses and activities may be authorized in floodways or channel migration zones when otherwise permitted by this Program:
 - 1. Actions and development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 - 2. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 - 3. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
 - 4. Bridges, utility lines, public stormwater and wastewater facilities and their outfalls, and other public utility and transportation structures where no other feasible alternative exists, or where the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.
 - 5. Repair and maintenance of an existing legally established use, provided flood hazards to other uses are not increased and that the activity does not cause significant ecological impacts that cannot be mitigated.
 - 6. Development in Castle Rock, where structures exist that prevent active channel movement and flooding.
 - 7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.
 - 8. Measures to reduce shoreline erosion provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions associated with the river or stream.
- D. Removal of materials for flood management purposes shall be consistent with an adopted flood hazard reduction plan in accordance with the mitigation sequencing provisions of this Program and shall only be allowed if a biological and

geomorphological study demonstrates a long-term benefit to flood hazard reduction.

E. Channel Migration Zones:

1. Channel migration zones must be evaluated on a site by site basis when required by the City.
2. The Channel Migration Zone Map is available for review at the City as either hard copy or computer-generated image. Applicants may submit a site-specific channel migration zone study if they believe these conditions do not exist on the subject property and the map is in error. The study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The study must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.

F. Flood Control Works:

1. New or expanded structural flood hazard reduction measures, such as dikes, levees, revetments, berms, and similar flood control structures, shall be consistent with flood hazard regulations or management plans adopted pursuant to RCW 86.12, provided the plan has been adopted after 1994 and approved by Ecology.
2. New or expanded structural flood hazard reduction measures shall be permitted only when it can be demonstrated by a scientific and engineering analysis that:
 - a. They are necessary to protect existing development;
 - b. Non-structural flood hazard reduction measures are infeasible; and
 - c. Appropriate vegetation conservation actions are undertaken consistent with Section 6.6, Vegetation Conservation.
 - d. Appropriate mitigation is provided consistent with Section 6.1.
3. Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways consistent with Section 6.5 of the SMP:
4. To the maximum extent feasible, new or altered dikes, levees, and revetments shall be designed to be:
 - a. The height necessary to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control

management plan or as required by the U.S. Army Corps of Engineers, or FEMA.

- b. Placed landward of associated wetlands and designated fish and wildlife conservation area buffers identified in Table 8 of Appendix B of this SMP, except for actions that increase ecological functions, unless there is no other feasible alternative to reduce flood hazard to existing development in which case all impacts will be mitigated as required in Section 6.1 and Appendix B.
 - c. Located and designed so as to protect and restore the natural character of the stream, avoid the disruption of channel integrity, and provide the maximum opportunity for natural floodway functions to take place, including levee setbacks to allow for more natural functions of floodplains, channel migration zones, off-channel habitat, and associated wetlands directly interrelated and interdependent with the stream.
 - d. Planted with appropriate vegetation meeting the certification requirements while providing the greatest amount of ecological function possible.
5. A geotechnical or geofluvial report prepared by a qualified professional should demonstrate that new or altered flood protection structures will not increase downstream flooding and will not adversely affect natural drainage flows and stormwater runoff.
- G. Information Required. The City shall require the applicant to provide the following information as part of an application for development within a flood hazard area.
- 1. Flood hazard area characteristics up and downstream or up and down current from the project area;
 - 2. Existing shoreline stabilization and flood protection works within the area;
 - 3. Physical, geological, and soil characteristics of the area;
 - 4. Biological resources and predicted impact to fish, vegetation, and animal habitat associated with shoreline ecological systems;
 - 5. Predicted impact upon adjacent area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
 - 6. Analysis of alternative flood protection measures, both structural and nonstructural.

6.5 Public Access

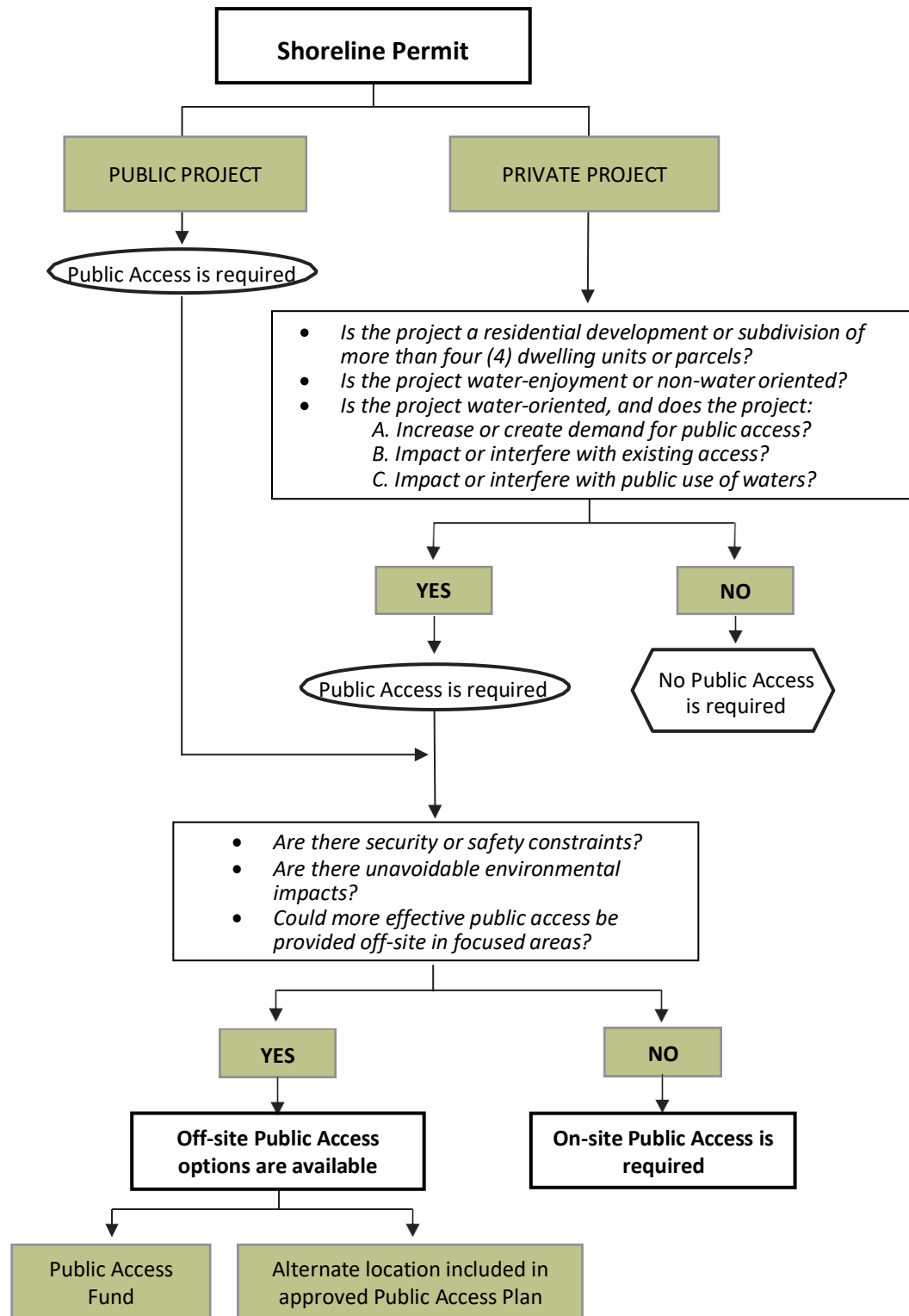
Public access provisions apply to all shorelines of the state, if feasible, unless stated otherwise and are intended to protect the ability of the general public to reach, touch, and

enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

A. Applicability (also see Figure 6-1):

1. Public access shall be required in the following circumstances:
 - a. The use or development is a public project; or
 - b. The project is a water-enjoyment or non-water-oriented use or development; or
 - c. The project is a residential development of more than four (4) dwelling units; or
 - d. The project is a subdivision of land into more than four (4) parcels; or
 - e. The project is a private water-dependent or water-related use or development and one of the following conditions exists:
 - i. The project increases or creates demand for public access;
 - ii. The project impacts or interferes with existing access by blocking access or discouraging use of existing access;
 - iii. The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.
2. Public access to the shoreline shall not be required for the following:
 - a. Activities qualifying for a Shoreline Letter of Exemption;
 - b. New single-family residential development of four (4) or fewer units; or
 - c. Reasonable, safe and convenient public access to the shoreline exists within one-quarter mile (1,320 feet) of the site.
3. Physical public access shall not be required where the new or expanded use or development would be physically separated from the shoreline by another property or public right-of-way.
4. The City may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial evidence that at least one of the following conditions exist:
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any reasonable means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

- c. The cost of providing the access, easement, or an alternative amenity, is unreasonably disproportionate to the total long term cost of the proposed development;
- d. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, would result from public access on-site;
- e. Significant undue and unavoidable conflict between access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; and/or
- f. More effective public access can be provided off-site by focusing public access improvements at sites within shoreline jurisdiction identified in an approved Shoreline Public Access Plan. The Public Access Plan will reference the Castle Rock Comprehensive Plan, the City Park's Plan, the Regional Trail Plan, and other such plans as may be adopted by the City.

