



**CITY OF ILWACO
CITY COUNCIL MEETING
Monday, February 8, 2016**

**4:00 p.m. WORKSHOP – SHORELINE MASTER PROGRAM
6:00 p.m. REGULAR COUNCIL MEETING**

AGENDA

- A. Call to order**
- B. Flag Salute**
- C. Roll Call**
- D. Approval of Agenda**
- E. Consent Agenda**

All matters, which are listed within the consent section of the agenda, have been distributed or made available for review to each member of the council prior to the meeting. Items listed are considered routine and will be enacted with one motion unless a council member specifically requests it to be removed from the Consent Agenda to be considered separately. The staff recommends the approval of the following items:

- 1. Approval of Minutes (TAB 1)
 - a. January 25, 2016 Regular Meeting
- 2. Claims & Vouchers (TAB 2)
 - a. Checks: 38599 to 38604 + electronic payments \$28,895.42
 - b. Checks: 38605 to 38652 \$88,696.47
 - GRAND TOTAL: \$117,591.89

F. Reports

- 1. Staff Reports (TAB 3)
 - a. Police Chief Report
- 2. Council Reports
- 3. Mayor’s Report
 - a. 2016 State of the City

G. Comments of Citizens and Guests Present

At this time, the mayor will call for any comments from the public on any subject not on the agenda. Please limit your comments to five (5) minutes. The City Council does not take any action or make any decisions during public comment. To request an item be added to a future

agenda, please contact the city clerk for the council rules of procedure for agenda items.

H. Business

I. Discussion

1. **Shoreline Master Program** (TAB 9)- *Cassinelli*
2. **Promotion for Water Plant Operator** (TAB 10) – *Cassinelli*
3. **Annual WTP and WWTP Internal Audits** (TAB 11) - *Chambreau*
4. **SPCHS as City’s Shelter of Record** (TAB 12) - *Cassinelli*
5. **Contract for Professional Engineering Services** (TAB 13) – *Jensen/Forner*
6. **Sole Source Purchase Resolution, Western Fireworks** (TAB 14) - *Cassinelli*
7. **Western Display Fireworks Contract** (TAB 15) - *Cassinelli*

J. Correspondence and Written Reports

L. Future Discussion/Agendas

1. Should the City lend appropriate equipment to the cemetery for necessary repairs following the slide – *Chambreau*
2. Short Term Vacation Rentals - *Cassinelli*
3. Temporary Stockpile Removal - *Chambreau*
4. Comprehensive Plan Amendment – *Cassinelli*
5. Neighborhood Preservation Ordinance - *Cassinelli*
6. Ordinance Amending Title 8 – Health and Safety - *Cassinelli*

M. Adjournment

N. Upcoming Meetings

COUNCIL/COMMISSION	PURPOSE	DAY	DATE	TIME	LOCATION
City Council	Regular Meeting	Monday	02/08/16 02/22/16	6:00 p.m.	Community Building
City Council	Workshop – SMP	Monday	02/08/16	4:00 p.m.	Community Building
Planning Commission	Regular Meeting	Tuesday	03/01/16	6:00 p.m.	Community Building
Parks & Rec. Commission	Regular Meeting	Tuesday	02/09/16	6:00 p.m.	Fire Hall
Port/City Meeting	Regular Meeting	Tuesday	03/08/16	5:00 p.m.	Port Meeting Rm



**CITY OF ILWACO
CITY COUNCIL MEETING
Monday, January 25, 2016**

A. Call to Order

1. Mayor Cassinelli called the meeting to order at 6:01 p.m.

B. Flag Salute

1. The Pledge of Allegiance was recited.

C. Roll Call

1. Present: Councilmembers Jensen, Karnofski, Marshall, Chambreau, Forner and Mayor Cassinelli.

D. Approval of Agenda

1. **ACTION: Motion to approve the agenda as presented. (Karnofski/Marshall) 5 Ayes
0 Nays 0 Abstain.**

E. Approval of Consent Agenda

1. Including Checks 38565 to 38566 + Electronic totaling \$17,614.39, Checks: 38567, 38598 totaling \$101,703.82 for a grand total of \$119,318.21.
**ACTION: Motion to approve the consent agenda. (Marshall/Chambreau) 5 Ayes 0
Nays 0 Abstain.**

F. Reports

1. Staff Reports

i. Parks and Recreation Commission

Chair Nick Haldeman reported that the final agreement from RCO should be arriving at the city for execution soon. There was a new grant measure incorporated into the agreement over the holidays. Once the Cultural Resources Survey has been completed the city can break ground. Thanks to Public Works for fixing all three of the Black Lake docks.

ii. Fire Chief Report

2 volunteer firefighter are attending training with Fire District 1. Chief is assisting the Ilwaco Cemetery Board with response to the slide. May require some assistance from the city with machinery needed to clean up.

ACTION: Motion to add to the discussion agenda as the last item, Should the City lend appropriate equipment to the cemetery for necessary repairs following the slide. (Chambreau/Karnofski) 5 Ayes 0 Nays 0 Abstain.

2. Council Reports

- i. Councilmember Forner thanked the city for 6 years of service as of this date.

3. Mayor's Report

- i. Mayor Cassinelli reported on the slide activity at the cemetery and Discovery Heights. The slide at the cemetery is out of the city limits. Public Works checked 101 and the culvert which would have been affected by the Discovery Heights activity and found that everything was ok.

G. Comments of Citizens and Guests Present

1. Bruce Peterson, President of the Ilwaco Merchant Association spoke about the Fisherman Park project in downtown. The IMA is going to be scheduling a series of workshops for the public to come and brainstorm regarding the small park. "Redevelopment happens one business at a time."

H. Business

1. Temporary Stockpile Removal

ACTION: I move to authorize the Mayor to choose Option 1 as proposed in the memo from CWCOG dated January 19, 2016 in regards to the temporary stockpile removal. (Marshall/Forner)

Councilmember Karnofski requested the date by which the removal would be completed. It was agreed upon that the date would be determined after notification to DOE of the action council chose.

Motion Withdrawn (Marshall/Forner)

ACTION: I move to authorize the Mayor to choose Option 1 as proposed in the memo from CWCOG dated January 19, 2016 in regards to the temporary stockpile removal and to deliver a project timeline to council no later than February 22, 2016. (Marshall/Forner) 5 Ayes 0 Nays 0 Abstain

2. Source Watershed Control Plan

ACTION: I move to include the Ilwaco Source Watershed Control Plan 2015 as an addition to Chapter 6 of the 2011 City of Ilwaco Water System Plan. (Karnofski/Forner) 5 Ayes 0 Nays 0 Abstain

3. Appointing a Mayor Pro-Tempore

ACTION: Motion to nominate Councilmember Jensen as Mayor Pro-Tempore (Marshall/Forner)

Mayor Cassinelli called three times for additional nominations. With no other nomination brought forward the nominations were closed and a vote of council was taken. **5 Ayes 0 Nays 0 Abstain**

I. Discussion

1. Temporary Stockpile Removal

Councilmember Chambreau presented the briefing. Council discussed the pros and cons of each option. Councilmember Chambreau opined that we advise DOE of our intended removal date with supervision by the necessary company.

ACTION: Move to business at this meeting (Marshall/Forner) 5 Ayes 0 Nays 0 Abstain

2. Source Watershed Control Plan

Mayor Cassinelli presented the briefing. The plan has been reviewed by DOH, and appropriate clarifications have been added. **ACTION: Move to business at this meeting (Karnofski/Jensen) 5 Ayes 0 Nays 0 Abstain**

3. Appointing a Mayor Pro-Tempore

Mayor Cassinelli presented the briefing and thanked Councilmember Jensen for serving as Mayor Pro Tem for the past several years. **ACTION: Move to business at this meeting (Marshall/Karnofski) 5 Ayes 0 Nays 0 Abstain**

4. Promotion for Water Plant Operator

Mayor Cassinelli presented the briefing to council.
ACTION: Left as discussion for next meeting.

5. Should the City lend appropriate equipment to the cemetery for necessary repairs following the slide.

The city desires to help the Ilwaco Cemetery Board with the clean-up efforts following the slide of an area roughly 150' long by 30' wide. City Staff will investigate further with insurance companies and legal counsel if there could be any negative ramifications to this humanitarian effort.

ACTION: None taken.

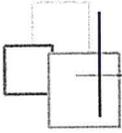
J. Future Discussion/Agendas

1. Shoreline Master Program - *Cassinelli*
2. Comprehensive Plan Amendment – *Cassinelli*
3. Neighborhood Preservation Ordinance - *Cassinelli*
4. Ordinance Amending Title 8 – Health and Safety - *Cassinelli*

K. Motion to adjourn the meeting (Chambreau) Mayor Cassinelli adjourned the meeting at 6:58 p.m.

Mike Cassinelli, Mayor

Holly Beller, Deputy City Clerk



Register

Number	Name	Fiscal Description	Amount
38599	Fero, Jimmie W	2016 - February - First Meeting	\$651.02
38600	Williams, Thomas R	2016 - February - First Meeting	\$978.24
38601	AWC - Life Insurance	2016 - February - First Meeting	\$18.40
38602	AWC Employee Benefit Trust	2016 - February - First Meeting	\$5,224.92
38603	Dept of Retirement - Def Comp	2016 - February - First Meeting	\$155.00
38604	Dept of Retirement Systems	2016 - February - First Meeting	\$5,765.59
Alderman, Johnny	ACH Pav - 1780	2016 - February - First Meeting	\$1,604.57
Beller, Holly Celeste	ACH Pav - 1781	2016 - February - First Meeting	\$1,097.57
Benson, Austin	ACH Pav - 1782	2016 - February - First Meeting	\$988.08
Cassinelli, Michael	ACH Pav - 1783	2016 - February - First Meeting	\$423.70
Chambreau, Jon H.	ACH Pav - 1784	2016 - February - First Meeting	\$181.96
Fornier, Gary	ACH Pav - 1786	2016 - February - First Meeting	\$399.60
Gray, Richard Roy	ACH Pav - 1787	2016 - February - First Meeting	\$1,111.26
Jensen, David	ACH Pav - 1788	2016 - February - First Meeting	\$181.96
Marshall, Fred	ACH Pav - 1789	2016 - February - First Meeting	\$181.96
Mc Kee, David A	ACH Pav - 1790	2016 - February - First Meeting	\$1,531.86
Mulinix, Vinessa	ACH Pav - 1791	2016 - February - First Meeting	\$180.76
Richardson, Troy	ACH Pav - 1792	2016 - February - First Meeting	\$1,576.61
Smith, Ariel	ACH Pav - 1793	2016 - February - First Meeting	\$1,275.20
Staples, Terri P	ACH Pav - 1794	2016 - February - First Meeting	\$329.95
EFT 02-05-16	Discovery Benefits	2016 - February - First Meeting	\$750.00
EFT 02-05-16	U.S. Treasury Department	2016 - February - First Meeting	\$4,287.21
			\$28,895.42

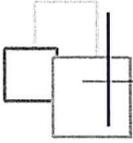
Treasurer

38599 through 38604 and electronic payments totalling \$28,895.42 are approved this 8th day of February, 2016.

Council member

Council member

Council member



Register

Fiscal: 2016
Deposit Period: 2016 - February
Check Period: 2016 - February - First Meeting

Number	Name	Print Date	Amount
Bank of the Pacific	8023281		
Check			
<u>38605</u>	Bank of Pacific	2/8/2016	\$38,716.30
<u>38606</u>	A Sparkling Castle	2/8/2016	\$455.00
<u>38607</u>	A1 Janitorial Supply	2/8/2016	\$66.51
<u>38608</u>	A-1 Redi Mix	2/8/2016	\$97.11
<u>38609</u>	Acme Construction Supply co., Inc.	2/8/2016	\$986.55
<u>38610</u>	Active Enterprises/petro.	2/8/2016	\$21.70
<u>38611</u>	Art's Auto Parts, Inc.	2/8/2016	\$62.91
<u>38612</u>	Association of WA Cities	2/8/2016	\$256.00
<u>38613</u>	Baileys Saw Shop Inc.	2/8/2016	\$32.08
<u>38614</u>	BSK Associates	2/8/2016	\$501.75
<u>38615</u>	Calvert Technical Services, Inc.	2/8/2016	\$1,091.93
<u>38616</u>	Cartomation, Inc.	2/8/2016	\$466.00
<u>38617</u>	City of Ilwaco	2/8/2016	\$2,177.42
<u>38618</u>	City of Long Beach	2/8/2016	\$18,568.33
<u>38619</u>	Clarke Construction	2/8/2016	\$917.15
<u>38620</u>	Clean-Sweep Maintenance Inc.	2/8/2016	\$36.34
<u>38621</u>	Cruise Master Prisms Inc.	2/8/2016	\$429.65
<u>38622</u>	Dennis CO	2/8/2016	\$226.95
<u>38623</u>	DK Window Works	2/8/2016	\$129.48
<u>38624</u>	Englund Marine Supply Inc	2/8/2016	\$290.03
<u>38625</u>	Fastenal Company	2/8/2016	\$33.60
<u>38626</u>	Goulter Diamond Bar Ranch	2/8/2016	\$1,300.00
<u>38627</u>	Hach Company	2/8/2016	\$2,553.43
<u>38628</u>	Hanna Instruments	2/8/2016	\$4,010.00
<u>38629</u>	HD Fowler Company	2/8/2016	\$908.75
<u>38630</u>	Heather Reynolds, Attorney	2/8/2016	\$2,286.00
<u>38631</u>	Home Depot Credit Services	2/8/2016	\$155.92
<u>38632</u>	Jnb Mechanical, Inc.	2/8/2016	\$230.35
<u>38633</u>	John Deere Financial	2/8/2016	\$1,082.23
<u>38634</u>	Kris Kaino	2/8/2016	\$412.00
<u>38635</u>	Kubwater Resources Inc.	2/8/2016	\$1,374.94
<u>38636</u>	LEAF	2/8/2016	\$130.00
<u>38637</u>	Nancy McAllister	2/8/2016	\$412.00
<u>38638</u>	Oman & Son	2/8/2016	\$507.97
<u>38639</u>	One Call Concepts, Inc.	2/8/2016	\$9.56
<u>38640</u>	Pacific CO Auditor	2/8/2016	\$73.00
<u>38641</u>	Pacific County Treasurer	2/8/2016	\$7.60
<u>38642</u>	Peninsula Sanitation Service, Inc.	2/8/2016	\$474.21
<u>38643</u>	Purchase Power	2/8/2016	\$595.89
<u>38644</u>	Sid's IGA	2/8/2016	\$24.78
<u>38645</u>	Sunset Auto Parts Inc.	2/8/2016	\$451.17
<u>38646</u>	USA Blue Book	2/8/2016	\$2,994.37
<u>38647</u>	Verizon Wireless	2/8/2016	\$95.14
<u>38648</u>	Vision Municipal Solutions, Llc	2/8/2016	\$434.58
<u>38649</u>	WA State Department of Health	2/8/2016	\$1,295.35
<u>38650</u>	Wadsworth Electric	2/8/2016	\$676.07
<u>38651</u>	William R. Penoyar, Attorney at Law	2/8/2016	\$412.00
<u>38652</u>	Zee Medical Service Co.	2/8/2016	\$226.37
		Total Check	\$88,696.47

Total 8023281 \$88,696.47
Grand Total \$88,696.47

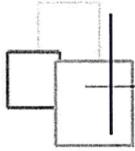
Treasurer

38605 through 38652 totalling \$88,696.47 are approved this 8th day of February, 2016.

Council member

Council member

Council member



Voucher Directory

Vendor	Number	Reference	Account Number	Description	Amount
A Sparkling Castle	38606			2016 - February - First Meeting	
		Invoice - 1/27/2016 4:49:25 PM			
			001-000-000-514-20-31-00	Office & Operating Supplies	\$80.00
			001-000-000-522-10-31-01	Training/Attendance	\$40.00
			001-000-000-572-50-41-00	Custodian Library	\$335.00
		Total Invoice - 1/27/2016 4:49:25 PM			\$455.00
	Total 38606				\$455.00
Total A Sparkling Castle					\$455.00
A1 Janitorial Supply	38607			2016 - February - First Meeting	
		Invoice - 2/2/2016 2:06:05 PM			
			A1S20148		
			409-000-000-535-00-31-01	Operations And Maintenance	\$66.51
		Total Invoice - 2/2/2016 2:06:05 PM			\$66.51
	Total 38607				\$66.51
Total A1 Janitorial Supply					\$66.51
A-1 Redi Mix	38608			2016 - February - First Meeting	
		Invoice - 2/3/2016 11:44:27 AM			
			15754		
			401-000-000-534-00-31-00	Operation & Maintenance	\$97.11
		Total Invoice - 2/3/2016 11:44:27 AM			\$97.11
	Total 38608				\$97.11
Total A-1 Redi Mix					\$97.11
Acme Construction Supply co., Inc.	38609			2016 - February - First Meeting	
		Invoice - 2/3/2016 11:45:00 AM			
			S2363414.001		
			401-000-000-594-34-62-03	Plant Improvements	\$986.55
		Total Invoice - 2/3/2016 11:45:00 AM			\$986.55
	Total 38609				\$986.55
Total Acme Construction Supply co., Inc.					\$986.55
Active Enterprises/petro.	38610			2016 - February - First Meeting	
		Invoice - 2/3/2016 11:49:27 AM			
			1287		
			001-000-000-572-50-49-00	Miscellaneous	\$21.70
		Total Invoice - 2/3/2016 11:49:27 AM			\$21.70
	Total 38610				\$21.70
Total Active Enterprises/petro.					\$21.70
Art's Auto Parts, Inc.	38611			2016 - February - First Meeting	
		Invoice - 2/2/2016 2:04:03 PM			
			17525		
			001-000-000-576-80-48-00	Repairs & Maintenance	\$6.48
		Total Invoice - 2/2/2016 2:04:03 PM			\$6.48
		Invoice - 2/2/2016 2:11:01 PM			
			17525		
			001-000-000-576-80-48-00	Repairs & Maintenance	\$56.43
		Total Invoice - 2/2/2016 2:11:01 PM			\$56.43
	Total 38611				\$62.91
Total Art's Auto Parts, Inc.					\$62.91
Association of WA Cities	38612			2016 - February - First Meeting	
		Invoice - 1/27/2016 4:26:08 PM			
			39542		
			001-000-000-519-70-49-00	Assoc of WA Cities (dues)	\$256.00
		Total Invoice - 1/27/2016 4:26:08 PM			\$256.00
	Total 38612				\$256.00
Total Association of WA Cities					\$256.00
Baileys Saw Shop Inc.					

38613

2016 - February - First Meeting

Invoice - 1/27/2016 4:26:58 PM

Fire Truck

001-000-000-522-10-31-00

Office & Operating Supplies

\$24.79

Total Invoice - 1/27/2016 4:26:58 PM

\$24.79

Invoice - 2/3/2016 11:47:48 AM

1041620

001-000-000-576-80-31-00

Office & Operating Supplies

\$7.29

Total Invoice - 2/3/2016 11:47:48 AM

\$7.29

Total 38613

\$32.08

Total Baileys Saw Shop Inc.

\$32.08

Bank of Pacific

38605

2016 - February - First Meeting

Invoice - 1/25/2016 9:40:45 AM

Fire Station

001-000-000-591-22-71-00

BOP Fire Station - Prin

\$24,197.63

001-000-000-592-22-83-00

BOP Fire Station - Interest

\$14,518.67

Total Invoice - 1/25/2016 9:40:45 AM

\$38,716.30

Total 38605

\$38,716.30

Total Bank of Pacific

\$38,716.30

BSK Associates

38614

2016 - February - First Meeting

Invoice - 1/27/2016 4:37:35 PM

V600148

401-000-000-534-00-31-06

Office & Customer Service

\$451.75

Total Invoice - 1/27/2016 4:37:35 PM

\$451.75

Invoice - 1/27/2016 4:38:02 PM

V600155

401-000-000-534-00-31-06

Office & Customer Service

\$50.00

Total Invoice - 1/27/2016 4:38:02 PM

\$50.00

Total 38614

\$501.75

Total BSK Associates

\$501.75

Calvert Technical Services, Inc.

38615

2016 - February - First Meeting

Invoice - 1/28/2016 1:18:51 PM

4511

409-000-000-535-00-41-02

Professional Services -

\$1,091.93

Total Invoice - 1/28/2016 1:18:51 PM

\$1,091.93

Total 38615

\$1,091.93

Total Calvert Technical Services, Inc.

\$1,091.93

Cartomation, Inc.

38616

2016 - February - First Meeting

Invoice - 1/27/2016 4:49:14 PM

001-000-000-557-20-41-00

Ilwaco Web Page

\$50.00

GIS map storage

409-000-000-535-00-41-02

Professional Services -

\$416.00

GIS WW Mapping Services Contract 2016

Total Invoice - 1/27/2016 4:49:14 PM

\$466.00

Total 38616

\$466.00

Total Cartomation, Inc.

\$466.00

City of Ilwaco

38617

2016 - February - First Meeting

Invoice - 1/27/2016 4:46:37 PM

Jan

001-000-000-511-60-47-02

City Sewer - Museum

\$41.87

001-000-000-514-20-47-02

Water - City Hall

\$54.09

001-000-000-514-20-47-03

Sewer - City Hall

\$80.93

001-000-000-514-20-47-04

Storm Drainage

\$25.11

001-000-000-522-50-47-01

Water

\$176.30

001-000-000-522-50-47-02

Sewer

\$225.92

001-000-000-522-50-47-03

Storm Drainage

\$70.48

001-000-000-572-50-47-01

City Water

\$181.41

001-000-000-572-50-47-02

City Sewer

\$236.01

001-000-000-572-50-47-03

Storm Drainage

\$10.99

001-000-000-576-80-47-01

Water-Parks, Sprinklers,Blk

\$186.97

001-000-000-576-80-47-02

Sewer-Parks, Black Lake

\$47.92

001-000-000-576-80-47-03

Storm Drainage

\$21.98

409-000-000-535-00-47-02

Water

\$383.41

409-000-000-535-00-47-03

Sewer

\$401.05

409-000-000-535-00-47-05

Storm Drainage

\$32.98

Total Invoice - 1/27/2016 4:46:37 PM

\$2,177.42

Total 38617

\$2,177.42

Total City of Ilwaco

\$2,177.42

City of Long Beach

38618	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:48:24 PM		
	001-000-000-521-10-50-00	Law Enforcement Contract	\$18,568.33
	Total Invoice - 1/27/2016 4:48:24 PM		\$18,568.33
Total 38618			\$18,568.33
Total City of Long Beach			\$18,568.33
Clarke Construction			
38619	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:31:58 PM		
	77		
	001-000-000-594-76-64-00	Parks Vehicles	\$183.43
	101-000-000-542-70-31-00	Roadside Operating	\$183.43
	401-000-000-534-00-48-00	Vehicle Repairs/Maintenance	\$183.43
	408-000-000-531-38-31-01	Operations & Maintenance	\$183.43
	409-000-000-535-00-48-01	Repairs And Maintenance	\$183.43
	Total Invoice - 1/27/2016 4:31:58 PM		\$917.15
Total 38619			\$917.15
Total Clarke Construction			\$917.15
Clean-Sweep Maintenance Inc.			
38620	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:36:07 PM		
	147559		
	101-000-000-542-67-30-00	Street Cleaning	\$36.34
	Total Invoice - 1/27/2016 4:36:07 PM		\$36.34
Total 38620			\$36.34
Total Clean-Sweep Maintenance Inc.			\$36.34
Cruise Master Prisms Inc.			
38621	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:29:18 PM		
	20644		
	001-000-000-522-10-31-00	Office & Operating Supplies	\$356.90
	Total Invoice - 1/27/2016 4:29:18 PM		\$356.90
	Invoice - 2/2/2016 4:42:09 PM		
	20678		
	001-000-000-522-10-31-00	Office & Operating Supplies	\$72.75
	Total Invoice - 2/2/2016 4:42:09 PM		\$72.75
Total 38621			\$429.65
Total Cruise Master Prisms Inc.			\$429.65
Dennis CO			
38622	2016 - February - First Meeting		
	Invoice - 2/2/2016 2:11:34 PM		
	JAN		
	001-000-000-522-10-31-00	Office & Operating Supplies	\$38.38
	001-000-000-576-80-31-00	Office & Operating Supplies	\$32.05
	001-000-000-594-14-62-00	Governmental Facility	\$12.93
	101-000-000-543-30-30-00	Office And Operating	\$32.05
	401-000-000-534-00-31-00	Operation & Maintenance	\$58.21
	409-000-000-535-00-31-01	Operations And Maintenance	\$53.33
	Total Invoice - 2/2/2016 2:11:34 PM		\$226.95
Total 38622			\$226.95
Total Dennis CO			\$226.95
DK Window Works			
38623	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:34:04 PM		
	2642		
	001-000-000-594-14-62-00	Governmental Facility	\$129.48
	Total Invoice - 1/27/2016 4:34:04 PM		\$129.48
Total 38623			\$129.48
Total DK Window Works			\$129.48
Englund Marine Supply Inc			
38624	2016 - February - First Meeting		
	Invoice - 2/3/2016 12:04:38 PM		
	JAN		
	001-000-000-594-14-62-00	Governmental Facility	\$80.14
	401-000-000-534-00-31-00	Operation & Maintenance	\$35.44
	409-000-000-535-00-31-01	Operations And Maintenance	\$174.45
	Total Invoice - 2/3/2016 12:04:38 PM		\$290.03
Total 38624			\$290.03
Total Englund Marine Supply Inc			\$290.03
Fastenal Company			
38625	2016 - February - First Meeting		
	Invoice - 2/3/2016 11:45:48 AM		
	ORAST0103		
	401-000-000-534-00-31-00	Operation & Maintenance	\$33.60

	Total Invoice - 2/3/2016 11:45:48 AM		\$33.60
Total 38625			\$33.60
Total Fastenal Company			\$33.60
Goulter Diamond Bar Ranch			
38626			
	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:49:03 PM		
	409-000-000-535-00-45-00	Spray Sludge Disposal Site	\$1,300.00
	sludge site		
	Total Invoice - 1/27/2016 4:49:03 PM		\$1,300.00
Total 38626			\$1,300.00
Total Goulter Diamond Bar Ranch			\$1,300.00
Hach Company			
38627			
	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:36:35 PM		
	9753315		
	401-000-000-534-00-35-01	Small Tools & Equipment - Lab	\$2,085.14
	Total Invoice - 1/27/2016 4:36:35 PM		\$2,085.14
	Invoice - 1/27/2016 4:36:36 PM		
	9756473		
	401-000-000-534-00-31-00	Operation & Maintenance	\$468.29
	Total Invoice - 1/27/2016 4:36:36 PM		\$468.29
Total 38627			\$2,553.43
Total Hach Company			\$2,553.43
Hanna Instruments			
38628			
	2016 - February - First Meeting		
	Invoice - 2/3/2016 11:43:20 AM		
	USA40003607		
	401-000-000-594-34-64-01	Equipment	\$4,010.00
	Total Invoice - 2/3/2016 11:43:20 AM		\$4,010.00
Total 38628			\$4,010.00
Total Hanna Instruments			\$4,010.00
HD Fowler Company			
38629			
	2016 - February - First Meeting		
	Invoice - 2/3/2016 11:46:24 AM		
	I4127316		
	401-000-000-534-00-31-00	Operation & Maintenance	\$456.50
	Total Invoice - 2/3/2016 11:46:24 AM		\$456.50
	Invoice - 2/3/2016 11:46:28 AM		
	I4127317		
	401-000-000-534-00-31-00	Operation & Maintenance	\$452.25
	Total Invoice - 2/3/2016 11:46:28 AM		\$452.25
Total 38629			\$908.75
Total HD Fowler Company			\$908.75
Heather Reynolds, Attorney			
38630			
	2016 - February - First Meeting		
	Invoice - 2/2/2016 2:01:52 PM		
	JAN		
	001-000-000-515-30-41-00	Legal Services	\$2,286.00
	Total Invoice - 2/2/2016 2:01:52 PM		\$2,286.00
Total 38630			\$2,286.00
Total Heather Reynolds, Attorney			\$2,286.00
Home Depot Credit Services			
38631			
	2016 - February - First Meeting		
	Invoice - 2/2/2016 2:07:47 PM		
	9861		
	001-000-000-594-14-62-00	Governmental Facility	\$155.92
	Total Invoice - 2/2/2016 2:07:47 PM		\$155.92
Total 38631			\$155.92
Total Home Depot Credit Services			\$155.92
Jnb Mechanical, Inc.			
38632			
	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:34:31 PM		
	7081		
	001-000-000-575-50-40-01	Community Bldg Other-Mntc	\$230.35
	Total Invoice - 1/27/2016 4:34:31 PM		\$230.35
Total 38632			\$230.35
Total Jnb Mechanical, Inc.			\$230.35
John Deere Financial			
38633			
	2016 - February - First Meeting		
	Invoice - 1/27/2016 4:49:32 PM		
	001-000-000-591-48-71-01	John Deer Mower 8157-96 -	\$1,000.00
	001-000-000-592-48-83-00	John Deer Mower 8157-96 -	\$82.23
	Total Invoice - 1/27/2016 4:49:32 PM		\$1,082.23
Total 38633			\$1,082.23

Total John Deere Financial Kris Kaino					\$1,082.23
	38634		2016 - February - First Meeting		
		Invoice - 1/27/2016 4:48:49 PM			
		001-000-000-512-50-40-03	Municipal Court Services		\$412.00
		Total Invoice - 1/27/2016 4:48:49 PM			\$412.00
	Total 38634				\$412.00
Total Kris Kaino Kubwater Resources Inc.					\$412.00
	38635		2016 - February - First Meeting		
		Invoice - 1/28/2016 1:19:59 PM			
		05450			
		409-000-000-535-00-31-02	Chemicals		\$1,374.94
		Total Invoice - 1/28/2016 1:19:59 PM			\$1,374.94
	Total 38635				\$1,374.94
Total Kubwater Resources Inc. LEAF					\$1,374.94
	38636		2016 - February - First Meeting		
		Invoice - 2/2/2016 2:04:17 PM			
		001-000-000-514-20-31-00	Office & Operating Supplies		\$22.10
		001-000-000-522-10-31-00	Office & Operating Supplies		\$20.80
		101-000-000-543-30-30-00	Office And Operating		\$22.10
		401-000-000-534-00-31-00	Operation & Maintenance		\$22.10
		408-000-000-531-38-31-01	Operations & Maintenance		\$20.80
		409-000-000-535-00-31-01	Operations And Maintenance		\$22.10
		Total Invoice - 2/2/2016 2:04:17 PM			\$130.00
	Total 38636				\$130.00
Total LEAF Nancy McAllister					\$130.00
	38637		2016 - February - First Meeting		
		Invoice - 1/27/2016 4:48:56 PM			
		001-000-000-512-50-40-03	Municipal Court Services		\$412.00
			Court services		
		Total Invoice - 1/27/2016 4:48:56 PM			\$412.00
	Total 38637				\$412.00
Total Nancy McAllister Oman & Son					\$412.00
	38638		2016 - February - First Meeting		
		Invoice - 2/3/2016 11:54:02 AM			
		JAN			
		001-000-000-522-10-35-00	Small Tools & Equipment		\$36.25
		001-000-000-594-14-62-00	Governmental Facility		\$65.42
		001-000-000-594-14-62-00	Governmental Facility		\$148.77
		001-000-000-594-14-62-00	Governmental Facility		\$43.05
		401-000-000-534-00-31-00	Operation & Maintenance		\$94.83
		401-000-000-534-00-31-00	Operation & Maintenance		\$15.10
		401-000-000-534-00-31-00	Operation & Maintenance		\$44.24
		401-000-000-534-00-31-00	Operation & Maintenance		\$60.31
		Total Invoice - 2/3/2016 11:54:02 AM			\$507.97
	Total 38638				\$507.97
Total Oman & Son One Call Concepts, Inc.					\$507.97
	38639		2016 - February - First Meeting		
		Invoice - 2/2/2016 1:36:12 PM			
		6019069			
		101-000-000-543-30-30-00	Office And Operating		\$3.19
		401-000-000-534-00-31-00	Operation & Maintenance		\$3.19
		409-000-000-535-00-31-01	Operations And Maintenance		\$3.18
		Total Invoice - 2/2/2016 1:36:12 PM			\$9.56
	Total 38639				\$9.56
Total One Call Concepts, Inc. Pacific CO Auditor					\$9.56
	38640		2016 - February - First Meeting		
		Invoice - 1/27/2016 4:29:49 PM			
		209 Myrtle			
		001-000-000-514-31-40-00	Recording Fees		\$73.00
		Total Invoice - 1/27/2016 4:29:49 PM			\$73.00
	Total 38640				\$73.00
Total Pacific CO Auditor Pacific County Treasurer					\$73.00
	38641		2016 - February - First Meeting		
		Invoice - 2/3/2016 12:08:30 PM			
		2016			
		101-000-000-311-10-00-00	General Property Tax		\$7.60

