CITY OF LONGVIEW
SHORELINE MASTER PROGRAM - 2015

City of Longview Shoreline Master Program

Table of Contents

CITY OF LONGVIEW SHORELINE MASTER PROGRAM 2
I. INTRODUCTION 4
II. SHORELINE MASTER PROGRAM GOALS 4
A. Shoreline Use 4
B. Public Access 5
C. Restoration 5
D. Circulation 6
E. Conservation 6
F. Economic Development 7
G. Educational, Historical, and Cultural 7
H. Flood Risk Management 7
I. Recreation 8
III. SHORELINE MASTER PROGRAM ADMINISTRATIVE PROVISIONS 8
A. General 8
B. Application Requirements & Review 10
C. Shoreline Substantial Development Permits 12
D. Conditional Use Permits 12
E. Shoreline Variance Permits 13
F. Filing with the Department of Ecology 13
G. Revisions to Permits 15
H. Enforcement 15
I. Nonconforming Use and Development 16
IV. SHORELINE JURISDICTION & ENVIRONMENTAL DESIGNATIONS 17
A. Shoreline Jurisdiction 17
B. Environmental Designations 17
C. High Intensity 18
D. Shoreline Residential 19
E. Urban Mixed Use 20
F. Urban Conservancy 21
G. Aquatic 22
H. Official Map 23
V. SHORELINE USE, MODIFICATION, & DEVELOPMENT STANDARDS 24
Levee Constrained Reaches – Habitat Conservation Buffers and Development Setbacks 31
VI. GENERAL PROVISIONS 34
A. Shoreline General Policies and Regulations 34
B. Archaeological and Historic Resources 35
C. Critical Areas 36
D. Flood Hazard Reduction 37
E. Public Access 39
F. Signage 41
G. Shorelines of Statewide Significance 42
H. Vegetation Conservation 43
I. Water Quality 45
VII. SHORELINE USE POLICIES AND REGULATIONS 46
A. Introduction 46
B. General Use Policies 46
C. Agriculture 46
D. Aquaculture 47
E. Boating Facilities 48
F. Commercial Development 50

G. Industrial Development 51
H. In-Stream Structures 52
I. Mining 53
J. Recreational Development 53
K. Residential Development 54
L. Transportation 55
M. Utilities 56
VIII. SHORELINE MODIFICATION PROVISIONS 58
A. Introduction 58
B. General Policies and Regulations 58
C. Shoreline Stabilization 59
D. Moorage Structures (including Piers and Docks) 62
E. Dredging and Dredge Material Disposal 63
F. Fill 64
G. Breakwaters, Jetties, Weirs, and Groins 65
H. Shoreline Restoration and Ecological Enhancement 66
IX. DEFINITIONS 68
SHORELINE CRITICAL AREAS REGULATIONS ….……..…… Appendix A
SHORELINE DESIGNATION MAPS ...…….…….Appendix B

I. INTRODUCTION .....

Washington's Shoreline Management Act (SMA) was passed by the State Legislature in 1971 and adopted by voters in 1972. The overarching goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The SMA outlined several policies which would help guide the development and use of the State's shorelines. These policies are:

- **Encourage water-dependent uses:** "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 states' shorelines..."
- **Protect shoreline natural resources:** including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."
- **Promote public access:** "To the greatest extent feasible, consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water." (WAC 173-26-221 (4)(b)(iii))

Before the adoption of this Shoreline Master Program, the City of Longview (City) manages shorelines through their adoption of the Cowlitz County Shoreline Master Program (SMP), which was enacted in 1977. According to Substitute Senate Bill (SSB) 6012, passed by the 2003 Washington State Legislature, cities and counties within Washington are required to amend their local SMP consistent with the SMA Chapter 90.58 Revised Code of Washington (RCW) and its implementing guidelines, and Chapter 173-26 Washington Administrative Code (WAC). Therefore, the City has undertaken the task to update its SMP in accordance with existing SMA regulations. In recognition of the SMA and citizen ideas collected through a local shoreline planning process, the City has developed this SMP, and will continually implement and administer it through shoreline permits and reviews.

The City's SMP consists of environmental designations for the shoreline segments and goals, policies, and regulations applicable to uses and modifications within the Shoreline Management Zone. Appendices to the SMP include; an analysis and characterization of the shorelines of the City; a cumulative impacts report; a shorelines restoration planning report; and shoreline critical areas regulations.

II. SHORELINE MASTER PROGRAM GOALS

These goals represent the broadest management principles that establish the intent behind the policies and regulations contained in this SMP. Goals in the City of Longview SMP are organized into nine program elements.

A. Shoreline Use

Goal: Establish and implement policies and regulations for shoreline use consistent with the Shoreline Management Act of 1971. These

policies and regulations should ensure that the overall land use patterns along the City's shoreline areas are compatible with shoreline environment designations and will be sensitive to habitat, ecological systems, and other shoreline resources, ensuring no net loss of shoreline ecological functions.

Objective 1. Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.

Objective 2. Ensure that planning, zoning, and other regulatory and non-regulatory programs governing lands adjacent to the shoreline jurisdiction are coordinated and consistent with each other, with the provisions of this SMP, and with the intents, policies, and regulations of the Growth Management and Shoreline Management Acts.

B. Public Access

Goal: The goal of public access is to increase the ability of the general public to enjoy the City's shorelines by allowing the public views and access to the water and shoreline areas.

Objective 1. Maintain the unique physical features of Lake Sacajawea Park shoreline areas in order to ensure its protection while providing for public access and enjoyment.

Objective 2. Provide, protect, and enhance the public trail system within the City's shoreline areas that provide physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State's shorelines. without unreasonably infringing on privacy or property rights. Public access should be consistent with the existing shoreline character, private rights, and public safety. Establish walking trails that access the City's shorelines consistent with the City's Parks and Recreation Plan and the Cowlitz County Regional Trails Plan.

C. Restoration

Goal: Provide restoration opportunities through the re-establishment and/or rehabilitation of impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the Shoreline Restoration Plan and other approved restoration plans.

Objective 1. Reclaim and restore areas that are biologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline and complying with regulations covering the existing shoreline flood control levee structures.

Objective 2. Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

D. Circulation

Goal: Circulation systems in shoreline areas should be limited to those that are shoreline dependent or would serve shoreline dependent uses or those that must pass through shoreline areas. The environment shall be protected from any significant adverse effects of circulation systems required in shoreline areas.

Objective 1. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance, and encourage development of physical and visual shoreline public access consistent with the City's Parks and Recreation Plan and the Cowlitz County Regional Trails Plan.

.

Objective 2. Shoreline roadway corridors with unique or historic significance, or of great aesthetic quality, should be retained and maintained for those characteristics.

E. Conservation

Goal: Protect and preserve the resources and amenities of the City's shorelines for the use and enjoyment of present and future generations.

Objective 1. To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage owners of shoreline property to control populations of invasive or noxious plants and animals as identified by the State of Washington Invasive Species Council.

Objective 2. Minimize the loss of native vegetation and preserve tree cover in riparian areas by using conservation best management practices.

F. Economic Development

Goal: Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in shoreline areas that will be an asset to the community and local economy, are consistent with public safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.

Objective 1. New water-oriented and non-water-oriented industrial, commercial, and resource-based activities that can be adequately mitigated for to ensure that the activity will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline.

Objective 2. Existing water-oriented and non-water-oriented commercial, industrial, and resource-based activities located in the shoreline jurisdiction are encouraged to protect watershed processes and shoreline ecological functions. Uses shall be consistent with the existing City of Longview Comprehensive Plan and Zoning Code.

G. Educational, Historical, and Cultural

Goal: Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in the shoreline for educational and scientific purposes and enjoyment of the general public.

Objective 1. Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, river-oriented activities, environmental conservation, and local historic connections with our rivers.

Objective 2. Encourage educational projects and programs that foster an appreciation of the importance of shoreline management, water-related activities, environmental conservation, and local history.

H. Flood Risk Management

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

Objective 1. Consider mapped floodplains, existing flood control levee structures, and any adopted flood hazard regulations in the location of permanent improvements on the shoreline.

Objective 2. Continue to work closely with Consolidated Diking Improvement District (CDID) No. 1 and business and property owners in flood risk management planning.

I. Recreation

Goal: Ensure optimal recreational opportunities now and in the future in shoreline areas that can reasonably tolerate active or passive uses during peak use periods achieving no net loss of shoreline ecological function and without destroying the character of the shoreline or unreasonably infringing on privacy or property rights.

Objective 1. Encourage private enterprise and/or state and local government cooperation/coordination in the acquisition of additional shoreline property for public recreation uses.

Objective 2. Coordinate with the City of Longview Department of Parks and Recreation to implement the goals of the City's Parks and Recreation Plan by optimizing opportunities for recreation within shoreline areas.

III. SHORELINE MASTER PROGRAM ADMINISTRATIVE PROVISIONS

A. General

1. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this Master Program whether or not a permit is required.

2. The City will track project review actions, and will periodically review the cumulative effect of actions taken within the shoreline to ensure that the goal of no net loss of shoreline ecological functions is being met.

3. 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).

4. The regulations of the SMP shall be used in conjunction with the regulations contained in the Longview Municipal Code (LMC). Where there is a conflict between the LMC and the SMP, the SMP shall control.

5. The effective date of a Substantial Development, Conditional Use or Variance permit shall be the date of filing 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.

6. Time requirements for shoreline permits are as follows (See WAC 173-27-090 for complete language.):

    a. Each permit for a Substantial Development, Conditional Use or Variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).
    b. 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.
    c. The period for commencement of construction or use may be extended once for a one-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.
    d. The authorization to conduct development activities shall terminate five years after the effective date of a Substantial Development Permit.
    e. The authorization period to conduct development activities may be extended once for a one-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.
    f. The time periods in Sections a and c, 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. 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 the Department of Ecology.

B. Application Requirements & Review

1. Proposals located within shoreline jurisdiction shall submit a Joint Aquatic Resource Permit Application (JARPA) to the City along with the following:

   a. Identification of all critical areas on the subject property
   b. Proposed mitigation for unavoidable impacts, if necessary
   c. Technical Assessments prepared by a Qualified Expert. 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 Director to evaluate the development proposal and all probable adverse impacts to critical areas regulated by this chapter. If adequate factual information exists to facilitate such evaluation, the Director may determine that a technical assessment is not necessary. The Director 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.
   d. If the proposal will require a Shoreline Variance Permit, the applicant's plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
   e. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the Director shall notify the applicant that additional studies as specified herein shall be provided.

2. All projects proposed within the shoreline area require a Pre-Application Meeting. The Director may waive this requirement if the applicant requests such in writing and demonstrates that the usefulness of a pre-application meeting is minimal.

3. Upon the review of materials submitted by an applicant the Director can, at their discretion, require peer review be completed by a consultant chosen by the Director, at the sole expense of the applicant.

4. The Director shall review the information on the forms submitted by the applicant, the critical areas maps, and any other resource information available as part of the determination process. Additionally, she/he shall conduct a site visit to ascertain the characteristics of the subject property and to verify the presence of the critical area.

5. The Director shall have the option of soliciting comments or technical assistance on the critical area determination from resource agencies. These agencies shall have 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 determination forthcoming from the resource agency.

6. The City will notify the public, the Washington State Department of Ecology, and other agencies with jurisdiction per chapter 43.21C RCW and to all other agencies that request in writing any such notice of applications for all shoreline permits for a minimum of 30 days consistent with WAC 173-27-110.

    a. Notice to the general public and property owners in the vicinity of such application shall be given by at least one of the following methods:
        i. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;
        ii. Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or
        iii. Any other manner deemed appropriate by the Director to accomplish the objectives of reasonable notice to adjacent landowners and the public.
    b. The notification system shall provide for timely notification of individuals and organizations that request such notice in writing.

7. When practical, the decision making process for shoreline permits shall be combined with other land use development permits that are needed (e.g. subdivision, planned unit development, binding site plans, special property use). Where land use decisions are made by the Planning Commission, City Council, or the Appeal Board of Adjustment, the decision-making body may approve, approve with modifications and/or conditions, or deny a Shoreline Substantial Development, Conditional Use, or Variance Permit as part of the overriding action. Any notification of approval shall include the conditions, modifications and restrictions regarding the location, character, and other features of the proposed development that the decision-making body finds necessary to make the proposal compatible with the purposes and standards of this SMP.

8. For those Shoreline Substantial Development Permits, not involving another Land Use Development Permit or Shorelines Conditional Use or Shoreline Variance, the Director makes the permit decision.

    For Shoreline Conditional Use Permits and Shoreline Variance Permits not involving another Land Use Development Permit, the Appeal Board of Adjustment makes the permit decision.

9. For those applications where a final decision is made by the Director after public notice, but without a public hearing, the decision may be appealed in an open record appeal hearing to the Appeal Board of Adjustment.

10. Any appeal of a shoreline permit shall follow the procedures found in LMC Chapter 19.12.

C. Shoreline Substantial Development Permits

1. A Shoreline Substantial Development Permit shall be required for projects occurring within the City's shoreline jurisdiction pursuant to the requirements and procedures contained in Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures); except that:

    a. A substantial development permit is not required for projects that meet the conditions established in WAC 173-27-040(2), "Developments Exempt from Substantial Development Permit Requirement." The Director shall issue a Letter of Exemption consistent with WAC 173.27.050.
    b. A Substantial Development Permit is not required for those actions described in WAC 173-27-045 "Developments Not Subject to the Shoreline Management Act."