Figure 6-1. Public Access Applicability

5. To be approved for alternative public access, the applicant shall demonstrate that all feasible alternatives have been considered, including, but not limited to, regulating access through allowed hours of use, maintaining access gate, and/or separating uses and activities with fences, terracing, hedges, etc.

B. Public Access Standards:

1. When public access is required and provided on site, it shall be:
 - a. Located and designed to be compatible with the natural shoreline character as much as possible, to avoid adverse impacts to shoreline ecological functions, and to ensure public safety, as feasible.
 - b. Allowed to encroach into the shoreline buffer when necessary to provide physical and or visual access to the water's edge when otherwise consistent with this Program and Appendix B, Critical Areas Regulations.
 - c. Connected to the nearest public street and shall include improvements that conform to the requirements of the ADA when feasible or required by law.
 - d. Fully developed and available for public use prior to final occupancy when required for public land, commercial, port or industrial use/development.
 - e. Clearly identified by signage installed and maintained in easily visible locations indicating the public's right of access, hours of access, and other information as needed to control or manage access according to conditions of approval.
 - f. Recorded by easement and permit conditions on the deed of title and/or the face of a short or long plat. Recordation shall occur at the time of final plat approval or prior to final occupancy.
 - g. Consistent with all relevant constitutional and other legal limitations on regulation of private property.
2. Off-site or Alternative Public Access:
 - a. When public access is provided off-site location, design, and access type shall be consistent with Castle Rock's adopted Shoreline Public Access Plan, the Castle Rock Parks and Recreation Plan, the Cowlitz County Regional Trail Plan, and the Castle Rock Comprehensive Plan.
 - b. When public access is allowed off-site, an applicant may elect to make a payment into the City's Shoreline Public Access Fund in lieu of developing the access directly, if such a fund has been established by the City. Such payment should be used to finance activities of a similar nature.

3. Public access requirements for a single-family residential development of greater than four (4) parcels but less than ten (10) parcels can be met by providing community access to the shoreline or to a common waterfront lot/tract for non-commercial recreation use by the property owners and guests within the subdivision.

6.6 Vegetation Conservation

- A. All development shall minimize vegetation removal in areas of shoreline jurisdiction to the amount necessary to accommodate the permitted use.
- B. Unless otherwise specified, all shoreline uses and development shall comply with the setback and buffer provisions of this Program included in Table 7-1 and Appendix B, to protect and maintain shoreline vegetation.
- C. Vegetation conservation standards of this Program shall not apply retroactively in a way which requires lawfully existing uses and developments, including residential landscaping and gardens, to be removed, except as required as mitigation for new and expanded development. Routine maintenance of existing landscaping and gardens is allowed.
- D. Vegetation may be removed or altered landward of shoreline buffers described in this Program provided that there is no net loss of ecological function.
- E. Shoreline landowners are encouraged to preserve and enhance sustainable woody vegetation and sustainable groundcovers to stabilize soils and provide habitat. When shoreline uses or modifications require a planting plan (i.e., uses or modifications that require a mitigation plan), maintaining sustainable plant communities, replacing noxious weeds and avoiding installation of ornamental plants are preferred. Non-native vegetation requiring use of fertilizers, herbicides/pesticides, or summer watering is discouraged.
- F. Mitigation plans shall be approved before initiation of other permitted activities, unless a phased schedule that ensures completion prior to occupancy has been approved.
- G. Aquatic weed control shall only occur to protect sustainable plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified professional.
- H. Limbing or crown thinning shall comply with the Tree Care Industry Association pruning standards, unless the tree is a hazard tree as defined by this SMP. No more than 25 percent of the limbs of any single tree may be removed and no more than 20 percent of the canopy cover in any single stand of trees may be removed for view preservation.

- I. The clearing of non-native vegetation is allowed as is routine landscape maintenance and family gardening, when conducted using hand-held equipment.
- J. Vegetation may be removed or altered landward of shoreline buffers described in this Program provided that there is no net loss of ecological function.

6.7 Water Quality and Quantity

- A. All shoreline development shall comply with the applicable requirements of the Castle Rock Comprehensive Plan, which identifies the *1992 Puget Sound Stormwater Management Manual*, as approved by the City, as the guidance for the City's program, and best management practices to prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions and/or a significant impact to aesthetic qualities or recreational opportunities.
- B. Stormwater management structures including ponds, basins, and vaults shall be located outside of shoreline jurisdiction where possible, as far from the water's edge as feasible, and shall minimize disturbance of vegetation conservation buffers. Low impact development facilities (which do not substantially change the character of the shoreline) such as vegetation filter strips, grass-lined swales, and vegetated bioretention and infiltration facilities, are encouraged in association with development allowed in shoreline jurisdiction.
- C. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.
 - 1. Any existing septic system or other on-site system that fails or malfunctions will be required to connect to an existing municipal sewer service system if feasible, or make system corrections approved by the Cowlitz County Environmental Health Unit.
 - 2. Any new development, business, single-family or multi-family unit will be required to connect to an existing municipal sewer service system if feasible, or install an on-site septic system approved by Cowlitz County Environmental Health Unit.

7. Specific Shoreline Use Regulations

The regulations in this Chapter apply to specific uses within shoreline jurisdiction. In many circumstances, more than one Section of use regulations will apply to a specific proposal. Guiding policies for uses and modifications are located in Chapter 4.

7.1 Shoreline Use, Modification, and Standards Tables

- A. Table 7-1 Shoreline Use, Modification, Setbacks, and Heights, shall be used to determine which uses may be permitted (P), approved with conditions through the issuance of a Shoreline Conditional Use Permit (SCUP), or prohibited (X) in each shoreline environment. Specific regulations for each corresponding Use and Modification can be found in Chapters 7 of the SMP.
- B. All uses and development activities proposed for jurisdictional shoreline areas must comply with all provisions of the Castle Rock Municipal Code, as determined by the City.
- C. Setbacks shall be measured on a horizontal plane landward from the required feature described in Table 7-1 below.

Table 7-1. Shoreline Use, Modification, Setbacks, and Heights

| Table Key: P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable | Shoreline Environment Designations | | | |
|---|------------------------------------|-------------|----------------|---------|
| | High-Intensity | Residential | Recreation | Aquatic |
| Shoreline Uses | | | | |
| Agriculture ⁽¹⁾ | P | P | X | X |
| Aquaculture ⁽²⁾ | P | P | P | P |
| Boating Facilities ⁽³⁾ | P | P | P | P |
| Marinas | X | X | X | X |
| Commercial ⁽⁴⁾ | | | | |
| Water-dependent | P | P | X ⁴ | P |
| Water-related | P | P | X ⁴ | P |
| Water-enjoyment | P | P | P | P |
| Non-water-oriented | P | X | X | X |
| Forest Practices ⁽⁵⁾ | P | X | X | X |
| Industrial ⁽⁶⁾ | | | | |
| Water-dependent | P | X | X | P |
| Other water-oriented | P | X | X | X |
| Non-water-oriented | P | X | X | X |
| Institutional ⁽⁷⁾ | P | P | P | X |

| Table Key: P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable | Shoreline Environment Designations | | | |
|---|------------------------------------|-------------|------------|---------|
| | High-Intensity | Residential | Recreation | Aquatic |
| In-stream structures ⁽⁸⁾ | P | P | P | P |
| Mining ^(9, 18, 19) | SCUP | X | X | SCUP |
| Recreation ⁽¹⁰⁾ | | | | |
| Water-dependent | P | P | P | P |
| Other water-oriented | P | P | P | P |
| Non-water-oriented | P | P | P | X |
| Residential ⁽¹¹⁾ | | | | |
| Single family | P | P | X | X |
| Multi-family | P | P | X | X |
| Floating or over-water residence, including live-aboard vessels | X | X | X | X |
| Transportation ⁽¹²⁾ | | | | |
| Bridges | P | P | P | P |
| Roads, Railroads, Trails | P | P | P | X |
| Parking (Accessory) | P | P | P | X |
| Parking (Primary Use) | X | X | X | X |
| Utilities ⁽¹³⁾ | P | P | P | P |
| Uses Not Specified | SCUP | SCUP | SCUP | SCUP |
| Modifications | | | | |
| Shoreline Stabilization ⁽¹⁴⁾ | P | P | P | P |
| Breakwaters and Groins ⁽¹⁵⁾ | SCUP | SCUP | SCUP | SCUP |
| Fill / Excavation ⁽¹⁶⁾ | P | P | P | SCUP |
| Dredging ⁽¹⁷⁾ | | | | |
| Dredging | N/A | N/A | N/A | P |
| Dredge Disposal / Material Stockpiling | P | X | P | X |
| Habitat and Ecological Enhancement ⁽¹⁸⁾ | P | P | P | P |
| Flood Control Works ⁽²⁰⁾ | | | | |
| Modification of Existing Flood Control Works (including relocation further landward) | P | P | P | SCUP |
| New Flood Control Works | P | P | P | SCUP |
| Dimensional Standards | | | | |
| Buffer ⁽²³⁾ | See Table 8, Appendix B | | | |
| Building setback from Buffer in Table 8, Appendix B, or Landward Toe of Levee Where Present ⁽²³⁾ | 10' | 10' | 10' | N/A |

| Table Key: P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable | Shoreline Environment Designations | | | |
|---|---|--------------------|-------------------|----------------|
| | High-Intensity | Residential | Recreation | Aquatic |
| Maximum Height ⁽²¹⁾ | 35' | 35' | 35' | 35' |
| Minimum River Frontage ⁽²²⁾ | N/A | 60' | N/A | N/A |