		Total Invoice - 2/3/2016 12:08:30 PM		\$7.60
Total 38641				\$7.60
Total Pacific County Treasurer				\$7.60
Peninsula Sanitation Service, Inc.				
38642				
		2016 - February - First Meeting		
		Invoice - 2/2/2016 1:33:25 PM		
		001-000-000-514-20-47-01	Garbage Bills	\$285.22
		409-000-000-535-00-47-04	Garbage Services	\$188.99
		Total Invoice - 2/2/2016 1:33:25 PM		\$474.21
Total 38642				\$474.21
Total Peninsula Sanitation Service, Inc.				\$474.21
Purchase Power				
38643				
		2016 - February - First Meeting		
		Invoice - 2/2/2016 1:56:05 PM		
		5879		
		001-000-000-514-20-31-00	Office & Operating Supplies	\$119.18
		001-000-000-576-80-31-00	Office & Operating Supplies	\$119.18
		101-000-000-543-30-30-00	Office And Operating	\$119.17
		401-000-000-534-00-31-06	Office & Customer Service	\$119.18
		409-000-000-535-00-31-08	Office Supplies & Customer	\$119.18
		Total Invoice - 2/2/2016 1:56:05 PM		\$595.89
Total 38643				\$595.89
Total Purchase Power				\$595.89
Sid's IGA				
38644				
		2016 - February - First Meeting		
		Invoice - 2/3/2016 11:53:02 AM		
		JAN		
		409-000-000-535-00-31-01	Operations And Maintenance	\$24.78
		Total Invoice - 2/3/2016 11:53:02 AM		\$24.78
Total 38644				\$24.78
Total Sid's IGA				\$24.78
Sunset Auto Parts Inc.				
38645				
		2016 - February - First Meeting		
		Invoice - 2/3/2016 1:29:34 PM		
		001-000-000-576-80-48-00	Repairs & Maintenance	\$76.85
		101-000-000-543-30-30-00	Office And Operating	\$76.85
		401-000-000-534-00-31-00	Operation & Maintenance	\$76.85
		401-000-000-534-00-31-00	Operation & Maintenance	\$66.93
		408-000-000-531-38-31-01	Operations & Maintenance	\$76.85
		409-000-000-535-00-31-01	Operations And Maintenance	\$76.84
		Total Invoice - 2/3/2016 1:29:34 PM		\$451.17
Total 38645				\$451.17
Total Sunset Auto Parts Inc.				\$451.17
USA Blue Book				
38646				
		2016 - February - First Meeting		
		Invoice - 2/2/2016 2:06:41 PM		
		850669		
		409-000-000-535-00-31-07	Lab Supplies	\$843.18
		Total Invoice - 2/2/2016 2:06:41 PM		\$843.18
		Invoice - 2/2/2016 2:07:08 PM		
		853743		
		409-000-000-535-00-31-07	Lab Supplies	\$2,151.19
		Total Invoice - 2/2/2016 2:07:08 PM		\$2,151.19
Total 38646				\$2,994.37
Total USA Blue Book				\$2,994.37
Verizon Wireless				
38647				
		2016 - February - First Meeting		
		Invoice - 2/2/2016 2:03:45 PM		
		401-000-000-534-00-42-00	Communications	\$95.14
		Total Invoice - 2/2/2016 2:03:45 PM		\$95.14
Total 38647				\$95.14
Total Verizon Wireless				\$95.14
Vision Municipal Solutions, Llc				
38648				
		2016 - February - First Meeting		
		Invoice - 1/27/2016 4:34:57 PM		
		3377		
		401-000-000-534-00-31-06	Office & Customer Service	\$167.29
		408-000-000-531-38-31-01	Operations & Maintenance	\$100.00
		409-000-000-535-00-31-08	Office Supplies & Customer	\$167.29
		Total Invoice - 1/27/2016 4:34:57 PM		\$434.58
Total 38648				\$434.58
Total Vision Municipal Solutions, Llc				\$434.58
WA State Department of Health				
38649				
		2016 - February - First Meeting		

	Invoice - 2/3/2016 11:36:02 AM		
	355002		
	401-000-000-534-00-31-04	Annual Permit Fees	\$1,295.35
	Total Invoice - 2/3/2016 11:36:02 AM		\$1,295.35
Total 38649			\$1,295.35
Total WA State Department of Health			\$1,295.35
Wadsworth Electric			\$1,295.35
38650			
		2016 - February - First Meeting	
	Invoice - 1/28/2016 1:18:23 PM		
	401160		
	409-000-000-535-00-41-01	Professional Services -	\$676.07
	Total Invoice - 1/28/2016 1:18:23 PM		\$676.07
Total 38650			\$676.07
Total Wadsworth Electric			\$676.07
William R. Penoyar, Attorney at Law			\$676.07
38651			
		2016 - February - First Meeting	
	Invoice - 1/27/2016 4:48:43 PM		
	001-000-000-512-50-40-03	Municipal Court Services	\$412.00
	Total Invoice - 1/27/2016 4:48:43 PM		\$412.00
Total 38651			\$412.00
Total William R. Penoyar, Attorney at Law			\$412.00
Zee Medical Service Co.			\$412.00
38652			
		2016 - February - First Meeting	
	Invoice - 1/27/2016 4:30:21 PM		
	68304635		
	001-000-000-514-20-31-00	Office & Operating Supplies	\$39.95
	409-000-000-535-00-31-01	Operations And Maintenance	\$186.42
	Total Invoice - 1/27/2016 4:30:21 PM		\$226.37
Total 38652			\$226.37
Total Zee Medical Service Co.			\$226.37
Grand Total	Vendor Count	48	\$88,696.47

Long Beach Police

P.O. Box 795
Long Beach, WA 98631

lbdchief@centurytel.net

Phone 360-642-2911
Fax 360-642-5273

02-01-16

Page 1 of 2

To: Mayor Cassinelli and Ilwaco City Council

From: Chief Flint R. Wright

Ref.: Monthly Report for January 2016

During the month of January the Long Beach Police Department handled the following cases and calls:

Long Beach

650 Total Incidents
Aid Call Assists: 2
Alarms: 5
Animal Complaints: 4
Assaults: 8
Assists: 108
(Includes 7 Law Enforcement Agency Assists Outside City Boundaries)
Burglaries: 1
Disturbance: 21
Drug Inv.: 5
Fire Call Assists: 2
Follow Up: 133
Found/Lost Property: 4
Harassment: 11
Malicious Mischief: 3
MIP – Alcohol: 0
MIP – Tobacco: 0
Missing/Found Persons: 7
Prowler: 1
Runaway: 1
Security Checks: 212
Suspicious: 17
Thefts: 9
Traffic Accidents: 5
Traffic Complaints: 5
Traffic Tickets: 15
Traffic Warnings: 41
Trespass: 3
Warrant Contacts: 17
Welfare Checks: 10

Ilwaco

470 Total Incidents
Aid Call Assists: 2
Alarms: 4
Animal Complaints: 1
Assaults: 2
Assists: 73
Burglaries: 2
Disturbance: 7
Drug Inv.: 7
Fire Call Assists: 0
Follow Up: 91
Found/Lost Property: 3
Harassment: 5
Malicious Mischief: 2
MIP – Alcohol: 0
MIP – Tobacco: 0
Missing/Found Persons: 4
Prowler: 0
Runaway: 1
Security Checks: 202
Suspicious: 8
Thefts: 7
Traffic Accidents: 0
Traffic Complaints: 3
Traffic Tickets: 5
Traffic Warnings: 21
Trespass: 3
Warrant Contacts: 8
Welfare Checks: 9

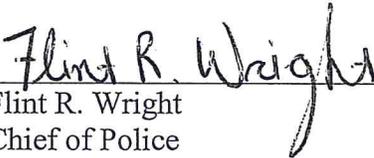
Monthly Report Continued:

Page 2 of 2

I conducted a training on the 2nd. The training was for volunteers who will be assisting at area churches for the overnight winter lodging program being set up by Peninsula Poverty Response. I talked about some safety concerns to be aware of and when to call 911. I gave this same training to a different group last month.

Officer Mike Parker received training on the 4th. The class title was "Providing Sensitive Death Notifications with Professionalism, Dignity and Compassion". Fun stuff.

On January 15th Officer Rodney Nawn attended training. The training was put on by the Washington State Patrol. The training dealt with using the "Law Enforcement Information Exchange" database. This is a national data exchange system that ties in together municipal, county, state and federal law enforcement agencies so information and intelligence can be shared.



Flint R. Wright
Chief of Police

City Clerk

From: Mark Daniel <mdaniel@watershedco.com>
Sent: Wednesday, December 02, 2015 5:28 PM
To: Holly Beller (clerk@ilwaco-wa.gov)
Subject: Ilwaco SMP - Remaining Schedule

Hi Holly,

Following up on our conversation earlier today, I thought I would send a schedule for how the remainder of the SMP process might generally unfold. Please let me know if you have any comments or suggestions.

Thanks, Mark

--

ILWACO SMP - REMAINING SCHEDULE

Now - January 10: Preparation of Task 9 deliverables

- Address latest Ecology comments on draft SMP

January 11: Council discussion of draft SMP

January 12 - February 28: Finalize Task 9 deliverables

- Develop staff-reviewed version of NNL report
- Finalize Task 9 Deliverables based on Council discussion

By February 29: Task 9 deliverables due to Ecology

- Task 9 deliverables include NNL report and revised versions of SMP, CIA, jurisdiction map, and submittal checklist

March : SEPA, 60-day notice, and public hearing

- Prepare SEPA checklist and issue Threshold Determination
- Issue 60-day notice
- Public hearing on SMP

April, early May: Preparation of Task 10 deliverables

- Amendments to SMP based on agency and public comment
- Responsiveness summary

Late May/early June: Local adoption

By June 30: Task 10 Deliverables due to Ecology

- Task 10 deliverables include locally adopted SMP (including jurisdiction map and submittal checklist), SEPA products, GMA notice products, public hearing record, responses to public comments

MARK DANIEL, AICP
Associate Planner
(425) 822-5242 x213

THE WATERSHED COMPANY
watershedco.com



July 8, 2015

Ariel Smith
 City of Ilwaco
treasurer@ilwaco-wa.gov

Re: Ilwaco Shoreline Master Program – Progress report for 2015 Q2 (through June 30, 2015)

Dear Ariel:

The following progress report table outlines work completed by The Watershed Company during the second quarter of 2015.

PROGRESS REPORT		
Task	Activities	Notes
3. Public Participation	<ul style="list-style-type: none"> • Planning Commission meeting 	
4. Preliminary Assessment of Shoreline Jurisdiction	<ul style="list-style-type: none"> • No work conducted 	
5. Shoreline Inventory, Analysis and Characterization	<ul style="list-style-type: none"> • No work conducted 	
6. Draft SMP	<ul style="list-style-type: none"> • Conducted work on 1st draft SMP • Prepared SMP checklist for 1st draft SMP • Conducted work on 2nd draft SMP, including addressing and responding to Ecology comments on 1st draft SMP, revising environment designations map • Prepared SMP checklist for 2nd draft SMP • Development of city shoreline permit handout • Development of city shoreline permit tracking spreadsheet 	<ul style="list-style-type: none"> • 1st draft SMP submitted to Ecology • 2nd draft SMP submitted to Ecology
7. Cumulative Impacts Analysis	<ul style="list-style-type: none"> • Conducted work on preliminary draft CIA • Conducted work on draft CIA, including addressing and responding to Ecology comments on preliminary draft CIA 	<ul style="list-style-type: none"> • Preliminary draft CIA submitted to Ecology • Draft CIA submitted to Ecology

July 8, 2015

Page 2 of 2

PROGRESS REPORT		
Task	Activities	Notes
8. Restoration Plan	<ul style="list-style-type: none">Conducted work on restoration plan	<ul style="list-style-type: none">Draft restoration plan submitted to Ecology
9. Develop Final Draft SMP and Supporting Documents	<ul style="list-style-type: none">No work conducted	
10. Local SMP Adoption Process	<ul style="list-style-type: none">No work conducted	

Description of Overall Progress

As of June 30, 2015, The Watershed Company has billed \$60,260.89 or approximately 86% of our original budget of \$69,955.00. The Watershed Company has also billed \$2,968.75 for additional SMP development services.

Please feel free to call if you have any questions about the Progress Report.

Sincerely,



Mark Daniel, AICP
Associate Planner



**CITY OF ILWACO
PLANNING COMMISSION MEETING**

Tuesday, April 7, 2015

A. Call to Order

1. Chair Malin called the meeting to order at 6:02 p.m.

B. Roll Call

1. Present: Nansen Malin, Cheri Diehl, Nancy McAllister. Seat 2 and 5 vacant.
2. Staff: Ryan Crater, City Planner & Holly Beller, Deputy City Clerk

C. Approval of Agenda

ACTION: Motion to approve agenda (McAllister/Diehl)

D. Approval of Minutes

**ACTION: Motion to approve the Regular Meeting minutes of March 3, 2015.
(Diehl/McAllister) 3 Ayes 0 Nays 0 Abstain.**

E. Comments by Citizens and Guests Present:

1. None.

F. Staff Reports:

1. City Planner, Ryan Crater, reported that on next month's agenda there will be a Conditional Use Permit application for a short term rental.
2. Deputy City Clerk, Holly Beller, gave the date for the next planning commission meeting as May 5, 2015.

G. Commissioner Reports:

1. Cheri Diehl requested Jared Oakes to come to the meeting tonight to get a feel for what the planning commission does. He was present for a majority of the meeting and took part in discussions. The mayor has not yet appointed Jared to the commission.

H. Old Business

1. Holly Beller stated that an email was forwarded to the commission with information from John Kliem on public input surveys. Nansen Malin mentioned that perhaps the PC could utilize Envision Ilwaco's newsletter to assist in the public outreach for the comp plan update. Jared answered that he felt Envision Ilwaco's purpose was stakeholder and citizen driven, and not "city stamped". He suggested that the outreach not come from PC, per se, as it may be seen better from a citizen view point, again according to what Jared understand the goals of Envision Ilwaco to be.

I. Discussion

1. **Critical Areas Ordinance Final Draft & Recommendation to City Council**

- a. Ryan Crater presented his staff report containing the background, requirements and objectives of the CAO update. No significant changes have been made since the last presentation to PC.

ACTION: I move to recommend City Council adopt the Critical Areas Ordinance Update as provided for herein. (McAllister/Diehl) 3 Ayes 0 Nays 0 Abstain

2. Shoreline Master Program Presentation

- a. Mark Daniel, Planner with the Watershed Company presented the first draft of the SMP to PC. Goal is to achieve compliance with the state requirements while not adding or burdening the city with too much we don't need. Mark gave a broad overview of the chapters and permitting matrix. Nansen Malin had questions regarding the wetland buffers and method of determining those setbacks. Nancy McAllister asked for clarification on the No Net Loss standard. Jared Oakes helped with a description of an "environmental balance sheet". Discussion was raised regarding the City Council and City Planner duties in granting substantial development permits. Holly Beller mentioned that the Mayor has been looking into a Hearings Examiner and that may be something we want to incorporate into the SMP. Nancy McAllister asked for additional clarification on dredging and how the city SMP may work with other SMP's that have concerns with dredging and long term ocean planning.
- b. Next step for the SMP is submissions to Ecology and the City website on April 30, 2015. The SMP will be sent to stakeholder agencies and then have a 2nd draft by the end of June 2015. Final city adoption is scheduled for January 2016.

ACTION: None required.

J. Adjournment

ACTION: Motion to adjourn the meeting (Diehl/McAllister). Chair Malin adjourned the meeting at 7:15 p.m.



Nansen Malin, Chair



Holly Beller, Deputy City Clerk

City Clerk

From: City Clerk <clerk@ilwaco-wa.gov>
Sent: Monday, July 13, 2015 2:14 PM
To: 'Andi Day'; Asher, Amy; Betsy Millard; Brian Wirkkala; Butch Smith; Casey Wray; Chris Conklin; Christine Parsons; Dale Beasley; Darren Habel; Dave McKee; Dean Patterson; Denise Lofman; Diane Carter; Doug Kess; Doug Miller; Doug Ross; Dustin Mead; Evan Roberts; ftaylor@co.pacific.wa.us; Gayle Borchard; Geri Marcus; 'Guy Glenn'; Heather Gibbs; Helen & Mike Hackett; Hobe Kytr; Hugo Flores; Jackie Ferrier; Jason Dunsmoor; Jeff Breckel; Jim Sayce; Joanne Ridout; Joe & Sue Dazey; Kim VanZwalenburg; Linda Storm; Lisa Ayers (layers@co.pacific.wa.us); Loris Swanson; Mike Cassinelli (Beacon); Mike Cassinelli (mayor@ilwaco-wa.gov); Mike Nordin; mwinters@chinookobserver.com; Nadia Gardner; Nancy Lockett; Paul Philpot; Rich Marshall; Rick Gray; Rick Mraz; Rod Moore; Ron Wilcox; Ryan Crater; Thomas Sibley; Tim Crose; Tim Gates; Tribal Leader; Warren Hazen; 'Councilmember Chambreau'; 'Councilmember Marshall'; 'david jensen (council1@ilwaco-wa.gov)'; 'Gary Forner'; Vinessa Karnofski (council2@ilwaco-wa.gov); 'Danielle Wilkie'; 'Jon Ducharme'; 'Nick Haldeman'; 'Rick Schimelpfenig'; 'Cheri Diehl (planning3@ilwaco-wa.gov)'; Jackie Sheldon (planning2@ilwaco-wa.gov); Nancy McAllister (planning4@ilwaco-wa.gov); Nansen Malin (planning1@ilwaco-wa.gov)
Cc: Ariel Smith
Subject: Shoreline Master Program Draft and Comment Period

Dear Stakeholders:

The City of Ilwaco (City) is currently in the process of updating its Shoreline Master Program (SMP) per requirements of the Washington State Department of Ecology. A draft SMP, including draft policies and regulations, is currently available for review on the City's website, and the City would appreciate hearing any comments you may have on the draft at this time. City shorelines subject to the SMP include its shores along the Pacific Ocean, Baker Bay (including the Port of Ilwaco), the Wallacut River and Black Lake.

The draft SMP, as well as other SMP update documents, can be reviewed on the City's website at the following link: <http://www.ilwaco-wa.gov/council/planningcommission.shtml>. Please note that the draft SMP consists of the following three links on that page:

- "Shoreline Master Program Update - Draft"
- "Shoreline Master Program Update - Draft Appx A Shorelines Map"
- "Shoreline Master Program Update - Draft Appx B Critical Areas Regulations"

The City would appreciate receiving any comments you may have on the draft SMP by August 14, 2015. Written comments are preferred, and may be directed to me at the email or postal addresses listed below. If you have any questions or need additional information, please feel free to contact me.

Regards,

City Clerk

From: City Clerk <clerk@ilwaco-wa.gov>
Sent: Thursday, May 07, 2015 4:42 PM
To: adwpiano@usa.net; 'Amy Huntley'; 'Andi Day'; 'Ann Saari'; Ariel Smith; bruce peterson; Cheri Diehl; 'Chinook Observer'; 'Clint Carter'; Councilmember Chambreau; Councilmember Marshall; 'Daryl Gardner'; 'Dave McKee'; david jensen; 'David Johnson'; 'Dewitt, Bob'; Discovery Coast Real Estate; 'District Secretary'; Doug Knutzen; 'Doug Ross'; 'Eric Marotzke'; 'Flint Wright'; Gary Forner; 'Gary Kobes'; graysear@reachone.com; 'Guy Glenn'; Holly Beller; 'Jim and Della Wilson'; 'Jimmie Walden'; 'Katie Wilson'; 'KMUN'; kpointer@trlib.org; Les & Ann Driscoll; 'Linda Marsh'; Lorna Batt; 'Mark Hottowe'; Matt Bonney; Mike Cassinelli (Beacon); Mike Cassinelli; 'Nancy Lockett'; Nancy McAllister (planning4@ilwaco-wa.gov); Nansen Malin; 'Natalie St. John'; Nick Haldeman; 'Rebecca Hart'; 'Rich Marshall'; Rick Schimelpfenig; 'Scot McGrew'; thomason209@yahoo.com; Sherri Buckel; 'Skyler Walker'; Terri Staples; 'Terry Dawn'; 'Theodore Vanden Bosch'; 'Tina Agee'; 'Tom Freel'; 'Tom Williams'; Vinessa Karnofski; 'Warren Hazen'
Subject: Shoreline Master Plan

Good Afternoon,

The City of Ilwaco has posted the most recent draft of the Shoreline Master Plan on our website. To find it, please follow the link below:

<http://www.ilwaco-wa.gov/council/planningcommission.shtml>

Holly Beller
Deputy City Clerk
City of Ilwaco
360-642-3145
clerk@ilwaco-wa.gov
www.ilwaco-wa.gov



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opportunity provider and employer*



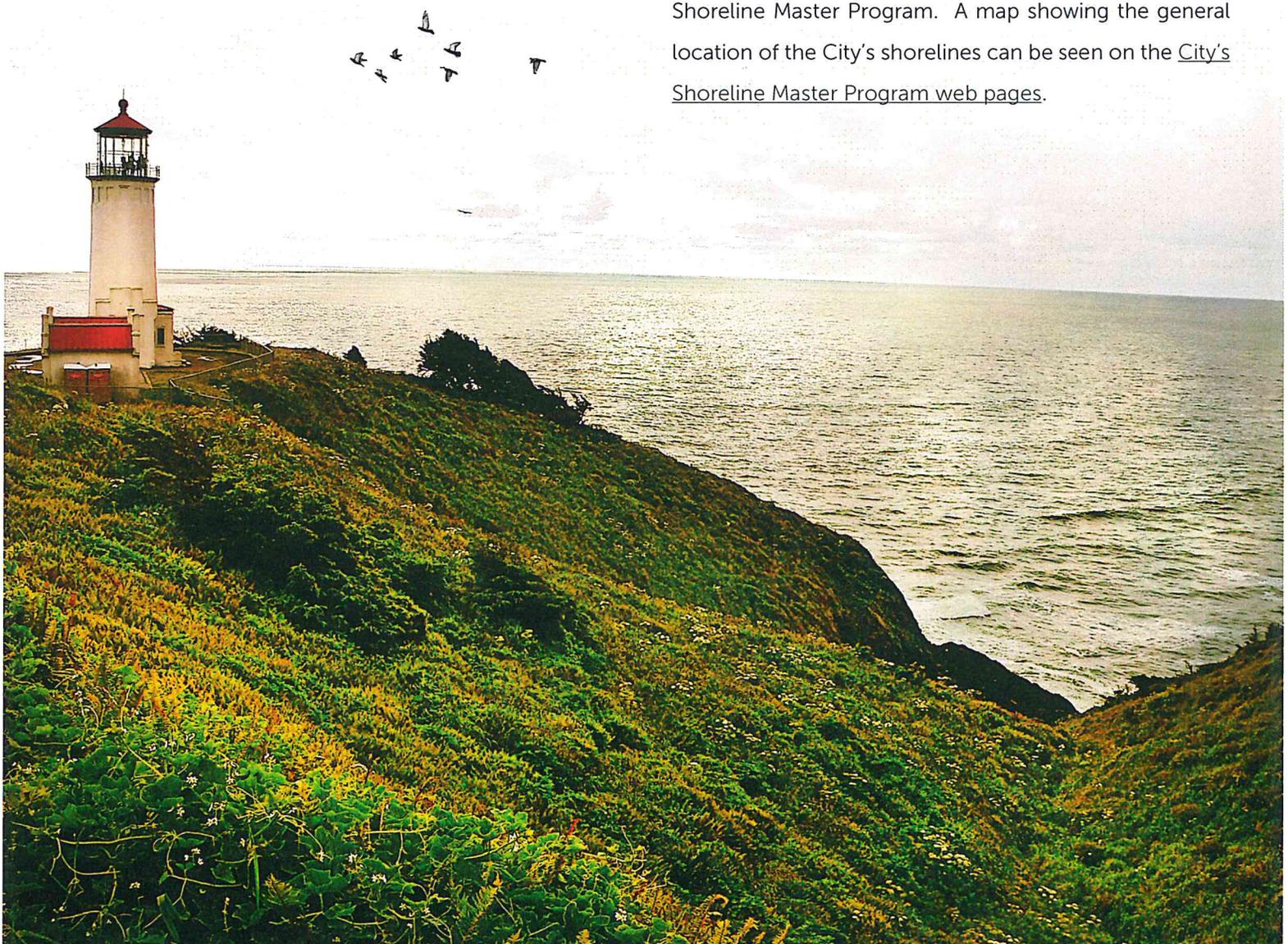
SHORELINE MASTER PROGRAM INFORMATION SHEET

What is the Shoreline Master Program?

The City of Ilwaco Shoreline Master Program implements Washington's Shoreline Management Act at the local level, regulating use and development of the City's shorelines. The City has had a Shoreline Master Program in effect since 1975. The City's current Shoreline Master Program can be seen on the [City's Shoreline Master Program web pages](#).

Where are the City's shorelines?

Shorelines in the City subject to the Shoreline Master Program include shorelands along Baker Bay, the Wallacut River, Black Lake, and the Pacific Ocean. At a minimum, shorelands within 200 feet of the above-listed waters, as well as the waters themselves, are subject to the City's Shoreline Master Program. Wetlands that are in proximity to and either influence or are influenced by the above-listed waters are also subject to the City's Shoreline Master Program. A map showing the general location of the City's shorelines can be seen on the [City's Shoreline Master Program web pages](#).



How does the Shoreline Master Program affect development projects?

All developments within the City's shorelines must comply with the provisions of City's Shoreline Master Program.

Certain types of development allowed under the City's Shoreline Master Program do not require a shoreline permit. Such development is referred to as exempt development. However, exempt development must still comply with the provisions of the City's Shoreline Master Program.

Development allowed under the City's Shoreline Master Program that is not exempt requires a shoreline permit. The shoreline permit that is most commonly required is a shoreline substantial development permit. Less commonly, a shoreline conditional use permit or shoreline variance permit may be required. In comparison to a shoreline substantial development permit, shoreline conditional use permits and shoreline variance permits typically entail a more rigorous review and approval process.

Please be aware that in addition to the City's Shoreline Master Program, other federal, state, and local regulations and permit requirements may apply.

How do I get started?

If you are thinking about undertaking a shoreline project, contacting the City as early as possible is highly recommended. The City can help identify the following information:

- » Application materials that may be required
- » The project review process and timeline
- » Fees that may apply
- » Other regulations and permits that may apply

The City may be contacted at (360) 642-3145 or at info@ilwaco-wa.gov.



DRAFT
SHORELINE MASTER PROGRAM
CITY OF ILWACO

January 2016

Prepared for:



Prepared with assistance from:



Prepared with funding from:



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Appendix A: Shorelines Map

Appendix B: Shoreline Critical Areas Regulations

SHORELINE MASTER PROGRAM

CITY OF ILWACO

1 GENERAL PROVISIONS

1.1 Purpose

- (1) The purpose of the City's Shoreline Master Program is to implement the requirements of RCW 90.58, the Shoreline Management Act of 1971. RCW 90.58.080 directs local governments to develop and administer local shoreline master programs for regulation of uses on shorelines of the state.

1.2 Authority

- (1) The City's Shoreline Master Program is enacted and administered according to the following state law and rules:
 - A. The Shoreline Management Act of 1971, RCW 90.58;
 - B. State master program approval/amendment procedures and master program guidelines, WAC 173-26;
 - C. Shoreline management permit and enforcement procedures, WAC 173-27; and
 - D. Other implementing rules.

1.3 Applicability

- (1) The City's Shoreline Master Program shall apply to all shorelines of the state as defined in RCW 90.58.030.
- (2) Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to RCW 90.58, the Shoreline Management Act, and the City's Shoreline Master Program whether or not a permit is required.
- (3) Federal agency activities must comply with WAC 173-27-060.
- (4) Nothing in the City's Shoreline Master Program shall affect any rights established by treaty to which the United States is a party.

1.4 Relationship to other regulations

- (1) Compliance with the City's Shoreline Master Program does not constitute compliance with other federal, state, and local regulations and permit requirements that may apply. The applicant is responsible for complying with all other applicable requirements.
- (2) When any provision of the City's Shoreline Master Program or any other federal, state, or local provision conflicts with the City's Shoreline Master Program, the provision that is most protective of shoreline resources shall prevail.
- (3) The City's Shoreline Master Program includes critical areas regulations applicable only in shoreline jurisdiction (Appendix B); these regulations shall control within shoreline jurisdiction over the general critical area regulations adopted pursuant to the Growth Management Act.

1.5 Liberal construction

- (1) As provided for in RCW 90.58.900, the Shoreline Management Act is exempted from the rule of strict construction. Therefore, the City's Shoreline Master Program shall be liberally construed to give full effect to the purposes and policies for which it was enacted.

1.6 Severability

- (1) If any provision of the City's Shoreline Master Program, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the City's Shoreline Master Program, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

1.7 Effective date

- (1) The City's Shoreline Master Program is hereby adopted on Month XX, 201X. The City's Shoreline Master Program and all amendments thereto shall become effective 14 days from the date of Ecology's written notice of final approval.

2 DEFINITIONS

- (1) **"Agricultural activities"** means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal

conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

- (2) **"Agricultural equipment"** 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.
- (3) **"Agricultural facilities"** has the same meaning as "agricultural equipment."
- (4) **"Agricultural land"** means those specific land areas on which agricultural activities are conducted as of the date of adoption of the City's Shoreline Master Program as evidenced by aerial photography or other documentation. After the effective date of the City's Shoreline Master Program, land converted to agricultural use is subject to compliance with its requirements.
- (5) **"Agricultural products"** includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 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.
- (6) **"Amendment"** means a revision, update, addition, deletion, and/or reenactment to the City's Shoreline Master Program.
- (7) **"Aquaculture"** means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area.
- (8) **"Archaeology"** means systematic, scientific study of the human past through material remains.

- (9) **“Archaeological object”** means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, graves, skeletal remains and technological by-products.
- (10) **“Archaeological resource/site”** means a geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state’s jurisdiction, that contains archaeological objects.
- (11) **“Average grade level”** means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.
- (12) **“Buffer”** means an area that is contiguous to and protects a shoreline or critical area that is required for the continued maintenance, functioning, and/or structural stability of a shoreline or critical area.
- (13) **“Channel migration zone”** means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
- (14) **“City”** means the City of Ilwaco.
- (15) **“City Planner”** means the Mayor, or his or her designee with approval of the City Council, of the City.
- (16) **“County”** means Pacific County.
- (17) **“Critical areas”** include the following areas and ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. “Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.
- (18) **“Critical saltwater habitats”** include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

- (19) **"Danger tree"** means a tree with a high probability of falling due to a debilitating disease, a structural defect, a root mass more than 50 percent exposed, or having been exposed to wind throw within the past 10 years, and where there is a residence or residential accessory structure within a tree length and a half from the base of the trunk, or where there is a risk to public safety or property. Where not immediately apparent to the review authority, the danger tree determination shall be made after a review of a report prepared by an arborist or forester.
- (20) **"Date of filing"** of the City's final decision involving approval or denial of a substantial development permit is the date of actual receipt by Ecology of the City's final decision on the permit; or, involving approval or denial of a variance or conditional use permit, is the date of transmittal of Ecology's final decision on the variance or conditional use permit to the City and the applicant.
- (21) **"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 Shoreline Management Act at any stage of water level.
- (22) **"Dune modification"** is the removal or addition of material to a dune, the reforming or reconfiguration of a dune, or the removal or addition of vegetation that will alter the dune's shape or sediment migration.
- (23) **"Ecological 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.
- (24) **"Ecological restoration"** has the same meaning as "restore."
- (25) **"Ecology"** means the Washington State Department of Ecology.
- (26) **"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.
- (27) **"Exempt"** developments are those set forth in WAC 173-27-040; RCW 90.58.030(3)(e); RCW 90.58.140(9); RCW 90.58.147; RCW 90.58.355; and RCW 90.58.515 that are not required to obtain a shoreline substantial development permit but which must otherwise comply with applicable provisions of the Shoreline Management Act and the City's Shoreline Master Program.
- (28) **"Feasible"** means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions. In cases where the City's

Shoreline Master Program requires 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 the short- and long-term time frames.

- 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.
- (29) **"Fill"** means the addition of soil, sand, rock, gravel, sediment, earth-retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.
- (30) **"Fish and wildlife habitat conservation areas"** are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. The city may also designate locally important habitats and species. Fish and wildlife habitat conservation areas does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.
- (31) **"Floodplain"** is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Shoreline Management Act.
- (32) **"Floodway"** means the area that either has been established in Federal Emergency Management Agency flood insurance rate maps or floodway maps or consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to

identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from floodwaters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

- (33) **“Forest practice”** means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. “Forest practice” shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.
- (34) **“Frequently flooded areas”** means lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year, or within areas subject to flooding due to high groundwater. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and areas where high groundwater forms ponds on the ground surface.
- (35) **“Functions and values”** means the services provided by critical areas to society, including, but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.
- (36) **“Geologically hazardous areas”** means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.
- (37) **“Geotechnical analysis”** has the same meaning as “geotechnical report.”
- (38) **“Geotechnical report”** means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or

geologists who have professional expertise about the regional and local shoreline geology and processes.

- (39) **“Grading”** means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.
- (40) **“Guidelines”** means those standards adopted by Ecology to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state.
- (41) **“Height”** is measured from average grade level to the highest point of a structure, provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, and that temporary construction equipment is excluded in this calculation.
- (42) **“Historic preservation professional”** means those individuals who hold a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:
 - A. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 - B. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
- (43) **“Historic site”** means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the City Council.
- (44) **“In-stream structures”** are structures placed by humans within a stream or river waterward of the ordinary high water mark that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.
- (45) **“May”** means the action is acceptable, provided it conforms to the provisions of the City's Shoreline Master Program.
- (46) **“Must”** means a mandate; the action is required.
- (47) **“Natural or existing topography”** means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.
- (48) **“Nonconforming use or development”** means a shoreline use or development that was lawfully constructed or established prior to the effective date of the City's Shoreline Master

Program, or amendments thereto, but that does not conform to present regulations or standards of the City's Shoreline Master Program.

- (49) **"Nonwater-oriented uses"** means those uses that are not water-dependent, water-related, or water-enjoyment.
- (50) **"Ordinary high water mark"** on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or Ecology: provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.
- (51) **"Party of record"** includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified the City of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.
- (52) **"Person"** means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.
- (53) **"Practical alternative"** means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, with less of an impact to critical areas.
- (54) **"Priority habitat"** means a habitat type with unique or significant value to one or more species.
 - A. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; important marine mammal haul-out; refugia habitat; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed.
 - B. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a

specific habitat element (such as a consolidated marine/estuarine shoreline, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

- (55) **"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 State 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 either proposed, threatened, or endangered.
- (56) **"Professional archaeologist"** means a person with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal Secretary of the Interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal.
- (57) **"Provisions"** means policies, regulations, standards, or environment designations.
- (58) **"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.

- (59) **“Qualified professional”** means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and two years of related work experience.
- A. A qualified professional for habitats or wetlands must have a degree in biology, geology or hydrology, and professional experience related to the subject species.
 - B. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- (60) **“Restoration”** has the same meaning as “restore.”
- (61) **“Restore”** means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
- (62) **“Shall”** means a mandate; the action is required.
- (63) **“Shorelands”** means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of the City’s Shoreline Master Program.
- (64) **“Shoreline areas”** means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.
- (65) **“Shoreline conditional use”** means a use, development, or substantial development that is classified as a shoreline conditional use or is not classified within the City’s Shoreline Master Program.
- (66) **“Shoreline functions”** has the same meaning as “ecological functions.”
- (67) **“Shoreline jurisdiction”** has the same meaning as “shoreline areas.”
- (68) **“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.
- (69) **“Shoreline permit”** means any shoreline substantial development permit, shoreline variance permit, shoreline conditional use permit, or revision authorized under RCW 90.58.

- (70) **“Shoreline stabilization”** includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods. 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.
- (71) **“Shoreline stabilization, hard”** refers to shoreline stabilization measures with solid, hard surfaces, such as concrete bulkheads.
- (72) **“Shoreline stabilization, soft”** refers to shoreline stabilization measures that rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement.
- (73) **“Shoreline variance”** is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the City’s Shoreline Master Program and not a means to vary a use of a shoreline.
- (74) **“Shorelines”** means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except shorelines of statewide significance; shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.
- (75) **“Shorelines of statewide significance”** means the following shorelines of the state, as applicable to the City:
- A. The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets.
 - B. Those natural rivers or segments thereof west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more.
 - C. Shorelands associated with the above.
- (76) **“Shorelines of the state”** are the total of all “shorelines” and “shorelines of statewide significance” within the state.
- (77) **“Should”** means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act, the Guidelines, and the City’s Shoreline Master Program against taking the action.
- (78) **“Significant,”** only as used in archaeological, historic and cultural resource policies and regulations contained in the City’s Shoreline Master Program, is that quality in American history, architecture, engineering, and culture that is present in districts, sites, buildings,

structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in our past; or
- C. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.