D. Conditional Use Permits

1. The purpose of a Conditional Use Permit is to provide a system within the Master Program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020.

    a. Conditional Use Permits are required for uses and development that are not classified in the SMP and for those uses and modifications as indicated in Tables 1 and 2 of this SMP, even if they are exempt from the Shoreline Substantial Development Permit. In authorizing a conditional use, the City 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 the Master Program.
    b. Uses which are specifically prohibited by the Master Program may not be authorized pursuant to a Shoreline Conditional Use Permit.

2. The application for a Shoreline Conditional Use Permit shall be processed pursuant to:

a. The legislative policies stated in the SMA, RCW 90.58.020 and
b. The Shoreline Master Program of the City of Longview.

3. To approve a Shoreline Conditional Use Permit the applicant must demonstrate consistency with the conditional use criteria found in WAC 173-27-160(1) and (2).

4. To ensure compliance with the applicable criteria stated in the LMC, the Appeal Board of Adjustment 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 LMC, by means of conditions that are applicable to the proposed use. In no case shall the City or the Appeal Board of Adjustment have the authority to decrease the requirements of the City's municipal code when considering an application for a conditional shoreline development permit; any such decrease shall only be granted upon the issuance of a variance.

E. Shoreline Variance Permits

1. The purpose of a shoreline variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardship on the applicant or thwart the policies set forth in the SMA.

2. Variances from the use regulations of the Master Program are prohibited.

3. The Appeal Board of Adjustment shall, following an open-record public hearing, have the authority to make the final decision. The Appeal Board of Adjustment decision may be appealed per LMC Chapter 19.12.

4. To approve a Shoreline Variance Permit the applicant must demonstrate the criteria found in WAC 173-27-170 (Review Criteria for Variance Permits).

F. Filing with the Department of Ecology

1. All applications for a permit or a permit revision shall be submitted to the Department of Ecology (Ecology) upon a final decision by local government.

Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

2. When a Substantial Development Permit and a Conditional Use or Variance Permit are required for a development, the submittal on the permits shall be made concurrently.

3. A complete submittal shall consist of the following documents and information:

   a. A copy of the complete application
   b. Findings and conclusions that establish the basis for the decision including but not limited to, identification of shoreline environment designation, applicable Master Program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;
   c. The final decision of the local government;
   d. The permit data sheet required by WAC 173-27-190; and
   e. Where applicable, local government shall also file the applicable documents required by chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under Chapter 43.21C RCW.

4. When the project has been modified in the course of the local review process, plans or text shall be provided to Ecology that clearly indicates the final approved plan.

5. Submittal of Substantial Development Permits, Conditional Use Permits, Variances, rescissions and revisions is complete when all of the documents required pursuant to Subsections 3 and 4 of this section have been received by the department. If the department determines that the submittal does not contain all of the documents and information required by this section, the department shall identify the deficiencies and so notify local government and the applicant in writing. Ecology will not act on Conditional Use Permit or Variance submittal until the material requested in writing is submitted to the department.

6. Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with Ecology and the Attorney General.

7. When a permit has been appealed pursuant to RCW 90.58.180, upon conclusion of all review proceedings, a copy of the final order shall be provided by the local

government to the department. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the local government, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the local government shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with Subsection 3 of this section to Ecology for completion of the file on the permit. The purpose of this provision is to assure that the local and Ecology files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

G. Revisions to Permits

1. When an applicant seeks to revise a shoreline permit, whether such permit was granted under this SMP or under the Cowlitz County SMP in effect prior to adoption of the City of Longview SMP, the DCD 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 permit and consistent with the SMP and SMA the revision may be approved by the DCD Director, without the need for the applicant to file a new shoreline permit.

2. All shoreline permit revisions shall be transmitted to Ecology upon the DCD Director's final decision. If the revision is to a Shoreline Substantial Development Permit, it becomes effective immediately upon final decision by the DCD Director. 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 15 days of the date of receipt by Ecology per WAC 173-27-100(6). The DCD shall notify parties of record of the final decision.

3. All shoreline permit revisions may be appealed to the Shoreline Hearings Board within 21 days of the final decision to the permit revision per WAC 173-27-100(8).

H. Enforcement

1. Any person failing to conform to the terms of a permit issued in accordance with the SMP or who undertakes development on the Shorelines of the State without first obtaining any permit required by the SMP shall be subject to a civil penalty per WAC Sections 173-27-240 through 173-27-300.

I. Nonconforming Use and Development

1. All lawfully established uses and structures occurring as of the effective date of this Master Program shall be considered conforming to this Master Program.

2. All lawfully established uses and structures may continue and may be repaired, maintained, expanded or modified consistent with the Act and this Program. Such expanded or redeveloped structures and uses shall be considered conforming.

3. Any change in a use or structure shall conform to the standards of this Program and may require a Conditional Use Permit (CUP) in accordance with Section III (D) – Conditional Use Permit. A CUP may be granted only if no reasonable alternative use meeting the standards is practical, and the proposed use will be at least as consistent with the policies and provisions of this Program and the Act and as compatible with the uses in the area as the pre-existing use. Conditions may be imposed that are necessary to assure compliance with the above findings and with the requirements of this Program and the Act, to assure that the use will not become a nuisance or a hazard, and to assure that the use will not result in a net loss of the ecological function of the shoreline. If a use is discontinued for twelve (12) consecutive months or for twelve months during any two-year period, any subsequent use, if allowed, shall comply with the Act and this Master Program.

    a. Expansions to legally established residences or a legally established appurtenance located within the current shoreline setback shall only be accomplished by addition of space above the building footprint of the residence; and/or by placing the addition to the footprint on that side of the structure which is farthest away from the ordinary high-water mark and/or critical area. Such expansions shall not increase the square footage of the footprint by more than twenty (20) percent. Expansion of the square footage beyond twenty percent will require a Conditional Use Permit.
    b. Requests for expansion of a residential structure shall utilize the mitigation sequence and mitigation strategies set forth in this SMP to satisfy no net loss requirements.
    c. Expansion of legally established residential structures located overwater or in hazardous areas, such as floodways, floodplains, or geologically hazardous areas is prohibited. Redevelopment or replacement of such structures may be considered as a conditional use and subject to limitations that ensures public health and safety.

4. Expansions of legally existing structures other than residential structures as discussed above shall not increase the square footage of the footprint by more than twenty (20) percent. Expansion of the square footage beyond twenty percent will require a Conditional Use Permit. Requests for expansion shall utilize the mitigation sequence and mitigation strategies set forth in this SMP to satisfy no-net-loss requirements.

5. In the event that any legally existing structure is damaged or destroyed by fire, explosion or other casualty, it may be reconstructed to configurations existing immediately prior to the time the structure was damaged or destroyed, provided the application is made for the necessary permits within one year of the date the damage or destruction occurred, and the restoration is completed within two years of permit issuance or the conclusion of any appeal on the permit.

6. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark (OHWM) that was created or established in accordance with local and state subdivision requirements prior to the effective date of this Program or the Act, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations so long as such development conforms to all other requirements of this Program or the Act.

IV. SHORELINE JURISDICTION & ENVIRONMENTAL DESIGNATIONS

A. Shoreline Jurisdiction

The Shoreline Management Act of 1971 provides a definition of shoreline jurisdiction, stating that shorelines include certain waters of the state plus their associated "shorelands". These shorelines in the City of Longview are defined as:

a. streams and rivers with greater than 20 cubic feet per second mean annual flow;
b. lakes 20 acres or larger;
c. the following areas when they are associated with one of the above:
    - biological wetlands and river deltas; and
    - lands extending landward 200 feet from the OHWM, floodways and floodplain areas landward 200 feet from the floodway line.

All shoreline areas which meet the definition above are considered to be within the City's shoreline jurisdiction. Within the City, the shorelines of the state are the Columbia River, Cowlitz River, and Lake Sacajawea. The Columbia and Cowlitz Rivers are also classified as Shorelines of Statewide Significance per RCW 90.58.020, and must meet the standards within WAC 173-26-251 (Shorelines of Statewide Significance).

B. Environmental Designations

1. The SMA requires that each identified shoreline environment be given a designation, based on its physical condition and development pattern. The environmental designations shall be consistent with the description provided in WAC 173-26-211(4) and (5) unless the alternative designation provides equal or better implementation of the act.

2. The Master Program has environmental designations based on the following:

    a. Ecosystem characteristics and environmental functions;
    b. Restoration potential;
    c. Community goals as expressed through the City's Comprehensive Plan
    d. Existing land use patterns; and
    e. Development and redevelopment potential.

3. The environmental designation of shorelines not found to be mapped or designated, such as through an annexation, will be based on the Master Program in effect for the area prior to annexation. The shoreline environmental designation for a predesignated shoreline area shall take effect concurrent with annexation.

C. High Intensity

Areas:

Reach 1 – Columbia River (deep water portion and area parallel to Urban Conservancy designation from established high point of levee to landward extent of shoreline jurisdiction) and

Reach 2 – Columbia River

Reach 2A – Side channel inlet/backwater of the Columbia River, south of outlet of Long Bell Log Pond

1. Purpose

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

2. Designation criteria

    A High Intensity environment designation is assigned to shoreline areas within incorporated municipalities and urban growth areas if they currently support high intensity uses related to commerce, transportation or navigation; or are suitable and planned for high intensity water-oriented uses.

3. Management Policies

a. First priority should be given to water-dependent uses over other uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed-use developments supporting water dependent uses. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.
b. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated High Intensity.
c. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
d. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221 (4)(d).
e. New development and redevelopment within the High Intensity environment shall be consistent with the City's Comprehensive Plan and its goals, objectives, and policies that promote connections between Longview and its waterfront.
f. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

D. Shoreline Residential

Areas:

Reach 4 – Cowlitz River

1. Purpose

   The purpose of the Shoreline Residential environment is to accommodate residential development and appurtenant structures that are consistent with this SMP. An additional purpose is to provide appropriate public use, public access and recreational uses.

2. Designation criteria

   Assign a Shoreline Residential environment designation to shoreline areas that are predominantly single-family or multi-family residential development or are zoned and platted for residential development.

3. Management Policies

   a. Residential uses shall be the primary use, as well as other existing uses. Development and redevelopment activities shall be focused within already developed areas.
   b. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
   c. Transportation access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
   d. Multi-family and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.

E. Urban Mixed Use

Areas:

Reach 3 – Cowlitz River

1. Purpose

   The purpose of the Urban Mixed-use environment is to both acknowledge the existing presence of, and allow for the continuation of, residential, retail, commercial, office, public/institutional, recreational, and industrial uses that currently exist on the City's lower Cowlitz River shoreline, while protecting existing shoreline ecological functions and restoring ecological functions in areas that have been previously degraded.

   This designation also recognizes that this reach of the Cowlitz River does not contain areas that have reasonable commercial navigational accessibility as the reach lacks deep water areas, regular dredging maintenance, and is encumbered by a flood control levee system which limits the reach's ability to support water-dependent commercial, industrial, or transportation uses, and it is anticipated to remain in this state for the foreseeable future.

2. Designation criteria

   An Urban Mixed-use environment designation has been assigned to areas that are characterized primarily by a mix of residential, commercial, public/institutional, and industrial development, and/or areas with the potential for development or redevelopment to similar uses in the future.

3. Management Policies

a. Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. New development of non-water-oriented commercial uses will require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources.
b. Where feasible, visual and physical public access should be required as provided for in Section VI (E) – Public Access.
c. Development in the Urban Mixed-use environment should be managed so that it enhances and maintains the shorelines for a variety of urban uses, with priority given to water-enjoyment uses and public access.
d. New development and redevelopment within the Urban Mixed-use environment shall be consistent with the City's Comprehensive Plan and its shoreline goal, which is to plan and coordinate land uses, public access, and natural resource protection along shorelines of the State in accordance with the State SMA and the Longview Community Vision.
e. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

F. Urban Conservancy

Areas:

Reach 1 – Columbia River (downstream of Reach 1 High Intensity designation, from OHWM of the Columbia River landward to established high point of levee)

Reach 5 – Lake Sacajawea

1. Purpose

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

2. Designation criteria

The Urban Conservancy environment designation has been applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area. These areas are generally not suitable for water-dependent uses. Areas designated Urban Conservancy generally have the following characteristics:

a. They are suitable for water-related or water-enjoyment uses;
b. They are open space, floodplain, parks, or other sensitive areas that should not be more intensively developed;
c. They have potential for ecological restoration;
d. They retain important ecological functions, even though partially developed; or

e. They have the potential for development that is compatible with ecological restoration.

3. Management Policies

a. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
b. Standards have been established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy designation. These standards are designed to promote no net loss of shoreline ecological functions or values.
c. Public access and public recreation objectives shall be implemented according to priorities of the City of Longview Parks and Recreation Plan whenever feasible and significant ecological impacts can be mitigated. Activities within Lake Sacajawea Park should be consistent with Lake Sacajawea Park Preservation Plan.
d. Water-oriented uses will be given priority over non-water oriented uses.