Table Footnotes:

- (1) See Section 7.2.1 for more details.
- (2) See Section 7.2.2 for more details.
- (3) See Section 7.2.3 for more details.
- (4) See Section 7.2.4 for more details.
- (5) See Section 7.2.5 for more details.
- (6) See Section 7.2.6 for more details.
- (7) See Section 7.2.7 for more details.
- (8) See Section 7.2.8 for more details.
- (9) See Section 7.2.9 for more details.
- (10) See Section 7.2.10 for more details.
- (11) See Section 7.2.11 for more details.
- (12) See Section 7.2.12 for more details.
- (13) See Section 7.2.13 for more details.
- (14) See Section 7.3.2 for more details.
- (15) See Section 7.3.3 for more details. A Breakwater or groin for the purposes of restoration or ecological protection is a permitted use through an SSDP and does not require an SCUP.
- (16) See Section 7.3.4 for more details.
- (17) See Section 7.3.5 for more details.
- (18) See Section 7.3.6 for more details.
- (19) New mining activities proposed in channel migration zones located within jurisdictional shoreline areas may be approved only through a Shoreline Conditional Use Permit.
- (20) See Section 6.4 for more details.
- (21) Additional height may be approved in accordance with Section 7.2.6.G.
- (22) In the R-1 zoning district, Minimum River Frontage for a two-family dwelling is 75'.
- (23) Water-dependent uses and developments may locate within the buffers shown in Table 8, Appendix B, and within the setbacks shown in Table 7-1. These uses must meet mitigation sequencing requirements to avoid, minimize, and mitigate for adverse impacts.

7.2 Shoreline Use

7.2.1 Agriculture

- A. For the purposes of this Program, the definitions in WAC 173-26-020 apply for the terms agricultural activities, agricultural products, agricultural equipment and facilities, and agricultural land.
- B. In accordance with RCW 90.58.065, this Program shall not restrict existing or ongoing agricultural activities occurring on agricultural lands. The regulations in this Program apply to:

1. New agricultural activities on land not meeting the definition of agricultural land;
 2. Conversion of agricultural lands to other uses; and
 3. Other development on agricultural land that does not meet the definition of agricultural activities.
- C. New or expanded agricultural uses and developments shall conform to the requirements of this Program.
1. The use of tanks and troughs for animal watering is encouraged; allowing animals direct, unrestricted access to surface water is not permitted. If stream crossings are necessary, bridges, culverts, or ramps shall be used to enable animal crossing without damaging the streambed or banks and must conform to requirements of this Program.
 2. Surface water drainage and runoff shall be diverted away from animal confinement and waste storage sites.
 3. Animal confinement areas shall be graded to slope away from surface water.
 4. Gutters and downspouts shall be installed on roofs to prevent excess water from entering animal confinement areas. The roof water shall be managed consistent with current stormwater standards.
 5. Wetlands and Fish and Wildlife Habitat critical areas and their buffers or required setbacks shall not be used as animal containment sites.
 6. Confinement lots, feeding operations, lot wastes, stockpiles of manure solids, manure lagoons, and storage of noxious chemicals are prohibited in shoreline jurisdiction.

7.2.2 Aquaculture

- A. New aquaculture uses may be permitted only in association with the restoration of native fish species in the Cowlitz River.
- B. Non-commercial aquaculture undertaken for conservation or habitat restoration purposes is a preferred use within the City of Castle Rock's shorelines.
- C. Aquaculture is not allowed where it would significantly conflict with navigation or other water-dependent uses.
- D. Aquaculture facilities shall not significantly impact the aesthetic qualities of the shoreline.

7.2.3 Boating Facilities

- A. General Requirements:

1. New and modified boating facilities shall meet Washington State Department of Natural Resources requirements and other state guidance if located in or over state-owned aquatic lands.
2. Boating facilities shall locate in areas where:
 - a. There is adequate water mixing and flushing;
 - b. The structure would not block or obstruct lawfully existing or planned public shoreline access;
 - c. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard;
 - d. Water depths are adequate to minimize new or maintenance dredging and other channel maintenance activities;
 - e. The structure would minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris;
 - f. New shoreline stabilization would not be needed. Where the need for stabilization is unavoidable, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft may be allowed; and
 - g. Water depths are adequate to prevent floating structures from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.
3. Boating facilities shall not be located:
 - a. Along braided or meandering river channels where the channel is subject to change in alignment;
 - b. On point bars or other accretion beaches; or
 - c. Where existing in-water navigation uses would be impaired or obstructed.
4. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come into contact with water shall be approved by applicable state agencies for use in water.
5. Boating uses and facilities shall be located away from public swimming beaches and fishing.
6. Accessory uses at boating facilities shall be:

- a. Limited to water-oriented uses, including uses that provide physical or visual shoreline access for the general public.
 - b. Located as far landward as possible while still serving their intended purposes.
7. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.
8. Lighting associated with overwater structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or water bodies. Illumination levels shall be the minimum necessary for safety.
9. When feasible boating facilities shall be designed to be aesthetically compatible with the surrounding shoreline environment, and where aesthetic impacts are unavoidable mitigation shall be provided.
10. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not obstructed.
11. New uses, developments and activities accessory to boating facilities should be located outside any applicable shoreline buffer unless at least one of the following is met:
 - a. Proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility);
 - b. The applicant's lot/site has topographical or other constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).

In these circumstances, uses and modifications accessory to water-dependent boating facilities must be designed and located to minimize intrusion into the buffer, and any adverse impacts to ecological functions shall be mitigated.

B. Boat Launches

1. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available with consideration for site-specific conditions and the particular needs of that use.

2. There is no maximum length or width for boat launches; however, the proponent must demonstrate that the size proposed is the minimum necessary to allow the use proposed.
3. Additional standards for public boat launches are as follows:
 - a. Public boat launches shall include adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.
 - b. When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access and/or where such facilities will increase public opportunities for water access.
 - c. Public boat launches shall be located and designed to prevent traffic hazards and to minimize traffic impacts on nearby access streets.
 - d. Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand.

C. Docks

1. New piers and docks shall be allowed only for water-dependent uses or public access.
2. New dock construction, excluding docks accessory to single-family residences (regulated under Subsection D of this Section), shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended primary water-dependent use. The applicant shall demonstrate need by providing a needs analysis or comprehensive master plan projecting future needs for dock or moorage space for approval. If approved by staff, the document may serve as the necessary justification for design, size, and construction to the extent that the plans are consistent with this Program.
3. Extended moorage on waters of the state requires a lease or permission from the WA State Department of Natural Resources.

D. This Section applies to docks and buoys that are accessory to four (4) or fewer single-family residences. A dock associated with a single-family residence is considered a water-dependent use if it is designed and intended for access to watercraft and complies with the requirements of this Program.

1. A new moorage structure (dock or buoy) to serve a single-family residence may be allowed only when the lot does not have access to a shared structure and there is no homeowners association or other corporate entity capable of developing shared structure.

2. Prior to approving a new residential dock, an applicant shall demonstrate that a mooring buoy is not feasible to provide moorage.
3. When feasible, new residential development of two or more dwellings with new accessory docks shall provide joint use or community dock facilities to reduce ecological impacts of new overwater facilities.
4. Docks shall meet the following standards:
 - a. Docks shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length of docks accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. The maximum length for residential docks shall be limited to either sixty (60) feet as measured horizontally from the OHWM, or the length necessary to provide a minimum of six (6) feet of water depth. The maximum width for residential docks shall be limited to six (6) feet. The dimensional standards may be adjusted as required by local, state and federal agencies.
 - b. New or expanded covered moorage is prohibited.
 - c. Floats shall be constructed and attached so that they do not ground out on the substrate. Float stops, tubs, or similar structures may be used. A minimum of one (1) foot of elevation above the substrate is required.
 - d. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment, except as may be necessary to protect the public health and safety and comply with other provisions of this Program, as determined by the City.
 - e. Piling diameter shall be sized to use the minimum possible while meeting the structural requirements of expected loads.
 - f. Grating, or clear translucent material, shall cover the surface area of the pier and ramp waterward of the OHWM and all portions of float(s) not underlain by float tubs or other material that provides buoyancy. The open area of grating shall have a minimum of sixty percent (60 percent) open space, or as otherwise required by state or federal agencies during permit review, unless determined to be infeasible due to specific site or project considerations. Clear translucent material shall have greater than ninety percent (90 percent) light transmittance as rated by the manufacturer.

- g. Docks shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded in a format(s) prescribed by the City and a copy filed with the shoreline permit application.
- 5. Unavoidable impacts from new or expanded private boat moorage or launch construction pursuant to this Section shall be minimized and mitigated consistent with the requirements of this Program.
- 6. Moorage or launch structures shall not be allowed in critical freshwater aquatic habitats unless it can be established that the structure, including auxiliary impacts and established mitigation measures, will not be detrimental to the natural habitat or species of concern, and complies with the mitigation sequencing provisions of this Program.