- (79) **“Significant tree”** means an evergreen tree 10 inches in diameter or greater, or a deciduous tree 12 inches in diameter or greater, measured four and one-half feet above existing grade.
- (80) **“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.
- (81) **“Streams”** means those areas where surface water flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds and defined channel swales. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by salmon or used to convey streams naturally occurring prior to construction.

For regulatory purposes under the City’s Shoreline Master Program once streams are identified, the streams are typed following the Washington State Department of Natural Resource Stream Typing System found in WAC 222-16-031 as now or hereafter amended.

- (82) **“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.
- (83) **“Substantial development”** shall mean any development of which the total cost or fair market value exceeds \$6,416, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold must be

adjusted for inflation by the Office of Financial Management every five years, beginning - July 1, 2007, based upon changes in the consumer price index during that time period. See WAC 173-27-040 for a list of developments that shall not be considered substantial development.

- (84) **“Substantially degrade”** means to cause significant ecological impact.
- (85) **“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.
- (86) **“Water-dependent use”** means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.
- (87) **“Water-enjoyment use”** means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use, or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. 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.
- (88) **“Water-oriented use”** means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.
- (89) **“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.
- (90) **“Wetlands”** means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the

construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

- (91) **“Wetland mosaic”** means an area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50 percent of the total area of the entire mosaic, including uplands and open water.

3 SHORELINE JURISDICTION

3.1 Shoreline jurisdiction

- (1) **Shorelines of the state.** In accordance with the Shoreline Management Act, the City’s shoreline jurisdiction subject to the City’s Shoreline Master Program includes all “shorelines of the state” and “shorelands.” Shorelines of the state are the total of all “shorelines” and “shorelines of statewide significance.” These terms are defined in Chapter 2, Definitions. The City’s shoreline jurisdiction does not include the optional inclusion of the entire 100-year floodplain or land necessary for buffers for critical areas.

A. In the City, shorelines include:

1. Wallacut River
2. Black Lake

B. In the City, shorelines of statewide significance include:

1. Baker Bay (Columbia River)
2. Pacific Ocean

- (2) **Where shoreline jurisdiction does not include an entire parcel.** In circumstances where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity or development proposed within shoreline jurisdiction on that portion of the parcel is subject to the City’s Shoreline Master Program.

3.2 Shorelines Map

- (1) **Shorelines Map.**

A. The City’s shoreline jurisdiction and the environment designations established by the City’s Shoreline Master Program are shown on the Shorelines Map. The Shorelines Map is adopted by reference and declared to be a part of the City’s Shoreline Master Program. The Shorelines Map can be seen in Appendix A.

B. The Shorelines Map may be updated through an amendment to the City's Shoreline Master Program as indicated in regulation 3.2(2) below.

(2) **Shorelines Map approximate.** The Shorelines Map only approximately identifies or depicts the lateral extent of shoreline jurisdiction and environment designations from the shoreline waterbody. The actual lateral extent of shoreline jurisdiction and environment designations shall be determined on a site-specific basis at the time a development is proposed based on the location of the ordinary high water mark, floodway, floodplain, and the presence of associated wetlands.

A. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction related to site-specific surveys of ordinary high water mark, floodway, and/or floodplain are automatically assigned the category of the contiguous environment designation. Where the mapping inaccuracy results in inclusion of an unmapped associated wetland, that wetland shall be assigned an Urban Conservancy designation.

B. Any areas within shoreline jurisdiction that are not mapped and/or designated shall be assigned an Urban Conservancy designation until the shoreline can be redesignated through an SMP amendment process conducted consistent with Section 8.15, Amendments.

C. Any area shown on the Shorelines Map as within shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction shall not be subject to the requirements of the City's Shoreline Master Program. In the event of a mapping error, the City shall rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

D. When interpreting the exact location of an environment designation boundary line, the location shown on the Shorelines Map shall prevail consistent with the following rules:

1. Boundaries indicated as approximately following parcel, tract, or section lines shall be so construed.
2. In cases of boundary line adjustments or subdivisions, the designation of the parent parcel shall not change as a result, except if pursuant to an amendment to the City's Shoreline Master Program.
3. Boundaries indicated as approximately following roads shall be construed to follow the nearest right-of-way edge.
4. Boundaries indicated as approximately parallel to or extensions of features indicated in regulations 3.2(2)D.1 or 3.2(2)D.2 above shall be so construed.

4 SHORELINE POLICIES

4.1 General policies

4.1.1 Archaeological, historic & cultural sites

- (1) Shoreline features should be protected to prevent the destruction of, or damage to, any site having archaeological, historic, cultural, or scientific value through coordination and consultation with the appropriate local, state, tribal and federal authorities.
- (2) Cooperation among public and private parties is to be encouraged in the identification, protection, and management of cultural resources.
 - A. Owners of property containing previously identified historic, cultural or archaeological sites are encouraged to make development plans known well in advance of application, so that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, affected tribes and others may have ample time to assess the site and make arrangements to preserve historical, cultural and archaeological values as applicable.
- (3) As appropriate, such sites should be preserved and/or restored for study, education and/or public enjoyment to the maximum possible extent. When and/or where appropriate, access to such sites should be made available to parties of interest. Access to such sites must be designed and managed in a manner that gives maximum protection to the resource.

4.1.2 Critical areas

- (1) The existing ecological functions and ecosystem-wide processes of critical areas should be protected.
- (2) Human uses and values that are compatible with the protection of the existing ecological functions and ecosystem-wide processes of critical areas, such as public access and aesthetic values, should be promoted provided that impacts to ecological functions are first avoided, and any unavoidable impacts are mitigated.

4.1.3 Environmental protection

- (1) The City's Shoreline Master Program should assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources.
- (2) To assure no net loss of shoreline ecological functions, individual uses and developments should be required to mitigate environmental impacts not otherwise avoided or minimized by compliance with the City's Shoreline Master Program or other applicable regulations.

4.1.4 Flood hazard reduction

- (1) When evaluating alternate flood control measures, the removal or relocation of structures in flood-prone areas should be considered.
- (2) Where feasible, preference should be given to non-structural flood hazard reduction measures over structural measures.
- (3) River and stream processes should be returned to a more natural state where feasible and appropriate, including the removal of artificial restrictions to natural channel migration and the restoration of off-channel hydrological connections.
- (4) Flood hazard protection measures should not result in a net loss of ecological functions and ecosystem-wide processes associated with rivers and streams.

4.1.5 Public access

- (1) The public interest with regard to rights to access waters held in public trust by the state should be promoted and enhanced, while protecting private property rights and public safety.
- (2) The rights of navigation and space necessary for water-dependent uses should be protected.
- (3) To the greatest extent feasible consistent with the overall best interest of the state and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, should be protected.
- (4) The design, construction, and operation of permitted uses in shorelines of the state should be regulated to minimize, insofar as practical, interference with the public's use of the water.

4.1.6 Vegetation conservation

- (1) Vegetation conservation should be undertaken to protect the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of shorelines, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

4.1.7 Water quality & quantity

- (1) Impacts to water quality and quantity that would result in a net loss of shoreline ecological functions or in a significant impact to aesthetic qualities or recreational opportunities should be prevented.

- (2) Low impact development facilities that do not substantially change the character of the shoreline, such as vegetation filter strips, grass-lined swales, and vegetated bioretention and infiltration facilities, should be encouraged in association with development allowed in shoreline jurisdiction.

4.2 Shoreline use, development & modification policies

4.2.1 General shoreline use, development & modification policies

- (1) The development of property in shoreline jurisdiction should protect the public's health, safety, and welfare; the land and its vegetation and wildlife; and property rights while implementing the policies of the Shoreline Management Act.
- (2) The City, when determining allowable uses and resolving use conflicts on shorelines within jurisdiction, shall apply the following preferences and priorities in the order listed below.
 - A. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
 - B. Reserve shoreline areas for water-dependent and associated water-related uses.
 - C. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
 - D. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
 - E. Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.
- (3) For shorelines of statewide significance, the City shall give preference to uses, in the following order of preference, which:
 - A. Recognize and protect the statewide interest over local interest;
 - B. Preserve the natural character of the shoreline;
 - C. Result in long-term over short-term benefit;
 - D. Protect the resources and ecology of the shoreline;
 - E. Increase public access to publicly owned areas of the shorelines;
 - F. Increase recreational opportunities for the public in the shoreline;
 - G. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

- (4) Use conflicts should be reduced by prohibiting or applying special conditions to uses that are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the City's shoreline.
- (5) Only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed should be allowed.
- (6) The adverse effects of shoreline modifications should be reduced and, as much as possible, shoreline modifications should be limited in number and extent.
- (7) Shoreline modifications, individually and cumulatively, should not result in a net loss of ecological functions. This should be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
- (8) Structural shoreline modifications should be allowed only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- (9) The enhancement of impaired ecological functions should be planned for where feasible and appropriate, while accommodating permitted uses.

4.2.2 Agriculture

- (1) New agricultural activities on land not meeting the definition of agricultural land, the conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities should be consistent with the environment designation and the general and specific use regulations applicable to the proposed use, and should assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values.

4.2.3 Aquaculture

- (1) Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. While aquaculture is not anticipated within the City's shoreline jurisdiction, some scale or form of aquaculture could be appropriate.

4.2.4 Beach & dunes management

- (1) Beaches and dunes should be managed to conserve, protect, and, where appropriate, develop or restore the resources and benefits of coastal beaches. Beaches and dunes should also be managed to reduce the hazard to human life and property from natural or human-induced actions associated with these areas.

- (2) Dune modification may be proposed for a number of purposes, including protection of property, flood and storm hazard reduction, erosion prevention, or ecological restoration.

4.2.5 Boating facilities

- (1) Boating facilities should meet health, safety, and welfare requirements, and no net loss of ecological functions as a result of development of such facilities should be assured.

4.2.6 Breakwaters, jetties & groins

- (1) Breakwaters, jetties, and groins waterward of the ordinary high water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

4.2.7 Commercial development

- (1) Preference should be given first to water-dependent commercial uses over nonwater-dependent commercial uses; and second, to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.
- (2) Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate.

4.2.8 Dredging & dredge material disposal

- (1) Dredging and dredge material disposal should be done in a manner that avoids, minimizes or mitigates significant ecological impacts.
- (2) Dredging and dredge material disposal should be consistent with adopted regional interagency dredge material management plans and watershed management plans.
- (3) Uses of suitable dredge material that benefit shoreline resources are encouraged.

4.2.9 Fill & excavation

- (1) Fills and excavations should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- (2) Fills waterward of the ordinary high water mark should be allowed in limited instances only.

4.2.10 Forest practices

- (1) The City's Shoreline Master Program should rely on the Forest Practices Act and implementing rules, as well as the Forest and Fish Report as adequate management of commercial forest uses within shoreline jurisdiction.

4.2.11 Industrial development

- (1) Preference should first be given to water-dependent industrial uses over nonwater-dependent industrial uses; and second, to water-related industrial uses over nonwater-oriented industrial uses.
- (2) Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

4.2.12 In-stream structures

- (1) The location and planning of in-stream structures should give due consideration to the full range of public interests.

4.2.13 Mining

- (1) Mining should be prohibited within the City's shoreline jurisdiction, except for ocean beach mineral prospecting conducted under a valid Hydraulic Project Approval issued by the Washington Department of Fish and Wildlife.

4.2.14 Ocean uses and modifications

- (1) Text to be inserted.

4.2.15 Recreational development

- (1) Shoreline recreational development should be given priority and should be primarily related to access to, enjoyment of, and use of shorelines of the state.
- (2) State-owned shorelines should be given appropriate special consideration for providing recreational activities for the public.

4.2.16 Residential development

- (1) Single-family residences are a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

4.2.17 Shoreline habitat & natural systems enhancement projects

- (1) Shoreline habitat and natural system enhancement projects should be fostered.

- (2) Shoreline habitat and natural system enhancement projects should address legitimate restoration needs and priorities, and implement City-approved restoration plans, such as the City's Shoreline Restoration Plan.

4.2.18 Shoreline stabilization

- (1) The City should regulate shoreline stabilization in order to avoid the individual and cumulative net loss of ecological functions.

4.2.19 Transportation & parking

- (1) Safe, reasonable, and adequate circulation systems should be provided to, through or over shorelines where necessary and otherwise consistent with the City's Shoreline Master Program.
- (2) Circulation systems should include systems for pedestrian, bicycle, and public transportation where appropriate.

4.2.20 Utilities

- (1) All utility facilities should be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- (2) Shoreline uses should not be allowed where the City's comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Existing utility services routed through shoreline areas should not be the sole justification for more intense development.

5 ENVIRONMENT DESIGNATIONS

5.1 High-Intensity

5.1.1 Purpose

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

5.1.2 Designation

- (1) A High-Intensity environment designation is assigned to shoreline areas that currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.

5.1.3 Management policies

- (1) In regulating uses in the High-Intensity environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed-use developments. 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.
- (2) Full use of existing urban areas should be required before expansion of intensive development is allowed.
- (3) Where feasible, visual and physical public access should be required.
- (4) 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.
- (5) New development should not cause a net loss of shoreline ecological functions. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any relevant state or federal laws.

5.2 Shoreline Residential

5.2.1 Purpose

- (1) The purpose of the Shoreline Residential environment is to accommodate residential development and appurtenant structures that are consistent with the City's Shoreline Master Program. An additional purpose is to provide appropriate public access and recreational uses.

5.2.2 Designation

- (1) A Shoreline Residential environment designation is assigned to shoreline areas that are predominantly single-family or multifamily residential development or are planned and platted for residential development.

5.2.3 Management policies

- (1) Development in the Shoreline Residential designation should assure no net loss of shoreline ecological functions through the application of development standards.
- (2) Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
- (3) Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
- (4) Commercial development should be limited to water-oriented uses.

5.3 Urban Conservancy

5.3.1 Purpose

- (1) 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.

5.3.2 Designation

- (1) An Urban Conservancy environment designation is assigned to shoreline areas that are appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area, that are not generally suitable for water-dependent uses, if any of the following characteristics apply:
 - A. They are suitable for water-related or water-enjoyment uses;
 - B. They are open space, floodplain 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.

5.3.3 Management policies

- (1) 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.

- (2) Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
- (3) Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

5.4 Natural

5.4.1 Purpose

- (1) The purpose of the Natural environment is to protect shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes.

5.4.2 Designation

- (1) A Natural environment designation is assigned to shoreline areas with any of the following characteristics:
 - A. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
 - B. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
 - C. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

5.4.3 Management policies

- (1) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
- (2) The following new uses should not be allowed in the Natural environment: commercial; industrial; nonwater-oriented recreation; and roads, utility corridors, and parking areas that can be located outside of Natural-designated shorelines.
- (3) Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the area will result.
- (4) New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. The subdivision of property in a configuration that, to achieve its intended purpose, will require significant

vegetation removal or shoreline modification that adversely impacts ecological functions should not be allowed. That is, each new parcel must be able to support its intended development without significant ecological impacts to shoreline ecological functions.

5.5 Aquatic

5.5.1 Purpose

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

5.5.2 Designation

- (1) An Aquatic environment designation is assigned to lands waterward of the ordinary high water mark.

5.5.3 Management policies

- (1) New over-water structures should only be allowed for water-dependent uses, public access, or ecological restoration.
- (2) The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.
- (3) In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of overwater facilities should be encouraged.
- (4) All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- (5) Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in regulation 6.3(3) as necessary to assure no net loss of ecological functions.
- (6) Shoreline uses, developments and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

6 GENERAL REGULATIONS

6.1 Archaeological, historic & cultural sites

- (1) **Known historic, cultural or archaeological sites.**

- A. The City shall work with tribal, state, federal, and local governments and special districts as appropriate to be aware of all known significant local historic, cultural and archaeological sites while adhering to applicable state and federal laws protecting such information from public disclosure.
- B. Upon receipt of application for a shoreline permit or application for a demolition permit within the shoreline zone, or request for a statement of exemption for development on properties within 500 feet of a site known to contain a historic, cultural or archaeological resource(s), the City shall require a cultural resource site survey/assessment. The site assessment shall be conducted by a professional archaeologist or historic preservation professional, as applicable, to determine the presence of historic or significant archaeological resources. Buildings or structures over 40 years in age shall be inventoried in a Washington State Department of Archaeology and Historic Preservation Historic Property Inventory Database entry and archaeological sites shall be recorded on Archaeological Site Inventory Forms. The fee for the services of the professional archaeologist or historic preservationist shall be paid by the applicant.
 - 1. If the cultural resource site assessment identifies the presence of archaeological, or significant historic, cultural resources, recommendations shall be prepared by a professional archaeologist or historic preservation professional, as part of the survey/assessment. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation and affected tribes. Comments received shall be incorporated into the conclusions and recommended conditions of the survey/assessment to the maximum extent practicable.
- C. A cultural resources survey/assessment shall contain the following minimum elements:
 - 1. The purpose of the project; a site plan for proposed on-site development; including indication of any existing building or structures on-site as well as any that are proposed for removal; depth and location of all ground-disturbing activities including, but not limited to, utilities, paved areas, clearing and grading, landscaping or new landscape features (i.e. fencing, walls, etc.); an examination of project on-site design alternatives; and an explanation of why the proposed activity requires a location on, or access across and/or through, an historic or archaeological resource; and
 - 2. A description of the historic/archaeological resources present, including any building or structure over 40 years of age affected by the proposal; and

3. An analysis of the significance of the historic resource and an analysis of the potential adverse impacts as a result of the activity;
 4. An analysis of how these impacts will be/have been avoided; or
 5. A recommendation of appropriate mitigation measures if the resources cannot be avoided (some mitigation measure may require a permit from Washington State Department of Archaeology and Historic Preservation). In the case of archaeological resources, mitigation measures may include but are not limited to the following:
 - i. Recording the site with the Washington State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic registry formally adopted by the City Council;
 - ii. Adaptive re-use of buildings or structures according to the U.S. Secretary of the Interior's Standards for Rehabilitation.
 - iii. Preservation in place;
 - iv. Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g. maintained grass or pavement);
 - v. Excavation and recovery of archaeological resources;
 - vi. Inventorying prior to covering of archaeological resources with structures or development; and
 - vii. Archaeological monitoring of construction excavation.
- D. The Shoreline Administrator shall consult with the Washington State Department of Archaeology and Historic Preservation and affected tribes prior to approval and acceptance of the survey/assessment.
1. Based upon such consultation, the Shoreline Administrator may reject or request revision of the conclusions reached in a survey/assessment when the administrator can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.
- E. Within 15 days of receipt of a complete development permit application in an area of known historic/archaeological resources, the City shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation and affected tribes. Recommendations of such agencies and other affected persons shall be duly

considered and adhered to whenever possible and reasonable. Notification shall include the following information:

1. The date of application, the date of notice of completion for the application, and the date of the notice of application;
 2. The date, time, place, and type of the hearing, if applicable, and scheduled at the date of notice of the application;
 3. A site map including the street address, tax parcel number, township, range, and section of the proposed project area;
 4. A description of the proposed project action and a list of the project permits included in the application, and, if applicable, a list of any studies requested by the City;
 5. The identification of other permits not included in the application to the extent known by the City;
 6. The identification of existing environmental documents that evaluate the proposed project and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 7. Any other information determined appropriate by the City;
 8. A statement of the limits of the comment period, the right of each agency to comment on the application within a 15-day time period, receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. In addition, the statement shall indicate that any agency wishing to receive personal notice of any hearings must notify the hearing examiner's office within 15 days of the date of the notice of application.
- F. In granting shoreline permits or statements of exemption for such development, the City may attach conditions to require consultation with the Washington State Department of Archaeology and Historic Preservation and affected tribes, and to assure that historic/archaeological resources are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term arrangements. Provision for the protection and preservation of historic/archaeological sites, structures or areas shall be incorporated to the maximum extent practicable.
- (2) **Inadvertent discovery.**
- A. Whenever historic, cultural or archaeological sites or artifacts are discovered in the process of development on shorelines, work on that portion of the development site

shall be stopped immediately and the find reported as soon as possible to the Shoreline Administrator.

- B. The Shoreline Administrator shall then notify the Washington State Department of Archaeology and Historic Preservation, affected tribes and other appropriate agencies and shall require that an immediate site assessment be conducted by a professional archaeologist or historic preservation professional, as applicable, pursuant to regulation 6.1(1) to the extent of damage to the resource. The site assessment shall be distributed to the Washington State Department of Archaeology and Historic Preservation, and affected tribes for a 15-day review period. If the above-listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, such stopped work may resume.
- C. If human remains are encountered, all activity must cease and the area must be protected and the find reported to local law enforcement and the County coroner or medical examiner.

(3) **Public access.**

- A. If a private or publicly owned building or structure of historic significance is identified, public access shall be encouraged as appropriate for purposes of public education; provided that:
 - 1. The type and/or level of public access is consistent with the long-term protection of both historic resource values and shoreline ecological functions; and
 - 2. An access management plan is developed in accordance with site- and resource-specific conditions in consultation with the Washington State Department of Archaeology and Historic Preservation, affected tribes and/or other agencies, as appropriate, to address the following: hours of operation; entrance fees and/or permits; interpretive and/or directional signage; lighting; pedestrian and handicap access; and/or traffic and parking.
- B. For archaeological and cultural resource sites, the Washington State Department of Archaeology and Historic Preservation, affected tribes and/or other agencies, as appropriate, shall be in agreement prior to providing public access to a site. An access and resource management plan shall be developed in consultation with the Washington State Department of Archaeology and Historic Preservation and affected tribes.

6.2 Critical areas

- (1) **Critical areas within shoreline jurisdiction.** Critical areas within shoreline jurisdiction are subject to the regulations contained in Appendix B of the City's Shoreline Master Program. Although the regulations in Appendix B are nearly identical to the City's general critical areas regulations, key differences exist. If there are conflicts between the regulations contained in Appendix B and the regulations contained in the rest of the City's Shoreline Master Program, those that are the most protective of shoreline ecological functions shall apply.

6.3 Environmental protection

- (1) **No net loss of ecological functions.** Individual uses and developments shall not result in a net loss of shoreline ecological functions. Individual uses and developments are required to follow the mitigation sequence and mitigate environmental impacts not otherwise avoided or minimized by compliance with the City's Shoreline Master Program or other applicable regulations.
- (2) **Mitigation sequence analysis, when required.** If a proposed shoreline use or modification is entirely addressed by specific, objective standards (such as setback distances, pier dimensions, or materials requirements) contained in the City's Shoreline Master Program, then the mitigation sequence analysis described in regulation 6.3(3) is not required. In the following circumstances, a project applicant must provide a mitigation sequence analysis as described in regulation 6.3(3):
 - A. If a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible" or requiring the minimization of development size) contained in the City's shoreline regulations, then the mitigation sequence analysis is required for the discretionary standard(s).
 - B. When an action requires a shoreline conditional use permit or shoreline variance permit.
 - C. When specifically required by a provision in the City's Shoreline Master Program.
- (3) **Mitigation sequence analysis.** An applicant required to complete a mitigation sequence analysis pursuant to regulation 6.3(2) must describe how the proposal will follow the below mitigation sequence. Application of the mitigation sequence must achieve no net loss of ecological functions for each new development and not have a significant adverse impact on other shoreline functions fostered by the policy of the Shoreline Management Act. Mitigation measures are listed in descending order of priority. Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable. Mitigation in excess of that necessary to ensure that development will result

in no net loss of ecological functions will not be required, but may be voluntarily performed.

- A. Avoid the impact altogether by not taking a certain action or parts of an action;
- B. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- C. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
- D. Reduce or eliminate the impact over time by preservation and maintenance operations;
- E. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
- F. Monitor the impact and the compensation projects and taking appropriate corrective measures.

(4) **Compensatory mitigation.** When compensatory measures are appropriate pursuant to the mitigation sequence analysis described in regulation 6.3(3):

- A. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.
- B. Compensatory mitigation measures must be maintained over the life of the use or development.
- C. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions.

(5) **Mitigation plan.** When compensatory measures are appropriate, the applicant must develop and implement a mitigation plan prepared by a qualified professional. A mitigation plan must include, at a minimum:

- A. A description of the existing shoreline environment.
- B. A description of anticipated impacts.
- C. A description of how the mitigation plan addresses anticipated impacts, with supporting rationale.
- D. Drawings showing existing and proposed conditions.

- E. Measurable performance standards for evaluating the success of the mitigation plan.
- F. A contingency plan identifying potential courses of action if performance standards are not being met.
- G. A five-year maintenance and monitoring program, including:
 - 1. A schedule for maintenance and monitoring.
 - 2. A schedule for the submission of monitoring reports to the City to document milestones, successes, problems, and contingency actions.
 - 3. A discussion of how monitoring data will be evaluated to determine if performance standards are being met.
- H. Financial guarantees to ensure the mitigation plan is fully implemented.

6.4 Flood hazard reduction

- (1) **Applicability.** Flood hazard reduction provisions apply to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. 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, and of structural measures, such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.
- (2) **Development in floodplains.** Development in floodplains must not significantly or cumulatively increase flood hazard or be inconsistent with a comprehensive flood hazard management plan adopted pursuant to RCW 86.12 (provided the plan has been adopted after 1994 and approved by Ecology).
- (3) **New development or uses, including subdivisions.** New development or uses in shoreline jurisdiction, including the subdivision of land, must not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway during the life of the development or use.
- (4) **Uses and activities within the channel migration zone or floodway.** The following uses and activities may be authorized where appropriate and/or necessary within the channel migration zone or floodway:
 - A. Actions that protect or restore the ecosystem-wide processes or ecological functions, including development with a primary purpose of protecting or restoring ecological functions and/or ecosystem-wide processes.

- B. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
- C. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.
- D. Bridges, utility lines, outfalls, 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 the watershed or drift cell.
- E. 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.
- F. 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.
- G. Development where structures exist that prevent active channel movement and flooding.
- H. 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 a river or stream.

(5) Structural flood hazard reduction measures.

- A. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by Ecology that evaluates cumulative impacts to the watershed system.
- B. New structural flood hazard reduction measures in shoreline jurisdiction may be allowed only when demonstrated by a scientific and engineering analysis that they are necessary to protect existing development and 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 will be undertaken consistent with Section 6.6, Vegetation conservation.
- C. New structural flood hazard reduction measures must be placed landward of associated wetlands and applicable shoreline buffers, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects be authorized only if it is determined that no other alternative to

- reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements must be documented through a geotechnical and hydrological analysis.
- D. New structural public flood hazard reduction measures, such as dikes and levees, must dedicate and improve public access pathways 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.
- (6) **Removal of gravel for flood management purposes.** The removal of gravel for flood management purposes must be consistent with an adopted flood hazard reduction plan and the City's Shoreline Master Program, and 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.

6.5 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.
- (2) **Conditions when required.** Except as provided in regulations 6.5(5) and 6.5(6), shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:
- A. A development or use will create increased demand for public access to the shoreline.
 - B. A development or use will interfere with an existing public access way. Such interference may be caused by blocking access or by discouraging use of existing on-site or nearby access.
 - C. New non-water-oriented uses are proposed.
 - D. A use or activity will interfere with public use of lands or waters subject to the public trust doctrine.
 - E. Where a commercial or industrial use is proposed for location on land in public ownership.
- (3) **When required for public entities.** Shoreline development by public entities, port districts, state agencies, and public utility districts shall include public access measures as

part of each shoreline development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

- (4) **When required for residential development.** New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access. Public access shall not be required for single-family residential development of four or fewer lots.
- (5) **When not required.** Public access shall not be required on-site where one or more of the following conditions apply.
 - A. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
 - B. Constitutional or other legal limitations may apply.
 - C. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - D. The cost of providing the access, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
 - E. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
 - F. Significant unavoidable conflict between any access regulations and the proposed use and adjacent uses would occur and cannot be mitigated.
- (6) **Reasonable alternatives.** To meet any of the conditions in regulation 6.5(5), the applicant must first demonstrate and the City determine in its findings that all reasonable alternatives to provide on-site public access have been exhausted, including, but not limited to:
 - A. Regulating access by such means as maintaining a gate and/or limiting hours of use.
 - B. Separating uses and activities (e.g. fences, terracing, use of one-way glazings, hedges, landscaping, etc.).
 - C. Developing access at a site geographically separated from the proposal such as a street end, vista or trail system.
 - D. Sharing the cost of providing and maintaining public access between public and private entities.
- (7) **Projects that meet the criteria of regulation 6.5(6).** Projects that meet the criteria of regulation 6.5(6) shall either build off-site public access facilities or, if established and approved by the Shoreline Administrator, contribute to the local public access fund.

- (8) **Preparation of written findings.** When provisions for public access are required as a condition of project approval, the Shoreline Administrator shall prepare written findings demonstrating consistency with constitutional and legal practices regarding private property and the principles of nexus and proportionality.
- (9) **Dedication of land or a physical improvement.**
- A. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area or other area serving as a means of view and/or physical approach to public waters. It may include interpretive centers and displays.
 - B. Minimum width of public access easements shall be at least 12 feet, unless the Shoreline Administrator determines that undue hardship to the proponent would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
- (10) **Recorded via a legal instrument.** Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Pacific County Auditor's Office prior to the time of building permit approval, occupancy or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- (11) **Location and design criteria.** Public access shall meet the following location and design criteria:
- A. A public pedestrian access walkway is required where open space is provided along the shoreline, and public access can be provided in a manner that will not adversely impact shoreline ecological processes and functions. The walkway shall be buffered from sensitive ecological features and provide limited and controlled access to the water's edge where appropriate. Fencing may be used to control damage to plants and other sensitive ecological features. Trails shall be constructed of permeable materials and limited to five feet in width to reduce impacts to ecologically sensitive resources.
 - B. Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
 - C. Public access shall be located adjacent to other public areas, access points and connecting trails and connected to the nearest public street.

- D. Development over water shall be constructed as far landward as possible to reduce interference with views to the shoreline from surrounding properties.
 - E. Appropriate amenities such as benches, picnic tables and public parking sufficient to serve the users shall be provided. Public restrooms, facilities for disposal of animal waste, and other appropriate public facilities shall be required at developments that attract a substantial number of persons.
 - F. New development shall be located and designed to avoid or minimize adverse impacts to views from public property.
 - G. Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.
 - H. Public access design shall provide for the safety of users to the extent feasible.
 - I. The standard state-approved logo or other locally approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.
- (12) **At time of occupancy.** Required public access sites shall be fully developed and available for public or community use at the time of occupancy of the shoreline development.
- (13) **Maintenance.** Maintenance of the public access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the Pacific County Auditor's Office.
- (14) **Shoreline street ends and public right-of-ways.** Public access provided by existing shoreline street ends and public right-of-ways shall be preserved, maintained and enhanced consistent with RCW 35.79.035 and RCW 36.87.130.
- (15) **No net loss of ecological functions.** Public access improvements shall be constructed and maintained in a manner that does not result in a net loss of shoreline ecological functions.

6.6 Vegetation conservation

- (1) **Applicability.** Vegetation conservation includes activities to protect vegetation along or near shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions apply throughout shoreline jurisdiction. Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and other forest practice activities over which the City has authority.

- (2) **Existing vegetation.** Vegetation conservation standards do not apply retroactively to existing legally established uses and developments. Vegetation associated with such uses and developments may be maintained.
- (3) **Shoreline buffers and building setbacks.** Requirements for shoreline buffers and setbacks are identified in Appendix B in Table B3-1. Other buffers, particularly estuarine wetland buffers, may exceed the shoreline buffer. The provision that is most protective of shoreline resources shall prevail.
- (4) **Vegetation removal.**
 - A. Vegetation removal must be limited to the minimum necessary to accommodate approved shoreline development. Mitigation sequencing per regulation 6.3(3) must be applied unless specifically excluded by other shoreline provisions, so that the design and location of the structure or development minimizes short- and long-term vegetation removal. The City may require site plan alterations to achieve maximum vegetation retention.
 - B. Where vegetation removal conducted consistent with this section results in adverse impacts to shoreline ecological function, new developments or site alterations are required to develop and implement a mitigation plan unless specifically excluded by other shoreline provisions. Examples of actions that may result in adverse impacts include:
 1. Removal of native trees, shrubs or groundcovers;
 2. Removal of non-native trees or shrubs that overhang aquatic areas or stabilize slopes; or
 3. Removal of native or non-native trees or shrubs that disrupts an existing vegetation corridor connecting the property to other critical areas or buffers.
- (5) **Pruning.** Nondestructive thinning of lateral branches to enhance views or trimming, shaping, thinning or pruning of a tree necessary to its health and growth is allowed, consistent with the following standards:
 1. In no circumstance shall removal of more than one-fourth of the original crown be permitted.
 2. Pruning shall not include topping, stripping of branches or creation of an imbalanced canopy.
 3. Pruning shall retain branches that overhang the water to the maximum extent feasible.
 4. Pruning must not compromise the health of the tree.

5. Selective pruning of trees for views shall not include removal of understory vegetation
- (6) **Danger trees.** Danger trees may be removed if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function. Danger tree removal may be mitigated without a mitigation plan by conversion of the danger tree to a wildlife snag and the installation of similar trees. Native tree removal in shoreline jurisdiction must be mitigated by the installation of a similar native tree at a 6:1 impact to mitigation ratio. Non-native tree removal must be mitigated by installation of a native or suitable non-native tree at a 6:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas.
- (7) **Noxious weeds.** Hand removal or spot spraying of noxious weeds included on the Washington State Noxious Weed List as a Class A, B or C weed on shorelands outside of steep or unstable slope areas is allowed.
- (8) **Aquatic weed control.** Aquatic weed control may only occur to address adverse impacts to native plant communities, fish and wildlife habitats, or existing water-dependent uses. Aquatic weed control shall occur in compliance with applicable laws and standards. Removal using mechanical methods is preferred over chemical methods.
- (9) **Mitigation plans for vegetation removal.** Mitigation plans for vegetation removal must be prepared by a qualified professional and must contain information required in regulation 6.3(5). In addition, such mitigation plans must include the following standards, as applicable.
 - A. Performance standards shall require 100 percent survival in year 1, with 100 percent tree survival and 80 percent shrub and groundcover survival at the end of the monitoring period.
 - B. Tree removal in shoreline jurisdiction must be mitigated by installation of a similar native tree at a 6:1 impact to mitigation ratio. Non-native tree removal must be mitigated by installation of a native or suitable non-native tree at a 6:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas.

6.7 Water quality & quantity

- (1) **Applicability.** Water quality and quantity provisions apply to all development and uses in shoreline jurisdiction that could adversely affect water quality and quantity.
- (2) **Prevent impacts.** The design, construction and operation of shoreline uses and developments shall incorporate measures, including but not limited to best management

practices, to prevent impacts to surface water and groundwater quality and quantity that would result in a net loss of shoreline ecological functions or in a significant impact to aesthetic qualities or recreational opportunities.