G. Aquatic

Areas:

Reaches 1 and 2 –	The area from the OHWM of the Columbia River, waterward to the Washington State jurisdictional boundary.
Reach 2A –	Upon annexation by the City of Longview, the area waterward of the OHWM of Reach 2A will continue to be regulated by Cowlitz County.
Reaches 3 and 4 –	The area from the OHWM of the Cowlitz River, waterward to the midpoint of the river.
Reach 5 –	All areas waterward of the OHWM of Lake Sacajawea.

1. Purpose
The purpose of the Aquatic environment is to protect, restore, and manage the unique characteristics and resources of the area waterward of the OHWM.

2. Designation criteria
The Aquatic environment designation has been assigned to shoreline areas waterward of the OHWM.

3. Management Policies
   a. Provisions for the Aquatic environment should be directed towards maintaining and restoring habitat for priority aquatic species.
   b. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of existing hydrographic conditions.
   c. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
   d. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
   e. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
   f. 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.
   g. Uses that adversely impact the ecological functions of critical habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.

H. Official Map

1. Approximate shoreline jurisdiction and the shoreline environmental designations are delineated on a series of maps, hereby incorporated as a part of this SMP that shall be known as the “City of Longview Shoreline Master Program Maps”; see Figures 1A, 1B, 2, 3, 4, 5, 6, and 7 in Appendix B.

2. The boundaries of the shoreline jurisdiction on the maps are approximate. The actual extent of shoreline jurisdiction shall be based upon an onsite inspection and the shoreline jurisdiction definition as provided in Subsection A above.

V. SHORELINE USE, MODIFICATION, & DEVELOPMENT STANDARDS

The following tables indicate the allowable shoreline uses, modifications, and development standards applicable to the environmental designations. Where there is a conflict between the tables and written provisions of the Master Program, the written provisions should apply.

The tables are coded according to the following legend:

P=May be permitted
C=May be permitted as a conditional use only
X=Prohibited; the use is not permitted nor is it eligible for a variance or conditional use permit.
n/a=Not applicable

See also notes following Table 4.

Table 1. Shoreline Use

SHORELINE USE	Shoreline Environmental Designations				
	Aquatic	High Intensity	Urban Conservancy	Shoreline Residential	Urban Mixed-Use
Agriculture	X	P	P	X	X
Aquaculture	P	P	X	X	P
Boating Facilities[7]	P[1]	P	C[3]	P[3]	P[3]
Commercial:					
Water dependent	P	P	X	X	P
Water-related, water-enjoyment	X	P	X	X	P
Non-water-oriented	X	P	X	X	P[2]
Flood Hazard Reduction	P	P	P[3]	P	P
Industrial:					
Water-dependent	P	P	X	X	P[2]
Water-related	X	P	X	X	P[2]
Non-water-oriented	X	P	X	X	P[2]
Mining	X	X	X	X	X
Recreation:					
Water-dependent	P[3]	P	P[3]	P	P
Water-related, water-enjoyment	P[3]	P	P[3]	P	P
Non-water-oriented	X	P	P	P	P
Residential:					
Single-family	X	X	X	P	P
Multi-family	X	X	X	X	P[2]
Transportation facilities:					
Roads,trails, and railroad	n/a	P	P[13]/C[4]	P[4,13]	P[4,13]
Bridges	C	P	C	P[4]	P[4]
Parking – Accessory use	X	P	P	P	P
Parking – Primary use	X	X	X	X	X
Signs:					

On-premises	X	P	P[8]	P	P
Off-premises	X[9]	P	X[9]	X[9]	X[9]
Utilities:					
Primary	C[4]	P[4]	C[4]	P[4]	P[4]
Accessory	P	P	P	P	P

Table 2: Shoreline Modifications

SHORELINE MODIFICATIONS	**Shoreline Environmental Designations**				
	Aquatic	**High Intensity**	**Urban Conservancy**	**Shoreline Residential**	**Urban Mixed-Use**
Breakwaters, jetties, and weirs	P[11]/C[11]	P	X	X	C
Dredging	P[6]	n/a	n/a	n/a	n/a
Dredge material disposal	P[12]	P[12]	C[12]	P[12]	P[12]
Fill	C[5]	P	C[5]	P	P
Hazardous Waste Cleanup	P	P	P	P	P
Moorage Structures	P[1,15]	P[15]	C[15]	P[15]	P[15]
Restoration and Ecological Enhancement	P	P	P	P	P
Shoreline Stabilization:					
Bioengineering	C[5]	P	C[5]	P[5]	P[5]
Revetment	C[16]	P	C	P	P
Dikes/Levees	P	P	P	P	P

Table 3. Building Height Standards

DEVELOPMENT STANDARDS[17]	**Shoreline Environmental Designations**				
	Aquatic	**High Intensity**	**Urban Conservancy**	**Shoreline Residential**	**Urban Mixed-Use**
Agriculture	n/a	35 feet	35 feet	n/a	n/a
Commercial Development	n/a	Unlimited[14]	n/a	n/a	55 feet[14]
Industrial Development	n/a	Unlimited[14]	n/a	n/a	55 feet[14]
Recreation	n/a	55 feet[14]	15 feet	35 feet	35 feet
Residential Development:					
Building height, single-family	n/a	n/a	n/a	35 feet	35 feet
Building height, multi-family	n/a	n/a	n/a	n/a	55 feet[14]

Table 4. Shoreline Development Standards

Note: Habitat Conservation (Riparian) Buffers are measured from the ordinary high water mark (OHWM) of the waterbody. Shoreline setback lines are measured from high point of the levee (or midpoint if no high point has been established) or from the OHWM, which ever is greater (See Figures 1 through 5 following Table 4).

Reach Number	Reach Shoreline	Designation	Riparian Buffer/Shoreline Setback Line (Fish and Wildlife Habitat Conservation Area)[10]
1	Columbia River	Parallel: Urban Conservancy/ High Intensity	**Buffer for Habitat Conservation Purposes:** In areas protected by flood control levees, buffers extend from the OHWM to the toe of the maintained portion of the levee. In all other areas, the buffer is 200 feet from the OHWM.
			Shoreline Setback Line for Development Purposes: Water-dependent: 0 feet Water-related, Water-enjoyment/Non-water oriented: Shoreline setback line is the established high point of the levee (or midpoint if no high point has been established) or 100 feet from the OHWM, whichever is greater.
2 2A	Columbia River Side channel/ backwater area of Columbia River south of Long Bell Log Pond outlet	High Intensity	**Buffer for Habitat Conservation Purposes:** In areas protected by flood control levees, buffers extend from the OHWM to the toe of the maintained portion of the levee. In all other areas, the buffer is 200 feet from the OHWM.
			Shoreline Setback Line for Development Purposes: Water-dependent: 0 feet Water-related, Water-enjoyment/Non-water oriented: Shoreline setback line is the established high point of the levee (or midpoint if no high point has been established) or 100 feet from the OHWM, whichever is greater.

Reach Number	Reach Shoreline	Designation	Riparian Buffer/Shoreline Setback Line (Fish and Wildlife Habitat Conservation Area)[10]
3	Cowlitz River	Urban Mixed Use	**Buffer for Habitat Conservation Purposes:** In areas protected by flood control levees, buffers extend from the OHWM to the toe of the maintained portion of the levee. In all other areas, the buffer is 200 feet from the OHWM.
			Shoreline Setback Line for Development Purposes: Water-dependent: 0 feet Water-related, Water-enjoyment/Non-water oriented: Shoreline setback line is the established high point of the levee (or midpoint if no high point has been established) or 50 feet from the OHWM, whichever is greater.
4	Cowlitz River	Shoreline Residential	**Buffer for Habitat Conservation Purposes:** In areas protected by flood control levees/elevated roadways, buffers extend from the OHWM to the toe of the maintained portion of the levee or the waterward maintained portion of the roadway. In all other areas, the buffer is 200 feet from the OHWM.
			Shoreline Setback Line for Development Purposes: Water-dependent: 0 feet Water-related, Water-enjoyment/Non-water oriented: Shoreline setback line is the established high point of the levee (or midpoint if no high point has been established) or 50 feet from the OHWM, whichever is greater.

Reach Number	Reach Shoreline	Designation	Riparian Buffer/Shoreline Setback Line (Fish and Wildlife Habitat Conservation Area)[10]
5	Lake Sacajawea	Urban Conservancy	**Buffer for Habitat Conservation Purposes:** Habitat Conservation Buffer is 50 feet. All impacts to vegetated areas must be mitigated per Section VI (H) -Vegetation Conservation
			Shoreline Setback Line for Development Purposes: Water-dependent: 0 feet Water-related, water-enjoyment: 25 feet Non-water related: 50 feet

1. The use or shoreline modification may be allowed in the Aquatic environment if, and only if, permitted in the adjacent upland environment.

2. Public access, as required by the City, is a condition of approval for development as specified in Section VI (E) - Public Access.

3. The use may be allowed provided it does not cause significant adverse ecological impacts.

4. Transportation facilities or utilities may be allowed providing there is no other feasible route or location.

5. The shoreline modification may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions. Consistency with "Flood Hazard Reduction" provisions is also required.

6. Dredging may be allowed only in support of a water-dependent use or restoration when the City finds that the need is demonstrated. Dredging to establish, expand, relocate, or reconfigure navigation channels and basins allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

7. Piers or docks may be allowed if significant adverse ecological impacts are avoided. Boating facilities may not be used for extended moorage and/or live-aboard vessels.

8. Interpretive signs allowed only as part of a park or public access facility.

9. Off-premise, free-standing signs for community identification, information, or directional (way-finding) purposes are allowed and other non-commercial, off

premises signs may be allowed if they are displayed according to the sign regulations, LMC Chapter 16.13, Uniform Sign Code.

10. For the Columbia River and Cowlitz River segments, only water-dependent activities are allowed, subject to provisions in this Master Program, between the OHWM of the water body and the established high point of the levee. In the absence of an established high point of the levee, the midpoint of the levee crest or levee top will apply. For all development proposed within or over any part of the levee, or within the CDID #1's levee right-of-way, any activity proposed will be subject to approval by CDID #1 and the U.S. Army Corps of Engineers (levee certifying agency).

11. Breakwaters, jetties, groins, and weirs located waterward of the OHWM are allowed only where necessary to support water-dependent uses, flood hazard reduction, public access, shoreline stabilization, or other specific public purpose, such as fish and wildlife habitat enhancement. A conditional use permit shall be required, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in WAC 173-26-201(2)(e).

12. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. Use of such dredge materials obtained for this purpose may be allowed only in conjunction with an approved habitat restoration project.

13. Trails for pedestrians and non-motorized vehicles are permitted. Trails that parallel the OHWM are only allowed in the outer 25 percent of the habitat conservation buffer, with the exception of trails constructed for water access.

14. Building heights exceeding 35 feet are subject to RCW 90.58.320 (Height Limitation Respecting Permits), which requires applicants requesting permits for buildings exceeding 35 feet to demonstrate that overriding considerations of the public interest will be served by the building's construction.

15. New mooring structures shall be allowed only for water-dependent uses or public access. A dock associated with a single-family residence is a water-dependent use and may be permitted, provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of Section VIII (D) – Moorage Structures.

16. Revetments permitted as a conditional use only for flood hazard reduction or shoreline stabilization where no other feasible alternative exists.