7.2.4 Commercial

- A. Water-dependent commercial uses are preferred over non-water-dependent commercial uses. Water-related and Water enjoyment use are preferred over non-water-oriented uses.
- B. Non-water-dependent commercial uses shall not be allowed if they displace existing viable water-dependent uses or if they are proposed to occupy space designated for water-dependent uses identified in a previously approved SSDP or SLE.
- C. New or expanded non-water-oriented commercial development may be allowed only when:
 - 1. It is part of a mixed-use project including water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or
 - 2. Navigability is severely limited at the site and the development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or
 - 3. The site is physically separated from the shoreline by another property or public right-of-way.
- D. Commercial uses shall provide a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration where feasible, in compliance with Section 6.5 of this SMP, and shall avoid impacts to existing navigation, recreation and existing public access.

- E. Overwater structures, or other structures waterward of the OHWM, are allowed only for those portions of water-dependent commercial uses that require overwater facilities as an essential feature of their function or for public access facilities. Design of overwater structures or structures beyond the OHWM shall demonstrate that they will not interfere with normal stream geomorphic processes, require additional future shoreline stabilization, and interfere with navigation or normal public use of the water and will mitigate any unavoidable impacts to shoreline resources.
- F. Commercial uses that are accessory to a public access or recreation use are allowed in the Recreation SED through an SSDP.

7.2.5 Forest Practices

- A. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222) as administered by the Department of Natural Resources.
- B. When timberland is to be converted to another use, such conversion shall be clearly indicated on the forest practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to a conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent conversion proposals for a period of six (6) years from the date of the forest practices application approval per RCW 76.09.060(3)(d), (e), and (f); RCW 76.09.460; and RCW 76.09.470 subject to the provisions of Sections 40.260.080(A)(4)(a)(2) and (C).
- C. With respect to timber situated within two hundred (200) feet landward of the OHWM within shorelines of the statewide significance, only selective commercial timber cutting so that no more than thirty percent (30 percent) of the merchantable trees may be harvested in any ten (10) - year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this Chapter may be permitted. Such exceptions to this standard shall be by an SCUP only.
- D. Forestry practices for preparatory work associated with the conversion of land to non-forestry uses and/or developments shall be consistent with the policies and regulations for the proposed non-forestry use and the general provisions of this Program, including vegetation conservation.

7.2.6 Industrial

- A. Water-dependent industrial uses are preferred over non-water-dependent industrial uses.
- B. Water-related and non-water oriented industrial uses shall not be allowed if they displace existing viable water-dependent uses or if they are proposed to occupy space designated for water-dependent uses identified in a previously approved SSDP or SLE.
- C. New or expanded non-water-oriented industrial development may be allowed only when:
 - 1. It is part of a mixed-use project including water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or
 - 2. Navigability is severely limited at the site and the development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or
 - 3. The site is physically separated from the shoreline by another property or public right-of-way.
- D. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated prior to impacting undeveloped shoreline areas.
- E. Proposed developments shall maximize the use of existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial developments shall demonstrate the need for expansion into an undeveloped area.
- F. Only water-dependent elements of a proposal may encroach on required vegetated buffers of this Program (see Table 8, Appendix B, Critical Areas Regulations).
- G. Water-oriented structures may be allowed to exceed a height of thirty-five (35) feet. Such structures may include, but are not limited to, facilities which must be of a greater height in order to function, such as cranes or other facilities designed to move or place products, fixed loading facilities that must provide clearance over vessels, storage facilities such as grain elevators, as well as accessory features such as lighting required for operations. The applicant must demonstrate compliance with the following criteria:
 - 1. The public interest will be served by accommodating the increased height.
 - 2. The view of a substantial number of residences in areas adjoining such shorelines will not be obstructed.

3. Increased height will not substantially interfere with views from a designated public place, vista, or feature specifically identified in an adopted local, state, or federal plan or policy.

7.2.7 Institutional

- A. Water-oriented institutional uses and developments are preferred.
- B. Where allowed, non-water-oriented institutional uses may be permitted:
 1. If navigability is severely limited at the proposed site, and the institutional use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and ecological restoration; or
 2. If the site is physically separated from the shoreline by another property or public right-of-way; or
 3. As part of a mixed-use development which provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration.
- C. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible but shall in no case be waterward of the structure.
- D. New institutional development within shoreline jurisdiction shall be:
 1. Designed such that no new shoreline stabilization measures are necessary;
 2. Located and designed to minimize view obstructions to and from the shoreline from other properties; and,
 3. Prohibited in floodways and channel migration zones.

7.2.8 In-stream Structures

- A. Applications for new or permanent expansion of in-stream structural uses shall include the following information prior to final approval, unless the City determines that the issues are adequately addressed via another regulatory review process:
 1. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.

2. A habitat management plan prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources, provisions for protecting in-stream resources during construction and operation, and measures to compensate for impacts to resources that cannot be avoided.
3. A description of sites proposed for the depositing of debris, overburden, and other waste materials generated during construction.
4. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features.

7.2.9 Mining

Mining in Washington is controlled by the Surface Mining Act of 1970 (RCW 78.44) and is administered by the Washington Department of Natural Resources. The provisions of this legislation shall be followed in all cases.

- A. An applicant for mining and associated activities within the shoreline jurisdiction shall demonstrate that the proposed activities are dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a). Non-water-dependent mining activities are prohibited within shoreline jurisdiction.
- B. To be approved the applicant must demonstrate that there will be no:
 1. Adverse impact on the structural integrity of the shoreline that would change existing aquatic habitat or aquatic flow characteristics;
 2. Changes in hydraulic processes to or from adjacent waterbodies that would damage aquatic habitat, shoreline habitat, or groundwater.
- C. Mining waterward of the OHWM may be permitted only when the applicant demonstrates that:
 1. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect natural gravel transport or other stream processes.
 2. The proposed mining and associated activities will not have significant adverse impacts on habitat for priority species and will not cause a net loss of shoreline ecological functions.
 3. Determinations required by 1 and 2 above must be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a).
 4. In considering renewal, extension, or reauthorization of other mining operations waterward of the OHWM in locations where they have previously been conducted, the City must require compliance with this Subsection to the extent that no such review has previously been conducted. Where there has been prior

review, the City must review previous determinations comparable to the requirements of this Section to assure compliance with this Subsection under current site conditions.

- D. To ensure future use and visibility of the shoreline areas after completion of mining activities, the following provisions for land reclamation shall be met and shall be demonstrated in a reclamation plan approved by the Department of Natural Resources that complies with the format and standards of RCW 78.44 and WAC 332-18:
1. All reclamation shall be completed within two (2) years after discontinuance of mining operations.
 2. All equipment, machinery, buildings, and structures shall be removed from the site upon discontinuance or abandonment of mining operations.
 3. Backfill material used in site reclamation shall be natural materials. Combustible, flammable, noxious, toxic, or solid waste materials are not permitted as backfill or for on-site disposal.
 4. Reclamation shall prevent future erosion and sedimentation. Topography of the site shall be restored to contours compatible with the surrounding land and shoreline area.
 5. Final topography of the site shall not cause standing water to collect and remain on the site except as part of a sedimentation collection and removal system.
 6. All exposed areas shall be revegetated utilizing self-sustaining plants suitable to the immediate shoreline environment.
- E. The provisions of this Section do not apply to dredging of authorized navigation channels or management, placement, or beneficial reuse of dredged materials when conducted in accordance with Section 7.3.5 and all other provisions of this Program.

7.2.10 Recreational Development

- A. Recreation areas or facilities on the shoreline shall provide physical or visual access to the shoreline, where feasible.
- B. Recreation facilities and activities are permitted when they do not displace water-dependent uses and are consistent with existing water-related and water-enjoyment uses.
- C. Only water-dependent or water-enjoyment elements of a recreational proposal may encroach on required vegetated buffers of this Program.

- D. Parking areas shall be located outside of shoreline jurisdiction, unless infeasible, in which case parking facilities should be sited on the landward side of recreational development.
- E. Provisions shall be made for adequate vehicular parking and safe pedestrian crossings.
- F. New overwater structures for recreation use shall be allowed only when:
 - 1. They accommodate water-dependent recreation use or facilities; or
 - 2. They provide access for the public to enjoy the shorelines of the state.
- G. Recreational facilities shall provide adequate facilities for potable water supply, sewage disposal, and/or garbage collection, when feasible.

7.2.11 Residential Development

- A. New residential development shall comply with the shoreline buffer provisions established in Section 3.B.2 of Appendix B. Redevelopment or expansion of residential structures shall also conform to the provisions in Section 3.3 of this SMP as applicable.
- B. New residential development including subdivisions, short plats, new appurtenances and accessory uses and structures:
 - 1. Shall be designed such that no new shoreline stabilization measures are necessary for the life of the structure.
 - 2. Shall be located and designed to minimize view obstructions to and from the shoreline and other properties.
 - 3. Shall be prohibited in floodways and channel migration zones including associated sewage disposal systems.
- C. Appurtenances, accessory uses, and facilities serving a residential structure shall be located outside setbacks, critical areas, and buffers unless otherwise allowed by this Program.
- D. New residential lots shall be configured such that new structural flood hazard reduction and shoreline stabilization measures will not be required during the life of the development or use.
- E. Clustering of residential units, as permitted by the City, is permitted where minimization of physical and visual impacts to the shorelines can be achieved.