- (3) **Stormwater management structures.** Stormwater management structures, including but not limited to ponds, basins, and vaults, shall be located outside of shoreline jurisdiction where possible, as far from the ordinary high water mark as feasible, and shall minimize disturbance of vegetation conservation buffers.
- (4) **Materials.** All materials that may come in contact with water shall be constructed of materials, such as untreated or approved treated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals.
- (5) **Chemicals.** Pesticides, herbicides, and fertilizers must be applied in a manner that minimizes direct or indirect entrance into nearby waters. The usage of chemicals in water must be in accordance with all applicable agency standards.

7 SHORELINE USE, DEVELOPMENT & MODIFICATION REGULATIONS

7.1 General shoreline use, development & modification regulations

- (1) **Applicability.** The regulations in this section apply to all shoreline uses, development and modifications.
- (2) **Shoreline use, development and modification matrix.** Table 7-1 indicates shoreline uses, development and modifications that may be allowed or are prohibited in shoreline jurisdiction within each environment designation. Shoreline uses, developments and modifications are classified in the matrix as indicated below. Uses, developments and modifications that may be allowed according to the matrix must in all cases be consistent with all other applicable parts of the City's Shoreline Master Program in order to be authorized by the City. Should any provision of Table 7-1 conflict with the text of the City's Shoreline Master Program, the text shall prevail.
 - A. Uses, developments and modifications that may be allowed by a shoreline substantial development permit or exemption are indicated by an "P" on the matrix.
 - B. Uses, developments and modifications that may be allowed by a shoreline conditional use permit are indicated by a "C" on the matrix.
 - C. Uses, developments and modifications that are prohibited are indicated by an "X" on the matrix.

- D. Uses, development and modifications that are not applicable to an environment designation are indicated by an "NA" on the matrix.

Table 7-1. Shoreline use, development and modification matrix

Shoreline Use, Development or Modification	High-Intensity	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Agriculture	X	P	X	X	NA
Aquaculture					
General aquaculture	NA	NA	NA	NA	C
General associated upland facilities for aquaculture	C	X	X	X	NA
Beach and dunes management	NA	NA	C ¹	NA	C ¹
Boating facilities					
Boat launch					
Commercial/Industrial	P	X	X	X	see upland environment
Public	P	X	p ²	X	see upland environment
Other private	X	X	X	X	X
Marinas	P	X	X	X	see upland environment
Piers/Docks					
Commercial, industrial, recreational, or public access	P	X	p ²	X	see upland environment
Residential	X	X	X	X	X
Breakwaters, jetties, groins	C ¹	C ¹	C ¹	C ¹	C ¹
Commercial development					
Water-oriented	P	P	X	X	see upland environment
Nonwater-oriented, general	C	C	X	X	see upland environment
Nonwater-oriented, separated from shoreline	P	P	X	X	NA
Dredging and dredge material disposal					

Shoreline Use, Development or Modification	High-Intensity	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Dredging for existing navigation uses	NA	NA	NA	NA	P
Dredging for water-dependent uses	NA	NA	NA	NA	P
Maintenance dredging	NA	NA	NA	NA	P
Dredging or dredge material disposal for habitat restoration	P	P	P	P	P
Dredging, other	NA	NA	NA	NA	C
Dredge material disposal, inside channel migration zone	C	C	C	C	C
Dredge material disposal, outside channel migration zone	P	C	X	X	C
Fill and excavation					
Fill	P	P	P	P	C ³
Excavation	P	P	P	P	NA
Flood hazard reduction measures	P	C	C	C	see upland environment
Forest practices	X	P	P	C	NA
Industrial development					
Water-oriented	P	X	X	X	see upland environment
Nonwater-oriented, general	C	X	X	X	see upland environment
Nonwater-oriented, separated from shoreline	P	X	X	X	NA
In-stream structures					
Structures installed to protect or restore ecological functions or monitor flows, water quality, or other habitat characteristics	P	P	P	P	P
Other	P	C	C	C	see upland environment
Mining	X	X	X ⁴	X	X

Shoreline Use, Development or Modification	High-Intensity	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Recreational development					
Water-oriented	P	P	P	P	P
Trails	P	P	P	P	P
Non-water-oriented	C	C	C	X	X
Residential development	P	P	P	X	X
Shoreline habitat and natural systems enhancement projects	P	P	P	P	P
Shoreline stabilization					
New hard	P	P	C	C	see upland environment
New soft	P	P	P	P	see upland environment
Repair and replacement	P	P	P	P	P
Transportation and parking					
New and expanded accessory roads serving allowed uses	P	P	P	P	X
New and expanded non-accessory roads (e.g. local roads, arterials, etc) and bridges	P	P	C	C	see upland environment
Parking accessory to an allowed use	reviewed as part of primary use	reviewed as part of primary use	reviewed as part of primary use	reviewed as part of primary use	X
Stand-alone parking	X	X	X	X	X
Utilities					
Production and processing facilities	C	X	X	X	X
Transmission facilities	P	P	C	C	C
Accessory utilities	Reviewed as part of primary use				
¹ Projects to protect or restore ecological functions may be allowed by a shoreline substantial development permit or exemption.					
² At Black Lake only.					
³ Fills waterward of the ordinary high water mark for ecological restoration may be allowed by a					

Shoreline Use, Development or Modification	High-Intensity	Shoreline Residential	Urban Conservancy	Natural	Aquatic
shoreline substantial development permit or exemption.					
⁴ Ocean beach mineral prospecting conducted under a valid Hydraulic Project Approval issued by the Washington Department of Fish and Wildlife is allowed.					
⁵ Roads, utility corridors, and parking areas that can be located outside of Natural-designated shorelines are prohibited.					

- (3) **Unlisted uses.** Any new uses, developments or modifications not explicitly listed or comparable to those included in Table 7-1 shall be reviewed through a shoreline conditional use permit.
- (4) **Height limitation.**
- A. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level, unless in accordance with regulation 7.1(4)A.1 or regulation 7.1(4)A.2, below.
1. In areas of shoreline jurisdiction zoned Light Industrial (M-1) or Low Density Commercial (C-2) on the effective date of the City's Shoreline Master Program, water-oriented structures may exceed a height of 35 feet if allowed under zoning regulations. The applicant must demonstrate compliance with the following criteria:
 - a. Overriding considerations of the public interest will be served.
 - b. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed.
 2. To otherwise exceed 35 feet, an applicant must apply for a shoreline variance permit, and comply with the following criteria in addition to the shoreline variance permit criteria:
 - a. Overriding considerations of the public interest will be served.
 - b. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed.

7.2 Agriculture

- (1) **Applicability.** Agriculture provisions apply to new agricultural activities on land not meeting the definition of agricultural land, the conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities. The City's Shoreline Master Program does not require modification of or limit agricultural activities occurring on agricultural lands.

- (2) **New agricultural activities.** New agricultural activities are activities that meet the definition of agricultural activities but are proposed on land not currently in agricultural use. New agricultural activities must assure that uses and developments in support of agricultural uses are:
 - A. Consistent with the environment designation in which the land is located.
 - B. Located and designed to assure no net loss of ecological functions and to not have a significant adverse impact on other shoreline resources and values.
- (3) **Best management practices.** New agricultural activities and agricultural facilities shall employ applicable best management practices established by the US Department of Agriculture Natural Resources Conservation Service or by similar agencies.
- (4) **Nonagricultural development and conversion to nonagricultural uses.** Development on agricultural land that does not meet the definition of agricultural activities and the conversion of agricultural land to nonagricultural uses shall be consistent with the environment designation and the general and specific use regulations applicable to the proposed use, and shall not result in a net loss of ecological functions associated with the shoreline.

7.3 Aquaculture

- (1) **Where allowed.** Aquaculture is allowed as a conditional use in the Aquatic environment where it can be located, designed, constructed, and managed to avoid all of the following: a net loss of shoreline ecological functions, spreading diseases to native aquatic life, adversely impacting native eelgrass and macroalgae species, and significantly conflicting with navigation and public access.
- (2) **Best management practices.** Aquaculture facilities must identify and use best management practices to minimize impacts such as light and noise from the construction and management of the facilities.
- (3) **New aquatic species.** New aquatic species that have not been previously cultivated in Washington State shall not be introduced into City waters without prior written approval of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington State Department of Health.
- (4) **Wastes.** Aquaculture wastes shall be disposed of in a manner compliant with all applicable governmental waste disposal standards. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.
- (5) **Rights of treaty tribes.** The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the project proponent and the affected tribe(s) through the permit review process.

7.4 Beach & dunes management

- (1) **Applicability.** Beach and dunes management provisions apply to the City's beaches and their associated dunes that lie along the Pacific Ocean.
- (2) **Dune modification, when allowed.** Coastal dune modification shall be allowed only when consistent with state and federal flood protection standards, and when it will not result in a net loss of shoreline ecological functions or significant adverse impacts to other shoreline resources and values.

7.5 Boating facilities

- (1) **Applicability.** Boating facilities provisions apply to all over- and in-water facilities that facilitate as their primary purpose the launching or mooring of vessels, or serve some other water-dependent purpose. Facilities covered include piers and docks for commercial, industrial, recreational, residential or public access use; marinas; and boat launches.
- (2) **Piers and docks.**
 - A. New piers and docks shall be allowed only for water-dependent uses or public access.
 1. 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 a water-dependent use, provided the minimum size requirement needed to meet the water-dependent use is not violated.
 - B. New pier or dock construction shall be permitted only when the applicant has demonstrated that a need exists to support a water-dependent use.
 1. If the Port of Ilwaco or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the City, it may serve as the necessary justification for pier design, size and construction.
 - C. Nonwater-dependent pier and dock accessory uses must be located outside of shoreline jurisdiction or outside of the shoreline buffer whenever possible. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use.
- (3) **Marinas.**
 - A. Marinas, particularly where water-enjoyment uses are associated with the marina, shall provide public access if required by Section 6.5, Public access.

- B. Marinas must provide adequate restroom and sewage disposal facilities.
- C. Marinas must provide facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan.
- D. Marina operators must post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them. Rules for spill prevention and response must also be posted.

(4) **Boat launches.**

- A. Boat launches shall be designed and constructed using methods and technologies that have been recognized and approved by state and federal resource agencies as the best currently available, with consideration of site-specific conditions. At a minimum, the obstruction of currents, alteration of sediment transport, and the accumulation of debris shall be minimized.

(5) **Location, design and construction of boating facilities.**

- A. Boating facilities, including associated and accessory uses, shall be located, designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to:
 - 1. Ecological functions, critical areas resources such as eelgrass beds and fish habitats, and processes such as currents and littoral drift.
 - 2. Navigation.
 - 3. Public access.
- B. Boating facility size shall be restricted to the minimum necessary to meet the needs of the proposed use. The amount of overwater cover, including length and width; the number of in-water structures; and the extent of any necessary shoreline stabilization or modification must be minimized.
- C. Structures shall be made of materials that:
 - 1. Have been approved by applicable state agencies.
 - 2. Have a generally non-reflective exterior finish to reduce glare.
- D. New piling must be the smallest diameter necessary.
- E. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water.
- F. Safety railings, if proposed, must meet International Building Code requirements and must be an open framework that does not unreasonably interfere with shoreline views.
- G. No new skirting is allowed on any structure.

- H. New covered moorage is prohibited, except when necessary for operation of a water-dependent use at commercial, industrial, or transportation-related facilities.
 - I. Garbage or litter receptacles must be provided and maintained by the operator at locations convenient to users.
 - J. Construction of overwater structures shall be completed during allowed in-water work windows.
 - K. Construction impacts shall be confined to the minimum area needed to complete the project.
- (6) **Enlargement of boating facilities.**
- A. Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.
 - B. Enlarged portions of existing boating facilities must comply with applicable standards for new facilities.
- (7) **Repair of boating facilities.** All repairs must utilize any material standards specified for new facilities.
- (8) **Live-aboard vessels.** Live-aboard vessels are restricted to marinas that have provisions in effect that are consistent with state law to limit potential impacts.
- A. Live-aboard vessels must have a valid live-aboard permit issued by the marina operator.
 - B. Discharge of waste or other contaminated material from vessels is prohibited.
 - C. Marinas shall provide adequate pump-out facilities and owners of live-aboard vessels shall provide proof of sufficient use of pump-out facilities or pump-out service.
 - D. All live-aboard vessels shall meet US Coast Guard requirements for recreational boats and be capable of leaving the marina under their own power.
 - E. Owners of live-aboard vessels shall comply with all applicable marina rules.
- (9) **Extended mooring.** Extended mooring on waters of the state by vessels is only as allowed by applicable state regulations, unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

7.6 Breakwaters, jetties & groins

- (1) **When allowed.** New or expanded breakwaters, jetties, and groins located waterward of the ordinary high water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

- (2) **Professional design.** Proposed designs for new or expanded breakwaters, jetties, and groins shall be designed by qualified professionals, including both an engineer and a biologist.
- (3) **Minimum size.** Breakwaters, jetties, and groins shall be limited to the minimum size necessary.
- (4) **Protection of critical areas and ecological functions.** Breakwaters, jetties, and groins shall be designed to protect critical areas and ecological functions, and shall provide for mitigation according to the sequence defined in regulation 6.3(3).

7.7 Commercial development

- (1) **Use preference.** Preference shall be given first to water-dependent commercial uses over nonwater-dependent commercial uses; and second, to water-related and water-enjoyment commercial uses over nonwater-oriented commercial uses.
- (2) **Appropriate design and operational elements.** Commercial uses that may be authorized as water-related or water-enjoyment uses must incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.
- (3) **Nonwater-oriented commercial uses, when allowed.** Nonwater-oriented commercial uses are prohibited on the shoreline except when:
 - A. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;
 - B. Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or
 - C. If the site is physically separated from the shoreline by another property or public right-of-way.
- (4) **Nonwater-oriented commercial uses over water.** Nonwater-dependent commercial uses should not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.
- (5) **No net loss of ecological functions or significant adverse impacts.** Commercial development must not result in a net loss of shoreline ecological functions or have significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.

- (6) **Public access.** Commercial development shall provide public access if required by Section 6.5, Public access.

7.8 Dredging and dredge material disposal

- (1) **Applicability.** As regulated by the City's Shoreline Master Program, dredging is the removal of bed material from below the ordinary high water mark or wetlands using other than unpowered, hand-held tools for one of the allowed dredging activities listed in regulation 7.8(3) below. Dredging and dredge material disposal provisions are not intended to cover other removals of bed material waterward of the ordinary high water mark or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements). Such in-water substrate modifications should be conducted pursuant to applicable general and specific use, development and modification regulations of the City's Shoreline Master Program.
- (2) **New development.** New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
- (3) **Dredging, when allowed.** Dredging may be allowed for the following purposes when significant ecological impacts are minimized and mitigation is provided:
- A. Establishment, expansion, relocation or reconfiguration of navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
 - B. Maintenance dredging of established navigation channels and basins provided dredging is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
 - C. An authorized water-dependent use.
 - D. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.
 - E. Maintenance of tidegates and tidegate drainage channels.
 - F. Reduction of flood hazards when consistent with an approved flood hazard management plan.
 - G. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
- (4) **Dredging for fill material.**
- A. 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.

- B. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high water mark. The project must be associated with either a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.
- (5) **Dredge material disposal, upland.** Upland dredge material disposal may be approved, provided:
- A. The dredge material disposal complies with at least one of the following:
1. The dredge material disposal has been evaluated and approved by the interagency Dredge Management Material Program; or
 2. The dredge material disposal is consistent with the guidance from the U.S. Army Corps of Engineers/Environmental Protection Agency publication, Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual (EPA842-B-07-001, October 2007, or as amended).
- B. A qualified professional demonstrates that the dredge material disposal will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, or shoreline public access.
- C. Surface runoff shall be controlled to protect water quality and prevent sedimentation of adjacent waterbodies, wetlands and drainageways. Disposal runoff water shall enter the receiving waterway through a controlled outfall at a location with adequate circulation and flushing. Underground springs and aquifers shall be identified and protected.
- D. Dikes shall be constructed and form a sufficiently large containment area to encourage property “ponding” and to prevent the return of dredged materials into the waterway or estuary.
- F. The final height and slope after each use of a land dredged material site:
1. Shall not enlarge itself by sloughing and eroding into adjacent aquatic areas;
 2. Shall minimize loss of material from the site during storms and freshets;
 3. Shall not interfere with the view of nearby residences or the public.
- G. Approved upland dredge disposal sites may conduct site management activities, such as regular clearing and grading, as specified in agency approval documents. Such activities will be regulated as maintenance activities under the City’s Shoreline

Master Program, provided there are no impacts to water quality or other ecological functions outside of the dredge material disposal area. Vegetation clearing on a dredge disposal site shall not require compensatory mitigation.

- (6) **Dredge material disposal, in water.** In-water dredge material disposal may be approved provided the dredge material disposal has been evaluated and approved by the interagency Dredge Management Material Program.
- (7) **Avoid, minimize and mitigate.**
 - A. Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts, and impacts that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
 - B. Dredging and dredge material disposal shall be confined to the minimum area necessary to accomplish the intended purpose or use.
 - C. Dredging and dredge material disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity).
 - D. Erosion, sedimentation, increased flood hazard, and other undesirable changes in circulation shall be avoided. Tidal marshes, tidal flats, and other wetlands shall not be adversely affected.
 - E. The timing of dredging and dredge material disposal in aquatic areas shall minimize interference with commercial and recreational fishing activities.
- (8) **Agency approvals.** Dredging and dredge material disposal must be approved by all state and federal agencies with jurisdiction. Copies of all such approvals must be provided to the City.

7.9 Fill & excavation

- (1) **When fills and excavations allowed, upland.** Upland fills and excavations may be allowed provided they are:
 - A. Part of an allowed shoreline use or modification.
 - B. Located outside applicable buffers, unless specifically allowed.
- (2) **When allowed, waterward of the ordinary high water mark.** Fills waterward of the ordinary high water mark shall be allowed only when necessary to support:
 - A. A water-dependent or public access use.
 - B. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.

- C. Disposal of dredged material considered suitable under, and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources.
 - D. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.
 - E. A mitigation, environmental restoration, beach nourishment or enhancement project.
- (3) **Protection of shoreline ecological functions.** Fills and excavations shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
- (4) **Design.** All fills and excavations, except when for the purpose of shoreline restoration, must be designed:
- A. To be the minimum size necessary to implement the allowed use or modification.
 - B. To fit the topography so that minimum alterations of natural conditions will be necessary.
 - C. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
- (5) **Fill material.** Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material with a minimum potential to degrade water quality and shall be obtained from a state-authorized source.
- (6) **Temporary erosion and sediment control plan.** A temporary erosion and sediment control plan, including best management practices, shall be provided for all proposed fill and excavation activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.
- (7) **Excavation below the ordinary high water mark or in wetlands.** Excavation below the ordinary high water mark or in wetlands using other than unpowered, hand-held tools, except removals of bed material that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline stabilization measure), shall be considered dredging and be subject to the regulations in Section 7.8, Dredging and dredge material disposal.

7.10 Forest practices

- (1) **Applicability.** This section shall apply to Class IV-general forest practices where shorelines are being converted or are expected to be converted to non-forest uses.

- (2) **Conversion.** Forest practice conversions and other Class IV-general forest practices where there is a likelihood of conversion to nonforest uses shall assure no net loss of shoreline ecological functions or significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.
- (3) **Shorelines of statewide significance.** On shorelines of statewide significance, the City shall allow only selective commercial timber cutting, so that no more than 30 percent of the merchantable trees may be harvested in any ten-year period of time, provided:
 - A. That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental;
 - B. That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by the City's Shoreline Master Program may be permitted; and
 - C. That exceptions to this regulation require a shoreline conditional use permit.

7.11 Industrial development

- (1) **Use preference.** Preference shall first be given to water-dependent industrial uses over nonwater-dependent industrial uses; and second, to water-related industrial uses over nonwater-oriented industrial uses.
- (2) **Nonwater-oriented industrial development.** New nonwater-oriented industrial development shall be prohibited on shorelines except when:
 - A. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration;
 - B. Navigability is severely limited at the proposed site and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and/or ecological restoration; or
 - C. If the site is physically separated from the shoreline by another property or public right-of-way.
- (3) **No net loss of ecological functions or significant adverse impacts.** Industrial development must be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.
- (4) **Public access.** Industrial development shall provide public access if required by Section 6.5, Public access.

7.12 In-stream structures

- (1) **Consideration of public interests.** The location and planning of in-stream structures shall give due consideration to the full range of public interests, including, but not limited to, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
- (2) **Protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources.** In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

7.13 Mining

- (1) **Prohibited.** Mining is prohibited within the City's shoreline jurisdiction, except for ocean beach mineral prospecting conducted under a valid Hydraulic Project Approval issued by the Washington Department of Fish and Wildlife.

7.14 Ocean uses and modifications

- (1) To be inserted.

7.15 Recreational development

- (1) **Applicability.** Recreational development includes commercial and public facilities designed and used to provide recreational opportunities to the public.
- (2) **Features.** Recreational uses and facilities located within shoreline jurisdiction shall include features related to access to, enjoyment of, and use of shorelines of the state.
- (3) **Consistency with environment designation.** Recreational developments shall be located, designed, and operated in a manner consistent with the purpose of the environment designation in which they are located.
- (4) **No net loss.** Recreational developments shall not result in a net loss of shoreline ecological functions or ecosystem-wide processes.

7.16 Residential development

- (1) **Applicability.** Residential development consists of single-family and multifamily development, including the creation of new residential lots through land division.
- (2) **Land division.** The creation of new residential lots through land division must:

- A. Be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.
 - B. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
- (3) **Access, utilities, and public services.** Access, utilities, and public services must be available and adequate to serve the development.
- (4) **Set back from steep slopes and shorelines vulnerable to erosion.** Residential development, including appurtenant structures and uses, shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses during the life of the development.
- (5) **Public access.** Residential development shall provide public access if required by regulation 6.5(4).
- (6) **New over-water residences.** New over-water residences, including floating homes, are prohibited.
- (7) **No net loss of shoreline ecological functions.** No net loss of shoreline ecological functions shall result from residential development.

7.17 Shoreline habitat and natural systems enhancement projects

- (1) **Applicability.** 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 shorelines. Shoreline habitat and natural systems enhancement projects may include shoreline modification actions such as modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.
- (2) **Approved plan.** Shoreline habitat and natural system enhancement projects must be carried out in accordance with an approved shoreline restoration planning document, including, but not limited to, the Shoreline Restoration Plan prepared as part of the City's Shoreline Master Program.
- (3) **Scientific and technical information and best management practices.** Shoreline restoration and enhancement projects shall be designed using the most current, accurate, and complete scientific and technical information available, and implemented using best management practices.

- (4) **Other shoreline uses, resources and values.** Shoreline habitat and natural systems must not result in substantial interference with other shoreline uses, resources and values such as navigation, recreation and public access.
- (5) **Maintenance and monitoring.** Long-term maintenance and monitoring (minimum of three years) shall be arranged by the project applicant and included in shoreline habitat and natural system enhancement project proposals.
- (6) **Relief from shift in the ordinary high water mark.** When a shoreline habitat and natural systems enhancement project causes or would cause a landward shift in the ordinary high water mark resulting in a hardship, affected property owners are advised to consult with the City to assess whether and how relief may be granted under RCW 90.58.580.

7.18 Shoreline stabilization

- (1) **Subdivision.** Subdivision of land must be based on a geotechnical report prepared in accordance with regulation 7.18(6) to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur.
- (2) **New development.**
 - A. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.
 - B. 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 report prepared in accordance with regulation 7.18(6).
 - C. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed.
- (3) **New or enlarged structural stabilization measures, when allowed.** New or enlarged structural stabilization measures shall not be allowed except as follows.
 - A. To protect existing primary structures, when all of the conditions below apply.
 - 1. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report prepared in accordance with regulation 7.18(6), that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a geotechnical report, is not demonstration of need. The geotechnical report shall evaluate on-site drainage issues and address drainage problems away from the shoreline

edge before considering structural shoreline stabilization. Where no alternatives, including relocation or reconstruction of existing structures, are found to be feasible, and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed.

2. The erosion control structure will not result in a net loss of shoreline ecological functions.
- B. In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply.
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 2. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report prepared in accordance with regulation 7.18(6). The damage must be caused by natural processes, such as tidal action, currents, and waves.
 4. The erosion control structure will not result in a net loss of shoreline ecological functions.
- C. In support of water-dependent development, when all of the conditions below apply.
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report prepared in accordance with regulation 7.18(6).
 4. The erosion control structure will not result in a net loss of shoreline ecological functions.
- D. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to RCW 70.105D, when all of the conditions below apply.
1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

2. The erosion control structure will not result in a net loss of shoreline ecological functions.

(4) **Replacement of existing structural stabilization measures.** For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures. An existing shoreline stabilization structure may be replaced with a similar structure if in accordance with the following.

- A. There is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.
- B. The replacement structure must be designed, located, sized, and constructed to assure no net loss of ecological functions.
 1. Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, it shall be removed as part of the replacement measure if feasible.
- C. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

(5) **Repair and maintenance.** Repair and maintenance includes modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following provisions. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a shoreline substantial development permit, such activity is not exempt from the provisions of the City's Shoreline Master Program.

- A. If within a three-year time period, more than 50 percent of the length of an existing structure is removed, including its footing or bottom course of rock, prior to placement of new stabilization materials, such work will not be considered repair and maintenance and shall be considered replacement. Work that only involves the removal of material above the footing or bottom course of rock does not constitute replacement.
- B. Any additions to or increases in the size of existing shoreline stabilization measures, including the placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure, shall be considered new structures, not maintenance or repair.

- C. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.
- (6) **Geotechnical reports.** Geotechnical reports pursuant to this section shall meet the definition of a “geotechnical report” as established in Chapter 2, Definitions, and comply with the following provision, as applicable.
- A. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.
- (7) **Design of structural stabilization measures.**
- A. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses. Hard armoring solutions shall not be authorized except when a geotechnical report prepared in accordance with regulation 7.18(6) confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.
 - B. The size of stabilization measures shall be limited to the minimum necessary.
 - C. Measures shall be used to assure no net loss of shoreline ecological functions.
 - D. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
 - E. Avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the local governments should coordinate shoreline management efforts.
 - F. Publicly financed or subsidized shoreline erosion control measures must not restrict appropriate public access to the shoreline except where such access is determined to be infeasible in accordance with regulation 6.5(5). Where feasible, ecological restoration and public access improvements shall be incorporated into projects.

7.19 Transportation & parking

- (1) **Planning, location and design.** Transportation and parking facilities and routes must be planned, located and designed to have the least possible adverse effect on unique or

fragile shoreline features, to not result in a net loss of shoreline ecological functions, and to not adversely impact existing or planned water-dependent uses.

- A. Where other options are available and feasible, new roads or road expansions shall not be built within shoreline jurisdiction.
 - B. Crossings shall occur as near to perpendicular with the waterbody as possible, unless an alternate path would minimize disturbance of native vegetation or result in avoidance of other critical areas such as wetlands.
- (2) **Parking facilities.** Parking facilities in shorelines are not a preferred use and are subject to the following provisions:
- A. Parking shall be allowed only as necessary to support an authorized use.
 - B. Parking shall be sited outside of shoreline jurisdiction unless no feasible alternative location exists.
 - C. Parking shall be located landward of the use served, if feasible.
 - D. Parking shall be planted or landscaped to provide a visual and noise buffer if adjoining dissimilar uses or scenic areas.

7.20 Utilities

- (1) **Applicability.** Utilities provisions apply to services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.
- (2) **Production and processing facilities.** 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.
- (3) **Transmission facilities.** Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions.
 - A. Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance that disrupt shoreline ecological functions, should be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

- (4) **Existing right-of-ways and corridors.** Utilities shall be located in existing right-of-ways and corridors whenever possible.
- (5) **Crossings.** Where utility corridors must cross shoreline jurisdiction, such crossings shall take the shortest, most direct route feasible, unless such a route would result in loss of ecological function, disrupt public access to the shoreline, or obstruct visual access to the shoreline.
- (6) **Design and location.** All utility facilities shall be designed and located to assure no net loss of shoreline ecological functions.
- (7) **Post-installation.** Upon completion of utility system installation, and any maintenance project, the disturbed area shall be regraded to compatibility with the natural terrain and replanted to prevent erosion and provide appropriate vegetative cover.

8 ADMINISTRATION, PERMITS & ENFORCEMENT

8.1 Administrative responsibilities

- (1) **Shoreline Administrator.** The Shoreline Administrator for the City is the City Planner or his/her designee. The Shoreline Administrator is vested with the authority to:
 - A. Administer the City's Shoreline Master Program.
 - B. Advise interested persons and prospective applicants as to the administrative procedures and related components of the City's Shoreline Master Program.
 - C. Determine applicable fees and collect fees for all necessary permits as provided in City ordinances or resolutions.
 - D. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
 - E. Make administrative decisions and interpretations of the policies and regulations of the City's Shoreline Master Program and the Shoreline Management Act.
 - F. Grant or deny exemptions from shoreline substantial development permit requirements.
 - G. Grant or deny shoreline substantial development permits and time extensions to shoreline permits and their revisions.
 - H. Make written recommendations to the Hearing Examiner, Planning Commission, or City Council as applicable and appropriate. The Shoreline Administrator may recommend amendments to the City's Shoreline Master Program to the Planning Commission and City Council.

- I. Issue a stop work order pursuant to the procedure set forth in WAC 173-27-270 upon a person undertaking an activity on shorelines in violation of RCW 90.58 or the City's Shoreline Master Program, and seek remedies for alleged violations of the City's Shoreline Master Program, provisions of the Shoreline Management Act, or conditions attached to a shoreline permit issued by the City.
- (2) **State Environmental Policy Act Official.** The responsible State Environmental Policy Act official or his/her designee is authorized to conduct environmental review of all use and development activities subject to the City's Shoreline Master Program, pursuant to WAC 197-11 and RCW 43.21C. The responsible State Environmental Policy Act official is the City Planner.
- (3) **Hearing Examiner.** The Hearing Examiner, if established, shall have the authority to:
 - A. Grant or deny shoreline conditional use permits.
 - B. Grant or deny shoreline variance permits.
 - C. Decide on appeals of administrative decisions issued by the Shoreline Administrator.
- (4) **Planning Commission.** If referred to by the City Council, the Planning Commission may review the City's Shoreline Master Program and make recommendations for amendments to the City Council.
- (5) **City Council.**
 - A. The City Council is vested with authority to:
 1. Initiate an amendment to City's Shoreline Master Program according to Section 8.15, Amendments.
 2. Adopt all amendments to City's Shoreline Master Program, after consideration of the recommendation of the Planning Commission, if provided. Amendments shall become effective 14 days from the date of Ecology's written notice of final approval.
 - B. If a hearing examiner system has not been established, the City Council is vested with authority to:
 1. Grant or deny shoreline conditional use permits.
 2. Grant or deny shoreline variance permits.
 3. Decide on appeals of administrative decisions issued by the Shoreline Administrator.

8.2 Interpretation

- (1) **Administrative interpretations.**

- A. Any project permit applicant, Ilwaco resident, owner of real property in Ilwaco, or party of record may request an interpretation of the meaning or application of the City's development regulations applicable to project permit applications.
- B. All requests for interpretations must be written and concisely identify the issue and desired interpretation.
- C. The City Planner must provide a written administrative interpretation within thirty 30 days of receipt of the request.
- D. The City shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of RCW 90.58 and WAC 173-26.

8.3 Nonconforming uses, structures & lots

- (1) **Applicability.** Nonconforming uses, structures, and lots shall adhere to the following regulations. In the event of a conflict with IMC 15.54, this section shall apply.
- (2) **Nonconforming structures.** Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
- (3) **Nonconforming lots.** An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the City's Shoreline Master Program, but which does not conform to the present lot size standards, may be developed if permitted by other City land use regulations and so long as such development conforms to all other requirements of the City's Shoreline Master Program and the Shoreline Management Act.
- (4) **Pre-existing legal residential structures.** Notwithstanding the above regulations of this section, the following shall apply only to pre-existing legal residential structures constructed prior to the effective date of the City's Shoreline Master Program:
 - A. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following shall be considered a conforming structure: setback, buffers, or yards; area; bulk; height; or density.
 - B. The City shall allow redevelopment, expansion, change with the class of occupancy, or replacement of the residential structure if it is consistent with the City's Shoreline

Master Program, including requirements for no net loss of shoreline ecological functions.

- D. For purposes of this section, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures.
- E. Nothing in this section shall:
 - 1. Restrict the ability of the City's Shoreline Master Program to limit redevelopment, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or
 - 2. Affect the application of other federal, state, or City requirements to residential structures.

8.4 Exemptions

(1) **Application and interpretation of exemptions.**

- A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the shoreline substantial development permit process.
- B. An exemption from the shoreline substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the City's Shoreline Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the provisions of the City's Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a shoreline conditional use pursuant to City's Shoreline Master Program or is an unlisted use, must obtain a shoreline conditional use permit even though the development or use does not require a shoreline substantial development permit. When a development or use is proposed that does not comply with the dimensional or performance standards of the City's Shoreline Master Program, such development or use can only be authorized by approval of a shoreline variance.
- C. The burden of proof that a development or use is exempt from the permit process is on the applicant.
- D. If any part of a proposed development is not eligible for exemption, then a shoreline substantial development permit is required for the entire proposed development.
- E. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and the City's Shoreline Master Program.

- (2) **Exempt developments.** The City shall exempt from shoreline substantial development permit requirements the shoreline developments listed in WAC 173-27-040(2); RCW 90.58.030(3)(e); RCW 90.58.140(9); RCW 90.58.147; RCW 90.58.355; and RCW 90.58.515.
- (3) **Letter of exemption.** The City shall issue a letter of exemption when required by WAC 173-27-050. Otherwise, the exemption status shall be documented in the project application file.

8.5 Shoreline permit application requirements

- (1) **Shoreline permit application requirements.** A complete application for a shoreline permit shall contain, as a minimum, the following information, as well as any other application requirements identified in the City's Shoreline Master Program.
 - A. The name, address and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - B. The name, address and phone number of the applicant's representative if other than the applicant.
 - C. The name, address and phone number of the property owner, if other than the applicant.
 - D. Location of the property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
 - E. Identification of the name of the shoreline waterbody with which the site of the proposal is associated. This should be the waterbody from which jurisdiction of the Shoreline Management Act over the project is derived.
 - F. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
 - G. A general description of the property as it now exists including its physical characteristics and improvements and structures.
 - H. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.