17. All other uses not listed in Table 3- Building Height Standards, will be subject to a 35-foot height limit.

Levee Constrained Reaches – Habitat Conservation Buffers and Development Setbacks

(Figures 1, 2, 3, and 4)

FIGURE 1. JURISDICTIONAL AREAS – LEVEE CONSTRAINED REACHES

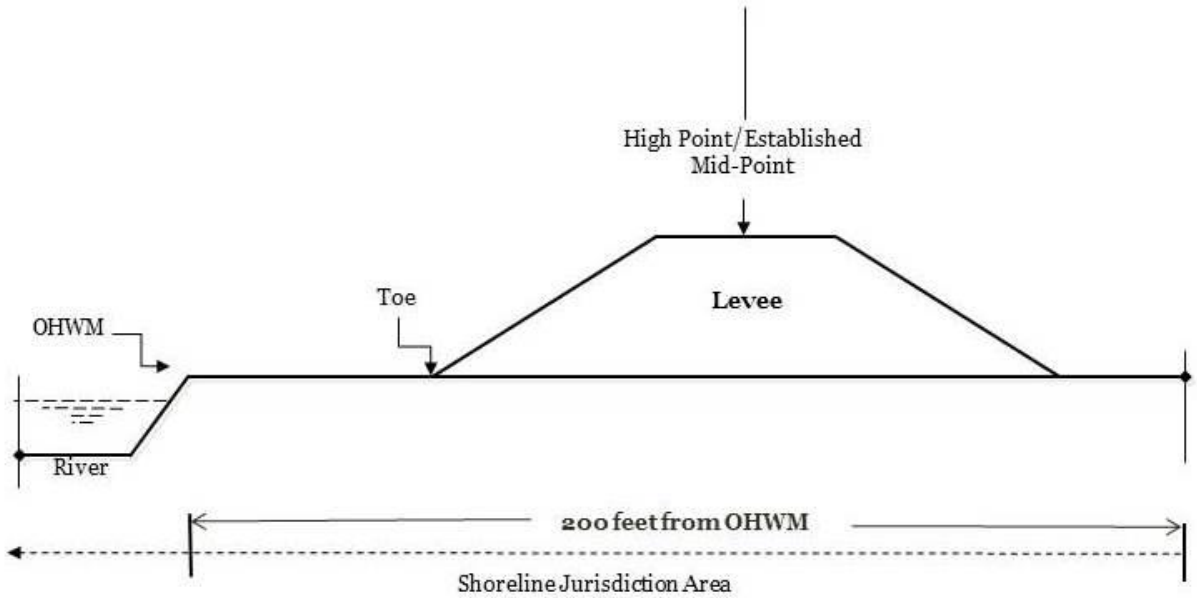
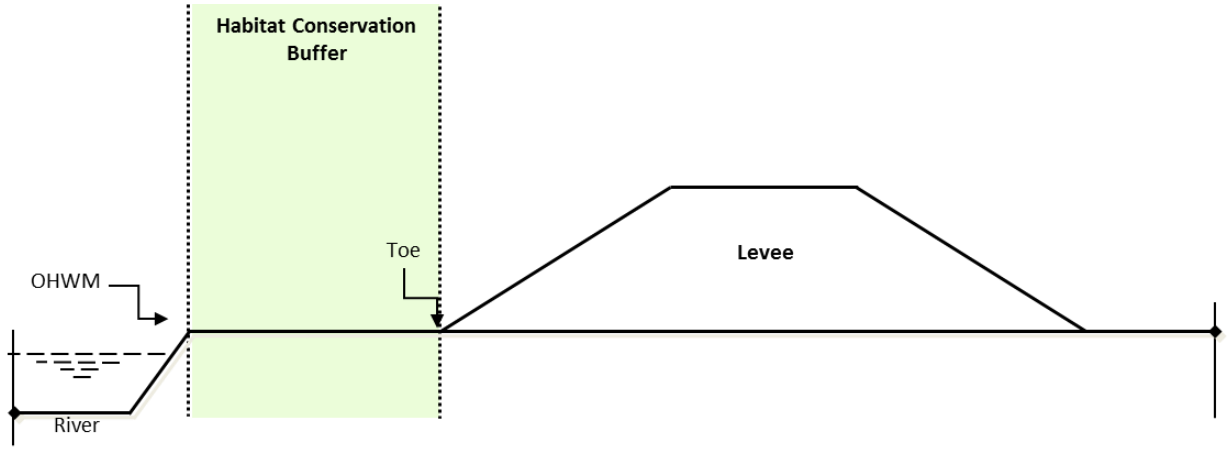


FIGURE 2. HABITAT CONSERVATION BUFFER AREAS – LEVEE CONSTRAINED REACHES

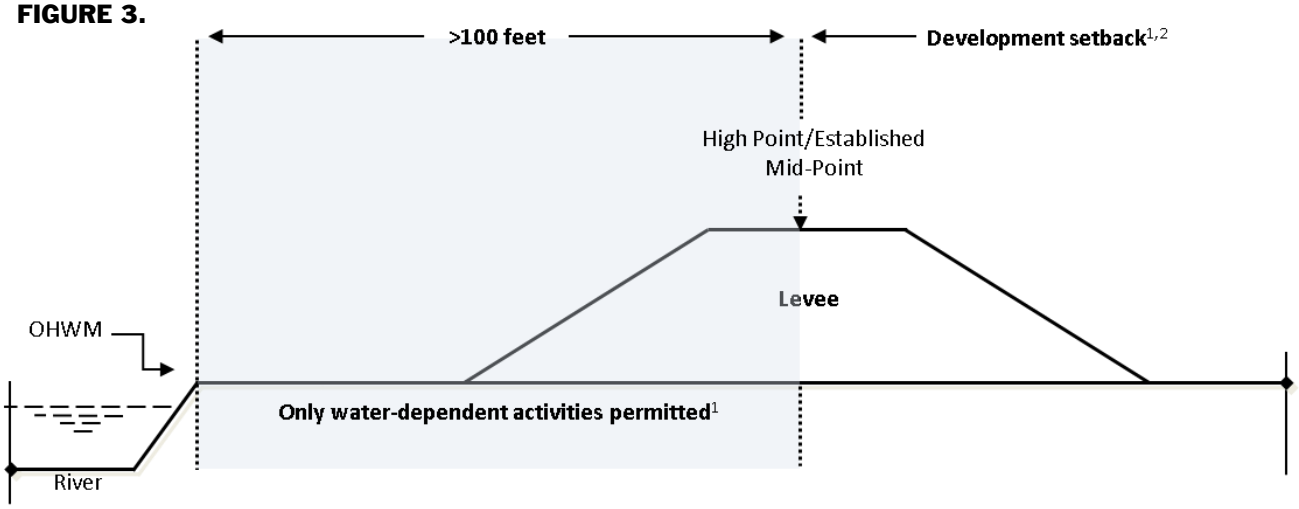


The following examples (Figures 3 and 4) pertain to levee constrained Reaches 1, 2, and 2A. The required shoreline setback line is different for other reaches.

Standard: For non-water dependent uses, the shoreline setback line is the established high point of the levee (or midpoint if no high point has been established) or 100 feet from the ordinary high water mark (OHWM), whichever is greater.

Example 1: If the high point of the levee is <u>more</u> than 100 feet from the OHWM, then the high point of the levee is the setback line (Figure 3).

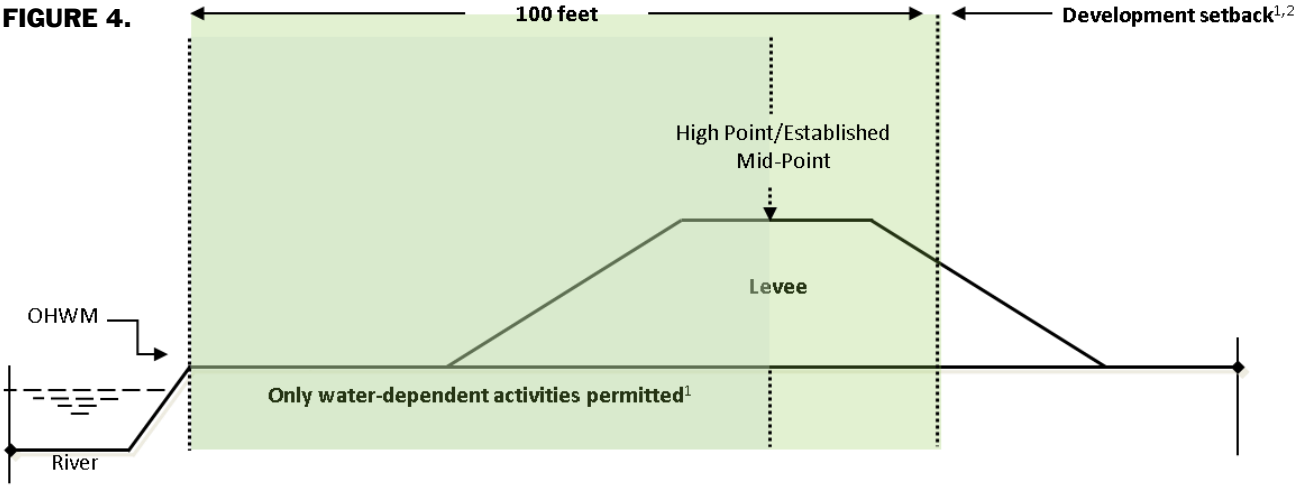
FIGURE 3.



1. *Subject to approval by U.S. Army Corps of Engineers and Consolidating Diking Improvement District*
2. *Subject to Shoreline Master Program development standards*

Example 2: If the high point of the levee is <u>less</u> than 100 feet from the OHWM, then 100 feet is the setback line (Figure 4).

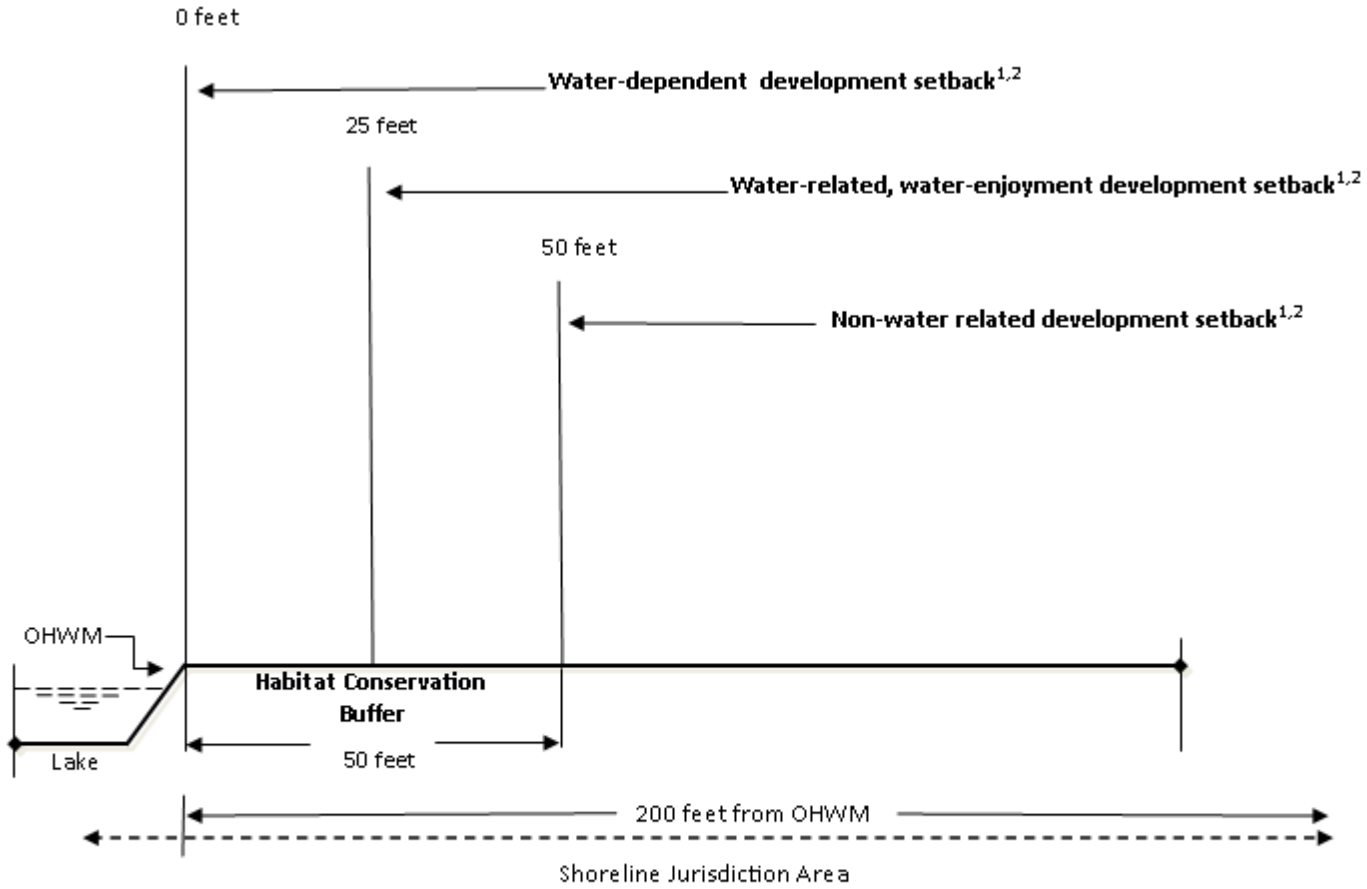
FIGURE 4.



1. *Subject to approval by U.S. Army Corps of Engineers and Consolidating Diking Improvement District*
2. *Subject to Shoreline Master Program development standards*

Lake Sacajawea – Habitat Conservation Buffer and Development Setbacks
(Figure 5)

FIGURE 5.



[1] *Subject to Shoreline Master Program development standards*
[2] *Development setback measured from Ordinary High Water Mark (OHWM)*

VI. GENERAL PROVISIONS

A. Shoreline General Policies and Regulations

1. Applicability

    a. The SMP policies are implemented by the regulations. The regulations describe the standards required for all shoreline uses and modifications in all environmental designations and are part of the City of Longview Municipal Code.
    b. Shoreline General Policies and Regulations apply to all developments and uses within shoreline jurisdiction.

2. Policies

    a. Where appropriate, the DCD will implement the policies of this Master Program in all land use activities, such as development permitting, public construction, and public health and safety. Specifically, such activities include, but are not limited to: water quality and stormwater management activities, including those outside shoreline jurisdiction, but affecting the shorelines of statewide significance; health and safety activities; and public works and utilities development.
    b. All adverse ecological impacts should be mitigated to ensure no net loss of shoreline ecological functions.

3. Regulations

    a. All proposed shoreline uses and developments, including those uses and developments that do not require a shoreline permit, shall conform with the policies and regulations of this SMP and the provisions of the SMA, Chapter 90.58 RCW.
    b. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or for a shoreline conditional use permit.
    c. Where regulations included in this Master Program appear to produce conflicting requirements, the more environmentally protective regulation shall apply.

    d. All shoreline uses and development shall meet no net loss of ecological function by using the following mitigation sequence of steps, listed in order of priority, with (i) being top priority;

i. Avoiding the impact altogether by not taking a certain action or parts of an action;
ii. 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;
iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
iv. Reducing or eliminating the impact over time by preservation and maintenance operations;
v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
vi. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

B. Archaeological and Historic Resources

1. Applicability
   The following provisions apply to archaeological and historic resources that are either recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP) or are revealed during the course of development or modification activity within the shoreline jurisdiction.