- F. Where housing developments are proposed in locations that would interrupt existing shoreline views, provisions shall be made for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate.
- G. Caretaker single family residence may be permitted in the Recreation SED.
- H. A floating home permitted or legally established prior to January 1, 2011 is considered conforming preferred use. "Conforming preferred use" means that applicable development and shoreline master program regulations may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable. Floating homes should be accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional or other legal limitations that protect private property.
- I. New over-water residential developments are prohibited. Existing floating on-water residences legally established and moored within a marina within the City prior to July 1, 2014 are considered a conforming use and should be accommodated through reasonable permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.

7.2.12 Transportation Facilities

- A. Roads, Railroads and Bridges
 - 1. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside of the shoreline jurisdiction wherever possible unless location outside of shoreline jurisdiction is infeasible.
 - 2. The applicant shall demonstrate that new or expanded facilities are designed to:
 - a. Minimize impacts to critical areas and associated buffers and to minimize alterations to the natural or existing topography to the extent feasible;
 - b. Avoid or minimize the need for shoreline stabilization; and
 - c. Comply with the mitigation sequencing provisions of this Program.
 - 3. New transportation crossings over streams and wetlands shall be avoided, but where necessary shall utilize bridges rather than culverts to the extent possible.
 - 4. Requirements for bridge and culvert installation crossing all streams shall be consistent with the Washington State Department of Fish and Wildlife standards.

5. All excavation materials and soils exposed to erosion by all phases of road, bridge, and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.
6. Private access roads or driveways providing ingress and egress for individual single-family residences or lots shall be limited to the minimum allowed by the fire code.
7. Facility lighting must be designed and operated to prevent glare on adjacent properties and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas and screening. Lighting must be directed away from critical areas, unless necessary for public health and safety.
8. Bridges shall provide the maximum length of clear spans feasible with pier supports to produce the minimum amount of deflection feasible.
9. Routine repair and maintenance of public right-of-way may be permitted in accordance with the provisions of the Act and this Program.
10. Circulation routes to and on shorelands shall include systems for pedestrian, bicycle, and public transportation where appropriate.

B. Non-Motorized Facilities

1. Non-motorized facilities, such as trails, shall comply with provisions for public access that are part of this Program.
2. New or expanded non-motorized transportation facilities shall be located outside of critical areas and their associated buffers or in the outer 25 percent of the critical area buffer with the exception of non-motorized facilities constructed for water access.
3. Facility lighting shall be designed and operated to prevent glare on adjacent properties and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas, and screening. Lighting must be directed away from critical areas, unless necessary for public health and safety.
4. Elevated walkways shall be utilized where feasible to cross wetlands and streams instead of culverts.

C. Parking

1. Parking facilities are not a preferred use and shall be allowed only where necessary to support an authorized use. Parking facilities accessory to a permitted use shall be:
 - a. Set back as far as possible from the OHWM and outside shoreline jurisdiction where feasible; and
 - b. Located outside of critical areas and associated buffers where feasible.

2. Facility lighting shall be designed and operated to prevent glare on adjacent properties and to prevent hazards. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas, and screening. Lighting must be directed away from critical areas, unless necessary for public health and safety.

7.2.13 Utilities Uses

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

- A. New or expanded non-water dependent utilities or parts thereof may be located within shoreline jurisdiction only when the applicant demonstrates based on analysis of alternative locations and technologies that:
 1. No alternative location outside of shoreline jurisdiction is feasible, as determined by the City; and
 2. If a new corridor is proposed, utilization of existing corridors is not feasible, including expansion or replacement of existing facilities, as determined by the City; and
 3. The proposal minimizes changes to the visual character of the shoreline environment as viewed from the water and surrounding views to the water.
 4. The above requirements do not apply to water-dependent utilities, or parts thereof, which require a shoreline location, such as stormwater or wastewater treatment plant outfalls.
- B. Overhead electrical transmission lines should be located outside of shoreline jurisdictional areas, unless infeasible due to site constraints, including but not limited to topography or safety, as determined by the City.
- C. Transmission, distribution and conveyance facilities shall be located in existing rights of way and corridors or shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
- D. Utility crossings of waterbodies shall be attached to bridges where feasible. Where attachment to a bridge is not feasible, underground construction methods that avoid surface disturbance are preferred.
- E. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially harmful to water quality shall be equipped with automatic shut off valves.
- F. Structural utility buildings, such as pump stations, electrical substations, waste facilities, or other facilities shall be located outside of jurisdictional shoreline

areas, unless no other feasible location exists, in which case they shall be visually compatible in scale with surrounding development and landscape to provide compatibility with natural features and adjacent uses.

- G. Stormwater outfalls may be placed below the OHWM to reduce scouring. New outfalls and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate.
- H. The presence of existing utilities shall not justify more intense development. Rather, the development shall be consistent with the City Comprehensive Plan, Development Regulations, and this SMP, and shall be supported by adequate utilities.
- I. Existing facilities such as the City's Municipal Water System and Sewer System, that are located landward of a levee, may be improved in accordance with the mitigation sequencing provisions contained in this Program.

7.3 Shoreline Modification

7.3.1 General Regulations

Shoreline modifications must comply with the following general provisions and the following specific provisions, as appropriate:

- A. Structural modifications may be permitted only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes;
- B. Preference shall be given to shoreline modifications that have a lesser impact on ecological functions; and
- C. Modifications shall be designed to incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

7.3.2 Shoreline Stabilization

- A. Proposals for new shoreline stabilization shall comply with mitigation sequencing requirements of this Program. Modified or enlarged shoreline stabilization proposals shall be treated as new stabilization for all requirements of this Section.
- B. Compliance with the following criteria shall be documented through geotechnical analysis by a qualified professional. Geotechnical reports pursuant to this Section shall address the necessity for shoreline stabilization by estimating timeframes and rates of erosion and shall report on the urgency associated with the specific situation.
 - 1. New development and lots created by subdivision shall demonstrate that new shoreline stabilization will not be necessary in order for reasonable development to occur.

2. Development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure (Appendix B).
3. Development that would require new shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas, shall not be allowed.
4. Hard armoring solutions shall be authorized only:
 - a. When a report finds that a primary structure will be damaged within three (3) years from shoreline erosion without hard armoring measures;
 - b. If waiting to provide erosion protection would foreclose the opportunity to use measures that avoid impacts on ecological functions; or
 - c. When hard armoring is not justified based on the above criteria, a geotechnical report may be used to justify protection against erosion using soft shoreline stabilization measures.
- C. Shoreline stabilization shall be designed and constructed to be the minimum size necessary and to avoid or minimize stream channel direction modification, realignment, and straightening, or to result in increased channelization of normal stream flows or impacts to sediment transport.
- D. New or expanded shoreline stabilization shall follow this hierarchy of preference:
 1. No action (allow the shoreline to retreat naturally).
 2. Non-structural methods such as increased building setbacks, relocating structures, and/or other methods to avoid the need of stabilization.
 3. Stabilization constructed of soft structural protection and bioengineering, including, but not limited to, beach nourishment, protective berms, or vegetative stabilization.
 4. Soft structural stabilization, as described above, in combination with hard structure stabilization, as described below, constructed as a protective measure.
 5. Hard structure stabilization constructed of artificial materials such as, but not limited to, riprap or concrete.

Applicants should consult applicable shoreline stabilization guidance documents, such as the Integrated Streambank Protection Guidelines, promulgated by state or federal agencies.

- E. New structural shoreline stabilization measures to protect an existing primary structure, including residences, are only allowed when there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by currents or waves rather than from upland conditions. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis

- should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Any new or expanded erosion control structures shall not result in a net loss of shoreline ecological functions.
- F. New shoreline structural stabilization may be permitted in support of a water-dependent development when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 2. There is a need to protect primary structures from damage due to erosion.
 3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- G. New shoreline structural stabilization may be permitted in support of a new non-water-dependent development (including single-family residences) when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 2. There is a need to protect primary structures from damage due to erosion caused by natural processes, such as currents or waves.
 3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- H. New shoreline structural stabilization may be permitted to protect ecological restoration or hazardous substance remediation projects when the conditions below are met as demonstrated in a geotechnical report by a qualified professional:
1. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
- I. The construction of a shoreline stabilization structure, either “soft” or “hard” for the primary purpose of creating dry land is prohibited.
- J. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses or structures from erosion caused by current or wave action. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless

the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. For purposes of this Subsection regarding standards on shoreline stabilization measures, “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 the size of existing shoreline stabilization measures shall be considered new structures.