- I. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text that shall include:
 1. The boundary of the parcel(s) of land upon which the development is proposed.
 2. The ordinary high water mark of all waterbodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
 3. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
 4. A delineation of all wetland areas that will be altered or used as a part of the development.
 5. A general indication of the character of vegetation found on the site.
 6. The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, material stockpiles or surcharge, and stormwater management facilities.
 7. Where applicable, a landscaping plan for the project.
 8. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.
 9. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.
 10. Quantity, composition and destination of any excavated or dredged material.
 11. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

12. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
- (2) **Additional requirements for shoreline variance permit applications.** On all shoreline variance permit applications, the plans shall clearly indicate where development could occur without approval of a shoreline variance permit, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.

8.6 Vesting

- (1) **Vesting.** A proposed project shall become vested on the date a determination of completeness is made on a shoreline permit or exemption application. Thereafter, the application shall be reviewed under the version of the City's Shoreline Master Program in effect on the date of vesting; provided, in the event an applicant substantially changes the proposal after a determination of completeness, as determined by the Shoreline Administrator, the application shall not be considered vested until a new determination of completeness on the changes is made.

8.7 Shoreline permit application notice requirements

- (1) **Applicability.** The City shall notify the public, Ecology, and other agencies with jurisdiction of applications for a shoreline permit. Notification pursuant to this section may be carried out as a part of an integrated City permit notification procedure.
- (2) **Notice of application.** The City shall provide notice of application within 14 days after the determination of completeness as provided in RCW 36.70B.070, and include the following in whatever sequence or format the City deems appropriate:
 - A. The date of application, the date of the notice of completion for the application, and the date of the notice of application.
 - B. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, RCW 36.70B.090 and WAC 173-27-180.
 - C. The identification of other permits not included in the application, to the extent known by the City.
 - D. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed.
 - E. A statement of the public comment period, which shall be not less than 30 days following the date of notice of application, and statements of the right of any person

to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The City may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit.

- F. The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application.
 - G. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency.
 - H. Any other information determined appropriate by the City.
- (3) **Open record predecision hearing.** If an open record predecision hearing, as defined in RCW 36.70B.020, is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.
- (4) **Notification of general public and property owners.** The City shall give notice to the general public and property owners in the vicinity by at least one of the following methods:
- A. Mailing of the notice to the latest recorded real property owners as shown by the records of the County assessor within at least 300 feet of the boundary of the property upon which the development is proposed;
 - B. Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken; or
 - C. Any other manner deemed appropriate by the City to accomplish the objectives of reasonable notice to adjacent landowners and the public.
- (5) **Notification of individuals and organizations.** The City shall provide for timely notification of individuals and organizations that request such notice in writing.
- (6) **Notification of agencies.** The City shall provide notice to all agencies with jurisdiction per RCW 43.21C and to all other agencies that request in writing any such notice.

8.8 Special shoreline permit procedures for limited utility extensions & bulkheads

- (1) **Limited utility extension.** For purposes of this section, a "limited utility extension" means the extension of a utility service that:
- A. Is categorically exempt under RCW 43.21C RCW for one or more of the following: natural gas, electricity, telephone, water, or sewer;

- B. Will serve an existing use in compliance with the City's Shoreline Master Program; and
 - C. Will not extend more than 2,500 linear feet within the shorelines of the state.
- (2) **Time periods and procedures.** An application for a shoreline substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all other applicable requirements, except that the following time periods and procedures shall be used:
- A. The public comment period shall be 20 days. The notice provided shall state the manner in which the public may obtain a copy of the City's decision on the application no later than two days following its issuance.
 - B. The City shall issue its decision to grant or deny the permit within 21 days of the last day of the comment period.
 - C. If there is an appeal of the decision to grant or deny the permit to the City Council, the appeal shall be finally determined by the City Council within 30 days.

8.9 Shoreline permit review criteria

8.9.1 Review criteria for all development

- (1) **Consistency.** No authorization to undertake use or development on shorelines of the state shall be granted by the City unless upon review the use or development is determined to be consistent with the provisions of the Shoreline Management Act and the City's Shoreline Master Program.

8.9.2 Review criteria for shoreline substantial development permits

- (1) **Authorization criteria.** A shoreline substantial development permit shall be granted only when the development proposed is consistent with:
- A. The policies and procedures of the Shoreline Management Act;
 - B. The provisions of this regulation; and
 - C. The City's Shoreline Master Program.
- (2) **Conditions.** The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the Shoreline Management Act and the City's Shoreline Master Program.

8.9.3 Review criteria for shoreline conditional use permits

- (1) **Applicability.** The purpose of a shoreline conditional use permit is to provide a system within the City's Shoreline Master Program that allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a shoreline conditional use, special conditions may be attached to the permit by the City or Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and the City's Shoreline Master Program.
- (2) **Authorization criteria.** Uses which are classified or set forth in the City's Shoreline Master Program as shoreline conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - A. That the proposed use is consistent with the policies of RCW 90.58.020 and the City's Shoreline Master Program;
 - B. That the proposed use will not interfere with the normal public use of public shorelines;
 - C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the City's Shoreline Master Program;
 - D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - E. That the public interest suffers no substantial detrimental effect.
- (3) **Consideration of cumulative impacts.** In the granting of all shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- (4) **Uses not classified.** Other uses which are not classified or set forth in the City's Shoreline Master Program may be authorized as shoreline conditional uses provided the applicant can demonstrate consistency with the requirements of this section.
- (5) **Prohibited uses.** Uses which are specifically prohibited by the City's Shoreline Master Program may not be authorized.

8.9.4 Review criteria for shoreline variance permits

- (1) **Applicability.** The purpose of a shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the City's Shoreline Master Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the City's Shoreline Master Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- (2) **Circumstances.** Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (3) **Authorization criteria, landward of ordinary high water mark.** Shoreline variance permits for development and/or uses that will be located landward of the ordinary high water mark, as defined in RCW 90.58.030(2)(c), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - A. That the strict application of the bulk, dimensional or performance standards set forth in the City's Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property;
 - B. That the hardship described in regulation 8.9.4(3)A is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the City's Shoreline Master Program, and not, for example, from deed restrictions or the applicant's own actions;
 - C. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and the City's Shoreline Master Program and will not cause adverse impacts to the shoreline environment;
 - D. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - E. That the variance requested is the minimum necessary to afford relief; and
 - F. That the public interest will suffer no substantial detrimental effect.
- (4) **Authorization criteria, waterward of ordinary high water mark.** Variance permits for development and/or uses that will be located waterward of the ordinary high water mark, as defined in RCW 90.58.030(2)(c), or within any wetland as defined in RCW

90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

- A. That the strict application of the bulk, dimensional or performance standards set forth in the City's Shoreline Master Program precludes all reasonable use of the property;
 - B. That the proposal is consistent with the criteria established under regulation 8.9.4(3)B through regulation 8.9.4(3)F; and
 - C. That the public rights of navigation and use of the shorelines will not be adversely affected.
- (5) **Consideration of cumulative impacts.** In the granting of all shoreline variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if shoreline variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the shoreline variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- (6) **Variations from use.** Variations from the use regulations of the City's Shoreline Master Program are prohibited.

8.10 Filing with Ecology

- (1) **Submittal upon final decision.** All applications for a permit or a permit revision shall be submitted to Ecology upon a final decision by the City. Final decision by the City 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 has lapsed.
- (2) **Concurrent submittals.** 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) **Submittal requirements.** A complete submittal shall consist of the following documents and information:
- (a) A copy of the complete application pursuant to Section 8.5, Shoreline permit application requirements;
 - (b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable policies and regulations of the City's Shoreline Master Program and the consistency of the project with appropriate review criteria for the type of permit(s) as established in Section 8.9, Shoreline permit review criteria;

- (c) The final decision of the City;
 - (d) The permit data sheet required by WAC 173-27-190; and
 - (e) Where applicable, the City 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) **Project modification during City review.** When the project has been modified in the course of the City review process, plans or text shall be provided to Ecology that clearly indicate the final approved plan.
- (5) **Incomplete submittals.** Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to regulation 8.10(3) and regulation 8.10(4) have been received by Ecology. If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and so notify the City 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 Ecology.
- (8) **Notice of "date of filing."** Ecology shall provide a written notice to the City and the applicant of the "date of filing."
- (9) **Transmittal of decision.** 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.
- (10) **Appeals.** 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 City to Ecology. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the City, consistent with the provisions of WAC 173-27-180, that clearly indicate the final approved plan and the City shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with regulation (3) to Ecology for completion of the file on the permit. The purpose of this provision is to assure that City and Ecology files on the permit are complete and accurate and not to provide a new opportunity for appeal of the permit.

8.11 Time requirements of shoreline permits

- (1) **Applicability.** The time requirements of this section shall apply to all shoreline permits authorized by the City's Shoreline Master Program.
- (2) **Different time limits.** Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the provisions of the City's

Shoreline Master Program, the City may adopt different time limits from those set forth in regulation 8.11(3) and regulation 8.11(4) as a part of action on a shoreline permit.

- (3) **Commencement.** Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of the shoreline permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.
- (4) **Termination.** Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the shoreline permit and to Ecology.
- (5) **Effective date.** The effective date of a substantial development permit shall be the date of receipt as provided in RCW 90.58.140(6). The permit time periods in regulation 8.11(3) and regulation 8.11(4) do not include the time during which a use or activity was not actually pursued due to pending 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) **Revisions.** Revisions to permits may be authorized after original permit authorization has expired, provided that this procedure shall not be used to extend the original permit time requirements or to authorize shoreline substantial development after the time limits of the original permit.
- (7) **Notification to Ecology.** The City shall notify Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application.

8.12 Shoreline permit revisions

- (1) **Applicability.** A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the City's Shoreline Master Program and/or the policies and provisions of RCW 90.58. Changes that are not substantive in effect do not require approval of a revision.

- (2) **Description of proposed changes.** When an applicant seeks to revise a permit, the City shall request from the applicant detailed plans and text describing the proposed changes.
- (3) **Approval of revisions.** If the City determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the City's Shoreline Master Program and the Shoreline Management Act, the City may approve a revision. If the revision, or the sum of the revision and any previously approved revisions, are not within the scope and intent of the original permit, the City shall require that the applicant apply for a new permit.
 - A. "Within the scope and intent of the original permit" means all of the following:
 1. No additional over water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less;
 2. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
 3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the City's Shoreline Master Program except as authorized under a shoreline variance granted as the original permit or a part thereof;
 4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the City's Shoreline Master Program;
 5. The use authorized pursuant to the original permit is not changed; and
 6. No adverse environmental impact will be caused by the project revision.
- (4) **Revisions after original permit authorization has expired.** Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes that are consistent with this section and that would not require a permit for the development or change proposed under the terms of RCW 90.58, this regulation and the City's Shoreline Master Program. If the proposed change constitutes substantial development then a new permit is required. Provided, this regulation shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
- (5) **Filing and notification.** The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the City shall notify parties of record of their action.
- (6) **Revisions to shoreline conditional use permits and shoreline variance permits.** If the revision to the original permit involves a shoreline conditional use permit or shoreline

variance permit, the City shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this regulation. Ecology shall render and transmit to the City and the applicant its final decision within 15 days of the date of Ecology's receipt of the submittal from the City. The City shall notify parties of record of Ecology's final decision.

- (7) **Effective date.** The revised permit is effective immediately upon final decision by the City or, when appropriate under regulation 8.12(6), upon final action by Ecology.
- (8) **Appeals.** Appeals shall be in accordance with RCW 90.58.180 and shall be filed within 21 days from the date of receipt of the City's action by Ecology or, when appropriate under regulation 8.12(6), the date Ecology's final decision is transmitted to the City and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of regulation 8.12(3)A. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

8.13 Requests for review of final permit decisions

- (1) **Requests for review.** All requests for review of any final permit decisions under RCW 90.58 and WAC 173-27 are governed by the procedures established in RCW 90.58.180 and WAC 461-08.

8.14 Enforcement

- (1) **WAC 173-27 Part II.** The City shall apply WAC 173-27 Part II, Shoreline Management Act Enforcement, to enforce the provisions of the City's Shoreline Master Program.
- (2) **Penalty.**
 - A. When a shoreline area has been altered in violation of the City's Shoreline Master Program, the City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of the City's Shoreline Master Program. No permit or approval for development of the property shall be authorized or granted for a period of up to three years from completion of restoration as determined by the Shoreline Administrator. In the event of intentional or knowing violation of the City's Shoreline Master Program, the City may bring any appropriate actions in law or equity, including injunctive relief, against the owner of the land and/or the operator who

committed the violation to ensure that no uses are made of shoreline areas that are inconsistent with the City's Shoreline Master Program.

- B. Failure to comply with the provisions of the City's Shoreline Master Program will cause the violator to be subject to enforcement procedures under both the City's Shoreline Master Program and applicable requirements of Ilwaco City Code including the provisions of Title 11 "Enforcement Procedures".

(3) **Restoration plan.**

- A. All development work shall remain stopped until a restoration plan is prepared at the applicant's cost and approved by the Shoreline Administrator. The Shoreline Administrator may approve, reject or approve the plan with conditions. All restoration shall be consistent with the approved restoration plan.

1. The plan shall be prepared by a qualified professional using the most current, accurate, and complete scientific or technical information available.
2. In preparing and approving the restoration plan, the applicant and the City, respectively, should consult with the Department of Fish and Wildlife, Department of Natural Resources, and the Department of Ecology, as appropriate.
3. The Shoreline Administrator may, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

- B. Restoration plan contents.

1. A site plan depicting site characteristics prior to disturbance; the extent of disturbance, or permitted action requiring mitigation, including an inventory of all vegetation cleared shall be shown; and
2. A site plan depicting the specific location of all proposed restoration measures. Those measures shall include:
 - a. Measures necessary to restore the shoreline area, including, but not limited to, removal of fill, regrading to original contours, replacement of excavated material, revegetation of all cleared areas with native trees and/or plants and removal of structures; or
 - b. Location of the proposed mitigation action, ownership, and methods to recreate, as nearly as possible, the original wetlands or vegetation area in terms of acreage function, geographic location and setting.
3. A schedule for restoration; and

4. A monitoring plan to evaluate periodically the success of the restoration and provide for amendments to the plan which may become necessary to achieve its purpose.
- (3) In any designated shoreline area where restoration has been required, the applicant, at its own cost, shall provide for seasonal monitoring of the site by a qualified biologist or other qualified professional, for a period of at least three years after completion. The applicant shall submit an annual report to the Shoreline Administrator that discusses:
 - A. The condition of introduced or reintroduced plant species;
 - B. The condition of open water areas or other water features;
 - C. Use of the site by fish and wildlife species;
 - D. Any disturbances or alterations and their effects on the restoration;
 - E. Additional or corrective measures which should be taken to ensure the success of the restoration; and
 - F. Other information that the Shoreline Administrator considers necessary to assess the status of the restoration.
 - (4) Prior to commencing restoration, the applicant shall post with the City a bond or other security in an amount sufficient to cover the cost of conformance with the conditions of the restoration plan, including corrective work necessary to provide adequate drainage, stabilize and restore disturbed areas, and remove sources of hazard associated with work that is not completed. After the Shoreline Administrator determines that restoration has been completed in compliance with approved plans and the monitoring period has expired, the bond or other security shall be released. The City may collect against the bond when work that is not completed is found to be in violation of the conditions set forth in the restoration plan and/or the Shoreline Administrator determines that the site is in violation of the purposes of the City's Shoreline Master Program.

8.15 Amendments

- (1) **Process.** Amendments to the City's Shoreline Master Program shall be processed according to the procedures prescribed in WAC 173-26-100.

8.16 Shoreline activity tracking

- (1) **Documentation of City shoreline project review actions.** The City shall document all project review actions in shoreline jurisdiction, including shoreline substantial development permits, shoreline conditional use permits, shoreline variance permits and shoreline exemptions.

- (2) **Periodic evaluation.** The City shall conduct a review of the City's Shoreline Master Program once every eight years, or as required by RCW 90.58.080. Using the information collected per regulation 8.16(1), the City shall evaluate the cumulative effects of authorized development on shoreline conditions.

8.17 Annexation

- (1) **Annexation of shoreline areas.** City annexation of shoreline areas is subject to the requirements of WAC 173-26-150 and WAC 173-26-160.

**APPENDIX A:
SHORELINES MAP**

**APPENDIX B:
SHORELINE CRITICAL AREAS
REGULATIONS**

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1 GENERAL PROVISIONS

A. Purpose

1. The purpose of this appendix is to designate and classify ecologically sensitive and hazardous areas and to protect these areas and their functions and values, while also allowing for reasonable use of private property.
2. The City finds that the beneficial functions, structure, and values of critical areas should be protected as identified in this appendix, and further that potential dangers or public costs associated with inappropriate use of such areas should be minimized by reasonable regulation of uses within, adjacent to, or directly affecting such areas. Reasonable regulation shall be achieved by the balancing of individual and collective interests. The most current, accurate, and complete scientific or technical information available shall be used in the administration of this appendix.

B. General critical areas review procedures

Following is a general description of the general procedures for critical areas review under the City's Shoreline Master Program.

1. The Shoreline Administrator first must determine whether the proposed activity fits within any of the exemptions identified in regulation 8.4(2) of the main body of the City's Shoreline Master Program or the partial exemptions identified in this appendix. If the proposed activity meets any of the exemptions or partial exemptions, no critical area checklist or critical area report is required.
2. If the proposed activity does not fit within any of the exemptions identified in regulation 8.4(2) of the main body of the City's Shoreline Master Program or the partial exemptions identified in this appendix, then the applicant shall submit a complete critical area checklist on a form provided by the City.
3. After receipt of a project application and a complete critical area checklist, the Shoreline Administrator shall conduct a site inspection to review critical area conditions on site.
4. Based on the critical areas checklist, site inspection, and other information available pertaining to the site and proposal, the Shoreline Administrator shall make a determination as to whether any critical areas may be affected by the proposal.
5. If the Shoreline Administrator's analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to

degrade the functions or values of a critical area or buffer, then the Shoreline Administrator shall conclude critical area review pursuant to this appendix and document the reasons that no further review is required in any staff report or decision on the shoreline permit.

6. If the Shoreline Administrator determines that there are critical areas or buffers within or adjacent to the project area, but that the proposed activity is unlikely to degrade the functions or values of the critical area or buffer, the Shoreline Administrator may waive the requirement for a critical area report. A waiver may be granted if there is substantial evidence that all of the following requirements will be met. A summary of this analysis and the findings shall be included in any staff report or decision on the shoreline permit.
 - a. There will be no alteration of the critical area or buffer.
 - b. The development proposal will not impact the critical area or buffer in a manner contrary to the purposes, intent, and requirements of the City's Shoreline Master Program.
7. If the Shoreline Administrator determines that a critical area or buffer may be affected by the proposal, then the Shoreline Administrator shall notify the applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report.
8. The City's determination regarding critical areas pursuant to this appendix shall be final concurrent with the final decision to approve, condition, or deny the development proposal or other activity involved.

C. Partial exemptions

1. Activities allowed under this subsection are subject to review and approval by the City, but do not require submittal of a critical area checklist or critical area report. The Shoreline Administrator may apply conditions to the shoreline permit or authorization to ensure consistency with the provisions of this appendix.
2. Activities allowed under this subsection must be conducted using the best management practices that result in the least amount of impact to the critical area or buffer. Any incidental damage to, or alteration of, a critical area or buffer shall be restored, rehabilitated, or replaced at the responsible party's expense.
3. The following developments, activities, and associated uses shall be partially exempt from the provisions of this appendix, provided they are otherwise consistent with the applicable provisions of the City's Shoreline Master Program and other local, state, and federal requirements:

- a. Modification to Existing Structures. Structural modification of, addition to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer and there is no increased risk to life or property as a result of the proposed modification or replacement.
- b. Activities within the Improved Right-of-Way. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a City-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater.
- c. Minor Utility Projects. Utility projects which have minor or short-duration impacts to critical areas, as determined by the Shoreline Administrator in accordance with the criteria below, and which do not significantly impact the function or values of a critical area(s), provided that such projects are constructed using best management practices and additional restoration measures are provided. Minor activities must not result in the transport of sediment or increased stormwater. Such allowed minor utility projects must meet the following criteria:
 - i. The activity involves the placement of a utility pole, street signs, anchor, vault or other small component of a utility facility; and
 - ii. There is no practical alternative to the proposed activity with less impact on critical areas.
- d. Public and Private Pedestrian Trails. Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers, subject to the following:
 - i. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas.
 - ii. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report.
- e. Select Vegetation Removal Activities. The following vegetation removal activities, provided that no vegetation shall be removed from a critical area or its buffer without approval from the Shoreline Administrator:

- i. The removal of invasive and noxious weeds designated in Chapter 17.10 RCW with hand labor and light equipment.
- ii. The enhancement of a buffer by planting indigenous vegetation.
- iii. The removal of trees or portions of trees from critical areas and buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, provided that:
 - (a) It is demonstrated to the satisfaction of the Shoreline Administrator or his or her designee(s) that an imminent threat exists to public safety, or an imminent risk of damage to private or public property. Landowner shall provide to the Shoreline Administrator with a written statement describing the tree location, danger it poses, and proposed mitigation.
 - (b) Should the imminent threat or risk not be apparent to the Shoreline Administrator (as danger trees are defined in Chapter 2 of the main body of the City's Shoreline Master Program, Definitions), the Shoreline Administrator may require the landowner to submit a report from a professional forester, certified arborist, or registered landscape architect that documents the hazard and provides a replanting schedule, if tree removal is proposed.
 - (c) Before a danger tree may be felled or removed, with the exception of an emergency pursuant to WAC 173-27-040(2)(d), the landowner shall obtain written approval from the Shoreline Administrator. This approval shall be processed promptly and may not be unreasonably withheld.
 - (d) Tree cutting shall be limited to pruning and crown thinning, unless otherwise justified.
 - (e) If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods for removal that will minimize impacts.
 - (f) Trees felled as danger trees shall be counted towards any allowed vegetation clearing amounts.
 - (g) Mitigation measures are approved by the Shoreline Administrator, and may include, but not be limited to the following:
 - (i) Any trees that are removed must be replaced within one year with new trees at a ratio of six replacement native trees for each tree removed. Should a report be submitted under regulation 1.C.3.e.iii.(b) of this appendix, it shall contain recommendations for suitable replacement trees;

- (ii) Felled trees shall be left within the critical area or buffer unless a submitted report warrants its removal to avoid spreading of disease or pests;
 - (iii) The trunk of the cut tree may be segmented, but should be left in as large of segments as possible to provide habitat;
 - (iv) The branches from the cut tree may be removed to control fire hazard; and
 - (v) Additional mitigation may be required if three or more trees are to be felled on one property with a 10-year period.
- iv. Harvesting of wild crops which do not significantly affect the viability of the wild crop, the function of the critical area or its regulated buffer (does not include tilling of soil or alteration of the critical area or its regulated buffer area).
 - v. Measures to control a fire or halt the spread of disease or damaging insects consistent with the state Forest Practices Act; Chapter 76.09 RCW, provided that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan.

D. General critical area protective measures

1. Buffers. When more than one critical area is present and multiple buffers are required, all required buffers shall be provided, unless otherwise specified in this appendix. Where buffers overlap, the most protective buffer shall apply.
2. Building Setbacks. Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the edges of all critical area buffers or from the edges of all critical areas if no buffers are required. The following may be allowed in the building setback area: landscaping; uncovered decks; building overhangs, if such overhangs do not extend more than 18 inches into the setback area; and impervious ground surfaces, such as driveways and patios.
3. Critical Area Signs. The boundary at the outer edge of the critical area or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site. These sign provisions may be modified or waived by the Shoreline Administrator based on critical area type and/or site conditions.
4. Notice on Title.
 - a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on

which a development proposal is submitted shall file a notice with the County Recording Department according to the direction of the City. The notice shall state the presence of the critical area or buffer on the property and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall "run with the land."

- b. This notice on title shall not be required for a development proposal by a public agency or public or private utility:
 - i. Within a recorded easement or right-of-way;
 - ii. Where the agency or utility has the right to an easement or right-of-way; or
 - iii. On the site of a permanent public facility.
 - c. The applicant shall submit proof that the notice has been filed for public record before the City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.
5. Native Growth Protection Areas.
- a. Native growth protection areas shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below:
 - i. All landslide hazard areas and buffers;
 - ii. All wetlands and buffers;
 - iii. All habitat conservation areas; and
 - iv. All other lands to be protected from alterations as conditioned by project approval.
 - b. Native growth protection areas shall be recorded on all documents of title of record for all affected lots.
 - c. Native growth protection areas shall be designated on the face of the plat or recorded drawing in a format approved by the City Attorney. The designation shall include the following restrictions:
 - i. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining

slope stability, buffering, and protecting plants, fish, and animal habitat;
and

ii. The right of the City to enforce the terms of the restriction.

6. Critical Area Inspections. Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

E. Critical area report

1. Minimum Report Contents. At a minimum, the report shall contain the following, as applicable:
- a. The name and contact information of the applicant, a description of the proposal, and identification of any permits known to be required;
 - b. A site plan for the development proposal including a map to scale depicting critical areas, buffers, and the development proposal, including any areas to be cleared;
 - c. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
 - d. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 - e. Identification and characterization of all critical areas, wetlands, waterbodies, and buffers adjacent to the proposed project area;
 - f. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
 - g. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development;
 - h. A description of reasonable efforts made to apply mitigation sequencing pursuant to regulation 1.F.2 of this appendix;
 - i. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with regulation 1.F.3 of this appendix;
 - j. A discussion of the performance standards applicable to the critical area and proposed activities;
 - k. Financial guarantees to ensure compliance; and
 - l. Any additional information required for a specific type of critical area as indicated by this appendix.

F. Mitigation

1. General Requirements.
 - a. The applicant shall avoid all impacts that degrade the functions and values of critical areas. Unless otherwise provided in this appendix, if alteration to a critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the most current, accurate, and complete scientific or technical information available in accordance with an approved critical area report, so as to result in no net loss of critical area functions and values.
 - b. Mitigation shall be in-kind and on-site, when possible or unless mitigation at a regional or watershed-based location provides greater environmental benefit, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.
 - c. Mitigation shall not be implemented until after City approval of a critical area report that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the approved critical area report.
2. Mitigation Sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the below sequential order of preference. Mitigation for individual actions may include a combination of the below measures.
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 - c. Rectifying the impact to wetlands, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;
 - d. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
 - e. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

- f. Compensating for the impact to wetlands, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
 - g. Monitoring the hazard or other required mitigation and taking remedial action when necessary.
3. Mitigation Plan Requirements. When mitigation is required, the applicant shall submit for approval a mitigation plan as part of the critical area report. The mitigation plan shall include:
- a. A description of the anticipated impacts to critical areas and the mitigating actions proposed, including compensation goals and objectives, mitigation site selection, and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area.
 - b. The mitigation plan shall include performance standards for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this appendix have been met.
 - c. Detailed construction plans.
 - d. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.
 - e. The mitigation plan shall include a contingency plan, identifying potential courses of action and corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
 - f. The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with IMC 15.02.030, Applicability. In the event that a permit applicant does not provide adequate security for the mitigation required as a condition of its approval, then the

Shoreline Administrator shall have the discretion of requiring that the mitigation be completed prior to the issuance of the final approval.

4. Innovative Mitigation. The City may encourage, facilitate, and approve innovative mitigation projects that are based on the most current, accurate, and complete scientific or technical information available.

G. Nonconforming uses & structures

1. Nonconforming uses and structures shall be subject to Section 8.3 of the main body of the City's Shoreline Master Program, Nonconforming uses, structures, and lots, and the following provision. In the event of any conflict, the following provision shall apply.
2. Expansion of an existing non-conforming use or structure into the buffer and associated building setback of a fish and wildlife habitat conservation area or wetland may be allowed, where expansion outside of the buffer and associated building setback is not feasible and where the purpose of the expansion is to serve a function that is an essential component of the use or structure. Expansion into an actual critical area is prohibited. Decreasing the distance between the critical area and the existing use or structure requires a shoreline variance as prescribed in the main body of the City's Shoreline Master Program. Any expansion must comply with all other applicable requirements of the City code.
 - a. For purposes of this provision, expansion outside of the buffer and associated building setback shall be considered not feasible only when, considering the function to be served by the expansion and the existing structure or use's layout and infrastructure (e.g. plumbing, drainage and electrical systems):
 - i. Expansion away from the buffer and associated building setback within the buildable area of the site will not realize the intended functions of the expansion; and
 - ii. Expansion away from the buffer and associated building setback, including into non-critical area setbacks, will not realize the intended functions of the expansion; and
 - iii. Expansion upwards to the maximum building height of the underlying land use district, within the existing footprint, or together with expansions permitted under regulations 1.G.2.a and 1.G.2.b of this appendix, will not realize the intended functions of the expansion.
 - b. Where allowed, expansions into the buffer and associated building setback shall be limited as follows:

- i. The expansion shall be along or behind the existing building line parallel to the edge of the critical area, unless such expansion is not feasible. When such expansion is not feasible expansion may only encroach further into the buffer or associated building setback subject to a shoreline variance.
- ii. Expansions shall be the minimum necessary to achieve the intended functions of the expansion, but in no event may the footprint expansion within the buffer and associated building setback exceed 1,000 square feet over the life of the structure.
- iii. Areas of new permanent disturbance and all areas of temporary disturbance within the buffer shall be mitigated and/or restored pursuant to a mitigation plan.

2 WETLANDS

A. Purpose

1. The purpose of this section is to recognize and protect the beneficial functions performed by wetlands.
2. This section regulates land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout the City.
3. This section establishes review procedures for development proposals in and adjacent to wetlands.

B. Identification & rating

1. Identification of wetlands and delineation of their boundaries pursuant to this section shall be done by a qualified professional in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City meeting the wetland designation criteria in that procedure are designated critical areas and are subject to this appendix.
2. If the City has reason to believe that a wetland may exist within 315 feet of a proposed development activity, a written determination by a qualified professional, in accordance with the methods in regulation 2.B.1 of this appendix, regarding the existence or nonexistence of wetlands within 315 feet of the proposed development activity must be submitted.
3. If it is determined under regulation 2.B.2 of this appendix that wetlands exist, a wetland delineation must be obtained when an activity regulated under the City's

Shoreline Master Program is proposed within 315 feet of the wetland boundary. A written wetland report shall be prepared by a qualified professional pursuant to subsection 2.H of this appendix, Critical area report for wetlands. Wetland delineations are valid for five years; after such date, the City shall determine whether a revision or additional assessment is necessary.

4. Rating. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Western Washington (Ecology Publication #14-06-029, or as revised and approved by Ecology).
5. Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

C. Regulated activities

1. The following activities are regulated if they occur in a regulated wetland or its buffer:
 - a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
 - b. The dumping of, discharging of, or filling with any material.
 - c. The draining, flooding, or disturbing of the water level or water table.
 - d. Pile driving.
 - e. The placing of obstructions.
 - f. The construction, reconstruction, demolition, or expansion of any structure.
 - g. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland.
 - h. "Class IV - General Forest Practices" under the authority of the "1992 Washington State Forest Practices Act Rules and Regulations," WAC 222-12-030, or as thereafter amended.
 - i. Activities that result in:
 - i. A significant change of water temperature.
 - ii. A significant change of physical or chemical characteristics of the sources of water to the wetland.
 - iii. A significant change in the quantity, timing, or duration of the water entering the wetland.

- iv. The introduction of pollutants.
2. Subdivisions. The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following:
- a. Land that is located wholly within a wetland or its buffer may not be subdivided.
 - b. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:
 - i. Located outside of the wetland and its buffer; and
 - ii. Meets the minimum lot size requirements of IMC Title 15, Part 3, Zoning.

D. Exempt wetlands

1. The following wetlands are exempt from the buffer provisions contained in this appendix and the normal mitigation sequencing process in regulation 1.F.2 of this appendix. They may be filled if impacts are fully mitigated based on provisions in subsection 2.I of this appendix, Compensatory mitigation. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in subsection 2.H of this appendix, Critical area report for wetlands, must be submitted.
- a. All isolated Category III and IV wetlands less than 1,000 square feet that:
 - i. Are not associated with riparian areas or buffers.
 - ii. Are not part of a wetland mosaic.
 - iii. Do not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife or species of local importance.

E. Partial exemptions for wetlands & wetland buffers

In addition to the partial exemptions identified in subsection 1.C of this appendix, Partial exemptions, the activities listed below are allowed in wetlands and wetland buffers and do not require submission of a critical area report, except where such activities would result in a loss of the functions and values of a wetland or wetland buffer.

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
2. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
3. Drilling for utilities/utility corridors under a wetland or buffer, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed.
4. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

F. Additional partial exemptions for wetland buffers

In addition to the activities identified in subsection 2.E of this appendix, Partial exemptions for wetlands and wetland buffers, the following uses may be allowed within a wetland buffer, but not within a wetland, in accordance with the review procedures of this appendix, provided they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

1. Passive recreation facilities designed and in accordance with an approved critical area report, including:
 - a. Walkways and trails, provided that pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer 25 percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for

pedestrian use only. Raised boardwalks with non-treated pilings may be acceptable.

- b. Wildlife-viewing structures.
2. Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer 25 percent of the buffer of Category III or IV wetlands only, provided that:
 - a. No other location is feasible; and
 - b. The location of such facilities will not degrade the functions or values of the wetland.

G. Wetland buffers

1. Buffer Requirements. Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands.
2. Standard Buffer Widths. The standard buffer widths in the table below have been established in accordance with the most current, accurate, and complete scientific or technical information available. They are based on the category of wetland, the intensity of the adjacent land use, and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington.
 - a. In determining wetland buffer widths, land use intensity shall be defined as follows:
 - i. High-intensity land uses include commercial, institutional, dense residential (>1 unit/acre), and high-intensity recreation, such as ball fields.
 - ii. Moderate-intensity land uses include residential (≤ 1 unit/acre), moderate-intensity open space, paved trails, and maintained utility corridors.
 - iii. Low-intensity uses include forestry, open space, unpaved trails, and low-maintenance utility corridors.
 - b. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Table B2-1. Standard wetland buffer widths

Wetland Category	Habitat Score (2014 Rating System)	Land Use Impact		
		Low	Moderate	High
Category I: Bogs	NA	125 ft	190 ft	250 ft
Category I: Wetlands with a High Conservation Value	NA	125 ft	190 ft	250 ft
Category I: Estuarine	NA	100 ft	150 ft	200 ft
Category I: Coastal Lagoons	NA	100 ft	150 ft	200 ft
Category I: Forested	Base buffer width on habitat function			
Category I (other than above)	8-9	150 ft	225 ft	300 ft
	5-7	75 ft	110 ft	150 ft
	< 5	50 ft	75 ft	100 ft
Category II: Interdunal	NA	75 ft	110 ft	150 ft
Category II: Estuarine	NA	75 ft	110 ft	150 ft
Category II (other than above)	8-9	150 ft	225 ft	300 ft
	5-7	75 ft	110 ft	150 ft
	< 5	50 ft	75 ft	100 ft
Category III	5-7	75 ft	110 ft	150 ft
	< 5	40 ft	60 ft	80 ft
Category IV	N/A	25 ft	40 ft	50 ft

3. Increased Wetland Buffer Widths. Buffer widths shall be increased on a case-by-case basis as determined by the City when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include, but not be limited to, the following criteria:
 - a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees;
 - b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
 - c. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

4. Buffer Averaging. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:
 - a. The wetland has significant differences in characteristics that affect its habitat functions.
 - b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical area report from a qualified wetland professional.
 - c. The total area of the buffer after averaging is equal to the area required without averaging.
 - d. The buffer at its narrowest point is never less than either 75 percent of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.
5. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.
6. Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this section. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.
7. Signs and Fencing of Wetlands and Buffers:
 - a. Permanent Signs. As a condition of any permit or authorization issued pursuant to this section, the City may require the applicant to install permanent signs along the boundary of a wetland or buffer.
 - i. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the City:

**Do Not Disturb
Protected Wetland Area
Contact City of Ilwaco
Regarding Uses, Restrictions, and Opportunities for Stewardship**

- b. Fencing.
 - i. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.
 - ii. Fencing installed as part of a proposed activity or as required in this subsection shall be designed to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.
8. Buffer Maintenance. Except as otherwise specified or allowed in accordance with the City's Shoreline Master Program, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond.