2. Policies
   Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and the DAHP.

3. Regulations

   a. Archaeological sites located in the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25.48 WAC (Archaeological Excavation and Removal Permit), as well as the provisions of the Master Program.
   b. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the DCD, DAHP, and affected Indian tribes if any sites or items of possible archaeological value are uncovered during excavation. In such cases, the developer shall be required to provide a site inspection and evaluation by a professional archaeologist.

   c. All shoreline permits and exemptions issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected tribes.

C. Critical Areas

1. Applicability

    a. Critical areas include wetland areas, fish and wildlife habitat conservation areas, critical freshwater habitats, frequently flooded areas, and geologic hazard areas occurring in the City's shoreline jurisdiction as incorporated into Appendix A – "Shoreline Critical Areas Regulations.'
    b. Shoreline jurisdiction shall not be extended to include critical area buffers that are beyond the usual SMA jurisdiction, as provided for in RCW 36.70A.480(6).

2. Policies

    a. The Shoreline Critical Areas Regulations should promote human uses and values, such as public access and aesthetic values, provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated.
    b. The Shoreline Critical Areas Regulations should protect hydrological connections between water bodies, water courses, and associated wetlands.

3. Regulations
    All project proposals that involve alteration of critical areas and their associated buffers, as specified in Section C1 above, and including the hydrological connections between waterbodies, water courses, and associated wetlands, will be protected by the detailed regulations incorporated into this SMP which can be found in Appendix A, "Shoreline Critical Areas Regulations."

D. Flood Hazard Reduction

1. Applicability

   a. Flood hazard reduction measures are actions taken to reduce flood damage or hazard. This section applies to uses, development, and shoreline modifications that may increase flood hazards, as well as the implementation of measures to reduce flood hazards. Flood hazard reduction measures may consist of nonstructural measures, such as setbacks, land use controls, wetland restoration, use relocation, biotechnical measures, and storm water management programs, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program. Dikes and levees are earthen embankments constructed to provide flood control, water impoundment, or settling basins. Overall, the provisions in this section are intended to address two concerns especially relevant to areas within shoreline jurisdiction:

      i. Protecting human safety and minimizing flood hazard to human activities and property; and
      ii. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin.

2. Policies

   a. Implement a comprehensive program to manage the City's flood hazard areas that integrates the following City ordinances and activities:

      i. Regulations of the Master Program;
      ii. The Flood Damage Prevention Standards, LMC Chapter 17.24;
      iii. The development standards of the underlying zoning district;
      iv. The City stormwater management plan and implementing regulations;
      v. City, county, and CDID #1 approved flood risk reduction measures; and
      vi. The City's participation in flood risk management programs, including the Federal Emergency Management Act.

   b. Flood control measures should be sited and designed consistent with appropriate engineering principles, including guidelines of the U.S. Army Corps of Engineers, watershed plans, restoration plans, critical area regulations, floodplain regulations, and stormwater management plans and regulations in order to prevent flood damage, maintain the natural hydraulic capacity of floodways, and conserve limited resources such as fish habitat, water, and soil.
   c. Continue to undertake flood risk management planning in a coordinated manner with affected property owners, CDID #1, and public agencies.

d. In designing new publicly financed or subsidized works, give consideration to providing public pedestrian access to the shoreline.
e. In the City of Longview, dikes and levees are the primary form of structural flood control. The dike system has been in place since the 1920s and will continue to be a permanent feature of the City's shoreline areas. These flood risk management structures are necessary for the protection of developed areas of the City and to further the goals and policies of the City of Longview Comprehensive Plan.
f. Removal of gravel for flood management purposes should be consistent with an adopted flood hazard reduction plan and is allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution, except when the removal is part of a U.S. Army Corps of Engineers dredging activity.

3. Regulations

a. New, structural, public flood risk management projects that are linear in nature, such as dikes or levees, shall provide public access to the shoreline unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
b. New structural flood control works shall only be allowed in shoreline jurisdiction when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development. Structural measures can only be permitted when impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, that appropriate vegetation conservation actions are undertaken, and where no alternative to non-structural flood hazard reduction measures exists as documented in a geotechnical analysis.
c. Existing hydrological connections to the floodplain and associated wetlands shall be maintained where feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.
d. Uses that may be appropriate and/or necessarily located in the floodway include the following applicable uses delineated in WAC 173-26-221(3)(c)(i), when consistent with language elsewhere in the SMP. These uses are:

    i. Actions and development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
    ii. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are

allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.

iii. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.

iv. 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.

v. Development in incorporated municipalities as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.

vi. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

E. Public Access

1. Applicability

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access facilities may include picnic areas, pathways and trails, docks, promenades, viewing overlooks, platforms and boat launches.

2. Policies

a. Efforts to provide public access should be sensitive to the unique characteristics of the shoreline. Public access should preserve the natural character and quality of the shoreline, where present.

b. Where possible, opportunities for public access should be identified on publicly-owned shorelines.

c. Development projects should demonstrate that views from public properties, public streets, and/or a significant number of residences are not adversely impacted.

d. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible, except in those cases where the development has security requirements that are not feasible to address through the application of alternative design features or other measures.

e. The acquisition of suitable upland properties to provide access to publicly-owned shorelands should be encouraged where feasible and practical.

3. Regulations

a. Except as provided in regulations ‘b’ and ‘c’ below, shoreline substantial developments and/or shoreline conditional uses shall provide public access where any of the following conditions are present:

   i. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact;
   ii. Where a development or use will interfere with existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing onsite or nearby accesses;
   iii. Where a use that is not a priority shoreline use under the SMA locates on a shoreline of statewide significance, the use or development shall consider providing public access to mitigate this impact;

b. An applicant need not provide public access where the DCD determines that one or more of the following conditions apply:

   i. Residential developments of four or fewer lots;
   ii. The proposal is an accessory to an existing permitted use and does not impact existing public access;
   iii. If access were provided, unavoidable health or safety hazards to the public would exist that cannot be prevented by any practical means;
   iv. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
   v. The cost, as determined by the DCD, of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
   vi. Significant ecological impacts would result from the public access that cannot be mitigated;
   vii. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; or
   viii. The subject site is separated from the shoreline waterbody by other parcels, public or private improvements such as highways, railroads, levees or similar significant intervening improvements, and public access is not feasible.

   When any of the conditions in (b)(iii) through (b)(viii) above apply, DCD shall consider alternate methods of providing public access such as offsite improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.

c. When public access is provided through an easement, the minimum width of public access easements shall be 20 feet, unless the City determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
d. Approved signs that indicate the public's right of access and hours of access shall be installed, and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.
e. Development projects should demonstrate that views from public properties, public streets, and/or a significant number of residences are not adversely impacted.
f. Public access shall be required for all shoreline development by public entities, including, but not limited to, the City of Longview, Port of Longview, CDID #1, county and state agencies, and public utility districts, unless the public access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
g. Public access improvements shall be designed to prevent interference with the CDID #1's ability to prevent flooding.

F. Signage

1. Applicability

The following provisions apply to any commercial advertising or non-commercial information sign within the shoreline jurisdiction directing attention to a place, business, professional service, or community event to be held, conducted, or sold either on- or off-premises.

2. Policies

a. Signs should be designed and placed so that they are compatible with the scenic quality of the existing shoreline and adjacent land and water uses.
b. Signs should not block or otherwise interfere with visual access to the water or shore lands.

3. Regulations

a. Except as noted within this Master Program, signs posted within shoreline jurisdiction should conform to the standards established in the Longview Municipal Code.
b. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline.
c. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
d. Light from signs shall be directed to prevent light spillage onto water surfaces.

e. Temporary or obsolete signs shall be removed within 10 days of elections, closures of business, or termination of any other function.
f. Allowable Signs: The following types of signs may be allowed in all shoreline environments and view corridors:

    i. Water navigational signs and highway and railroad signs necessary for operation, safety, and direction.
    ii. Public information signs directly relating to a shoreline use or activity.
    iii. Off-premise, free-standing signs for community identification, information, or directional purposes.
    iv. National, site, and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
    v. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.

g. Prohibited Signs: The following types of signs are prohibited:

    i. Commercial signs for products, services, or facilities located offsite, except way-finding signs as authorized by the City or state.
    ii. Over-water signs and signs on floats or pilings, except those providing navigational information, safety, directional, and/or information.

G. Shorelines of Statewide Significance

1. Applicability

The SMA designated certain shoreline areas as shorelines of statewide significance (SSWS). Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people of the state derive benefit, the statewide interest should be recognized and protected over the local interest.

Those areas that have been designated as SSWS (RCW 90.58.020) in the City of Longview are the Columbia and Cowlitz Rivers.

2. Policies

a. To ensure that the statewide interest is recognized and protected over the local interest in SSWS, the City of Longview shall review all development proposals within SSWS for consistency with RCW 90.58.020 and the following policies (in order of preference):

    i. Recognize and protect the statewide interest over local interest;
    ii. Preserve the natural character of the shoreline;
    iii. Result in long-term over short-term benefit;

iv. Protect the resources and ecological function of the shoreline;
v. Increase public access to publicly-owned areas of the shorelines;
vi. Increase recreational opportunities for the public in the shoreline; and
vii. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

b. Uses that are not consistent with these policies should not be permitted on SSWS.
c. To recognize and protect statewide interest over local interest, the Washington Departments of Fish and Wildlife and Ecology, affected tribes, other resource agencies, and interest groups should be consulted for development proposals that could affect anadromous fisheries or other priority species or habitats.
d. Redevelopment of shorelines should be encouraged where it restores or enhances shoreline ecological functions and processes impaired by prior development activities.
e. The range of options for shoreline use should be preserved to the maximum possible extent for succeeding generations. Development that consumes valuable, scarce, or irreplaceable natural resources should not be permitted if alternative sites are available.
f. Preserve sufficient shorelands and submerged lands to accommodate current and projected demand for economic resources.
g. Public and private developments should be encouraged to provide trails, viewpoints, water access points, and shoreline related recreation opportunities whenever possible. Such development is recognized as a high priority use.
h. Protect resources and ecological systems of shorelines of statewide significance, such as anadromous fish habitats and forage fish spawning and rearing areas.

H. Vegetation Conservation

1. Applicability

   a. The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation within the City's shoreline jurisdiction, whether or not that activity requires a shoreline permit, except as noted herein. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities.
   b. Management of vegetation as a function of flood risk reduction structure maintenance shall comply with standards of the Rehabilitation and Inspection Program for non-federal levees conducted by the U.S. Army Corps of Engineers or other agencies with jurisdiction over such structures.

2. Policies

Vegetation within the City shoreline areas, waterward of dikes and levees or where no such structures exist, should be enhanced over time to provide a greater level of ecological function, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of the Master Program, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in the Shoreline Analysis Report and Addendum of the SMP.

3. Regulations

   a. All development shall minimize vegetation removal in areas of shoreline jurisdiction to the amount necessary to accommodate the permitted use. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within areas of shoreline jurisdiction waterward of dikes and levees must provide, as a part of a Shoreline Substantial Development Permit application or a Shoreline Exemption Certificate application, a site plan drawn to scale, indicating existing and proposed land contours, dimensions and locations of all existing and proposed structures and improvements, a general indication of the character of vegetation found on the site, and the extent of proposed clearing and/or grading (WAC173-27-180(9)). The City may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions. Note that this provision does not apply to the removal of noxious and invasive plant species.
   b. 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.
   c. Vegetation restoration is subject to any setbacks or restrictions set forth within U.S. Army Corps vegetation management guidelines for flood control structures.
   d. Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native 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 or habitat management plan to be completed), maintaining native 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.
   e. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens shall be considered normal maintenance and repair and, therefore, exempt from the requirement to obtain a Shoreline Substantial Development Permit. Aquatic weeds are defined as aquatic plants designated as Class A, B, and C Noxious Weeds by the Washington State Noxious Weed Control Board.

f. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified expert.
g. 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 ordinance. 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.
h. Protection of existing buffer function in the Lake Sacajawea shoreline jurisdictional area will include the replacement of vegetation impacted by development in the habitat conservation buffer at a 1 : 1 replacement ratio.
i. Timber harvesting for commercial purposes is prohibited on the Columbia and Cowlitz Rivers within shoreline jurisdiction.

I. Water Quality

1. Applicability

The following section applies to all development and uses in areas of shoreline jurisdiction that may affect water quality.

2. Policies

a. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of water quality, quantity, or hydrology.
b. The City should require reasonable setbacks, buffers, stormwater storage and, where appropriate, encourage low impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.
The City should implement the most recently adopted Washington Department of Ecology Stormwater Design Manual.

3. Regulations

a. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that the receiving water quality and shoreline properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, and planted buffers.
b. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with the Master Program.

VII. SHORELINE USE POLICIES AND REGULATIONS

A. Introduction

The policies and regulations in this chapter apply to specific uses within shoreline jurisdiction. In many circumstances, more than one section of use policies and regulations will apply to a specific proposal.