- K. A publicly financed or subsidized shoreline stabilization project shall not restrict existing public access, except where such access is determined to be infeasible due to incompatible uses, safety or security concerns, or harm to ecological functions, as determined by the City. Where feasible, such structural stabilization shall incorporate public access. See Section 6.5, Public Access, for additional information.
- L. Bioengineered projects shall be designed by a qualified professional in accordance with best available science and shall incorporate a variety of sustainable plants, unless demonstrated infeasible for the particular site.
- M. Gabions (wire-mesh baskets filled with concrete or rocks) shall not be used in the construction of shoreline stabilization structures, where alternatives more consistent with this Program are feasible, because of their limited durability and the potential hazard they present to shore users and the shoreline environment.

7.3.3 Breakwaters and Groins

- A. Breakwaters, groins and weirs located waterward of the OHWM shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, public safety, or other specific public purpose.
- B. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

7.3.4 Fill and Excavation

- A. Fill may be placed in flood hazard areas only when otherwise allowed by the Frequently Flooded Areas Regulations in this Program (Appendix B) and where it is demonstrated in a hydrogeological report prepared by a qualified professional that adverse impacts to hydrogeologic processes will be avoided.
- B. Fill placed below the OHWM for any other use besides ecological restoration requires a Shoreline Conditional Use Permit.
 - 1. Accomplish an aquatic habitat restoration plan.

2. Support a mitigation action, environmental restoration, beach nourishment or other enhancement project.
 3. Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat.
 4. Support a water-dependent use.
 5. Serve as part of a public access proposal.
 6. Support cleanup of contaminated sediments as part of an interagency environmental clean-up plan, or permitted under MTCA or CERCLA.
 7. Expand or alter transportation facilities of statewide significance currently located on the shoreline only when demonstrated that alternatives to fill are not feasible.
- C. Fill is restricted in wetlands or fish and wildlife habitat conservation areas in accordance with the critical areas standards in this Program, Section 6.3, and Appendix B.
- D. Excavation of previously deposited dredge spoils above the OHWM may be permitted if the spoils site is part of a dredge materials management plan and the spoils were not originally placed as part of a beach nourishment or other shoreline restoration project.
- E. Excavation below the OHWM is considered dredging and is subject to provisions in Section 7.3.5, Dredging and Dredge Material Stockpiling.

7.3.5 Dredging and Dredge Material Stockpiling

- A. Dredging and in-water dredge disposal must be approved by state and federal agencies with jurisdiction, with documentation provided to local government as a condition of any shoreline permit.
- B. New dredging shall be permitted only:
1. When establishing, expanding, or reconfiguring navigation channels, anchorage areas, and basins in support of existing navigational uses;
 2. When implementing an approved regional dredge management plan for flood control purposes;
 3. As part of an approved habitat improvement project;
 4. As part of a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act project;

5. In conjunction with a new port, bridge, navigational structure, wastewater treatment facility, essential public facility, hydroelectric facility, fish hatchery, or other water-dependent use for which there is a documented public need and where other feasible sites or methods are not feasible; or
 6. When otherwise approved by state and federal agencies.
- C. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
 - D. Maintenance dredging shall be restricted previously authorized locations, depths, and widths.
 - E. Dredging waterward of the OHWM for the primary purpose of obtaining fill material is allowed only 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 ordinary high-water mark. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through an SCUP, any other significant habitat enhancement project.
 - F. Dredge materials exceeding the Ecology criteria for toxic sediments shall be disposed of according to state and federal law. Proof of proper disposal at an upland permitted facility may be required.
 - G. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require an SCUP. Disposal of dredge material within wetlands or within a river's channel migration zone shall be allowed only when proposed as part of an ecological restoration project demonstrated by a qualified professional to:
 1. Improve wildlife habitat;
 2. Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat; or
 3. Create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit.

This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

- H. When allowed, dredge material disposal or stockpiling must meet the following standards:

1. Dredge material disposal or stockpiling in shoreline jurisdiction shall be permitted only where it is demonstrated by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
2. Dredge disposal both above and below OHWM may be approved if it is demonstrated that it complies with the provisions of Section 7.3.5.H.1 above and one or more of the following:
 - a. It benefits shoreline resources; or
 - b. If applicable, it utilizes the guidance from the 2007, or as amended, U.S. Army Corps of Engineers and Environmental Protection Agency publication EPA842-B-07-001, *Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual*; or
 - c. For dredging projects under Corps jurisdiction, the disposal has been identified and evaluated through an approved Corps Dredge Management Material Program.
- I. Clearing of secondary, volunteer vegetation growth on approved dredge disposal deposits does not require compensatory mitigation.
- J. Dredge disposal is allowed through an SSDP on lands already covered by legally deposited dredge spoils.
- K. Dredging, dredge disposal and stockpiling shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities and other water-dependent uses, when feasible.

7.3.6 Shoreline Habitat and Ecological Enhancement Projects

Shoreline habitat and ecological enhancement projects are those in which public and/or private parties engage to establish, restore, or enhance habitat.

- A. Long-term maintenance and monitoring shall be included in restoration or enhancement projects, as feasible.
- B. Shoreline restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices. Applicants should consult applicable guidance documents, such as the most current

version of the Washington State Department of Fish and Wildlife's Stream Habitat Restoration Guidelines, promulgated by state or federal agencies.

- C. Habitat creation, expansion, restoration, and enhancement projects may be permitted in all shoreline environment designations subject to required state or federal permits when the applicant has demonstrated that there will be a specific ecological improvement and the following:
1. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;
 2. Water quality will not be degraded;
 3. Flood storage capacity will not be degraded;
 4. Streamflow will not be reduced;
 5. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated in accordance with the mitigation sequencing provisions of this Program; and
 6. The project will not interfere with the normal public use of the navigable waters of the state.
 7. The project is consistent with the types and purposes of restoration information provided in the Shoreline Restoration Plan, Appendix C.

8. Shoreline Administration and Enforcement

8.1 General

- A. All proposed new uses and new development occurring within the shoreline jurisdiction must conform to RCW 90.58, the Act, and this Program, whether or not a shoreline permit is required.
- B. “The City,” for the purposes of making administrative decisions and processing permits as may be required by the Program, means the Mayor of Castle Rock or his/her designees.
- C. Permit procedures and enforcement shall be conducted in a manner consistent with constitutional limitations on regulation of private property as specified in WAC 173-26-186 (5) and WAC 173-26-191(2)(a)(iii)(A).
- D. Shoreline substantial development permits (SSDPs), shoreline letters of exemption (SLE), SSDP revisions, SCUPs, and shoreline variances are subject to review in accordance with the provisions of the Castle Rock Municipal Code (CRMC) or as subsequently amended.
- E. The regulations of the Program shall be used in conjunction with the regulations contained in the CRMC. Where there is a conflict between the CRMC and the Program, the Program shall control, as determined by the City.
- F. The effective date of an SSDP, SCUP, or shoreline variance permit shall be the date of filing with the Ecology as provided in RCW 90.58.140(6). The permit time period does not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
- G. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.
 - i. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.
 - ii. Consistent with RCW 90.58.140(6), the state’s Shoreline Hearings Board twenty-one-day appeal period starts with the date of filing, which is defined below:

- A. For project that only require a Substantial Development Permit; the date that Ecology receives the City's decision.
- B. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.
- C. For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

8.2 Application Requirements

- A. A complete application for an SSDP, SCUP, or shoreline variance permit shall contain, at a minimum, the information required for a complete application specified in WAC 173-27-180, as determined by the City.
- B. When an applicant submits an application for any development proposal, the application shall indicate whether any critical area is located on the site.
- C. The City may conduct a preliminary environmental review, based on existing in-house resources and data, to determine if critical areas are known or suspected to exist on the applicant's parcel; however, the ultimate burden of proof is on the applicant to provide sufficient data to the City should the City suspect critical areas are present.
- D. A representative of the City may visit the site and, in conjunction with the review of the information provided by the applicant and any other suitable information, shall make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the City shall notify the applicant that additional studies as specified herein shall be provided.
- E. When the determination of critical areas has been completed, a written report will be issued to the applicant, placed in an address file, and a copy sent to the property owner if different from the applicant. A property owner may request a re-evaluation by the City once in any twelve (12)-month period when a change in physical conditions or government institutional actions warrants such re-evaluation.
- F. A shoreline permit (SSDP or SCUP) is required if it is determined that the proposed alteration or development is located within jurisdictional shoreline area, and/or a critical area or buffer. In addition to the information required for an application specified in WAC 173-27-180, the permit application shall also include the following, or as amended by the City:
 - 1. A vicinity map, SEPA environmental checklist, and any supplemental information required by the City.
 - 2. A site plan drawn to scale. The site plan should clearly depict the following information:
 - a. North arrow;

- b. Property line dimensions;
 - c. Location and dimensions of all existing and proposed development or alterations, including public and private roads, sewer and water lines, wells, utilities, easements, water sources, lakes and springs, drainage facilities, on-site sewage disposal, and drainfield areas within the property boundary.
- 3. Technical assessments. The City may require the applicant to submit a technical assessment addressing how the proposal incorporates best available science. The technical assessment shall be adequate for the City to evaluate the development proposal and all probable adverse impacts to critical areas. If adequate factual information exists to facilitate such evaluation, the City may determine that a technical assessment is not necessary. The City will advise the applicant of existing technical information that may be pertinent to their property. Technical assessments shall be attached to the development permit application package.
- 4. All critical area technical assessments and studies required of the applicant shall be prepared by a qualified professional. The City's decision to require additional studies will be based on the complexity of the project and/or a site inspection. The applicant for development shall be responsible for any cost associated with preparing critical area technical assessments and/or studies.
- G. The City shall solicit comments or technical assistance on the shoreline permit application from resource agencies with jurisdiction over the proposal within 14 days of determining an application is complete. These agencies shall have fourteen (14) days from the date the application is circulated by the City for comments. If a response is not received from the resource agency within the 14-day review period, the City will assume there are no comments on the project or activity forthcoming from the resource agency.
- H. Any person preparing to submit an application for development or use of land located within a critical area or associated buffer shall first apply for a pre-application conference, unless waived by the City in concurrence with the applicant. At this meeting, the City shall discuss the requirements of these regulations and provide applicable critical areas maps, scientific information, and other source materials. The City shall summarize the application review process and work with the proponent to identify potential issues that may arise during the review process in addition to discussing other permit procedures and requirements.
- I. The City will notify the public and other agencies with jurisdiction of applications for an SSDP, SCUP, or variance permit as required by WAC 173-27-110.