H. Critical area report for wetlands

1. When Required. If the City determines that a wetland exists within 315 feet of the site of a proposed development activity, a wetland report prepared by a qualified professional shall be required. The expense of preparing the wetland report shall be borne by the applicant.
2. Minimum Standards for Wetland Reports. In addition to the general critical area report requirements of subsection 1.E of this appendix, Critical area report, critical area reports for wetlands must meet the following requirements.
 - a. The written report shall include at a minimum:
 - i. A description of the methodologies used to conduct the wetland delineations, rating system forms, or impact analyses, including references.
 - ii. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 315 feet of the project boundaries using the best available information.
 - iii. For each wetland identified on site and within 315 feet of the project site provide: the wetland rating, including a description of and score for each function; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire wetland area including off-site

portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g. algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.

- iv. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative.
 - v. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.
 - vi. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.
 - vii. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.
- b. A copy of the site plan for the project must be included with the written report and must include, at a minimum:
- i. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates).
 - ii. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

I. Compensatory mitigation

1. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate compliance with regulation 1.F.2 of this appendix.
2. Requirements for Compensatory Mitigation:
 - a. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1, (Ecology Publication #06-06- 011b, Olympia, WA, March 2006 or as revised), and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication #09-06-32, Olympia, WA, December 2009).
 - b. Mitigation ratios shall be consistent with this section.
 - c. Mitigation requirements may also be determined using the credit/debit tool described in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised) consistent with regulation 2.I.8 of this appendix.
3. Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:
 - a. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or
 - b. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.
4. Preference of Mitigation Actions. Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:
 - a. Restoration (re-establishment and rehabilitation) of wetlands:
 - i. The goal of re-establishment is returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres

- (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
- ii. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
- b. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. Establishment results in a gain in wetland acres. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.
- i. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the approval authority may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland scientist that:
 - (a) The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;
 - (b) The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;
 - (c) Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g. due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and
 - (d) The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.
- c. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

- i. How the proposed enhancement will increase wetland and/or buffer functions;
 - ii. How this increase in function will adequately compensate for the impacts; and
 - iii. How all other existing wetland functions at the mitigation site will be protected.
 - d. Preservation of high-quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement, provided that a minimum of 1:1 acreage replacement is provided by re-establishment or creation. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being altered and the quality of the wetlands being preserved. Preservation of high-quality, at-risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:
 - i. The area proposed for preservation is of high quality. The following features may be indicative of high-quality sites:
 - (a) Category I or II wetland rating (using the wetland rating system for western Washington).
 - (b) Rare wetland type (for example, bogs, mature forested wetlands, estuarine wetlands).
 - (c) The presence of habitat for priority or locally important wildlife species.
 - (d) Priority sites in an adopted watershed plan.
 - ii. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other listed species.
 - iii. There is no net loss of habitat functions within the watershed or basin.
 - iv. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost.
 - v. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by a land trust.

- vi. The impact area is small (generally <math>< \frac{1}{2}</math> acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).
 - vii. The preservation site includes buffer areas adequate to protect the habitat and its functions from encroachment and degradation.
5. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of paragraphs below apply. In that case, mitigation may be allowed off-site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.
- a. There are no reasonable opportunities on site or within the sub-drainage basin (e.g. on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).
 - b. On-site mitigation would require elimination of high-quality upland habitat.
 - c. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
 - d. Off-site locations shall be in the same sub-drainage basin unless:
 - i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site;
 - ii. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument; or
 - iii. Fees are paid to an approved in-lieu fee program to compensate for the impacts.
 - e. The design for the compensatory mitigation project needs to be appropriate for its location (i.e. position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland

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

6. **Timing of Compensatory Mitigation.** It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
 - a. The City may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g. project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan.

7. **Wetland Mitigation Ratios.**¹

Table B2-2. Wetland mitigation ratios

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case

Category I: Estuarine	Case by case	6:1 rehabilitation of an estuarine wetland	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II: Estuarine	Case by case	4:1 rehabilitation of an estuarine wetland	Case by case
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1
Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1a, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1, (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised). See also regulation I.4.d for more information on using preservation as compensation.			

8. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the Shoreline Administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report," (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised).
9. Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:
 - a. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan.
 - b. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full guidance can be found in Wetland Mitigation in Washington State– Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).
 - i. The written report must contain, at a minimum:
 - (a) The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related

- permit(s) required for the project; and a vicinity map for the project.
- (b) Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
 - (c) Description of the existing wetland and buffer areas proposed to be altered. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding lands uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating.
 - (d) Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are not undertaken (i.e., how would this site progress through natural succession?).
 - (e) A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
 - (f) A description of the proposed mitigation construction activities and timing of activities.
 - (g) A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).
 - (h) A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.
 - (i) Proof of establishment of notice on title for the wetlands and buffers on the project site, including the compensatory mitigation areas.
- ii. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:

- (a) Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.
 - (b) Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be altered, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.
 - (c) Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.
 - (d) Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.
 - (e) Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this section.
 - (f) A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, timing of installation.
 - (g) Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions.
10. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.
 11. Protection of the Mitigation Site. The area where the mitigation occurred and any associated buffer shall be included in a notice on title consistent with regulation 1.D.4 of this appendix.
 12. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than

five years. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

13. Wetland Mitigation Banks.

- a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
 - i. The bank is certified under state rules;
 - ii. The City determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - iii. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.
- b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.
- c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument.

14. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. Credits from an approved in-lieu-fee program may be used when the following apply:

- a. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
- b. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.
- c. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.
- d. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.
- e. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.

- f. Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.
15. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations.
16. Alternative Mitigation Plans. The City may approve alternative critical areas mitigation plans that are based on the most current, accurate, and complete scientific or technical information available. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter.

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

- a. The proposal uses a watershed approach consistent with Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Ecology Publication #09-06-32, Olympia, WA, December 2009).
- b. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
- c. Mitigation according to subsection of this section is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.
- d. There is clear potential for success of the proposed mitigation at the proposed mitigation site.
- e. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in regulation 2.I.12 of this appendix.
- f. The plan shall be reviewed and approved as part of overall approval of the proposed use.
- g. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.
- h. Mitigation guarantees shall meet the minimum requirements as outlined in regulation 2.I.9.b.i(h) of this appendix.

- i. Qualified professionals in each of the critical areas addressed shall prepare the plan.
- j. The City may consult with agencies with expertise and jurisdiction over the resources during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

J. Unauthorized alterations & enforcement

1. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:
 - a. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
 - b. The historic soil types and configuration shall be restored to the extent practicable.
 - c. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.
 - d. Compliance with other applicable provisions of this chapter shall be demonstrated.

3 FISH & WILDLIFE HABITAT CONSERVATION AREAS

A. Purpose

1. The purpose of this section is to protect fish and wildlife habitats in the City by regulating land use to avoid adverse effects on, and maintain the functions and values of, such habitats.

B. Designation

1. All areas within the City meeting one or more of the following criteria are designated as fish and wildlife habitat conservation areas and are subject to the provisions of this appendix.
 - a. Areas with which State or Federally Designated Endangered, Threatened, and Sensitive Species have a Primary Association.

- i. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered.
 - ii. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the state of Washington identified by the Washington State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats.
- b. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are identified by the Washington State Department of Fish and Wildlife.
- c. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the City, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
- d. Commercial and Recreational Shellfish Areas. These areas include all public and private tidelands or bedlands suitable for shellfish harvest, including shellfish protection districts established pursuant to Chapter 90.72 RCW.
- e. Kelp and Eelgrass Beds and Herring and Smelt Spawning Areas.
- f. Naturally Occurring Ponds under 20 Acres. Naturally occurring ponds are those ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.
- g. Waters of the State. Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16.

- in its entirety.
 - (b) The nomination may include management strategies for the species or habitats. Management strategies must be supported by the most current, accurate, and complete scientific or technical information available, and where restoration of habitat is proposed, a specific plan for restoration must be provided prior to nomination.
 - ii. The Shoreline Administrator shall determine whether the nomination proposal is complete, and if complete, shall evaluate it according to the characteristics enumerated in regulation 3.B.3.b of this appendix and make a recommendation to the Planning Commission.
 - iii. The Planning Commission shall hold a public hearing on the proposal and make a recommendation to the City Council based on the characteristics enumerated in regulation 3.B.3.b of this appendix.
 - iv. After receiving the recommendation of the Planning Commission, the City Council shall vote on the nomination.
- b. Characteristics. Habitats and species to be designated must exhibit the following characteristics:
- i. Local populations of native species in danger of extirpation based on existing trends, including:
 - (a) Local populations of native species that are likely to become endangered; or
 - (b) Local populations of native species that are vulnerable or declining.
 - ii. The species or habitat has recreation, commercial, game, tribal, or other special value;
 - iii. Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat;
 - iv. Areas nominated to protect a particular habitat or species represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and which is of limited availability, highly vulnerable to alteration, or provides landscape connectivity which contributes to the integrity of the surrounding landscape;
 - v. Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in Ilwaco; and

- vi. Without protection, there is a likelihood that the species or habitat will be diminished over the long term.

C. Critical area report

1. When Required. A critical area report for fish and wildlife habitat conservation areas shall be required when:
 - a. For Type 1 (S) waters, a project area is located a distance equal to or less than the required critical area buffer width and building setback;
 - b. A project area is located within 150 feet of the ordinary high water mark of other waterbody types subject to this chapter; or
 - c. A project area is located a distance equal to or less than the potential critical area buffer width and building setback of other fish and wildlife habitat conservation areas meeting the criteria of regulation 3.B.1 of this appendix that are not located waterward of the ordinary high water mark of a waterbody subject to this section.
2. Additional Requirements. In addition to the general critical area report requirements of subsection 1.E of this appendix, Critical area report, critical area reports for fish and wildlife conservation areas must meet the requirements of this subsection.
 - a. Preparation by a Qualified Professional. A critical area report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.
 - b. Areas Addressed. The following areas shall be addressed in a critical area report for fish and wildlife habitat conservation areas:
 - i. The project area of the proposed activity;
 - ii. All habitat conservation areas and buffers within 150 feet of the project area; and
 - iii. All shoreline areas, floodplains, other critical areas, and related buffers within 150 feet of the project area.
 - c. Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the potential presence or absence of designated critical fish or wildlife species or habitat. A critical area report for a habitat conservation area shall contain a habitat assessment including, at a minimum, the following information:

- i. A detailed description of vegetation on and adjacent to the project area and its associated buffer;
 - ii. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
 - iii. A discussion of any federal, state, or local special management recommendations, including Washington State Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
 - iv. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;
 - v. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with mitigation sequencing pursuant to regulation 1.F.2 of this appendix; and
 - vi. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
3. Additional Information May Be Required. When appropriate due to the type of habitat or species present or the project area conditions, the Shoreline Administrator may also require the habitat assessment to include:
- a. An evaluation by an independent qualified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; or
 - b. A request for consultation with the Washington State Department of Fish and Wildlife or other appropriate agency or tribe.

D. Performance standards

1. General Standards.
 - a. Alterations. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat.

- b. Approvals of Activities. The City may condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions must be based on the most current, accurate, and complete scientific or technical information available and may include, but are not limited to, the following:
 - i. Establishment of buffer zones;
 - ii. Preservation of critically important vegetation and/or habitat features such as snags;
 - iii. Limitations on access to the habitat area; or
 - iv. Seasonal restriction of construction activities.
- c. Buffers.
 - i. Establishment of Buffers. The City shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington State Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be preserved in perpetuity through the use of notices on title and native growth protection areas in accordance with subsection 1.D of this appendix, General critical area protective measures.
 - ii. Habitat Buffer Averaging. The City may allow habitat area buffer widths to be reduced in accordance with a critical area report, the most current, accurate, and complete scientific or technical information available, and the management recommendations issued by the Washington State Department of Fish and Wildlife, if:
 - (a) It will not reduce stream or habitat functions;
 - (b) It will not adversely affect salmonid habitat;
 - (c) It will provide additional natural resource protection, such as buffer enhancement;
 - (d) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

- (e) The buffer area width is not reduced by more than 25 percent in any location.
- d. Signs and Fencing.
 - i. Temporary Markers. The outer perimeter of the habitat conservation area or buffer and the limits of areas authorized to be disturbed shall be marked in the field to ensure that no unauthorized intrusion will occur and shall be verified by the Shoreline Administrator prior to the commencement of authorized activities. Temporary markers shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
 - ii. Permanent Signs. As a condition of any permit or authorization issued pursuant to this section, the City may require the applicant to install permanent signs along the boundary of a habitat conservation area or buffer.
 - (a) Permanent signs shall be made of a metal face and attached to a metal post or another material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows, or with alternative language approved by the City:

**Habitat Conservation Area
Do Not Disturb
Contact City of Ilwaco Regarding Restrictions**

- iii. Fencing.
 - (a) The City shall determine if fencing is necessary to protect the function and values of the critical area. If found to be necessary, the City shall condition any permit or authorization issued pursuant to this section to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer.
 - (b) Fencing installed as part of a proposed activity or as required by this subsection shall be designed to not interfere with species migration and shall be constructed in a manner that minimizes habitat impacts.
- e. Subdivisions. The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:

- i. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.
 - ii. Land that is located partially within a habitat conservation area or its buffer may be subdivided provided that the developable portion of each new lot and its access is located outside of the habitat conservation area or its buffer and meets the minimum lot size requirements of IMC Title 15, Part 3, Zoning.
 - iii. Access roads and utilities serving the proposed may be permitted within the habitat conservation area and associated buffers only if the City determines that no other feasible alternative exists and when consistent with the City's Shoreline Master Program.
 - f. Non-indigenous Species. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.
 - g. Mitigation and Contiguous Corridors. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.
 - h. Mitigation and Equivalent or Greater Biological Functions. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.
- 2. Specific Standards.
 - a. Riparian Habitat Areas.
 - i. Unless otherwise allowed by the City's Shoreline Master Program, all structures and activities must be located outside of a riparian habitat area.
 - ii. Standard riparian habitat area widths are shown in the table below and are based on the Washington State Department of Natural Resource Stream Typing System described in WAC 222-16-031 as now or hereafter amended.

Table B3-1. Shoreline riparian habitat area widths

Water Type	Shoreline Environment Designation	Buffer ¹	Structure Setback ^{1,2}
Type 1 (S)	High-Intensity A	NA	50 feet or the waterward line of impervious surface parallel to the shoreline
	High-Intensity B	75 feet	15 feet
	Shoreline Residential A	100 feet	15 feet
	Shoreline Residential B	75 feet	15 feet
	Shoreline Residential C	50 feet	15 feet
	Urban Conservancy	200 feet	15 feet
	Natural	200 feet	15 feet

¹ Buffer and setback do not apply to water-dependent uses.
² Structure setback measured from edge of buffer or from the ordinary high water mark if no buffer is required.

Table B3-2. Other riparian habitat area widths

Water Type	Buffer	Structure Setback ¹
2,3 (F)	100 feet	15 feet
4 (Np)	50 feet	15 feet
5 (Ns)	50 feet	15 feet

¹ Structure setback measured from edge of buffer.

- iii. Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank, if the ordinary high water mark cannot be identified.
- iv. Standard riparian habitat area widths may be increased if the standard width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area.
- v. Mitigation of adverse impacts to riparian habitat areas shall result in equivalent functions and values on a per function basis, be located as near the alteration as feasible, and be located in the same sub-drainage basin as the habitat impacted.
- vi. The performance standards set forth in this subsection may be modified at the City's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected sub-drainage basin as a result of alternative mitigation measures.

- vii. When clearing and grading in buffers is permitted as part of an authorized activity or as otherwise allowed in these standards, the following shall apply:
 - (a) Grading is allowed only during the dry season, which is typically regarded as beginning on May 1 and ending on October 1, provided that the City may extend or shorten the dry season on a case-by-case basis, determined on actual weather conditions.
 - (b) The soil duff layer shall remain undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other areas of the project area.
 - (c) The moisture-holding capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.
 - (d) Erosion and sediment control that meets or exceeds City standards must be provided.

- viii. For Type S shorelines only, limited removal of existing trees or vegetation located on the same property as a single-family residence may be allowed for maintenance of a pre-existing view from the primary structure, or to establish a view for a new primary structure provided that:
 - (a) The applicant submits a critical area report, including a mitigation plan;
 - (b) The applicant demonstrates to the satisfaction of the Shoreline Administrator that the vegetation removal is the minimum necessary to re-establish or establish a view of the water similar to that enjoyed by other residences in the area and that pruning methods are not sufficient to provide an adequate view of the water similar to that enjoyed by other residences in the area;
 - (c) Existing significant native trees are not removed from the buffer;
 - (d) In no instance, including accounting for other approved alterations, shall vegetation removal exceed 20 percent of the required shoreline buffer area or reduce the vegetation canopy coverage to less than 65 percent in the shoreline buffer;
 - (e) Vegetation removal occurring adjacent to the shoreline shall also be limited to 15 linear feet of the water frontage;
 - (f) The applicant shall address any potential impacts to geologically hazardous areas the critical area report;

- (g) The Shoreline Administrator may deny a request or condition the approval if it is determined that the action will result in an adverse effect to any of the following:
 - (i) Slope stability;
 - (ii) Habitat value;
 - (iii) Health of surrounding vegetation;
 - (iv) Risk of wind damage to surrounding vegetation;
 - (v) Nearby surface or groundwater; or
 - (vi) Water quality of a nearby water body.
- ix. A private access pathway constructed of pervious materials may be installed for shoreline residential access, a maximum of four feet wide, through the shoreline management buffer to the ordinary high water mark. Impervious materials may be used as needed to construct a safe, tiered pathway down a slope. Raised boardwalks may also be constructed through wetland areas to reach the shoreline waterbody consistent with regulations in this article. A railing may be installed on one edge of the pathway, a maximum of 36 inches tall and of open construction. Pathways to the shoreline should take the most direct route feasible consistent with appropriate safety standards.
- b. Aquatic Habitat. The following activities may be permitted within a riparian habitat area, pond, lake, water of the state, or associated buffer.
 - i. Roads, Trails, Bridges, and Rights-of-Way. Construction of trails, roadways, and minor road bridging, less than or equal to 30 feet wide, may be permitted in accordance with an approved critical area report subject to the following standards:
 - (a) There is no other feasible alternative route with less impact on the environment;
 - (b) The crossing minimizes interruption of downstream movement of wood and gravel;
 - (c) Roads in riparian habitat areas or their buffers shall not run parallel to the water body;
 - (d) Trails shall be located on the outer edge of the riparian area or buffer, except for limited viewing platforms and crossings;
 - (e) Crossings, where necessary, shall only occur as near to perpendicular with the water body as possible;
 - (f) Mitigation for impacts is provided pursuant to a mitigation plan of

- an approved critical area report;
 - (g) Trails and associated viewing platforms shall not be made of continuous impervious materials.
 - ii. Utility Facilities. New utility lines and facilities may be permitted to cross watercourses in accordance with an approved critical area report, if they comply with the following standards:
 - (a) Fish and wildlife habitat areas shall be avoided to the maximum extent possible;
 - (b) Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone, where feasible;
 - (c) The utilities shall cross at an angle greater than 60 degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;
 - (d) Crossings shall be contained within the footprint of an existing road or utility crossing where possible;
 - (e) The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and
 - (f) The utility installation shall not increase or decrease the natural rate of shore migration or channel migration.
 - iii. Stormwater Conveyance Facilities. Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:
 - (a) No other feasible alternatives with less impact exist;
 - (b) Mitigation for impacts is provided;
 - (c) Stormwater conveyance facilities shall incorporate fish habitat features; and
 - (d) Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.
 - c. Critical Saltwater Habitats.
 - i. Docks, piers, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:
 - (a) The public's need for such an action or structure is clearly

- demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
- (b) Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
 - (c) The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat;
 - (d) The project is consistent with the state's interest in resource protection and species recovery;
- ii. Over-water and near-shore developments in marine and estuarine waters must inventory the site and adjacent beach sections to assess the presence of critical saltwater habitats and functions. The inventory shall be consistent with accepted research methodology. Inventories prepared for other agencies with jurisdiction may be submitted to satisfy this requirement.

4 GEOLOGICALLY HAZARDOUS AREAS

A. Purpose

The purpose of this section is to minimize hazards to the public from development activities on or adjacent to areas of geological hazard. Geologically hazardous areas include the following: erosion hazard areas, landslide hazard areas, seismic hazard areas, and tsunami hazard areas.

B. Designation

1. Erosion Hazard Areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe," or "very severe" rill and inter-rill erosion hazard. Erosion hazard areas are also those areas impacted by shoreline and/or stream bank erosion, coastal wave erosion zones, and those areas within a river's channel migration zone.
2. Landslide Hazard Areas. Landslide hazard areas are those areas meeting any of the following criteria:
 - a. Areas of historic failure, such as:

- i. Those areas mapped by the Washington State Department of Ecology (Coastal Zone Atlas) or the Washington State Department of Natural Resources (slope stability mapping) as unstable (U or class 3), unstable old slides (UOS or class 4), or unstable recent slides (URS or class 5); or
 - ii. Areas designated as quaternary slumps, earthflows, mudflows, or landslides on maps published as the U.S. Geological Survey or the Washington State Department of Natural Resources.
 - b. Areas with all of the following characteristics:
 - i. A slope steeper than 15 percent;
 - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - iii. Springs or groundwater seepage.
 - c. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials.
 - d. Slopes having gradients greater than 80 percent subject to rock fall during seismic shaking.
 - e. Areas potentially unstable because of rapid stream incision and stream bank erosion; and undercutting by wave action.
 - f. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding.
 - g. Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of solid rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 20 feet of vertical relief.
3. Seismic Hazard Areas. The entire City constitutes a seismic hazard area.
4. Tsunami Hazard Areas. Tsunami hazard areas are shoreline or coastal areas susceptible to flooding and inundation as the result of excessive wave runup action derived from seismic or other geologic events.

C. Partial exemptions

The following activities are allowed in geologically hazardous areas, provided they are allowed pursuant to City's Shoreline Master Program, and do not require submission of a critical area report:

1. Erosion and Landslide Hazard Areas. Except as otherwise provided for in this appendix, only those activities approved and permitted consistent with an approved critical area report may be allowed.
2. Seismic and Tsunami Hazard Areas. All activities consistent with this appendix and other City regulations may be allowed.

D. Critical area report

1. When Required. A critical area report for geologically hazardous areas shall be required when an erosion or landslide hazard area is located within 200 feet of a project area, or if an erosion or landslide hazard area located farther than 200 feet from a project area may impact the proposal.
2. Additional Requirements. In addition to the general critical area report requirements of subsection 1.E of this appendix, Critical area report, critical area reports for geologically hazardous areas must meet the following requirements:
 - a. Preparation by a Qualified Professional. A critical area report for a geologically hazardous area shall be prepared by an engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrologic, and groundwater flow systems, and who has experience preparing reports for the relevant type of hazard.
 - b. Areas Addressed. The following areas shall be addressed in a critical area report for geologically hazardous areas:
 - i. The project area of the proposed activity; and
 - ii. All geologically hazardous areas within 200 feet of the project area, or farther than 200 feet from the project area if such areas might impact the proposal.
 - c. Geological Hazards Assessment. A critical area report for a geologically hazardous area shall contain a geological hazards assessment, including, at a minimum, the following site- and proposal-related information:
 - i. Plans for the proposal showing, as applicable:
 - (a) The type and extent of geologic hazard areas and other critical areas, including their buffers, within 200 feet of the project area, or farther than 200 feet from the project area if such areas might impact the proposal.
 - (b) Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if

- available.
- (c) The topography, in two-foot contours, of the project area and all hazard areas addressed in the report.
- (d) Clearing limits.
- ii. An assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems. The assessment shall include, but not be limited to:
 - (a) A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report.
 - (b) A detailed overview of field investigations; published data, and references; data and conclusions from past assessments of the site; and site-specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas.
 - (c) A description of the vulnerability of the site to seismic and other geologic events.
- iii. A hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.
- iv. A recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard.
- d. Incorporation of Previous Study. Where a valid critical area report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report. The applicant shall submit a geological hazards assessment addendum detailing any changed environmental conditions associated with the site.
- e. Mitigation of Long-Term Impacts. When hazard mitigation is required, a mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance

or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

E. Performance standards

1. General Standards.

- a. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
 - i. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;
 - ii. Will not adversely impact other critical areas;
 - iii. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
 - iv. Are certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.
- b. Critical facilities shall not be sited within or below geologically hazardous areas unless there is no other practical alternative.

2. Erosion and Landslide Hazard Area Standards. Activities on sites containing erosion or landslide hazards shall meet the general standards in subsection 4.E.1 of this appendix and the following requirements.

- a. **Erosion Hazard Area Buffers.** No new structures shall be located on a permanent foundation within a shoreline and/or stream bank erosion hazard area unless the foundation is located at a distance landward of the ordinary high water mark that accommodates potential future erosion.
- b. **Landslide Hazard Area Buffers.** A buffer shall be established from all edges of landslide hazard areas. The size of the buffer shall eliminate or minimize the risk of property damage, death, or injury resulting from landslides caused in whole or part by the development, based upon a critical area report.
 - i. The minimum buffer shall be equal to the height of the slope or 50 feet, whichever is greater.
 - ii. The buffer may be reduced to a minimum of 10 feet when a qualified professional demonstrates that the reduction will adequately protect the proposed development, adjacent developments, and uses and the subject critical area.

- iii. The buffer may be increased where a larger buffer is necessary to prevent risk of damage to proposed and existing development.
- c. Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geologic hazard assessment is submitted and certifies that:
 - i. The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;
 - ii. The development will not decrease slope stability on adjacent properties; and
 - iii. Such alterations will not adversely impact other critical areas.
- d. Design Standards. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of the City's Shoreline Master Program. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:
 - i. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas.
 - ii. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography.
 - iii. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.
 - iv. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties.
 - v. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes.
 - vi. Development shall be designed to minimize impervious lot coverage.
- e. Vegetation Retention. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

- f. **Seasonal Restriction.** Clearing shall be allowed only from May 1 to October 1 of each year provided that the City may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practice permit issued by the City or the Washington State Department of Natural Resources.
 - g. **Utility Lines and Pipes.** Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.
 - h. **Point Discharges.** Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area are prohibited, except if:
 - i. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;
 - ii. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or
 - iii. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer is demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.
 - i. **Subdivisions.** The division of land in landslide hazard areas and associated buffers is subject to the following:
 - i. Land that is located wholly within a landslide hazard area or its buffer may not be subdivided. Land that is located partially within a landslide hazard area or its buffer may be divided provided that each resulting lot has sufficient buildable area outside of, and will not affect, the landslide hazard or its buffer.
 - ii. Access roads and utilities may be permitted within the landslide hazard area and associated buffers if the City determines that no other feasible alternative exists.
3. **Seismic and Tsunami Hazard Area Standards.**

- a. All development within areas that meet the classification criteria for seismic or tsunami hazard areas shall comply with the model codes as approved and adopted by the State Building Code Council, together with any amendments or additions.

5 FREQUENTLY FLOODED AREAS

A. Purpose

The purpose of the frequently flooded areas section is to minimize public and private losses due to flood conditions in specific areas.

B. Designation

For the purpose of this section, frequently flooded areas within the City shall be classified using the following criteria:

1. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study (FIS) for Pacific County and Incorporated Areas" effective May 18, 2015, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs), and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The FIRM is on file at Ilwaco City Hall, 120 First Ave. N., Ilwaco, WA. The best available information for flood hazard area identification as outlined in IMC 15.16.060.B.2 shall be the basis for regulation until a new FIRM is issued that incorporates the data utilized under IMC 15.16.060.B.2.
2. When base flood elevation data have not been provided (A and V zones) the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source.

C. Development standards

All development within frequently flooded areas shall comply with IMC 15.16, Development in flood areas, as amended, and all other applicable regulations.

CITY OF ILWACO

ORDINANCE NO. 857

AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, ADOPTING SALARY CLASSIFICATIONS & ESTABLISHING THE 2016 PAY TABLE.

WHEREAS, the City of Ilwaco is committed to a policy that places every employee on a pay scale; and

WHEREAS, the city must be financially responsible in implementing compensation plan changes; and

WHEREAS, the City Council has determined that it will have the final approval on all pay policy issues; and

WHEREAS, no change in any employee personnel status (rate of pay) is intended by this action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Ilwaco, Washington, adopts the City of Ilwaco Position Grades and Brief Descriptions, attached hereto as Exhibit "A."

Section 2. Each employee's pay shall remain unchanged through this action even though the position grade title may be modified.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 23RD DAY OF NOVEMBER, 2015

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Ferner	Cassinelli
Ayes	X		X	X	X	
Nays						
Abstentions						
Absent		X				

PUBLISHED: December 2, 2015

EFFECTIVE: December 7, 2015

**Exhibit “A”
City of Ilwaco
Position Grades and Brief Descriptions**

Administrative Position	Grade	Level
Non-Exempt Positions		
Office Assistant 3	3	Office assistant
Office Assistant 4	4	Office assistant/billing clerk
Office Assistant 5	5	Senior office assistant/billing clerk
Deputy City Clerk 5	5	Deputy city clerk
Deputy City Clerk 6	6	Deputy city clerk
Deputy City Clerk 7	7	Deputy city clerk
Deputy City Clerk 8	8	Senior deputy city clerk
Exempt Positions		
City Clerk 8	8	City clerk
City Clerk 9	9	City clerk
City Clerk 10	10	City clerk
City Clerk 11	11	Senior city clerk
Treasurer 8	8	City treasurer
Treasurer 9	9	City treasurer
Treasurer 10	10	City treasurer
Treasurer 11	11	Senior city treasurer
Treasurer 12	12	Senior city treasurer

Office Assistant 3: Office assistant. Entry-level position. Receives work direction, guidance and supervision from senior office staff members. Develops office skills and experience with guidance from others. Assists with utility billing.

Office Assistant 4: Office assistant/billing clerk. Performs many tasks independently. Proficient with word processing and spreadsheets. Expected to handle routine city business on the telephone and with visitors. Able to do most utility billing tasks.

Office Assistant 5: Senior office assistant/billing clerk. Performs most tasks independently without guidance or supervision. Determines own priorities. Proficient with word processing, spreadsheet and databases. Configures new computers for printing, simple networking and email and application installation. Does utility billing independently. Supervises others, as necessary.

Deputy City Clerk 5: Deputy City clerk. Entry-level position. Performs or is capable of performing all duties equivalent to Office Assistant 5. Receives work direction, guidance and supervision from the city clerk, city treasurer or mayor in matters involving the city clerk's duties.

Deputy City Clerk 6: Deputy City clerk. Performs some city clerk tasks independently, with

minimum guidance or supervision, as assigned by the city clerk, city treasurer or mayor. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

Deputy City Clerk 7: Deputy City clerk. Performs many city clerk tasks independently, with minimum guidance or supervision, as assigned by the city clerk, city treasurer or mayor. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

Deputy City Clerk 8: Senior deputy city clerk. Performs most city clerk tasks independently without guidance or supervision, as assigned by the city clerk, city treasurer or mayor. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

City Clerk 8: City clerk. Entry-level position. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs some city clerk tasks independently with guidance and supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. *Note: A change in position from Assistant Clerk 7 to City Clerk 7 would normally be accompanied by a two-step, in-grade increase and a change from non-exempt status to exempt status.*

City Clerk 9: City clerk. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs most city clerk tasks independently with minimum guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications.

City Clerk 10: City clerk. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs all duties of the city clerk without guidance or supervision. Drafts simple legislation that can be enacted into law without undue revision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Represents the city in outside meetings, as appropriate.

City Clerk 11: Senior city clerk. An administrative position with primary duties that includes exercising discretion and independent judgment with respect to matters of significance. Performs all duties of the city clerk without guidance or supervision. Drafts complex legislation that can be enacted into law without undue revision. Briefs the mayor and City Council on the effect of proposed legislation. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules.

Writes grant applications. Represents the city in outside meetings, as appropriate. Acts as senior advisor to the mayor and City Council in city matters.

Treasurer 8: City treasurer. Entry-level position. Performs some treasurer tasks independently with guidance and supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Trained in accounting and develops experience with accounting software and city transactions and budgeting.

Treasurer 9: City treasurer. Performs most treasurer tasks independently with guidance and supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Trained in accounting and develops experience with accounting software and city transactions and budgeting.

Treasurer 10: City treasurer. Performs treasurer tasks independently without guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Has some advanced training in accounting and has experience with accounting software and city transactions and budgeting. Prepares and briefs the city budget to the mayor and City Council, including coordinating with department heads. Performs all the duties of the city clerk, if assigned.

Treasurer 11: Senior city treasurer. Performs treasurer tasks independently without guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Has advanced training in accounting and has experience with accounting software and city transactions and budgeting. Prepares and briefs the city budget to the mayor and City Council, including coordinating with department heads. Represents the city in outside meetings, as appropriate. Acts as senior advisor to the mayor and City Council in city matters. Performs all the duties of the city clerk, if assigned.

Treasurer 12: Senior city treasurer. Performs treasurer tasks independently without guidance or supervision. Performs or is capable of performing all duties equivalent to Office Assistant 5. Supervises office staff as necessary, including setting priorities and work schedules. Writes grant applications. Has advanced training in accounting and has experience with accounting software and city transactions and budgeting. Prepares and briefs the city budget to the mayor and City Council, including coordinating with department heads. Represents the city in outside meetings, as appropriate. Acts as senior advisor to the mayor and City Council in city matters. Performs all the duties of the city clerk, if assigned. Experienced and possesses necessary skills for position and/or is highly capable of seeking needed resources.