B. General Use Policies

1. The DCD will give preference to those uses that control pollution and prevent damage to the natural environment, or are unique to or dependent upon uses of the state's shorelines.

2. At the time of adoption of the SMP, there are no water-dependent or water-related commercial, transportation, or industrial land uses on the Cowlitz River shorelines and the extensive nature of flood risk reduction structures, their location relative to the shoreline, and the limited navigability of the Cowlitz River essentially preclude the development of such uses waterward of the levee. It is the City's policy to continue to allow non-water-oriented uses landward of flood risk reduction structures within the Shoreline Residential and Urban Mixed-use environmental designations consistent with the City of Longview Comprehensive Plan, City of Longview Zoning Code, and the provisions of this SMP.

C. Agriculture

1. Applicability

    a. Agriculture includes, but is not limited to, the production of horticultural, viticultural, floricultural, livestock, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees; the operation and maintenance of farm and stock ponds, drainage ditches, or irrigation systems; normal crop rotation and crop change; and the normal maintenance and repair of existing structures, facilities, and lands currently under production or cultivation. Excluded are agricultural processing industries.
    b. As defined in RCW 90.58.065 (Application of Guidelines and Master Programs to Agricultural Activities), existing and on-going agriculture is exempt from SMA provisions, and therefore the policies and regulations in this SMP.

2. Policies

a. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood risk, and maintain habitat for fish and wildlife.
b. Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration.

3. Regulations

a. A Shoreline Substantial Development Permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv).
b. Agricultural uses are allowed in the Urban Conservancy and High Intensity environment as a permitted use.

c. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the SMA and this Master Program.
d. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
e. Agricultural chemicals shall be applied in a manner that prevents the direct runoff of chemical-laden waters into water bodies or aquifer recharge areas.
f. New agricultural activities proposed on land not currently in agricultural use, and any modifications in support of such use, shall comply with the following:

i. The use or modification is consistent with the environment designation in which the land is located; and
ii. The use or modification is located and designed to assure no net loss of ecological functions and in such as way as to not have a significant adverse impact on other shoreline resources and values.

g. Conversion of agricultural land to non-agricultural uses shall be consistent with the environmental designation, and regulations applicable to the proposed use will not result in a net loss of ecological functions.

D. Aquaculture

1. Applicability

In the City of Longview, aquaculture is the culture or farming of fish, or other aquatic plants and animals.

2. Policies

a. Aquaculture should be located in areas that will not result in a net loss of ecological function to the shoreline and not negatively impact navigation and other water dependent uses.
b. Aquaculture should be allowed for the restoration of native fish runs of the Columbia and Cowlitz Rivers.

3. Regulations

a. Aquaculture is only permitted in association to the restoration of native fish species on the Columbia and Cowlitz Rivers.

E. Boating Facilities

1. Applicability

Boating facilities are public and private uses that provide watercraft access to the shoreline, these can include marinas, boat launches, moorage, storage, and other services for five or more pleasure and commercial watercraft, and excludes docks serving four or fewer single-family residences. Shoreline modifications associated with marinas, including docks, piers, buoys, and floats, shall also comply with Section VIII (D) - Moorage Structures.

2. Policies

a. Boating facilities should be designed in a manner that will avoid and prevent damage to aquatic species and associated habitat.
b. Boating facilities should be designed and located to be aesthetically compatible with adjacent areas.
c. Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.
d. Boating facilities should incorporate public access and viewing opportunities, overwater where possible, and with regard for public safety.

3. Regulations

a. All facilities shall be constructed so as not to interfere with or impair the navigational use of surface water.
b. New marinas and/or boating facilities shall only be permitted where it can be demonstrated that:

i. That the proposed site has the flushing capacity required to maintain water quality;

ii. That adequate facilities for the prevention and control of fuel spillage are incorporated into the proposal;
iii. That there shall be no net loss of ecological functions as a result of the development of boating facilities and associated recreational opportunities;
iv. The proposed design will minimize impediments to fish migration.

c. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed, nor made dangerous.
d. Boating facilities shall be located far enough from public swimming beaches, fishing, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns, and potential use conflicts.

e. Accessory uses at marinas or launch ramps including parking, waste storage, stormwater management facilities, and utilities shall be permitted provided they are consistent with all other provisions of this Program (including those for parking, transportation, and utilities).
f. Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch facilities shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations.
g. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.
h. Where appropriate, boat launch facilities shall install public safety signs to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.
i. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials used for submerged portions, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol, or other similarly toxic materials is prohibited.
j. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and provided that lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
k. Live-aboard vessels shall only be permitted where adequate marina facilities exist to prevent impacts to water quality.

l. Proposals for boating facilities development shall ensure that there will be no net loss of ecosystem functions associated with the development, while providing public recreational opportunities.

F. Commercial Development

1. Applicability

   Commercial development means those uses that are involved in business trade including, but are not limited to, occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, and privately operated recreational uses.

2. Policies

   a. Multiple use concepts, which include open space and recreation, should be encouraged in commercial developments.

   b. First preference shall be given to water-dependent uses over nonwater-dependent commercial uses, with second preference to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.

3. Regulations

   a. Non-water-oriented commercial developments on the shoreline are prohibited except when:

      i. Navigability is severely limited; or
      ii. As part of a mixed-use development that includes a water-dependent use; or
      iii. When the site is physically separated from the shoreline by a separate property or public right-of-way.

   b. When a non-water-oriented commercial use meets one of the conditions in Subsection a above, the proposal is required to provide public access and shoreline restoration as specified in Section VI (E) – Public Access and Section VIII (H) – Shoreline Restoration of this SMP, respectively. Such requirements will be in proportion to the proposal.
   c. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the area's visual qualities. To this end, the DCD may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.
   d. All new water-related and water-enjoyment commercial development and redevelopment proposals will be reviewed by the DCD for ecological restoration and public access opportunities where practical and feasible. When restoration and/or public access plans indicate opportunities exist, the DCD may require that those opportunities are either implemented as part of the

development project or that the project design be altered so that those opportunities are not diminished.

e. New commercial development is prohibited in the Urban Conservancy and Shoreline Residential shoreline environments.
f. Non-water-dependent commercial uses over water are prohibited except in existing structures, and where necessary to support water-dependent uses.

G. Industrial Development

1. Applicability

   a. Industrial uses include facilities for processing, manufacturing, and storing finished or semi-finished goods, and shipping.
   b. In the City of Longview, future water-dependent industrial development is planned along the Columbia River shoreline. Outside of the Columbia River shoreline, there is limited potential for water-dependent industrial development; however, some non-water-oriented, limited light industrial-type reprocessing activities currently exist and are likely to continue in the future.

2. Policies

   a. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.
   b. Preference shall be give first to water-dependent uses, then to water-oriented industrial uses.

3. Regulations

   a. Storage and/or disposal of industrial wastes are prohibited within the shoreline jurisdiction.
   b. Stormwater best management practices (BMPs) shall be followed (as found in LMC 17.80, Stormwater Management).
   c. New industrial development is prohibited in all shoreline environments except Urban Mixed-use and High Intensity.
   d. Where industrial development is allowed, it shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions such that it does not have significant adverse impacts to other shoreline resources and values.
   e. New non-water-oriented industrial development shall be prohibited within shoreline jurisdiction except when:

      i. Navigability is severely limited; or,
      ii. As part of a mixed-use development that includes a water-dependent use; or,

iii. When the site is physically separated from the shoreline by a separate property or public right-of-way.

f. When a non-water dependent industrial use meets one of the conditions in Subsection e above, the proposal is required to provide public access and shoreline restoration as specified in Section VI (E) - Public Access and Section VIII (H) - Shoreline Restoration of this SMP, respectively. Such requirements will be in proportion to the proposal.
g. When industrial uses and development require public access, public access shall meet the requirements in the public access section of this SMP.

H. In-Stream Structures

1. Applicability

   a. In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow.
   b. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood risk reduction, transportation, utility service transmission, fish habitat enhancement, or other purpose. (WAC 173-26-241(3)(g)).
   c. This section is applicable to both the structures themselves and their support facilities and applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.

2. Policies

   a. In-stream structures should be planned and designed to be compatible with appropriate multiple uses of resources over the long-term. Appropriate multiple uses include, but are not limited to, public access, recreation, and fish migration.

3. Regulations

   a. In-stream structures shall be sited and designed consistent with applicable guidance documents from the Washington Department of Fish and Wildlife, and shall incorporate elements from applicable watershed management and restoration plans and/or surface water management plans.
   b. In-stream structures shall be designed by a qualified expert. In-stream structures shall allow for natural surface water movement and surface runoff, and shall preserve valuable recreation resources and aesthetic values. In-stream structures shall not be a safety hazard.
   c. In-stream structures provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources,

including, but not limited to, fish and fish passage, wildlife and water resources, hydrogeologic processes, and natural scenic vistas.

I. Mining

Mining, (as defined in WAC 173-26-241(3)(h) is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses. Mining is prohibited in the City of Longview's shoreline jurisdiction.

J. Recreational Development

1. Applicability

    a. Recreational development includes private commercial and public facilities designed and used to provide recreational opportunities to the public. Recreational uses can include public and private (commercial) facilities for recreational activities such as hiking, fishing, photography, viewing, and bird-watching, and more intensive uses, such as parks with sports facilities, and other outdoor recreation areas.

2. Policies

    a. The coordination of local, state, and federal recreation planning should meet projected demand by anticipating future levels of service. Shoreline recreational developments within City of Longview parks should be consistent with the City's Parks and Recreation Master Plan.
    b. Water-dependent recreational uses, such as fishing, boating, and swimming should have priority over water-enjoyment uses, such as picnicking. Water-enjoyment uses should have priority over non-water-oriented recreational uses, such as baseball or soccer fields. Priority should be given to recreational development for access to and use of the water.
    c. The linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking trails, bicycle paths, and easements should be encouraged.

3. Regulations

    a. Non-water-oriented recreational developments may be permitted only where it can be demonstrated that:

        i. A water-oriented use is not reasonably expected to locate on the proposed site due to topography and/or other physical features, surrounding land uses, or the site's separation from the water;

ii. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses;
iii. The proposed use will be of appreciable public benefit by increasing ecological functions together with public use, enjoyment, or access to the shoreline.

b. All new recreational development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.
c. Recreation facilities shall demonstrate that they are located, designed, and operated in a manner consistent with the purpose of the environmental designation in which they are located and will result in no net loss of shoreline ecological functions or ecosystem-wide processes.
d. Water-oriented recreational development shall be given priority and shall be primarily related to access, enjoyment, and use of the water and shorelines.

K. Residential Development

1. Applicability

a. Residential development includes single-family residences, multi-family development, and the creation of new lots through land division. In the City of Longview, existing single-family residential development along the shoreline is limited in extent on the Columbia and Cowlitz Rivers.
b. The SMA identifies single-family residences as a priority use when (and only when) developed in a manner consistent with the control of pollution and prevention of damage to the natural environment. Although some owner-occupied, single-family residences are exempt from the substantial development permit process, they still must comply with all of the provisions of the Master Program. Subdivisions and short subdivisions must also comply with all of the provisions of this section and the Master Program. All development is subject to the variance and conditional use requirements and permit processes, when indicated.

2. Policies

a. Recognizing the single-purpose, irreversible, and space-consumptive nature of single-family, detached residential development in shoreline jurisdiction, new development of this type should provide adequate setbacks and buffers from the water and ample open space between structures to provide space for outdoor recreation, to protect and restore ecological functions and ecosystem-

wide processes where feasible, to preserve views, and to minimize use conflicts.

b. New residential development should be designed so as to not cause significant ecological impacts or significant adverse impacts to shoreline characteristics, public access and views, and to improve public use of the shoreline and the water.
c. Multi-family residential development should be designed to take advantage of public access opportunities to the shoreline, including joint use for community recreation facilities, provided such access does not conflict with residential privacy, and does not present a life safety or security issue.

3. Regulations

a. New over-water residences and floating homes are prohibited.
b. All new residential structures are only permittable in shoreline jurisdiction when they are consistent with this SMP and are also allowed in the underlying City of Longview Zoning Code (LMC Title 19).
c. All multi-family residential structures, as well as the subdivision of land into more than four parcels for any residential development are subject to the public access provisions found in Section VI (E) - Public Access of this SMP.
d. The creation of new lots shall be prohibited unless all of the following can be demonstrated:

i. A primary residence can be built on each new lot without any of the following being necessary:
    - New structural shoreline stabilization;
    - New structures in the required shoreline setback, frequently flooded critical areas, geologically hazardous areas, wetlands, required wetland buffer, wildlife habitat conservation areas, or wildlife habitat conservation area buffers;
    - New structures within the area waterward of an existing levee structure;
    - Causing significant erosion or reduction in slope stability; and
    - Causing increased flood risk or erosion in the new development or to other properties.
ii. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions.
iii. The intensity and type of development is consistent with the SMP environmental designation, the City of Longview Comprehensive Plan and development regulations.

L. Transportation

1. Applicability

a. Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, and railroad facilities.
b. The policies and regulations identified in this section pertain to any project, within any environment that proposes to change existing transportation facilities or introduce new such facilities.