8.3 Shoreline Letter of Exemption (SLE)

- A. The City may issue a Shoreline Letter of Exemption (SLE) for proposed development activities or uses in jurisdictional shoreline areas that do not require an SSDP consistent with Section 3.2.

- B. Requests or applications for an SLE shall be submitted in a format prescribed by the City and include such documentation as may be required by the City.
- C. SLEs shall be processed by the City as an administrative decision and shall be issued in writing by the Mayor or his/her designee in accordance with the provisions of the CRMC as it now exists or as subsequently amended.
 - 1. All SLEs issued by the City shall be in writing and maintained in a file.
- D. An SLE may be issued for project-specific development activities or for programmatic, routine activities that may be repeated on a regular basis in accordance with approved standards such as the maintenance and minor repairs of roads, right-of-ways, levees, revetments, wastewater facilities, trails, parks, and/or stormwater facilities.
- E. Activities authorized through the issuance of an SLE must comply with all applicable provisions of the Castle Rock Municipal Code and comply with conditions included for approval to achieve consistency and compliance with the provisions of this Program and the Act.
- F. If the exemption is approved, the City shall prepare and provide an SLE to the applicant and Ecology indicating the specific applicable exemption provisions from WAC 173-27-040 and providing a summary of the project's consistency with this Program and the Act, as amended.
- G. An exemption from an SSDP is not an exemption from compliance with the Act or the Program, or from any other regulatory requirements. A project requiring an additional permit and subject to an exemption to an SSDP shall be reviewed under the criteria of the underlying permit with an additional finding recorded by the City addressing the grounds under which the project is exempt.
- H. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial.

8.4 Shoreline Substantial Development Permits (SSDP)

- A. An SSDP shall be required for projects occurring within the City's shoreline jurisdiction pursuant to the requirements and procedures contained in WAC 173-27 (Shoreline Management Permit and Enforcement Procedures); except for those projects described in Section 3.2, Exemptions from a Shoreline Substantial Development Permit.
- B. An SSDP is a Type VIII Permit and shall be processed by the Mayor or his/her designee in accordance with the provisions of the CRMC as it now exists or is subsequently amended by the City.
- C. Applications for SSDPs shall be accompanied by the application materials specified in WAC 173-27-180 *Application Requirements for Substantial Development, Conditional Use, or Variance Permit* as determined by the City.
- D. Upon the review of materials submitted by an applicant the City may, at its discretion, require peer review be completed by a consultant chosen by the City, at

the sole expense of the applicant.

- E. Notification of the public shall be as required by the CRMC, as it now exists or is subsequently amended.
- F. Time requirements for SSDPs are as follows (See WAC 173-27-090 for complete language.):
 - 1. Construction activities shall commence, or where no construction activities are involved, the use or activity shall commence within two (2) years of the effective date of an SSDP.
 - 2. The period for commencement of construction or use may be extended once for a one (1)-year period if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record.
 - 3. The authorization to conduct certain development activities (see WAC 173-27-090) shall terminate five (5) years after the effective date of an SSDP.
 - 4. The authorization period to conduct development activities may be extended once for a one (1)-year period if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
 - 5. The time periods in Sections 1 through 4, above, do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
- G. Applications for an SSDP will be reviewed against the following criterion:
 - 1. Proposed use or development on shorelines of the state must be consistent with the policy and provisions of the Act and this Program.
- H. Appeals to the Shorelines Hearings Board shall be consistent with RCW 90.58.140. Construction pursuant to a shoreline permit may not begin or be authorized until twenty-one (21) days from the date the permit decision was filed with Ecology.

8.5 Shoreline Conditional Use Permits (SCUP)

- A. The purpose of an SCUP is to provide a system within the Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020.
- B. An SCUP is required for uses and development that are not classified in the Program and for those uses and modifications as indicated in Table 7-1 of this Program. In authorizing a conditional use, the City and The Department of Ecology may attach special conditions to the permit to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and this Program.

- C. A SCUP is a Type VIII Permit and shall be processed by the Mayor or his/her designee in accordance with the provisions of the CRMC as it now exists or as subsequently amended.
- D. Applications for an SCUP shall be accompanied by the application materials specified in WAC 173-27-180 *Application Requirements for Substantial Development, Conditional Use, or Variance Permit* as determined by the City.
- E. The criteria for approving conditional uses shall be consistent with WAC 173-27-160 *Review Criteria for Conditional Use Permits* and shall include the following:
 - 1. That the proposed use is consistent with the policies of RCW 90.58.020 and the Program;
 - 2. That the proposed use will not interfere with the normal public use of public shorelines;
 - 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the Program;
 - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - 5. That the public interest suffers no substantial detrimental effect.
 - 6. Other uses that are not classified or set forth in the Program may be authorized as conditional uses provided that the applicant can demonstrate consistency with the requirements of this Section, WAC 173-27-160, and RCW 90.58.020.
 - 7. When reviewing SCUP applications, consideration shall be given to the cumulative impact of like actions in the area. For example, if any SCUPs were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
 - 8. Uses which are specifically prohibited or not allowed by the Program may not be authorized through the issuance of an SCUP.
- F. To ensure compliance with the applicable criteria stated in the CRMC, the City shall have the authority to require and approve a specific plan for a proposed use, to impose performance standards in the form of conditions of approval that make the use compatible with other permitted uses in the area, and to expand the requirements set forth in the CRMC by means of conditions that are applicable to the proposed use. In no case shall the City have the authority to reduce the requirements of the City's municipal code when considering an application for a

conditional shoreline development permit; any such reduction shall only be granted upon the issuance of a variance.

- G. Where plans are required to be submitted and approved as part of the application for an SCUP, modifications of the original plans may be made only after a review has been conducted and approval granted by the City in accordance with the provisions of the CRMC.

8.6 Variances

- A. The purpose of a shoreline variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Program would impose unnecessary hardship on the applicant or thwart the policies set forth in the Act.
- B. Variances from the use regulations of the Program are prohibited.
- C. Shoreline variances are Type VIII permits and shall be processed by the Mayor or his/her designee in accordance with the provisions of the CRMC as it now exists or as subsequently amended.
- D. Applications for shoreline variance shall be accompanied by the application materials specified in WAC 173-27-180 *Application Requirements for Substantial Development, Conditional Use, or Variance Permit* as determined by the City.
- E. Applications for shoreline variance shall be reviewed with the following criteria:
1. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - b. That the hardship described in 1.a of this Subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

- d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
- 2. Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - b. That the proposal is consistent with the criteria established under Subsections 1.b through 1.f of this Section; and
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
- 3. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

8.7 Revisions to Permits

- A. When an applicant seeks to revise a SLE, SSDP, SCUP, or shoreline variance, whether such permit or variance was granted under this Program or under the Program in effect prior to adoption of this Program, the City shall request from the applicant detailed plans and text describing the proposed changes to the project. If the staff determines that the proposed changes are within the general scope and intent of the original SLE, SSDP, SCUP, or shoreline variance, as the case may be, the revision may be approved by the City without the need for the applicant to file a new permit application provided the development is consistent with the Act, and WAC 173-27-100.
- B. All shoreline permit revisions shall be transmitted to Ecology upon the City's final decision. If the revision is to a SLE or SSDP, it becomes effective immediately upon final decision by the City. If the permit revision is concerning a shoreline conditional use or shoreline variance permit, the proposed revision is subject to Ecology review. Ecology shall respond with its final decision on the permit revision request within

fifteen (15) days of the date of receipt by Ecology per WAC 173-27-100(6). The City shall notify parties of record of the final decision.

- C. Shoreline permit revisions may be appealed to the Shoreline Hearings Board within twenty-one (21) days of the final decision to the permit revision in accordance with the provisions of WAC 173-27-100(8).