Field Positions	Grade	
Non-Exempt Positions		
Utility Worker 3	3	Entry level
Utility Worker 4	4	Established (gaining experience)
Utility Worker 5	5	Experienced
Utility Worker 6	6	Experienced (works independently)
Utility Worker 7	7	Lead
Utility Supervisor 8	8	Senior lead
Utility Supervisor 9	9	Senior
Utility Supervisor 10	10	Senior
Utility Supervisor 11	11	Senior
Utility Supervisor 12	12	Senior
Plant Operator 5	5	Entry level
Plant Operator 6	6	Established (gaining experience)
Plant Operator 7	7	Experienced
Plant Operator 8	8	Experienced (works independently)
Plant Operator 9	9	Senior/lead operator
Plant Operator 10	10	Senior
Plant Operator 11	11	Senior
Plant Operator 12	12	Senior
Mechanic 7	7	Entry level
Mechanic 8	8	Experienced
Mechanic 9	9	Senior
Exempt Positions		
Utility Manager 7	7	Entry level
Utility Manager 8	8	Experienced
Utility Manager 9	9	Experienced
Utility Manager 10	10	Senior
Fire Administrator 7	7	Experienced
Fire Administrator 8	8	Experienced
Fire Administrator 9	9	Experienced
Fire Administrator 10	10	Senior
Fire Chief 8	8	Experienced
Fire Chief 9	9	Experienced
Fire Chief 10	10	Experienced
Fire Chief 11	11	Experienced
Fire Chief 12	12	Senior

Utility Worker3: Entry-level utility worker. Receives direction and guidance from others.

Utility Worker4: Established utility worker gaining experience. Receives direction and guidance from others.

Utility Worker5: Experienced utility worker. Works with some supervision and guidance.

Utility Worker 6: Experienced utility worker. Works independently.

Utility Worker 7: Lead utility worker/supervisor. Works independently and gives guidance to others. Has responsibility for one utility area (e.g. sewer or water distribution, streets and sidewalks, equipment).

Utility Supervisor 8: Utility supervisor. Receives some guidance and supervision from others. Participates in all aspects of utility operations. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Takes a lead role in configuration management. Prepares the department budgets with guidance.

Utility Supervisor 9: Senior utility supervisor. Works independently and supervises others. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Sets priorities and assigns tasks. Ensures effective configuration management. Prepares the department budgets with some guidance.

Utility Supervisor 10: Senior utility supervisor. Works independently and supervises others. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Sets priorities and assigns tasks. Ensures effective configuration management. Prepares the department budgets with some guidance.

Utility Supervisor 11: Senior utility supervisor. Works independently and supervises others. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Sets priorities and assigns tasks. Ensures effective configuration management. Prepares the department budgets with some guidance. Experienced and possesses necessary skills for position and/or is highly capable of seeking needed resources.

Utility Supervisor 12: Senior utility supervisor. Works independently and supervises others. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Sets priorities and assigns tasks. Ensures effective configuration management. Prepares the department budgets with some

guidance. Experienced and possesses necessary skills for position and/or is highly capable of seeking needed resources. When needed reports to the appropriate state agencies and has either water or wastewater certifications exceeding level II requirements.

Plant Operator 5: Entry-level plant operator. Receives direction and guidance from others. Capable of some plant operations and minor repairs without assistance. Communicates plant status to others. Performs other Public Works duties.

Plant Operator 6: Established with at least one year of full-time plant operation experience. Receives direction and guidance from others. Capable of most routine plant operations and minor repairs without assistance. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are plant operations. Performs other Public Works duties.

Plant Operator 7: Experienced plant operator with at least two years of full-time plant operation experience. Receives direction and guidance from others. Capable of most routine plant operation and minor repairs without assistance. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are plant operations. Performs other Public Works duties.

Plant Operator 8: Experienced plant operator with at least four years of full-time plant operation experience. Receives some direction and guidance from others. Provides some supervision and guidance to others. Capable of plant operations requiring the exercise of judgment, including making process adjustments and moderate repairs without supervision. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are plant and systems operations.

Plant Operator 9: Lead plant operator/plant supervisor with at least five years of full-time plant operation experience. Works independently and supervises others. Capable of plant operations requiring the exercise of judgment, including making any and all process adjustments and complex repairs without supervision. Submits reports to DOH/DOE. Communicates plant status to others verbally, in writing and through means of computer file transfers. Primary duties are systems operations and supervision.

Plant Operator 10: Senior plant operator/plant supervisor with at least five years of full-time plant operation experience combined with demonstrated supervisory experience. Works independently and supervises others. Capable of plant operations requiring the exercise of judgment, including making any and all process adjustments and complex repairs at the plant and throughout the entire distribution system without supervision. Submits reports to DOH/DOE. Communicates plant status to others verbally, in writing and through means of computer file transfers. Sets priorities and assists in preparing/managing the budget. Primary duties are systems operations and supervision.

Plant Operator 11: Senior plant operator/plant supervisor with at least eight years of full-time plant operation experience combined with demonstrated supervisory experience. Works independently and supervises others. Capable of plant operations requiring the exercise of

judgment, including making any and all process adjustments and complex repairs at the plant and throughout the entire distribution system without supervision. Submits reports to DOH/DOE. Communicates plant status to others verbally, in writing and through means of computer file transfers. Sets priorities and assists in preparing/managing the budget. Primary duties are systems operations and supervision.

Plant Operator 12: Senior plant operator/plant supervisor with at least ten years of full-time plant operation experience combined with demonstrated supervisory experience. Works independently and supervises others. Capable of plant operations requiring the exercise of judgment, including making any and all process adjustments and complex repairs at the plant and throughout the entire distribution system without supervision. Submits reports to DOH/DOE. Communicates plant status to others verbally, in writing and through means of computer file transfers. Sets priorities and assists in preparing/managing the budget. Primary duties are systems operations and supervision.

Mechanic 7: Entry-level mechanic. Capable of maintaining vehicles and equipment with some supervision and guidance.

Mechanic 8: Experienced mechanic. Capable of maintaining vehicles, equipment and city infrastructure equipment with minimum supervision and guidance. Sets own priorities. Supervises others, as necessary.

Mechanic 9: Senior mechanic. Capable of maintaining vehicles, equipment and city infrastructure equipment without supervision. Sets own work schedules and priorities. Supervises others.

Utility Manager 7: Entry-level utility manager. Receives guidance and supervision from others. Participates in some aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Participates in configuration management. Assists in developing the department budget.

Utility Manager 8: Experienced utility manager. Receives some guidance and supervision from others. Participates in all aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Takes a lead role in configuration management. Prepares the department budgets with guidance.

Utility Manager 9: Experienced utility manager/director. Works independently. Participates in all aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the city engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Provides management information on status of the city infrastructure and does tradeoff analysis in problem solving and in proposing changes. Ensures effective configuration management. Prepares the department budgets with some guidance.

Utility Manager 10: Senior utility manager/director. Participates in all aspects of utility operations and management. Sets work priorities and tasking. Ensures quality and efficiency of operations. Makes continual improvements for efficiency and quality of operations. Works closely with the City Engineer in planning improvements to city infrastructure. Acts as city liaison for construction projects. Provides management information on status of the city infrastructure and does tradeoff analysis in problem solving and in proposing changes. Conceives and effectively executes improvement projects without supervision. Ensures effective configuration management. Prepares the department budget without guidance.

Fire Administrator 7: Reports directly to the Fire Chief and participates in the development and maintenance of all emergency management plans, support materials, reports and related documents. Conducts directed research, as well as independent internet-based research on a variety of emergency management and related topics. Develops or compiles documents, correspondence and materials, including all programmatic reports, as well as awards from non-government funding sources. Monitors and maintains federal, state, allied organization, professional and county newsletters, reports and related documents as directed.

Fire Administrator 8: Reports directly to the Fire Chief and works with little or no supervision under the Fire Chief's directions and performs the duties of Fire Administrator 7, as required. Obtains and perform duties as an EMT and Firefighter, respiratory testing officer for SCBA face piece and M95 mask fit tests and directs the training or assigns instructors to training classes. The Fire Administrator 8, documents all training and Fire/EMS requirements for compliance with National Fire Incident Reporting System, L&I, NFPA and FEMA standards, including evaluating fire station and fire ground safety standards procedures and enforcement. Fire Administrator 8, also records vehicle, station and equipment inspections, records and files personnel accident reports, create fire department related forms, performs or directs firefighters in station maintenance duties and participates in those duties. The Fire Administrator along with the Fire Chief, councils, evaluates and gives corrective disciplinary actions to department members. In the absence of Chief Fire Officers at an emergency incident performs as the Incident Commander until relieved.

Fire Administrator 9: Reports directly to the Fire Chief and performs the duties of Fire Administrator 7 & 8, as required. Attend workshops and training on current ordinances, regulations and building codes, participates in fire safety programs and distribution of fire prevention materials and smoke detectors. Fire Administrator 9, works with other fire jurisdictions on fire and natural disaster training, drill planning and fire standards. The Fire Administrator documents arson fires, fire statistics, create fire maps, publications and presentations.

Fire Administrator 10: Reports directly to the Fire Chief and assist the Fire Chief with the inspection of properties to ensure compliance with fire codes, ordinances and laws. Review building plans with the Fire Chief and document needed changes, corrections and violations.

Perform the duties of Fire Administrator 7, 8, & 9, as needed, or duties as directed by the Fire Chief.

Fire Chief 8: Reports directly to the Mayor, plans, organizes, directs and evaluates the Ilwaco Volunteer Fire Department, which protects lives and property from fire and hazardous incident damage. Provides timely emergency medical services in the City of Ilwaco and other neighboring municipalities, which have contracted for fire protection services. Ensures the department incorporates up-to-date, efficient fire prevention, fire suppression, hazardous incident mitigation and emergency medical technologies into its procedures, equipment and methods. Recruits, performs back ground checks and trains new volunteer firefighters.

Fire Chief 9: Reports directly to the Mayor, and the Fire Chief will administer, plan, direct and control all aspects of the Ilwaco Volunteer Fire Department including the administration, fire suppression, fire prevention and rescue activities of the department as authorized by and in compliance with all City Ordinances, State or Federal laws. The Fire Chiefs administrative duties include the direct control of equipment purchasing, department expenditures, the preparation of the budget and the hiring, assigning, or the appointment and termination of Officers and Volunteer members. The Fire Chief is responsible for Fire Code review, corrective code improvements, the compliance and the approval of building plans. The Fire Chief shall carry out all of the duties included in Fire Chief 8, and additional duties as required.

Fire Chief 10: Reports directly to the Mayor, and the Fire Chief will develop a long-range capital plan for apparatus replacement, personnel changes, the need for additional fire stations, the maintenance of all of the fire facilities, the relocation and/or replacement. The Fire Chief will participate in local and regional emergency preparedness drills and the planning process. The Fire Chief shall ensure that adequate mutual aid agreements are in place for major emergency incidents. The Fire Chief shall carry out all of the duties included in Fire Chief 8 and 9, and, any additional duties as required.

Fire Chief 11 Reports directly to the Mayor and shall carry out all duties included in Fire Chief 8, 9 and 10, and, any additional duties as required. The Fire Chief shall ensure that the Mayor, Council and all Department heads, and staff participate in Natural Disaster preparedness drills, the understanding of the National Incidents Management System (NIMS), including their job requirements, responsibilities and Federal Documentation requirements during a disaster.

Fire Chief 12 Reports directly to the Mayor and shall carry out all duties included in Fire Chief 8, 9, 10 and 11, and, represents the department at various local and state training seminars, hearings and meetings. Fire Chief 12 is responsible for managing and coordinating and serving as Incident Commander (IC) in the City's Emergency Operation Center (EOC) during Major Events.

CITY OF ILWACO

ORDINANCE NO. 8XX EXHBIT B

2016 PAY TABLE (Effective January 1, 2016)

2016

City of Ilwaco
Exempt Employee Annual Salary Scale

Step	1	2	3	4	5	6	7	8	9	10
Grade	Years to Step	1	1	1	2	2	2	3	3	3
3	22517	23268	24018	24769	25520	26271	27022	27773	28524	29274
4	25276	26119	26962	27804	28647	29490	30332	31175	32018	32860
5	28280	29223	30166	31109	32053	32996	33939	34882	35825	36769
6	31524	32575	33626	34678	35729	36781	37832	38883	39935	40986
7	35031	36198	37365	38533	39700	40867	42034	43202	44369	45536
8	38795	40088	41381	42674	43967	45260	46553	47846	49139	50431
9	42850	44278	45707	47135	48564	49992	51421	52849	54278	55706
10	47188	48760	50333	51906	53479	55051	56624	58197	59770	61342
11	51907	53635	55362	57078	58807	60512	62237	63965	65692	67420
12	57674	59594	61513	63420	65341	67236	69152	71072	72991	74911

2016

City of Ilwaco
Non-Exempt/Hourly Employee Hourly Rate of Pay Scale

Step	1	2	3	4	5	6	7	8	9	10
Grade	Years to Step	1	1	1	2	2	2	3	3	3
3	10.83	11.19	11.55	11.91	12.27	12.63	12.99	13.35	13.71	14.07
4	12.15	12.56	12.96	13.37	13.77	14.18	14.58	14.99	15.39	15.80
5	13.60	14.05	14.50	14.96	15.41	15.86	16.32	16.77	17.22	17.68
6	15.16	15.66	16.17	16.67	17.18	17.68	18.19	18.69	19.20	19.70
7	16.84	17.40	17.96	18.53	19.09	19.65	20.21	20.77	21.33	21.89
8	18.65	19.27	19.89	20.52	21.14	21.76	22.38	23.00	23.62	24.25
9	20.60	21.29	21.97	22.66	23.35	24.03	24.72	25.41	26.09	26.78
10	22.69	23.44	24.20	24.95	25.71	26.47	27.22	27.98	28.74	29.49
11	24.96	25.79	26.62	27.44	28.27	29.09	29.92	30.75	31.58	32.41
12	27.73	28.66	29.58	30.49	31.41	32.32	33.24	34.17	35.09	36.01

City of Ilwaco
Resolution 2007-02

A resolution of the City of Ilwaco, Washington repealing Resolution 2006-05 and adopting a pay and classification structure; establishing salaries for City employees.

WHEREAS, the City of Ilwaco is committed to a policy that places every employee on a pay scale according to their current salaries, including the Fire Chief; and

WHEREAS, the City must be financially responsible in implementing compensation plan changes; and

WHEREAS, the City Council has determined the need to replace the current pay structure with one that is more comprehensive and one that provides more guidance in applying pay changes to individual employees; and

WHEREAS, the City Council has determined that they will have the final say on all pay issues;

NOW THEREFORE, effective January 1, 2007, the City Council of the City of Ilwaco, Washington does resolve to adopt the following wage resolution:

1. The City of Ilwaco adopts the attached pay scales for all employees effective January 1, 2007. The pay scales include a 2.7% Cost of Living Adjustment. Exempt employees accrue an annualized salary on a per-day basis including holidays; vacation, sick leave and compensatory time adjusted for the number of days in the month such that there is equal pay for each month, in accordance with established procedures for each. Non-exempt / hourly employees are paid on an hourly basis for hours worked and for holidays, vacation, sick leave and compensatory time in accordance with established procedures for each.
2. Effective January 1, 2008 and thereafter, the City Council will use the local, federal COLA as a guide in setting the City of Ilwaco Cost of Living Adjustments (COLA). The City of Ilwaco COLA to be applied will be subject to City Council approval each year and a new pay table will be published accordingly by resolution.
3. Grade and Step determination:

Grade level is determined by the position and is generally defined by qualifications, certifications, experience, responsibilities and duties. Moving to a higher Grade is viewed as a *promotion*.

Promotion to a higher grade requires a minimum of one-year service at the next lower grade level and requires the recommendation of the Mayor and the consent of the City Council. For new hires at the entry-level grades for each position, an employee may

receive a promotion after 6 months with the recommendation of the Mayor and consent of the City Council.

Grade reductions can be made by the Mayor subject to City personnel policy.

4. In-grade Steps set salary levels in-grade that are largely determined by time served in grade. Step increases in salary happen at no less than 1, 2 or 3-year intervals as follows: 1 year going to Steps 2, 3 and 4; 2 years going to Steps 5, 6 and 7; 3 years going to Steps 8, 9 and 10. Moving up may be slowed or accelerated by the Mayor, with the approval of the City Council as follows:

Acceleration is done in unusual circumstances and in recognition of an employee's particularly high value to the City and is justified by a written citation signed by the Mayor and approved by the City Council. Acceleration is limited to moving up a double step (instead of a single step) at the time a step increase is due.

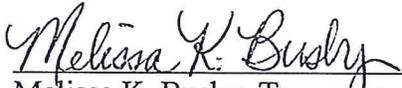
Slowing is implemented by denying a step at the time a step increase would be due and is justified in writing by the Mayor. If an in-grade step is thus delayed, it will be subject to review one year thereafter

5. A pay "anniversary" or date of last in-grade step increase or date of last promotion will be recorded for each employee. This date will be used to determine the earliest date for the next in-grade salary step increase. When an in-grade step increase occurs or a promotion occurs, the new salary anniversary is set to the date on which it occurs.
6. When a Cost of Living Adjustment (COLA) is applied by City Council Resolution, the entire pay table and, thus, the pay of every employee, is affected by the same percentage amount. At that time new pay tables shall be published as part of the Resolution. A COLA has no effect on employee date of last in-grade step increase or eligibility for an in-grade step increase.
7. When an employee is promoted, the employee must receive a new salary or hourly rate that is at least equal to having received two in-grade step increases at the current grade. When an employee is promoted, the pay anniversary is set to the date of promotion.
8. When possible, new employees are brought in at Step 1 of their position Grade. If competitive pressures warrant, the Mayor may fill positions above Step 1 with the consent of the City Council.
9. Individual employees will be paid at a specific Grade and Step such that their salaries or hourly rate coincides with a specific salary or hourly rate on the salary scale.
10. The Mayor shall determine the Grade and Step and salary anniversary for each City employee to be effective on January 1, 2007.

11. Pay grades, steps, anniversaries and the aforementioned 2.7% COLA will be reflected in the 2007 budget.
12. The Mayor shall define position grade level requirements and guidelines including such rules as minimum time-in-grade before a promotion are allowed or likely (in addition to the 1-year minimum time in grade required by this Resolution paragraph 3).
13. By March 30, 2007, the Mayor shall establish position descriptions for each position that at least covers the position for each current employee. The position descriptions shall provide the detail requirements for each position and shall additionally be consistent with the levels of duties, experience, qualification, supervision and responsibility provided in the brief description of each position and grade level herein. In the case that an employee does not fully meet all the requirements of his or her position, the Mayor shall establish a program of remedial steps to be taken to bring the employee to the minimum requirements for the grade level held by January 1, 2008.

Passed this 22nd day of January 2007.


Doug Hubbard, Mayor


Melissa K. Busby, Treasurer

Ariel Smith

From: Nancy Lockett <nlockett@g-o.com>
Sent: Thursday, January 28, 2016 9:19 AM
To: 'Ariel Smith'
Subject: RE: Wastewater Treatment Plant

Ariel,

We could an audit. I think it would be something like Susan visiting the plant and reviewing all test results, process notes etc.

Nancy

From: Ariel Smith [mailto:treasurer@ilwaco-wa.gov]
Sent: Tuesday, January 26, 2016 2:28 PM
To: 'Nancy Lockett'
Subject: FW: Wastewater Treatment Plant

Nancy,
Is this something that Susan does? Or that other municipalities do?
Thanks,
Ariel

From: oregonjon@gmail.com [mailto:oregonjon@gmail.com] **On Behalf Of** Jon Chambreau
Sent: Tuesday, January 26, 2016 2:04 PM
To: mayor@ilwaco-wa.gov; City Clerk <clerk@ilwaco-wa.gov>; City Treasurer <treasurer@ilwaco-wa.gov>
Subject: Wastewater Treatment Plant

Mike

With the change in plant operators we've learned that the state does no verification of test results, etc. The result is that neither the City nor the council has any independent review of conditions and results. We should.

At least an annual wastewater "audit" is as important as the state's financial review/audit. Is the city preparing a proposal for the Council's approval of such an "audit". They should.

And if not, I'd like to see this as a discussion item at the next Council meeting. Perhaps Grey & Osborne could provide a cost estimate.

Jon

**CITY OF ILWACO
ORDINANCE NO. XXX**

AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING CHAPTER 6.04 OF THE MUNICIPAL CODE ENTITLED “DOGS AND LIVESTOCK”, TO ESTABLISH A DESIGNATED SHELTER OF RECORD AND IMPOSE LICENSING FEES.

WHEREAS, the City of Ilwaco has previously identified SPCHS as a shelter of record, but has not adopted legislation authorizing SPCHS to act as the City’s licensing agent and impound facility for the City; and

WHEREAS, this designation would give SPCHS the legal right to re-home stray animals found within the city limits thereby removing the burden of the City operating its own impound facility, licensing, and advertising of stray pets; and

WHEREAS, the City desires to better support humanely and well-run kennels, penalizing unsafe, unhealthy and/or inhumane ‘back yard breeders’ and other businesses not beneficial to dogs or the City; and

WHEREAS, the City Council finds that it would be in the best interest of the city to delegate these duties to the SPCHS and accurately reflect current practice.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 6.04, is amended to read as follows:

DOGS AND LIVESTOCK

Sections:

- 6.04.010 Definitions.
- 6.04.020 Licenses.
- 6.04.030 Kennel license fees and requirements.
- 6.04.040 Verification.
- 6.04.050 License tags.
- 6.04.050 Impoundment.
- 6.04.070 Redemption from impound.
- 6.04.080 Disposition of animals.
- 6.04.090 Public nuisance.
- 6.04.100 Liability for animal bites.
- 6.04.110 Running at large.
- 6.04.120 Livestock.
- 6.04.130 Pet shops.
- 6.04.140 Revocation of license.
- 6.04.150 Penalty.

6.04.010 Definitions.

As used in this chapter:

“Animal” means cats (any animal of the species Felidae) and dogs (any animal of the species Canidae) regardless of sex, or any other vertebrate normally kept as a pet.

“Boarding kennel” means a place where animals are kept for a fee or there are more than ~~four~~ **five** animals present on the property. This is a commercial operation and may only be placed in an area zoned commercial.

“Breeding kennel” means a place where animals are bred usually for the owner’s personal benefit.

Dangerous Dog. Refer to RCW 16.080.070, 16.080.080, 16.080.090 and 16.080.100.

“Hobby kennel” means a place where the owner of the property owns ~~three~~ **four** animals.

“Kennel” means a secure building with clean and humane cages for the keeping of more than ~~two~~ **three** animals.

“Mistreatment” means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustified pain or suffering to any animal. This also includes the teasing or abusing of any animal that is owned or controlled by another.

“Neglect” means failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for an animal’s health and well being.

“Nuisance” means any animal which annoys or disturbs the free use of one’s property or city property, or which renders its ordinary use or physical occupation uncomfortable. It extends to everything that endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property; a wrong arising from an unreasonable or unlawful use of property to the discomfort, annoyance, inconvenience or damage of another, and usually comprehends continuous or recurrent acts.

“Owner” means any person, group of persons, or a corporation which owns, has custody of, possesses, harbors, feeds or exercises control over any animal provided in this chapter. (Ord. 579 § 1, 1995)

6.04.020 Licenses.

A. It is unlawful for any person to own, harbor or keep any dog or cat over six months old within the corporate limits of the city unless he/she shall first procure a license therefor from the ~~city clerk-treasurer~~ **City’s licensing agent, the South Pacific County Humane Society.**

- ~~1. For each neutered or spayed dog: \$ 5.00;~~
- ~~2. For each nonneutered or nonspayed dog: \$10.00;~~
- ~~3. For each neutered or spayed cat: \$ 5.00;~~
- ~~4. For each non-neutered or non-spayed cat: \$ 10.00.~~

B. Such licenses to remain in force for the calendar year in which the same is issued and no longer. ~~An animal license is considered as being due and payable on or before February 1st of each year. A late penalty of one dollar (\$1.00) per month or any part thereof will be charged.~~

C. Newly acquired animals over the age of six months shall have ten days from the date of acquisition to be licensed. (Ord. 579 § 2, 1995)

6.04.030 Kennel license fees and requirements.

- A. Hobby kennel \$ 10.00;
Breeding kennel 25.00;
Boarding kennel 200.00.

B. Each applicant for a breeding kennel license must appear before the council of the city at a public meeting on the matter and present the council with letters from each resident within a two hundred (200) foot radius of the kennel location approving the granting of such license. These letters of approval must be presented to the city clerk-treasurer at least five working days prior to the date of the city council meeting.

Each applicant for a boarding kennel license must appear before the council of the city at a public hearing on the matter and present the council with letters from property owners within a five hundred (500) foot radius of the kennel location approving the granting of such license. Location of this kennel must be in a location zoned commercial and variances/conditional uses may not be granted. These letters of approval must be presented to the city clerk-treasurer at least five working days prior to the date of the city council meeting. (Ord. 579 § 3, 1995)

6.04.040 Verification.

Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the animal to be licensed has been vaccinated for rabies. Further, an application for a spayed animal license shall be accompanied by a statement from a qualified veterinarian indicating the animal has been spayed. (Ord. 579 § 4, 1995)

6.04.050 License tags.

Upon payment of the license fee, the city clerk **South Pacific County Humane Society** shall issue to the owner a metal tag, showing the calendar year for which the fee is paid and the registration number for each animal so licensed. The tag shall be firmly affixed to the collar furnished by the animal's owner and shall be worn by the animal at all times when off the premises of the licensed owner. Tags are not transferable from one animal to another. (Ord. 579 § 5, 1995)

6.04.060 Impoundment.

A. The impoundment location shall be that physical location where animals are to be confined: **the South Pacific County Humane Society, located at 330 Second Street NE, Long Beach, WA 98631.**

B. It shall be the duty of all law enforcement officers and any persons deputized as animal control officers to impound all animals found running at large anywhere within city limits. Animal control officers shall give notice of impound to the owner of such animal, if known. If the owner is unknown, notice of such impound shall be posted at the place of impound, local Post Office and/or at City Hall. ~~After three days the animal may be disposed of.~~

C. Citizens may impound animals found running at large anywhere within the city limits by taking them to the South Pacific County Humane Society.

D. All animals impounded at the South Pacific County Humane Society will be held for three (3) days, after which the animal becomes the property of the Shelter. Animals claimed within the 3-day hold period will be subject to impound and boarding fees, as well as any necessary medical bills incurred. These financial obligations must be met prior to reclaiming the animal.

~~EE.~~ An animal that has bitten a human shall be placed in impound **by law enforcement** until such time a licensed veterinarian determines it is free from rabies. (Ord. 579 § 6, 1995)

6.04.070 Redemption from impound.

A. Spaying and neutering of animals impounded is required before redemption unless the owner is in possession of a city breeding kennel license.

B. The owner shall be entitled to resume possession of an impounded animal upon presentation of a receipt given by the city clerk-treasurer upon compliance with the licensing provisions of Sections 6.04.020 and 6.04.030 and the payment of city **Impound facility** redemption fees. Costs of keeping the animal at impound and any other costs, including **boarding, licensing, medical needs deemed essential by the impound facility, vaccinations, neutering or spaying** will be paid to the impound facility at time of redemption.

~~C. City Redemption Fees.~~

- ~~1. Five dollars (\$5.00) for the first redemption of the animal within any license year;~~
- ~~2. Twenty dollars (\$20.00) for the second redemption within any license year;~~
- ~~3. Forty dollars (\$40.00) for the third redemption within any license year. (Ord. 579 § 7, 1995)~~

6.04.080 Disposition of animals.

A. ~~The animal control officer or law enforcement officer~~ **Impound Facility** need not keep any animal for more than three days after posting notice of impoundment and any animal not redeemed at the end of that time shall be considered forfeited by its owner, and shall be given away or humanely disposed of. **become the property of South Pacific County Humane Society.**

~~B. Any person who is not the rightful owner of an impounded animal, and wishes to own such animal, then that person shall take possession on the fourth day following impoundment upon payment of the impound and boarding fees and have fifteen (15) days to comply with all licensing requirements. (Ord. 579 § 8, 1995)~~

6.04.090 Public nuisance.

It is unlawful and all persons are prohibited from keeping or harboring within the corporate limits of the city, an animal that is a public nuisance. Each day that any animal is so harbored shall constitute a separate offense. (Ord. 579 § 9, 1995)

6.04.100 Liability for animal bites.

The owner of any animal which shall bite any person while that person is in or on a public place or lawfully in or on a private place, including the property of the owner of the animal, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such animal, or the owner's knowledge of such viciousness (RCW 16.08.040). (Ord. 579 § 10, 1995)

6.04.110 Running at large.

A. It is unlawful for any owner or custodian of any animal to permit any such animal to run loose or be at large upon any public street, highway or public place, or upon private property owned by a person or persons other than the owner or custodian of the animal, within the corporate limits of the city unless such animal is confined or controlled by a leash, rope, device or cord not to exceed ten (10) feet in length and is kept sufficiently short to allow for the containment and control of such animal. It is permissible to allow the animal to be at "heel" providing the owner or custodian maintains absolute control and the animal stays within the allowable leash length and is under the control of the owner or custodian.

Any person who elects to be at large within the corporate limits with animals contained and controlled by a leash, rope device or having control with the animal at "heel" as provided for in this section shall be in violation of this section if that person in fact does not or cannot control and contain such animal.

B. Animals injured or killed in the street shall be considered as running at large. The law enforcement officer or designee shall remove all such animals and, at his or her discretion, take those needing medical attention to a veterinarian. The owner of such animal shall be responsible for all expenses of the treatment and of the impoundment. All reasonable efforts will be made to notify the owner or custodian of any such animal prior to the animal being treated or impounded. Injured animals may be destroyed humanely, if it is determined by the law enforcement officer or a veterinarian that the animal has sustained critical injuries or the suffering is extreme and/or the prognosis for recovery is poor. The law enforcement officer shall consult with a veterinarian as to the disposition of injured animals, when the animal's prognosis cannot be ascertained with reasonable certainty. (Ord. 579 § 11, 1995)

6.04.120 Livestock.

It is unlawful for the owner or custodian of any horse, swine, livestock, fowl or other animals generally regarded as farm or ranch animals to permit the same to live within or to run at large within the corporate limits of the city, except as follows:

A. Up to six (6) chickens are allowed for noncommercial, personal use within the city limits. An application for a permit for keeping chickens on the property shall be submitted accompanied by a fifty dollar (\$50.00) fee. Permits shall be approved provided that chickens will be housed in an enclosure that shelters them from the weather and provides a roosting area protected from predators. Applicants for a chicken permit shall include a site plan, as defined in Section 15.04.020, showing the location of the chicken coop and enclosure as they relate to the property lines.

B. Structures housing chickens may not be in front yards, as defined in Section 15.04.020, and must be surrounded by a secure, well-built fence of sufficient height and strength to both confine them and protect them from predators, and the entire enclosure must meet zoning district yard setback requirements.

C. For the purposes of this code, chicken (*Gallus domesticus*) refers only to a female chicken.

D. Ducks, geese, turkeys, peafowl or male chickens/roosters are not permitted.

E. Chickens coops and enclosures shall be maintained in a clean and sanitary condition at all times, including, but not limited to, disposal of manure or waste material of said chickens. Waste may not be disposed of in such a way as to enter the city's sewer or stormwater system.

F. Up to six (6) chickens may be kept on duplex, triplex or multifamily properties with the written consent of the property owner and adjoining occupants.

- G. Chickens shall be kept for personal use only. The selling of chickens, eggs or manure, or the breeding of chickens for commercial purposes, is prohibited.
- H. Commercial slaughtering of chickens on premises is prohibited.
- I. The keeping of chickens is not allowed in RV parks as they are regulated by Pacific County rules and regulations.
- J. The keeping of chickens is allowed in the following zoning districts.
 1. Single-family residential (R-1).
 2. Single-family residential/manufactured homes (R-1S).
 3. Multifamily residential (R-2). (Ord. 802 § 1, 2012; Ord. 579 § 12, 1995)

6.04.130 Pet shops.

A. No person owning or operating a pet shop shall **offer for sale** ~~sell~~ any **live** animal ~~which is, at the time of delivery of the animal to the buyer, sick, impaired, unweaned or otherwise so incapacitated that its weakness or incapacity will substantially impair its ability to recover or grow normally.~~

~~B. Every person owning or operating a pet shop shall post a notice, conspicuously displayed and protected by glass, in a place, or places, where it may be seen during hours that the pet shop is closed, containing the names, addresses and telephone numbers of persons to be notified who will proceed immediately to the premises upon request of any duly authorized health officer or police officer having reasonable cause for belief that animals or birds contained therein are in immediate need of care or protection.~~

C. No person owning or operating a pet shop shall tease, or otherwise torment, nor permit any other person to abuse, tease or otherwise torment any animals, birds or fish therein.

D. No person owning or operating a pet shop shall exhibit any animal, bird or fish to public display for more than twelve (12) consecutive hours. At no time shall any animal be placed on public display outside the enclosed premises of a pet shop by chaining or caging the animal upon the public street or other public place. (Ord. 579 § 13, 1995)

6.04.140 Revocation of license.

It is unlawful to keep any animal, kennel, grooming service or pet shop that is noisy, unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance with this chapter, or any part thereof, and may be cause for revocation of such license or licenses upon petition of a police officer. (Ord. 579 § 14, 1995)

6.04.150 Penalty.

Any person in violation of any part of this chapter shall be charged with an infraction. Each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250.00) per violation nor to exceed a fine of two hundred fifty dollars (\$250.00) per day that violations occur. All proceedings for the civil violation will be in accordance with Section 1.20.020 of this code. (Ord. 718 (part), 2006)

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF _____, 2015.

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, Deputy City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Fornier	Cassinelli
Ayes						
Nays						
Abstentions						
Absent						

PUBLISHED: Month date, Year

EFFECTIVE: Month date, Year



- INCORPORATED 1891 -

CITY OF ILWACO

120 First Ave. N. • P.O. Box 548
Ilwaco, WA 98624

e-mail: ilwacoch@willapabay.org

Phone: 360-642-3145 Fax: 360-642-3155

March 19, 2010

Keleigh Schwartz
President of the Board
Humane Society of South Pacific County
324 2nd Street NE
Long Beach, WA 98631

RE: Shelter of Record for Ilwaco

Dear Ms. Schwartz:

The South Pacific County Humane Society (SPCHS) will formally become the "shelter of record" for the City of Ilwaco effective immediately, per the request placed before City Council on March 8, 2010 by Cheri Diehl and Jane Holeman on behalf of SPCHS. SPCHS will be the impound center for Ilwaco and also issue pet licenses as required by Ilwaco Municipal Code Chapter 6.04.

Sincerely,

A handwritten signature in cursive script that reads "Mike Cassinelli".