2. Policies

a. Circulation systems plans should include systems for pedestrian, bicycle, and public transportation where appropriate.

3. Regulations

a. Applications for redevelopment of transportation facilities in shoreline jurisdiction shall include the following information:

i. Demonstration of the need for the facility;
ii. An analysis of alternative alignments or routes including, where feasible; alignments or routes outside shoreline jurisdiction;
iii. Description of construction, including location, construction type, and materials;
iv. If needed, description of mitigation and restoration measures.

b. Proposed transportation and parking facilities are required to plan, locate, and design where routes will have the least possible adverse effect on unique or fragile shoreline features, and will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.
c. All new transportation facilities in shoreline jurisdiction shall be consistent with the Comprehensive Plan and applicable Capital Improvement Plans.
d. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the Master Program.
e. Parking is only allowed as necessary to support and authorized shoreline use and which minimize environmental and visual impacts of parking facilities in support of an allowed use.
f. Circulation routes to and on shorelands shall include systems for pedestrian, bicycle, and public transportation where appropriate.

M. Utilities

1. Applicability

a. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, natural gas, water, sewage, solid waste, stormwater, telecommunications, etc.
b. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities, and wireless telecommunications, as well as accessory utilities that provide small-scale distribution services connected directly to uses along the shoreline.

2. Policies

a. Primary and accessory utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities and utility lines should be placed underground or alongside or under bridges.
b. Both primary and accessory utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

3. Regulations

a. All utility facilities shall be designed and located to minimize harm to 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. The DCD may require the relocation or redesign of proposed utility development in order to ensure no net loss of ecological functions.
b. Primary utility production and processing facilities such as power plants and sewage treatment plants, or parts of those facilities, that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.
c. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of shoreline jurisdiction where feasible.
d. Utilities should be located in existing rights-of-way and corridors whenever possible.
e. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.
f. In shoreline jurisdiction, accessory utility transmission lines, pipelines, and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing or alternate routes.

g. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

VIII. SHORELINE MODIFICATION PROVISIONS

A. Introduction

1. Shoreline modifications are structures or actions undertaken in support of or in preparation for a shoreline use.

2. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, docks, and floats. Actions such as clearing, grading, land filling, and dredging are also considered shoreline modifications.

B. General Policies and Regulations

1. Applicability

   The following policies and provisions apply to all shoreline modification activities.

2. Policies

   a. Structural shoreline modifications should be limited in number and extent and allowed only where they are demonstrated to be necessary to support or protect existing development and uses that are in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
   b. The DCD should ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and by requiring mitigation of identified impacts resulting from shoreline modifications.
   c. 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 DCD should incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

3. Regulations

   a. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of the Master Program. Except as otherwise noted herein, all proposed shoreline modifications not associated

with a legally existing or an approved shoreline use are prohibited, with the exception of shoreline restoration and ecological enhancement.

b. In areas where the river system is not constrained by existing flood risk reduction structures, structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose. Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation, and vegetation enhancement.
c. Only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed shall be allowed.

C. Shoreline Stabilization

1. Applicability

   a. Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures caused by natural processes, such as current, flood, wind, or wave action. These include both nonstructural and structural methods.
   b. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.
   c. WAC 173-27-040(2)(b) (Developments Exempt from Substantial Development Permit Requirement) defines normal replacement and repair of existing structures and notes that normal maintenance and repair actions are not exempt from Shoreline Substantial Development Permits if they are anticipated to "cause substantial adverse effects to shoreline resources or the environment."

2. Policies

   a. Shoreline stabilization and flood risk management measures should be allowed only when conclusive evidence, which is documented by geotechnical analysis, shows that one of the following conditions exist:

      i. High water or erosion threatens public works and properties, including roads, bridges, railroads, and utility systems;
      ii. High water or significant erosion damages or threatens a primary structure, including residences; or
      iii. High water or significant erosion damages or threatens to damage existing commercial and industrial uses and developments.

   b. Dikes, levees, revetments, and other flood risk reduction structures should be designed and constructed primarily as a means to minimize damage to

existing development. It should be noted that to effectively protect urban areas, a levee system must be far-reaching in its design and location.

c. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

3. Regulations

a. New or replacement structural shoreline stabilization measures are allowed when part of approved flood risk management measures, and are demonstrated to be necessary by a geotechnical analysis.
b. Shoreline stabilization measures along the shoreline that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed when geotechnical analysis demonstrates non-structural measures to be infeasible.
c. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics.
d. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
e. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
f. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal actions, or waves. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions. Waterward encroachment of replacement structure is only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration of ecological functions (WAC 173-26-231 (3)(a)(iii)(C)).
g. New or expanded structural shoreline stabilization for existing primary structures, including roads, railroads, and public facilities is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.
h. Standards for new stabilization structures when found to be necessary include limiting the size to the minimum necessary to achieve the stabilization objective, using measures to assure no net loss of shoreline ecological functions, and mitigating for impacts. Soft approaches, as discussed in WAC

173-26-231 (3)(a), shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

i. New stabilization structures are allowed in support of water-dependent development when all of the conditions below apply:
   i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
   ii. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
   iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
   iv. The erosion control structure will not result in a net loss of shoreline ecological functions.

j. New stabilization structures, including enlargement of existing structures, are allowed in support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

   i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
   ii. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
   iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves.
   iv. The erosion control structure will not result in a net loss of shoreline ecological functions.

k. Construction of stabilization structures are allowed for the protection of projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:
   i. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
   ii. The erosion control structure will not result in a net loss of shoreline ecological functions.
l. Public access is required as a part of publicly financed shoreline erosion control measures.
m. Impacts to sediment transport from structural stabilization are required to be avoided or minimized.
n. Repair of existing shoreline stabilization measures is allowed.
o. No structures will be permitted or constructed without consulting with all local flood agencies (i.e. City of Longview, CDID #1).

D. Moorage Structures (including Piers and Docks)

1. Applicability

   Moorage structures are over-water and in-water-facilities for the moorage of watercraft. These include piers, docks, floats, and buoys associated to a water-dependent use, or for public access. For the purposes of this section docks associated to a single-family residence are considered water-dependent when they are designed and used for the access of watercraft. Marinas, public recreational facilities, and moorage structures associated to multi-family residential uses are regulated by the boating facilities section.

2. Policies

   a. Multiple-use and expansion of legally existing piers and docks should be encouraged over the addition of new structures. Joint-use structures are preferred over new single-use piers, docks, and floats.

3. Regulations

   a. New mooring structures shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use and may be permitted, provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section.
   b. Mooring structures shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length of docks and piers 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 or piers shall be limited to either sixty (60) feet as measured horizontally from the ordinary high water mark, or the length necessary to provide a minimum of six (6) feet of water depth. The maximum width for residential docks or piers shall be limited to six (6) feet.
   c. Moorage structures shall not be allowed in critical freshwater aquatic habitats, unless it can be established that the moorage structure project, including auxiliary impacts and established mitigation measures, will not be detrimental to the natural habitat or species of concern, and will not result in loss of ecological function.
   d. Moorage structures shall be sited and designed to avoid, minimize, and mitigate for potentially significant ecological impacts, including impacts on sediment movement, water circulation and quality, and fish and wildlife habitat. Moorage structures are required to be made of materials that have been approved by applicable state agencies.
   e. Moorage structures shall not significantly interfere with use of navigable waters, or interfere with maintained navigational channels.

f. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.
g. New moorage structures, excluding docks accessory to single-family residences, shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. If a Port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for moorage structure space, and if the plan or analysis is consistent with these guidelines, it may serve as the necessary justification for the structure's design, size, and construction.
h. No piers or docks proposed on beds or shores owned by the State of Washington shall be designed or constructed without prior authorization of the Department of Natural Resources, which is the leasing authority (RCW 79.105.210).
i. When permitted, new residential development of more than two dwellings are required to provide joint-use or community docks, rather than individual docks (WAC 173-26-231 (3)(b)).

E. Dredging and Dredge Material Disposal

1. Applicability

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt, and/or other material or debris) from a river, stream, or associated wetland. Maintenance dredging includes the removal of earth or sediment within established navigation channels and basins.

2. Policies

a. Dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

3. Regulations

a. Dredging operations shall be planned and conducted so as to avoid adverse impacts to other shoreline uses, properties, and values.
b. Dredging will only be permitted in the following situations:

i. In conjunction with a water-dependent use of water bodies or adjacent shorelands; and
ii. For projects associated with MTCA or CERCLA habitat restoration, or

iii. Any other significant restoration effort approved by a shoreline Conditional Use Permit, or
iv. For U.S. Army Corps of Engineers dredging activities.

c. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
d. Permitted dredging and dredge material disposition shall avoid or minimize significant ecological impacts. Impacts which cannot be avoided must be mitigated (WAC 173-26-231(3)(f)).
e. Dredging waterward of the OHWM for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM.
f. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.

F. Fill

1. Applicability

a. Fill is 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 shore lands in a manner that raises the elevation or creates dry land.
b. Any fill activity conducted within shoreline jurisdiction must comply with the policies and provisions herein.

2. Policies

Fills waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses, flood hazard reduction, cleanup and disposal of contaminated sediments, consistent with this Master Program.

3. Regulations

a. Fill waterward of OHWM may be permitted only when necessary to support:

i. A water-dependent use or public access permitted by this Master Program;
ii. It involves cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;

iii. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Department of Natural Resources or U.S. Army Corps of Engineers;
iv. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
v. As part of an approved shoreline restoration or enhancement project.
vi. Flood hazard reduction including, but not limited to, maintenance and repair of dikes and levees.

b. Fills are prohibited in floodways, except when approved by Conditional Use Permit and where required in conjunction with a proposed water-dependent or other use, specified in regulation 'a' above.
c. Fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
d. Fills landward of the OHWM shall be allowed as part of the maintenance and repair of dikes, levees, revetments, and other flood risk reduction structures consistent with CDID #1 and the City of Longview Municipal Code. Fill for new and expanded flood risk reduction structures must be consistent with the requirements in WAC 173-26-221(3)(c)(ii). This includes the requirement that new structural flood hazard reduction measures in shoreline jurisdiction are allowed only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken.
e. Environmental cleanup action involving excavation/fill, as part of an interagency environmental cleanup plan, as authorized by the Department of Community and Economic Development, may be permitted.
f. A Shoreline Conditional Use Permit is required for fill in the Aquatic and Urban Conservancy shoreline environments.

G. Breakwaters, Jetties, Weirs, and Groins

1. Applicability

Breakwaters, jetties, weirs, and groins consist of any shoreline or in-water structure that has the primary purpose of diverting, capturing, or altering the natural flow or transport of water or sediment.

2. Policies

a. Breakwaters, jetties, weirs, and groins should only be constructed to the extent necessary to provide protection to upland areas or facilities.

b. Breakwaters, jetties, weirs, and groins should be located and designed so as to minimize adverse impacts on fish and wildlife resources and habitats.

3. Regulations

a. When located waterward of the OHWM, structures shall be allowed only where necessary to support:

i. Water-dependent uses;
ii. Public access;
iii. Public facilities or utilities; or
iv. Existing or restored natural features, with special emphasis on protecting and restoring priority habitats and species, but only where part of an approved restoration plan.
v. Flood hazard reduction including, but not limited to, maintenance and repair of dikes and levees.

b. All breakwaters, jetties, weirs, and groins, are allowed only by conditional use and where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose, except when being constructed for protection of a restoration project.
c. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in Section VI (A)(3)(d) of this SMP.

H. Shoreline Restoration and Ecological Enhancement

1. Applicability

a. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in the shoreline.
b. The Shoreline Restoration Report identifies ecological enhancement and restoration measures which focus on potential habitat and natural system enhancement projects, however, the report also notes that opportunities for restoration actions are limited by the extensive levee system and existing urban development within shoreline jurisdiction.

2. Policies

a. The recommendations of the Shoreline Restoration Report, prepared as part of the SMP, should be promoted wherever feasible.
b. Native vegetation should be used in restoration areas to assist in restoration of the natural character and ecological functions of the shoreline.

3. Regulations

   a. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:

      i. The project's purpose is the restoration of natural character and ecological functions of the shoreline; and
      ii. It is consistent with the implementation of an approved comprehensive restoration plan, or the project will provide a proven ecological benefit and is consistent with this Master Program.

   b. To the extent possible, restoration and enhancement shall be integrated and coordinated with other parallel natural resource management efforts. Implementation of restoration projects identified in the Shoreline Restoration Plan that are focused on restoring degraded habitat in shoreline jurisdiction take precedence over other restoration projects.

IX. DEFINITIONS

Accessory Use means any use or activity incidental and subordinate to a primary use or development.

Accessory Utility means utilities that are small-scale distribution services connected directly to the uses along the shoreline and are not carrying significant capacity to serve other users that are not located in the shoreline jurisdiction.

Agricultural activities means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow (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:

a. 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;
b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
c. Farm residences and associated equipment, lands, and facilities; and
d. Roadside stands and on-farm markets for marketing fruit or vegetables.

Agricultural land means those specific land areas on which agriculture activities are conducted.

Agricultural products include, but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products.