8.8 Restoration Project Relocation of OHWM

The City may grant relief from Program development standards and use regulations when the following apply:

- A. A shoreline restoration project causes, or would cause, a landward shift in the OHWM, resulting in the following:
 - 1. Land that had not been regulated under this Program prior to construction of the restoration project is brought under shoreline jurisdiction; or
 - 2. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the Program; and
 - 3. Application of Program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.
- B. The proposed relief meets all of the following criteria:
 - 1. The proposed relief is the minimum necessary to relieve the hardship.
 - 2. After granting the proposed relief, there is net environmental benefit from the restoration project.
 - 3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the Program.
 - 4. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this Section.
- C. The application for relief must be submitted to Ecology for written approval or disapproval. This review must occur during the Ecology's normal review of an SSDP, SCUP, or Shoreline Variance. If no such permit is required, then Ecology shall conduct its review when the City provides a copy of a complete application and all supporting information necessary to conduct the review.
 - 1. Except as otherwise provided in Subsection D of this Section, Ecology shall provide at least twenty (20)-days notice to parties that have indicated interest to

Ecology in reviewing applications for relief under this Section, and post the notice on to their website.

2. Ecology shall act within thirty (30) calendar days of close of the public notice period, or within thirty (30) days of receipt of the proposal from the City if additional public notice is not required.
- D. The public notice requirements of Subsection C of this Section do not apply if the relevant shoreline restoration project was included in this Program or shoreline restoration plan as defined in WAC 173-26-201, as follows:
1. The restoration plan has been approved by the Ecology under applicable Shoreline Master Program guidelines; and
 2. The shoreline restoration project is specifically identified in the Shoreline Master Program or Shoreline Restoration Plan (Appendix C) or is located along a shoreline reach identified in the Shoreline Master Program or Shoreline Restoration Plan as appropriate for granting relief from shoreline regulations; and
 3. The Shoreline Master Program or Shoreline Restoration Plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

8.9 Enforcement

Any person failing to conform to the terms of a permit issued in accordance with the Program or who undertakes development on the shorelines of the state without first obtaining any permit required by the Program shall be subject to a civil penalty per WAC Sections 173-27-240 through 173-27-300 and the City of Castle Rock Municipal Code as it now exists or is subsequently amended.

8.10 Shoreline Activity Tracking

- A. The City will track all shoreline permits and exemption activities to evaluate whether this SMP is achieving no net loss of shoreline ecological functions. Activities to be tracked using the City's permit system include development, conservation, restoration and mitigation, such as but not limited to:
1. New shoreline development;
 2. Shoreline Variances and the nature of the variance;
 3. Compliance issues;
 4. Net changes in impervious surface areas, including associated stormwater management;
 5. Net changes in fill or armoring;

6. Net change in linear feet of flood hazard structures; and
 7. Net changes in vegetation (area, character).
- B. Using the information collected in Subsection A, a no net loss report shall be prepared every eight years as part of the City's SMP evaluation or Comprehensive Plan Amendment process. Should the no net loss report show degradation of the baseline condition documented in the Shoreline Analysis Report, changes to the SMP and/or Shoreline Restoration Plan shall be proposed at the time of the eight-year update to prevent further degradation and address the loss in ecological functions.

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APPENDIX A
Shoreline Environment Designations Map

APPENDIX B

Critical Areas Regulations

APPENDIX C

Restoration Plan

APPENDIX D

Exemptions from a Shoreline Substantial Development Permit

Introduction

Substantial development as defined by this program and RCW 90.58.030 requires approval from the City through a Shoreline Substantial Development Permit (SSDP) unless:

- A. The substantial development is below the threshold levels established in WAC 173-27-040(2), Developments Exempt from Substantial Development Permit Requirement, listed below; or
- B. The substantial development is one of the actions described in WAC 173-27-045, Developments Not Subject to the Shoreline Management Act, listed below.

In all cases, if WAC 173-27-040 or WAC 173-27-045 are amended, the amended version supersedes the lists of exemptions provided below.

Any person claiming exemption from the permit requirements of this Program as a result of the exemptions specified in this Section shall make application for a Shoreline Letter of Exemption (SLE) as described in Chapter 8 of this Program.

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

Any development which occurs within the regulated shorelines of the state, whether it requires a permit or not, must be consistent with the intent of the Act and this Program.

WAC 173-27-040(2) –

Developments Exempt from Substantial Development Permit Requirement

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342, 77.55.181, 89.08.460, Chapters 70.105D, 80.50 RCW. WSR 07-02-086 (Order 05-12), § 173-27-040, filed 1/2/07, effective 2/2/07. Statutory Authority: RCW 90.58.140(3) and [90.58].200. WSR 96-20-075 (Order 95-17), § 173-27-040, filed 9/30/96, effective 10/31/96.]

(1) The following developments shall not require substantial development permits:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed seven thousand, and forty-seven dollars (\$7,047) if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this Subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for 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 threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

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

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

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

structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the local master program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: Provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(f) Construction or modification of navigational aids such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(i) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(ii) In fresh waters the fair market value of the dock does not exceed:

(A) twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, are equal or lesser square footage that the existing dock being replaced; or

(B) Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.

However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent construction shall be considered a substantial development for the purpose of this Chapter.

For purposes of this Section salt water shall include the tidally influenced marine and estuarine water areas of the state including the Pacific Ocean, Strait of Juan de Fuca, Strait of Georgia and Puget Sound and all bays and inlets associated with any of the above;

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

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

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

(l) Any project with a certification from the governor pursuant to Chapter 80.50 RCW;

(m) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Chapter, if:

(i) The activity does not interfere with the normal public use of the surface waters;

(ii) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) A private entity seeking development authorization under this Section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(v) The activity is not subject to the permit requirements of RCW 90.58.550;

(vi) The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under Chapter 43.21C RCW;

(n) Watershed restoration projects as defined herein. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this Section.

(i) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

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

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

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

(ii) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21C RCW, the State Environmental Policy Act;

(o) A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

(i) The project has been approved in writing by the department of fish and wildlife;

The project has received hydraulic project approval by the department of fish and wildlife

pursuant to Chapter 77.55 RCW; and

(ii) The local government has determined that the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs, as follows:

(A) In order to receive the permit review and approval process created in this Section, a fish habitat enhancement project must meet the criteria under (p)(iii)(A)(I) and (II) of this Subsection:

(I) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

- Elimination of human-made fish passage barriers, including culvert repair and replacement;
- Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department of fish and wildlife shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this Section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this Section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(II) A fish habitat enhancement project must be approved in one of the following ways:

- By the department of fish and wildlife pursuant to Chapter 77.95 or 77.100 RCW;
- By the sponsor of a watershed restoration plan as provided in Chapter 89.08 RCW;
- By the department as a department of fish and wildlife-sponsored fish habitat enhancement or restoration project;
- Through the review and approval process for the jobs for the environment program;
- Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States Fish and Wildlife Service and the natural resource conservation service;

- Through a formal grant program established by the legislature or the department of fish and wildlife for fish habitat enhancement or restoration; and
- Through other formal review and approval processes established by the legislature.

(B) Fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this Subsection are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of (p)(iii)(A) of this Subsection and being reviewed and approved according to the provisions of this Section are not subject to the requirements of RCW 43.21C.030 (2)(c).

(C)(I) A hydraulic project approval permit is required for projects that meet the criteria of (p)(iii)(A) of this Subsection and are being reviewed and approved under this Section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this Chapter. On the same day, the applicant shall provide copies of the completed application form to the department of fish and wildlife and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department of fish and wildlife shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this Section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this Section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(II) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this Section may formally appeal the decision to the hydraulic appeals board pursuant to the provisions of this Chapter.

(D) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of (p)(iii)(A) of this Subsection and that are reviewed and approved according to the provisions of this Section.

WAC 173-27-045 –

Developments Not Subject to the Shoreline Management Act

[Statutory Authority: RCW 90.58.030 (3)(e), 90.58.045, 90.58.065, 90.58.140(9), 90.58.143, 90.58.147, 90.58.200, 90.58.355, 90.58.390, 90.58.515, 43.21K.080, 71.09.250, 71.09.342,

77.55.181, 89.08.460, Chapters 70.105D, 80.50 RCW. WSR 07-02-086 (Order 05-12), § 173-27-045, filed 1/2/07, effective 2/2/07.]

Certain developments are not required to meet requirements of the Shoreline Management Act as follows:

(1) Pursuant to RCW 90.58.390, certain secure community transition facilities are not subject to the Shoreline Management Act. An emergency has been caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under Chapter 71.09 RCW. To meet this emergency, secure community transition facilities sited pursuant to the preemption provisions of RCW 71.09.342 and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this Chapter.

This section expires June 30, 2009.

(2) Pursuant to RCW 90.58.045 regarding environmental excellence program agreements, notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under Chapter 43.21K RCW.

(3) Pursuant to RCW 90.58.355 regarding hazardous substance remedial actions, the procedural requirements of the Shoreline Management Act shall not apply to any person 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 the department of ecology when it conducts a remedial action under Chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of Chapter 90.58 RCW, Chapter 173-26 WAC and the local master program 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.

(4) The holder of a certification from the governor pursuant to Chapter 80.50 RCW shall not be required to obtain a permit under Chapter 90.58 RCW.

APPENDIX E

Aerial Photos of Castle Rock Shorelines September 2014 (CD Format)