Amendment means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

Appurtenance is a structure or development necessarily connected to a single-family residence. Normal appurtenances include a garage, a shop, a deck, a driveway, utilities,

fences, grading which does not exceed 250 cubic yards and does not involve placement of fill in any wetland or waterward of the OHWM, and when allowed, installation of a septic tank and drainfield.

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Potential locations for aquaculture are relatively restricted within the shoreline jurisdiction of the City of Longview due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, and commercial navigation.

Associated wetlands are those wetlands that are in proximity to and either influence or are influenced by shorelines of the state. This influence includes but is not limited to one or more of the following:

a. Periodic inundation;
b. Hydraulic continuity, and/or
c. Location within the 100-year floodplain.

Average grade level (see the definition of 'Grade' below).

Bioengineering means 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 facilities for the purposes of this Master Program, boating facilities are public and private uses that provide watercraft access to the shoreline. These can include marinas, boat launches, moorage, storage, and other services for five or more pleasure and commercial watercraft, and excludes docks serving four or fewer single-family residences.

Breakwater is a protective structure usually built off-shore to protect beaches, bluffs, or harbor areas from wave action.

Buffer means an area adjacent to a lake, wetland, river, or stream that, generally, functions to protect the public from loss suffered when the functions and values of the lake, wetland, river, or stream are degraded. Specifically, a buffer may:

a. Physically isolate the lake, wetland, river, or stream from surrounding areas using distance, height, visual and/or sound barriers;

b. Act to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters associated with the lake, wetland, river, or stream;

c. Protect the functions and values of the lake, wetland, river, or stream from adverse impacts of adjacent activities;

d. Provide shading, input of organic debris, and coarse sediments, room for variation and changes in natural lake, wetland, river, or stream characteristics;

e. Provide habitat for wildlife; and/or

f. Provide protection from harmful intrusion.

Building is a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of any use or occupancy.

Building height means the vertical distance between grade (see "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 measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building. See also "Height" below.

Bulkhead is a solid or open pile wall, usually constructed of poured-in-place concrete and 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) are areas 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.

City means the City of Longview.

Commercial development means those uses that are involved in wholesale, retail, personal service, and business trade. Examples include hotels, motels, banking and other financial services, grocery stores, restaurants, shops, professional offices, and private or public indoor recreation facilities.

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

Consumer Price Index means for any calendar year, that year's annual average consumer price index, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor.

County is Cowlitz County outside the city limits of the City of Longview.

Critical areas for the purposes of the SMP, are Wetlands, Fish and Wildlife Habitat Conservation Areas, Frequently Flooded Areas, Critical Freshwater Habitats, and Geologic Hazard Areas located within shoreline jurisdiction.

Cumulative impacts are the results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed significant, even though they may be comprised of individual actions having relatively minor impacts.

Date of receipt of a final decision involving approval or denial of a Substantial Development Permit is the date the applicant receives written notice of the receipt by the Department of Ecology of the City's final decision on the permit.

Date of receipt involving approval or denial of a variance or conditional use permit is the date the applicant and the City both receive the Department of Ecology's final written decision on the applicant's request for a variance or conditional use permit, as the case may be.

DCD means the Department of Community Development of the City of Longview, which is alternatively referred to as the Department of Community and Economic Development in the Longview Municipal Code.

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

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

Director means the Director of the Community Development Department of the City of Longview, or the Director's designee.

Dredging is the removal of earth, sand, gravel, silt, or debris from the bottom of a river, stream, wetland, or other water body.

Dwelling is any building or portion thereof designed or used primarily for residential occupancy, including single-family units, duplex, triplex, and fourplex units, and multi-family units, but not including hotels or motels (see also "Multi-family" and "Single-family").

Ecological functions (or shoreline functions) means 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 means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Emergency is an unanticipated and/or imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with the Master Program. Emergency construction is defined as that necessary to protect property and facilities from the elements. All emergency construction shall be consistent with the SMA and the Master Program (see RCW 90.58.030(3eiii)).

Environmental Excellence Program is an environmental excellence program agreement (entered into under Chapter 43.21K RCW) must achieve more effective or efficient environmental results than the results that would be otherwise achieved.

Exempt development is development listed in WAC 173-27-040 and RCW 90.58.030 as exempt from the definition of "substantial development," and, therefore, exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the SMA and the Master Program. Conditional Use and/or Variance Permits may still be required even though the activity does not need a Shoreline Substantial Development Permit (RCW 90.58.030(3e)).

Exemption Certificate is a letter issued by the DCD verifying that a project has been deemed exempt from the Shoreline Substantial Development Permit requirements in accordance with the SMA and the Master Program. Exemption certificates can be conditioned to ensure compliance with the SMP.

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

Feasible means, for the purpose of this chapter, that an action, such as a development project, mitigation, or restoration requirement, meets all of the following conditions:
a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

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

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

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in short- and long-term time frames.

Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, an approved flood risk reduction structure (if applicable) on wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Final Decision means an order or ruling on a Shoreline Substantial Development Permit by the City of Longview, whether it is an approval or denial, established after all local administrative appeals related to the Shoreline Substantial Development Permit have concluded or the opportunity to initiate such appeals has lapsed.

Flood Risk Management is a program intended to provide protection from encroachment by floodwaters by means of conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream/river overflow.

Flood Hazard Reduction is an action taken to reduce flood damage or hazard to uses, development, and shoreline modifications. Flood hazard reduction measures may consist of nonstructural measures such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs. Structural measures may include dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Floodplain is the hundred-year floodplain, meaning that land area susceptible to being inundated by stream-derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the SMA.

Floodway means the area, as identified in a Master Program, that has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps.

Force Majeure means events or circumstances that prevent or delay compliance with the provisions of the Shoreline Master Program, where such events were:

1. Beyond that party's control:
2. Reasonably unforeseeable: and
3. Occurred without the fault or negligence of the affected person, including, but not necessarily limited to, acts of God, earthquakes, fires, lightning, floods, and similar natural disasters.

Geotechnical report or geotechnical analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, estimates of rate of erosion, urgency (damage within three years) for proposed project, 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.

Grade means an elevation determined by averaging the finished ground elevations within 6 feet of points situated every 10 feet along an imaginary line located between the building and the lot line; or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building, this is also known as "Average Grade."

Grading or **Graded** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Groin is a barrier-type structure extending waterward from the back shore across the beach to interrupt and trap sand movement.

Hazard Tree means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root ball more than fifty (50) percent exposed, or having been exposed to wind throw within the past ten years, and where there is a residence or residential accessory structure within a tree length of the base of the trunk, or where the top of a bluff or steep slope is endangered. Where not immediately apparent to the review authority, the hazard tree determination shall be made after review of a report prepared by an arborist or forester.

Height (as per WAC 173-27-030) is measured from average grade level to the highest point of a structure, provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines; or the applicable Master Program specifically requires that such appurtenances be included, provided further, that temporary construction equipment is excluded in this calculation.

Hyporheic zone is the area beneath and lateral to a stream bed, where shallow groundwater and surface water are mixed. The flow dynamics and behavior in this zone (termed hyporheic flow) are recognized to be important for surface water and groundwater interactions, as well as fish spawning.

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow.

Jetty means barrier-type structures designed to modify or control sand movement and are usually placed at inlets to improve a navigable channel.

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

Master Program means the City of Longview Shoreline Master Program.

May means the action is acceptable, provided it conforms to the provisions of the SMP.

Mining (as defined in WAC 173-26-241(3)(h) is the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

Mitigation means actions designed to replace project-induced critical area losses or impacts, including, but not limited to, restoration, creation, or enhancement. Mitigation 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.

Moorage structures are over and in water-facilities for the moorage of watercraft. These include piers, docks, floats, and buoys associated to a water-dependent use, or for public access. Any mooring structure or grouping of structures that provide docking space for 10 or more boats is considered a marina.

Multi-family attached residential is a building containing two or more residential units attached at common walls and located above or below similar units or other uses in a mixed-use development or in a stand-alone residential building without other uses.

Must means a mandate; the action is required.

Non-water-oriented use means those uses that are not water-dependent, water-related, or water-enjoyment.

Ordinary high water mark (OHWM) is that mark along the river or other bodies of water that can 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, or as it may naturally change thereafter; or as it may change thereafter in accordance with permits issued by the City of Longview, Cowlitz County, or the Washington State Department of Ecology; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water.

Permit means a Shoreline Substantial Development Permit, Conditional Use Permit, or Variance Permit, or any combination thereof, or their revisions, issued by the City of Longview pursuant to RCW 90.58.

Priority shoreline use is a use given preference by the SMA and the Master Program. Preferred uses of the shoreline are, in order of highest priority:

1. Areas for protection and restoration
2. Areas for water-dependent and associated water-related use
3. Other water-related and water-enjoyment uses
4. Single-family residences
5. Limited non-water-oriented uses

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

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

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

c. Criterion 3: Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

d. Criterion 4: Species listed under the federal Endangered Species Act as proposed, threatened, or endangered.

Provisions mean policies, regulations, standards, guideline criteria, or environment designations.

Public access is a means of physical and/or visual approach to and along the shoreline available to the general public.

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

Public Trust Doctrine is the principle that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect the public's right to use the waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable water bodies below the ordinary high water mark. Protection of the trust is a duty of the State, and the SMA is one of the primary means by which that duty is carried out. The doctrine

requires a careful evaluation of the public interest served by any action proposed. This requirement is fulfilled in major part by the planning and permitting requirements of the SMA.

Qualified expert means a person with experience, education, and/or professional degrees and training pertaining to the critical area in question, and who possesses experience with performing delineations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The director shall require potentially qualified experts to demonstrate the basis for qualifications and shall make final determination as to qualifications. Demonstration of qualifications may include, but not be limited to, relevant professional experience, technical certification(s), and/or recognition through publication of technical papers or journals. A "qualified expert for wetlands" means a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.

Recreational development means commercial and public facilities designed and used to provide recreational opportunities to the public.

Replacement stabilization measure means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

Residential development means one or more buildings, structures, lots, parcels or portions thereof that are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, other detached dwellings, multi-family residences, apartments, townhouses, mobile home parks, other similar attached dwellings, condominiums, subdivisions and short subdivisions, together with accessory uses and structures normally applicable to residential uses including, but not limited to garages, sheds, parking areas, fences, and guest cottages, Residential development does not include hotels, motels or any other type of overnight or transient housing, recreational vehicle parks, or camping facilities.

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

SMA is the Shoreline Management Act of 1971, codified as Chapter 90.58 RCW.

SMP is the City of Longview Shoreline Master Program.

Setback means the distance a use or development must be from the ordinary high water mark (OHWM). In levee constrained reaches, the setback is the established high point/ midpoint of the levee or the use/development's required distance from the OHWM, which ever is greater.

Shall means a mandate; the action must be done.

Shorelands or **shoreland areas** means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of RCW 90.58.030; the same as to location by the Department of Ecology.

Shoreline areas mean all "shorelines of the state" and "shorelands."

Shoreline jurisdiction mean shoreline jurisdiction as defined in the Shoreline Management Act of 1971, which includes certain waters of the state plus their associated "shorelands". These shorelines in the City of Longview are defined as:

- Streams and rivers with greater than 20 cubic feet per second mean annual flow;
- Lakes 20 acres or larger;
- The following areas when they are associated with (a) or (b) above:
    - biological wetlands and river deltas; and lands extending landward 200 feet from the OHWM, floodways and floodplain areas landward 200 feet from the floodway line.

Shoreline jurisdiction shall not be extended to include critical area buffers that are beyond the usual SMA jurisdiction, as provided for in RCW 36.70A.480(6).

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

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under Chapter 90.58 RCW shall be considered an element of the City's comprehensive plan (City of Longview Comprehensive Plan). All other portions of the Shoreline Master Program adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the City's development regulations (City of Longview Municipal Code).

Shoreline modifications means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline

structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline setback line is the line that establishes the limits of all buildings, structures, and fencing along the shoreline.

Shorelines of Statewide Significance with respect to the City of Longview are identified as the Columbia River and Cowlitz River (see RCW 90.58.030(2)(e)).

Should means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the SMA and this chapter, against taking the action. The Director, in consultation with the DOE, shall make the determination about whether or not an applicant has demonstrated that there is a compelling reason against taking an action.

Sign is a device of any material or medium, including structural component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.

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

Single-family attached residential units are attached at a common wall, but not above or below another unit (see Multi-family attached residential units).

Single-family detached residential unit, when considering shoreline exemptions, is a structure designed for and occupied exclusively by one family and the household employees of that family.

State Master Program means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

Stormwater best management practices (BMPs) are science-based “best management practices” for controlling surface water runoff.

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

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.

Upland is the area above and landward of the ordinary high water mark, but would not meet the definition of wetlands.

Utility means a public or private agency which provides a service that is utilized or available to the general public (or a location-specific population thereof) such services may include, but are not limited to, storm water detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

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

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

Water-dependent use means a use or portion of a use 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.

Water-enjoyment use means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for 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 means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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

Water-related use means a use or portion of a use which is not intrinsically dependent on a waterfront location, but whose economic viability is dependent upon a waterfront location because:
a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Wetlands mean areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from 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

Weir means a structure that impounds, diverts, or uses water for hydraulic generation and transmission, flood control, irrigation, water supply, recreational, or fisheries enhancement.