Mike Cassinelli
Mayor

SOUTH PACIFIC COUNTY HUMANE SOCIETY

A COMMUNITY-SUPPORTED AND -FUNDED NO-KILL SHELTER

January 24, 2016

Mayor Mike Cassinelli
Councilman David Jensen

Councilman Vinessa Karnofski
Councilman Fred Marshall
Councilman Jon Chambreau
Councilman Gary Forner

City of Ilwaco, Washington
PO Box 548
Ilwaco, WA 98631

Mayor and Council,

It has come to my attention that the work done together in 2010 was not finalized through changes to your City Code. As a result, I would like to request a brief workshop with you to refresh all on our requests and with a goal of finalizing this important work benefitting the South Pacific County Humane Society [SPCHS], the City of Ilwaco, her citizens, and visitors.

In preparation of such a meeting, and with respect for your time and attention, I have attached the existing code, along with proposed changes and additions for your review. Many of these changes simply serve to bring the code in alignment with current practices on the part of the City and the SPCHS.

The goals of the SPCHS Board of Directors are straightforward and prioritized:

1. **We would like City Code to accurately reflect current practice.**
2. **We would like to be designated as the City's Shelter of Record.** This designation:
 - a. Gives SPCHS the legal right to re-home animals found stray within the city limits;
 - b. Removes, from the City, the burdens of operating its own impound facility.
 - c. Removes, from the City, the burden of licensing.
 - d. Removes, from the City, the burden of advertising stray pets.
 - e. Provides SPCHS flexibility in advertising stray pets through the most successful channels (such as social media), and relieves the burden of physical posting of signs.
 - f. Exempts Humane Societies in general, and/or your Shelter of Record specifically, from ordinances intended for households and/or 'for-profit' kennel facilities.
3. **We would like City Code to better support humanely and well-run kennels,** penalizing unsafe, unhealthy and/or inhumane 'back yard breeders' and other businesses not beneficial to dogs or the City.

The SPCHS Board of Directors is grateful to the City of Ilwaco for its ongoing support and asks no recompense for providing services on behalf of the City.

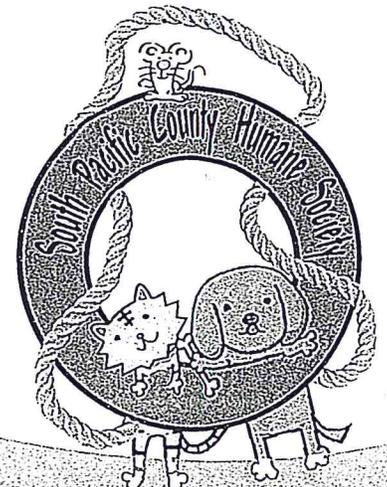
SPCHS First Vice President Keleigh Schwartz will be your primary contact at SPCHS for this issue. She can be reached at 360-642-4431 or woof@beachdog.com.

Thank you for your consideration of these requests.

Most sincerely,

Sandy Clancy

Sandy Clancy
SPCHS Board President



360-642-1180

www.beachpets.com | adopt@beachpets.com

Mail: PO Box 101 • Long Beach, WA 98631 | Visit: 330 Second St NE • Long Beach, WA 98631

[SPCHS] In general, it is important that any changes make clear that SPCHS is the Designated Shelter (Impound Location) and, as such, given the rights of being the city's impound agent and also that SPCHS is NOT animal control and carries none of the burdens of enforcing the animal code of the City. [/SPCHS]

Title 6

ANIMALS

Chapters:

6.04 Dogs

6.08 Exotic Animals

Chapter 6.04

DOGS

Sections:

6.04.010 Definitions.

6.04.020 Licenses.

6.04.030 Kennel license fees and requirements.

6.04.040 Verification.

6.04.050 License tags.

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6.04.070 Redemption from impound.

6.04.080 Disposition of animals.

6.04.090 Public nuisance.

6.04.100 Liability for animal bites.

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6.04.150 Penalty.

6.04.010 Definitions.

As used in this chapter:

"Animal" means cats (any animal of the species Felidae) and dogs (any animal of the species Canidae) regardless of sex, or any other vertebrate normally kept as a pet.

"Boarding kennel" means a place where animals are kept for a fee or there are more than four animals present on the property. This is a commercial operation and may only be placed in an area zoned commercial.

"Breeding kennel" means a place where animals are bred usually for the owner's personal benefit.

Dangerous Dog. Refer to RCW 16.080.070, 16.080.080, 16.080.090 and 16.080.100.

"Hobby kennel" means a place where the owner of the property owns three animals.

"Kennel" means a secure building with clean and humane cages for the keeping of more than two animals.

[SPCHS]Because it is a common and humane practice for a non-kennel owner to keep 3 or 4 personal pets, we encourage you to increase these numbers. [/SPCHS]

[PROPOSED]

"Boarding kennel" means a place where animals are kept for a fee or there are more than ~~four~~ five animals present on the property. This is a commercial operation and may only be placed in an area zoned commercial.

"Hobby kennel" means a place where the owner of the property owns ~~three~~ four animals.

"Kennel" means a secure building with clean and humane cages for the keeping of more than ~~two~~ three animals.

[/PROPOSED]

"Mistreatment" means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustified pain or suffering to any animal. This also includes the teasing or abusing of any animal that is owned or controlled by another.

"Neglect" means failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for an animal's health and well being.

"Nuisance" means any animal which annoys or disturbs the free use of one's property or city property, or which renders its ordinary use or physical occupation uncomfortable. It extends to everything that endangers life or health, gives offense to the senses, violates the

laws of decency, or obstructs the reasonable and comfortable use of property; a wrong arising from an unreasonable or unlawful use of property to the discomfort, annoyance, inconvenience or damage of another, and usually comprehends continuous or recurrent acts.

"Owner" means any person, group of persons, or a corporation which owns, has custody of, possesses, harbors, feeds or exercises control over any animal provided in this chapter. (Ord. 579 § 1, 1995)

6.04.020 Licenses.

A. It is unlawful for any person to own, harbor or keep any dog or cat over six months old within the corporate limits of the city unless he/she shall first procure a license therefor from the city clerk-treasurer.

1. For each neutered or spayed dog: \$ 5.00;
2. For each nonneutered or nonspayed dog: \$10.00;
3. For each neutered or spayed cat: \$ 5.00;
4. For each non neutered or non spayed cat: \$ 10.00.

B. Such licenses to remain in force for the calendar year in which the same is issued and no longer. An animal license is considered as being due and payable on or before February 1st of each year. A late penalty of one dollar (\$1.00) per month or any part thereof will be charged.

C. Newly acquired animals over the age of six months shall have ten days from the date of acquisition to be licensed. (Ord. 579 § 2, 1995)

[SPCHS] Note here that SPCHS would be willing to manage licensing for the City, as we do for Long Beach. For Long Beach, we purchase tags and sell one with every adoption to a Long Beach residence as well as to any comers requesting a Long Beach license. SPCHS keeps revenues. We serve no regulatory function; we are simply a purveyor of the license. Please also note that we currently are licensing only dogs within the city limits of Long Beach. All other pets are unlicensed. [/SPCHS]

[PROPOSED]

A. It is unlawful for any person to own, harbor or keep any dog or cat over six months old within the corporate limits of the city unless he/she shall first procure a license therefor from the ~~city clerk-treasurer~~ City's licensing agent, the South Pacific County Humane Society.

- ~~1. For each neutered or spayed dog: \$ 5.00;~~
- ~~2. For each nonneutered or nonspayed dog: \$10.00;~~
- ~~3. For each neutered or spayed cat: \$ 5.00;~~
- ~~4. For each non neutered or non spayed cat: \$ 10.00.~~

B. Such licenses to remain in force for the calendar year in which the same is issued and no longer. ~~An animal license is considered as being due and payable on or before February 1st of each year. A late penalty of one dollar (\$1.00) per month or any part thereof will be charged.~~

C. Newly acquired animals over the age of six months shall have ten days from the date of acquisition to be licensed. (Ord. 579 § 2, 1995)

[/PROPOSED]

6.04.030 Kennel license fees and requirements.

A. Hobby kennel \$ 10.00;

Breeding kennel 25.00;

Boarding kennel 200.00.

B. Each applicant for a breeding kennel license must appear before the council of the city at a public meeting on the matter and present the council with letters from each resident within a two hundred (200) foot radius of the kennel location approving the granting of such license. These letters of approval must be presented to the city clerk-treasurer at least five working days prior to the date of the city council meeting.

Each applicant for a boarding kennel license must appear before the council of the city at a public hearing on the matter and present the council with letters from property owners within a five hundred (500) foot radius of the kennel location approving the granting of such license. Location of this kennel must be in a location zoned commercial and variances/conditional uses may not be granted. These letters of approval must be presented to the city clerk-treasurer at least five working days prior to the date of the city council meeting. (Ord. 579 § 3, 1995)

6.04.040 Verification.

Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the animal to be licensed has been vaccinated for rabies. Further, an application for a spayed animal license shall be accompanied by a statement from a qualified veterinarian indicating the animal has been spayed. (Ord. 579 § 4, 1995)

[SPCHS] While we do not do this for the Long Beach licenses, if it is important to Ilwaco, we can verify vaccination and provide separate licenses for altered and unaltered pets. If SPCHS does the latter, we would significantly increase the cost of licensing unaltered pets as it is in our mission to discourage non-breeding kennel owners from keeping their pets intact. [/SPCHS]

6.04.050 License tags.

Upon payment of the license fee, the city clerk shall issue to the owner a metal tag, showing the calendar year for which the fee is paid and the registration number for each animal so licensed. The tag shall be firmly affixed to the collar furnished by the animal's owner and shall be worn by the animal at all times when off the premises of the licensed owner. Tags are not transferable from one animal to another. (Ord. 579 § 5, 1995)

[PROPOSED]

Upon payment of the license fee, the ~~city clerk~~ South Pacific County Humane Society shall issue to the owner a metal tag, showing the calendar year for which the fee is paid and the registration number for each animal so licensed. The tag shall be firmly affixed to the collar ~~furnished~~ by the animal's owner and shall be worn by the animal at all times when off the premises of the licensed owner. Tags are not transferable from one animal to another. (Ord. 579 § 5, 1995)

[/PROPOSED]

6.04.060 Impoundment.

A. The impoundment location shall be that physical location where animals are to be confined.

[SPCHS] SPCHS encourages the City to designate our Long Beach shelter facility as the Impoundment Location for the City of Ilwaco for dogs and cats determined to be NOT potentially dangerous. We are unable to accept potentially dangerous pets except when in the custody of law enforcement. [/SPCHS]

[PROPOSED]

A. The impoundment location shall be that physical location where animals are to be confined: the South Pacific County Humane Society, located at 330 Second Street NE, Long Beach, WA 98631.

[/PROPOSED]

B. It shall be the duty of all law enforcement officers and any persons deputized as animal control officers to impound all animals found running at large anywhere within city limits. Animal control officers shall give notice of impound to the owner of such animal, if known. If the owner is unknown, notice of such impound shall be posted at the place of impound, local Post Office and/or at City Hall. After three days the animal may be disposed of.

[SPCHS] SPCHS would like to be designated as animal control so as to have the legal right to impound animals, but does not have the resources to carry the responsibility to capture and detain them. SPCHS will NOT euthanize, however we will assume ownership of the pet at the end of the required impound period. [/SPCHS]

[PROPOSED]

B. It shall be the duty of all law enforcement officers and any persons deputized as animal control officers to impound all animals found running at large anywhere within city limits. Animal control

officers shall give notice of impound to the owner of such animal, if known. If the owner is unknown, notice of such impound shall be posted at the place of impound, local Post Office and/or at City Hall. ~~After three days the animal may be disposed of.~~

C. Citizens may impound animals found running at large anywhere within the city limits by taking them to the South Pacific County Humane Society.

D. All animals impounded at the South Pacific County Humane Society will be held for three (3) days, after which the animal becomes the property of the Shelter. Animals claimed within the 3-day hold period will be subject to impound and boarding fees, as well as any necessary medical bills incurred. These financial obligations must be met prior to reclaiming the animal.

[/PROPOSED]

C. An animal that has bitten a human shall be placed in impound until such time a licensed veterinarian determines it is free from rabies. (Ord. 579 § 6, 1995)

[SPCHS] To clarify, SPCHS would impound stray and/or abandoned animals and care for them at our own cost during the impound period and then take ownership of the pet until a suitable home can be found. Animals placed in our care for reasons of legal intervention or public safety would need to be impounded by law enforcement, (which has access to our kennel 24/7/365). When this happens, the agency impounding the animal retains legal and financial responsibility for it until such time as they remove the animal from our care or release ownership to SPCHS. [/SPCHS]

[PROPOSED]

© D. An animal that has bitten a human shall be placed in impound by law enforcement until such time a licensed veterinarian determines it is free from rabies. (Ord. 579 § 6, 1995)

[/PROPOSED]

6.04.070 Redemption from impound.

A. Spaying and neutering of animals impounded is required before redemption unless the owner is in possession of a city breeding kennel license.

B. The owner shall be entitled to resume possession of an impounded animal upon presentation of a receipt given by the city clerk-treasurer upon compliance with the licensing provisions of Sections 6.04.020 and 6.04.030 and the payment of city redemption fees. Costs of keeping the animal at impound and any other costs, including vaccinations, neutering or spaying will be paid to the impound facility at time of redemption.

C. City Redemption Fees.

1. Five dollars (\$5.00) for the first redemption of the animal within any license year;

2. Twenty dollars (\$20.00) for the second redemption within any license year;

3. Forty dollars (\$40.00) for the third redemption within any license year. (Ord. 579 § 7, 1995)

[SPCHS] If SPCHS is the designated Impound Location, redemption would need to follow our policies rather than the City's. Section A is recommended, but not required, by our policy when a dog is re-claimed by its owner. Unclaimed pets are altered prior to rehoming. Sections B&C are the same in spirit but vary in detail. Payment would be to SPCHS, not the City Clerk-Treasurer, and at our current impound rates. If the City requires a fee in addition to SPCHS impound fees, the owner would need to first present to us a receipt from the City showing fees paid before we could release the animal. As this allows us less flexibility in reuniting pets and families, we request the City waive their fees. [/SPCHS]

[PROPOSED]

B. The owner shall be entitled to resume possession of an impounded animal upon presentation of a receipt given by the city clerk treasurer upon compliance with the licensing provisions of Sections 6.04.020 and 6.04.030 and the payment of city Impound facility redemption fees. Costs of keeping the animal at impound and any other costs, including boarding, licensing, medical needs deemed essential by the impound facility, vaccinations, neutering or spaying will be paid to the impound facility at time of redemption.

C. ~~City Redemption Fees.~~

~~1. Five dollars (\$5.00) for the first redemption of the animal within any license year;~~

~~2. Twenty dollars (\$20.00) for the second redemption within any license year;~~

~~3. Forty dollars (\$40.00) for the third redemption within any license year. (Ord. 579 § 7, 1995)~~

[/PROPOSED]

6.04.080 Disposition of animals.

A. The animal control officer or law enforcement officer need not keep any animal for more than three days after posting notice of impoundment and any animal not redeemed at the end of that time shall be considered forfeited by its owner, and shall be given away or humanely disposed of.

B. Any person who is not the rightful owner of an impounded animal, and wishes to own such animal, then that person shall take possession on the fourth day following impoundment upon payment of the impound and boarding fees and have fifteen (15) days to comply with all licensing requirements. (Ord. 579 § 8, 1995)

[SPCHS] SPCHS could forward appropriate paperwork to the city when an Ilwaco-impounded animal is re-homed if this is information the City requires. We only have the resources to follow through on licensing if we are the City's purveyor of the same. [/SPCHS]

[PROPOSED]

A. ~~The animal control officer or law enforcement officer Impound Facility need not keep any animal for more than three days after posting notice of impoundment and any animal not redeemed at the end of that time shall be considered forfeited by its owner, and shall be given away or humanely disposed of become the property of South Pacific County Humane Society.~~

B. ~~Any person who is not the rightful owner of an impounded animal, and wishes to own such animal, then that person shall take possession on the fourth day following impoundment upon payment of the impound and boarding fees and have fifteen (15) days to comply with all licensing requirements. (Ord. 579 § 8, 1995)~~

[/PROPOSED]

6.04.090 Public nuisance.

It is unlawful and all persons are prohibited from keeping or harboring within the corporate limits of the city, an animal that is a public nuisance. Each day that any animal is so harbored shall constitute a separate offense. (Ord. 579 § 9, 1995)

6.04.100 Liability for animal bites.

The owner of any animal which shall bite any person while that person is in or on a public place or lawfully in or on a private place, including the property of the owner of the animal, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such animal, or the owner's knowledge of such viciousness (RCW 16.08.040). (Ord. 579 § 10, 1995)

6.04.110 Running at large.

A. It is unlawful for any owner or custodian of any animal to permit any such animal to run loose or be at large upon any public street, highway or public place, or upon private property owned by a person or persons other than the owner or custodian of the animal, within the corporate limits of the city unless such animal is confined or controlled by a leash, rope, device or cord not to exceed ten (10) feet in length and is kept sufficiently short to allow for the containment and control of such animal. It is permissible to allow the animal to be at "heel" providing the owner or custodian maintains absolute control and the animal stays within the allowable leash length and is under the control of the owner or custodian.

Any person who elects to be at large within the corporate limits with animals contained and controlled by a leash, rope device or having

control with the animal at "heel" as provided for in this section shall be in violation of this section if that person in fact does not or cannot control and contain such animal.

B. Animals injured or killed in the street shall be considered as running at large. The law enforcement officer or designee shall remove all such animals and, at his or her discretion, take those needing medical attention to a veterinarian. The owner of such animal shall be responsible for all expenses of the treatment and of the impoundment. All reasonable efforts will be made to notify the owner or custodian of any such animal prior to the animal being treated or impounded. Injured animals may be destroyed humanely, if it is determined by the law enforcement officer or a veterinarian that the animal has sustained critical injuries or the suffering is extreme and/or the prognosis for recovery is poor. The law enforcement officer shall consult with a veterinarian as to the disposition of injured animals, when the animal's prognosis cannot be ascertained with reasonable certainty. (Ord. 579 § 11, 1995)

6.04.120 Livestock.

It is unlawful for the owner or custodian of any horse, swine, livestock, poultry, or other animals generally regarded as farm or ranch animals to permit the same to live within or to run at large within the corporate limits of the city. (Ord. 579 § 12, 1995)

6.04.130 Pet shops.

A. No person owning or operating a pet shop shall sell any animal which is, at the time of delivery of the animal to the buyer, sick, impaired, unweaned or otherwise so incapacitated that its weakness or incapacity will substantially impair its ability to recover or grow normally.

B. Every person owning or operating a pet shop shall post a notice, conspicuously displayed and protected by glass, in a place, or places, where it may be seen during hours that the pet shop is closed, containing the names, addresses and telephone numbers of persons to be notified who will proceed immediately to the premises upon request of any duly authorized health officer or police officer having reasonable cause for belief that animals or birds contained therein are in immediate need of care or protection.

C. No person owning or operating a pet shop shall tease, or otherwise torment, nor permit any other person to abuse, tease or otherwise torment any animals, birds or fish therein.

D. No person owning or operating a pet shop shall exhibit any animal, bird or fish to public display for more than twelve (12) consecutive hours. At no time shall any animal be placed on public display outside the enclosed premises of a pet shop by chaining or caging the animal upon the public street or other public place. (Ord. 579 § 13, 1995)

[SPCHS]SPCHS encourages the City to only allow pet shop businesses that do not sell live animals. This type of pet shop has been demonstrated locally as being quite viable. [/SPCHS]

[PROPOSED]

A. No person owning or operating a pet shop shall offer for sale any live animal ~~which is, at the time of delivery of the animal to the buyer, sick, impaired, unweaned or otherwise so incapacitated that its weakness or incapacity will substantially impair its ability to recover or grow normally.~~

B. ~~Every person owning or operating a pet shop shall post a notice, conspicuously displayed and protected by glass, in a place, or places, where it may be seen during hours that the pet shop is closed, containing the names, addresses and telephone numbers of persons to be notified who will proceed immediately to the premises upon request of any duly authorized health officer or police officer having reasonable cause for belief that animals or birds contained therein are in immediate need of care or protection.~~

[/PROPOSED]

6.04.140 Revocation of license.

It is unlawful to keep any animal, kennel, grooming service or pet shop that is noisy, unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety and not in compliance with this chapter, or any part thereof, and may be cause for revocation of such license or licenses upon petition of a police officer. (Ord. 579 § 14, 1995)

6.04.150 Penalty.

Any person in violation of any part of this chapter shall be charged with an infraction. Each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250.00) per violation nor to exceed a fine of two hundred fifty dollars (\$250.00) per day that violations occur. All proceedings for the civil violation will be in accordance with Section 1.20.020 of this code. (Ord. 718 (part), 2006)

Chapter 6.08

EXOTIC ANIMALS

Sections:

6.08.010 Chapter intent.

- 6.08.020 Definitions.
- 6.08.030 Possession unlawful.
- 6.08.040 Violation--Penalty.
- 6.08.050 Euthanasia in exigent circumstances.
- 6.08.060 Chapter limitations.
- 6.08.070 Severability.

- 6.08.010 Chapter intent.

It is in the intent of the Ilwaco city council to prohibit the possession or maintenance of exotic animals in order to preserve the public peace and safety of Ilwaco citizens. (Ord. 660 (part), 2001)

- 6.08.020 Definitions.

As used in this chapter:

"Animal control authority" means all law enforcement officers and persons deputized as an animal control officer.

"Exotic animal" means any of the following:

1. Species of snakes capable of inflicting serious physical harm or death to human beings;
2. Nonhuman primates and prosimians;
3. Bears;
4. Nondomesticated species of felines;
5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids;
6. The order crocodilia, including alligators, crocodiles, caiman, and gavials. (Ord. 718 (part), 2006; Ord. 660 (part), 2001)

- 6.08.030 Possession unlawful.

The possession or maintenance of an exotic animal within the city limits of the city of Ilwaco by a private citizen as a pet is unlawful. (Ord. 660 (part), 2001)

- 6.08.040 Violation--Penalty.

Any private citizen possessing or maintaining an exotic animal as a pet within the city limits of the city of Ilwaco is guilty of an infraction. Each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250.00) per violation nor to exceed a fine of

two hundred fifty dollars (\$250.00) per day that violations occur. All proceedings for the civil violation will be in accordance with Section 1.20.020 of this code. (Ord. 718 (part), 2006; Ord. 660 (part), 2001)

6.08.050 Euthanasia in exigent circumstances.

An exotic animal possessed or maintained in violation of this chapter or the rules and regulations of the animal control authority may be subject to euthanasia if any one of the following exigent circumstances is deemed to exist:

A. The exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or

B. There is no reasonable basis to believe that the violation can be or in good faith will be corrected and after reasonable search or inquiry by the animal control authority no facility as authorized by local, state or federal law is available to house the exotic animal; or

C. The exotic animal suffers from a communicable disease injurious to other animals or human beings; provided, that this section shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings. (Ord. 660 (part), 2001)

6.08.060 Chapter limitations.

A. The purpose of this chapter is to prohibit the private ownership of exotic animals as pets. Therefore, the provisions of this chapter shall not apply to any facility maintained by any city, county, state or the federal government, including but not limited to public zoos, nor shall it apply to museums, laboratories and research facilities maintained by scientific or educational institutions, nor to private or commercial activities such as circuses, fairs, or private zoological parks which are otherwise regulated by law, nor to any recognized program engaged in the training or exotic animals as defined in this chapter for use as service animals by disabled citizens.

B. Breeding, or allowing the reproduction of, exotic animals as defined in this chapter is prohibited, provided that this prohibition shall not apply to any governmental facility possessing or maintaining exotic animals nor shall it apply to private or commercial activities as set forth in subsection A of this section. (Ord. 660 (part), 2001)

6.08.070 Severability.

If any clause, sentence, paragraph, or part of this ordinance codified herein, or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the ordinance codified in this chapter. (Ord. 660 (part), 2001)

#



Gray & Osborne, Inc.
CONSULTING ENGINEERS

DATE: February 1, 2016

TO: City of Ilwaco
P.O. Box 548
Ilwaco, WA 98624

ATTN: Holly Beller
Deputy City Clerk

FROM: Nancy Lockett

PROJECT #: XXX

SUBJECT: 2016 Engineering Contract

WE ARE TRANSMITTING:

- Herewith
- Under Separate Cover

Number of Copies: 2

THE FOLLOWING:

- Prints
- Construction Drawings
- Specifications
- Shop Drawings
- Change Order
- Legal Description
- Letters
- Proposal and Contract

FOR:

- Review & Comment
- Approval
- Signature
- Your Use & Files
- As Requested
- Action Noted Below
- _____
- _____

COMMENTS:

Holly,

Two partially executed copies of the Proposal and Contract for Engineering Services for 2016 are attached. Please review the contracts and if they are acceptable have the Mayor sign where indicated. Please date the Contract on Page 1 of 12. Please return one copy to me for our files.

Sincerely,

Nancy Lockett

**PROPOSAL AND CONTRACT
FOR
PROFESSIONAL ENGINEERING SERVICES**

**CITY OF ILWACO
WASHINGTON**

FEBRUARY 2016

G&O Job. No. 16435

**GRAY & OSBORNE, INC.
CONSULTING ENGINEERS
SEATTLE, OLYMPIA, YAKIMA,
VANCOUVER & ARLINGTON**

**CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES**

THIS Contract, entered into this ____ day of _____ 20____, between the CITY OF ILWACO, Washington, hereinafter called the "Agency"; and GRAY & OSBORNE, INC., Consulting Engineers, Seattle, Washington, hereinafter called the "Engineer".

WITNESSETH:

WITNESSETH THAT, whereas, the Agency now finds that, from time to time, in the growth and development of the Agency, there will be the need for the engagement of professional engineering services. The purpose of this Contract it to define the services to be performed and method of payment for professional engineering services which may, from time to time, be authorized by the Agency.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto do mutually agree as follows:

ARTICLE 1

EMPLOYMENT OF THE ENGINEER

The Agency, acting pursuant to its vested authority, does hereby engage the Engineer and the Engineer agrees to furnish the engineering services as requested by the Agency in connection with the Agency's 2016 General Engineering Services. These services are outlined in this Contract and shall be undertaken upon request by the Agency to the Engineer, then only for the services so requested. The Engineer shall furnish a scope of work and costs for each service requested which will become a numbered exhibit to the Contract.

ARTICLE 2

CHARACTER & EXTENT OF ENGINEERING SERVICES

Upon written direction of the Agency to proceed, the Engineer shall provide engineering services in accordance with a written scope of work (Task Order), which will describe the engineering services to be provided, such services may include, but are not limited to, grant and/or loan application assistance, engineering studies, financial analysis, cost estimating, predesign services, design, local improvement district or utility local improvement district formation, surveys, mapping, peer review, preparation of easements and right-of-way documentation, environmental studies, permitting, and documentation, public meetings, project bid and award services, and construction management and administration assistance.

SPECIAL SERVICES

The Engineer may employ competent professionals to assist in the completion of the work as described in the project specific scope of work and budget. The information so secured shall be made available to the Agency for the use and development of the Agency's projects.

ARTICLE 3

SCOPE OF OWNER SERVICES

The AGENCY shall provide or perform the following:

Provide full information as to the Agency's requirements for the Project. Assist the Engineer by placing at his disposal all available information pertinent to the site of the Project, including previous reports, drawings, plats, surveys, utility records, and any other data relative to the Project. Absent specific written direction to the contrary, the Engineer shall be entitled to rely upon the completeness and accuracy of such documentation.

Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by the Engineer.

ARTICLE 4

COMPENSATION

It is mutually agreed that the Agency will compensate the Engineer for services furnished based on the cost reimbursement method.

The total cost of on-call engineering services, to be described in scopes of work requested by the Agency, cannot be determined at this time, in advance. The total cost for services will be established by Agreement between the Agency and the Engineer on a case-by-case basis as the need arises and/or by amendment to this Contract.

The following information will be provided for each project assigned by and approved by the Agency.

- (a) Cost Ceiling: The total amount of compensation for engineering services as described herein, and as further defined in letters or exhibits to this Contract including profit (fee), out-of-pocket expenses, direct labor costs, direct overhead and indirect overhead shall not exceed the total dollar cost agreed upon, without a formal amendment to this Contract.

- (b) Compensation Determination: The amount of compensation due the Engineer by the Agency for the services furnished under this Contract shall be determined as provided hereinafter. Such payment shall be full compensation for work performed.

Payment for work accomplished is on the basis of the Engineer's fully burdened labor cost plus direct non-salary costs.

1. Fully burdened labor costs are determined by multiplying the hours spent by employees on the project, times the employee's fully burdened billing rate. The fully burdened billing rates are identified on Exhibit "A" and include direct salary cost, overhead, and profit. Overhead includes federal, state, and local taxes; insurance and medical; professional development and education; vacations and holidays; secretarial and clerical work; GIS, CADD, and computer equipment; owned survey equipment and tools; rent, utilities, and depreciation; office expenses; recruiting; professional services; incentive and retirement; and facilities cost of capital.
2. The direct non-salary costs are those costs directly incurred in fulfilling the terms of this Contract including, but not limited to travel, reproduction, supplies and fees for special professional services of outside consultants. If the Engineer is directed to employ special, professional expertise, the Agency will be billed by the Engineer for the special service invoiced amount plus ten percent (10%) for administrative overhead.

Payment of compensation shall be upon submittal to the Agency of a bill by the Engineer at approximate monthly intervals for services rendered during the preceding time period, plus a proportionate percentage of the fee amount stipulated above.

The cost records and accounts pertaining to this Contract are to be kept available for inspection by representatives of the Agency for a period of three (3) years after final payment. In the event any audit or inspection identifies any discrepancy in the financial records, the Engineer shall provide clarification and/or make adjustments accordingly.

ARTICLE 5

ADDITIONAL WORK

If during the performance of this contract, or subsequent to completion of the work under this contract, other or additional services other than those previously specified, including but not limited to additions or revisions by the Agency, are ordered in writing by the Agency, the Engineer agrees to provide the services and the Agency agrees to compensate the Engineer under the same method of Compensation Determination described herein, to be determined at the time the additional services are ordered. The

Engineer agrees not to proceed with the additional services until such time as the costs for the additional services have been approved by the Agency.

ARTICLE 6

PUBLIC RECORDS REQUESTS

The Engineer shall comply with Agency requests for documents which are the result of public records requests made under the Public Records Act. The Agency hereby acknowledges that gathering, copying and transmitting documents requested in this manner is Additional Work and agrees to compensate the Engineer accordingly.

ARTICLE 7

MAJOR REVISIONS

If, after the design has been approved by the Agency, and the Engineer has proceeded with the final design, and has performed work in processing same and the Agency authorizes new or substantially alters the design, the Agency will pay the Engineer a just and equitable compensation as mutually agreed upon by the Agency and the Engineer, or if an agreement cannot be reached within thirty (30) days, the equitable compensation shall be determined by mediators.

ARTICLE 8

COST ESTIMATE

The Agency is herewith advised that the Engineer has no control over the cost of labor, material, and equipment, including the contractors' and suppliers' methods of producing and delivering such goods and services; or over the methods and styles of competitive bidding or market conditions; and, accordingly, the Engineer's cost estimates are made and furnished on the basis of his experience and qualifications and represent only his best judgment as a design professional and within his familiarity with the construction industry, and, as such, the Engineer cannot and does not warrant, in any other manner or style, the accuracy of the cost estimates, nor that the estimates will or will not vary significantly with bids received by or construction costs realized by the Agency.

ARTICLE 9

FACILITIES TO BE FURNISHED BY THE ENGINEER

The Engineer shall furnish and maintain a central office, work space and equipment suitable and adequate for the prosecution of the work that is normal to the functioning of an established operating engineering practice.

ARTICLE 10

OWNERSHIP OF PLANS

All reports, designs, drawings and specifications prepared by the Engineer, as provided under this Contract shall be and do become the property of the Agency upon payment to the Engineer of his compensation as set forth in this Contract. Reuse of any of the instruments of services of the Engineer by the Agency on extensions of this project or on any other project without the written permission of the Engineer shall be at the Agency's risk and the Agency agrees to defend, indemnify and hold harmless the Engineer from all claims, damages and expenses including attorney's fees arising out of such unauthorized reuse of the Engineer's instruments of service by the Agency or by others acting through the Agency.

ARTICLE 11

SEVERABILITY

If any provision of this Contract is held invalid, the remainder of this Contract shall not be affected thereby, if such remainder would then continue to conform to the terms and requirements of the applicable law.

ARTICLE 12

MEDIATION

All claims, disputes and other matters in question between Agency and Engineer shall, in the first instance, be subject to mediation. Either party may notify the other, by certified mail, of the existence of a claim or dispute. If such claim or dispute cannot promptly be resolved by the parties, the Engineer shall promptly contact the Judicial Arbitration and Mediation Service, Inc., or any other recognized mediation service agreed to by the parties, to arrange for the engagement and appointment of a mediator for the purpose of assisting the parties to amicably resolve the claim or dispute. The person or persons serving as mediator will be agreed upon by both parties. The cost of the mediator shall be borne equally by the parties. The Agency and Engineer further agree to cooperate fully with the appointed mediator's attempt to resolve the claim or dispute, and also agree that litigation may not be commenced, by either party, for a period of ninety calendar days following the receipt by the other party of the written notice of claim or dispute. This mediation provision may be asserted by either party as grounds for staying such litigation.

ARTICLE 13

ASSIGNABILITY

The Engineer shall not assign nor transfer any interest in this Contract without the prior written consent of the Agency.

ARTICLE 14

EQUAL EMPLOYMENT OPPORTUNITY

The Engineer agrees that it will not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin.

The parties hereby incorporate 41 C.F.R. 60-1.4(a)(7); 29 C.F.R. Part 471, Appendix A to Subpart A; 41 C.F.R.60-300.5(a)11; and 41 C.F.R. 60-741.5(a)6; if applicable.

This contractor and subcontractor shall abide by the requirements of 41 C.F.R. 60-300.5(a) and 41 C.F.R. 741.5(a). These regulations prohibit discrimination against qualified protected veterans, and qualified individuals on the basis of disability, respectively, and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and qualified individuals with disabilities, respectively.

ARTICLE 15

COVENANT AGAINST CONTINGENT FEES

The Engineer warrants that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fees, excepting bona fide employees. For breach or violation of this warranty, the Agency shall have the right to annul this Contract without liability or in its discretion to deduct from the Contract price or consideration or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee.

ARTICLE 16

SAFETY

The duty and/or Services furnished hereunder by the Engineer, does not include a review of the adequacy of any contractor's safety measures in, on, or near a project construction site. The contractor alone shall have the responsibility and liability thereof, and shall be insured accordingly. Neither the activities of the Engineer, nor the presence of the Engineer's employees at a site, shall relieve the contractor of their obligations, duties, and responsibilities with any health or safety precaution required to ensure the safety of the jobsite.

ARTICLE 17

INDEMNITY AGREEMENT

The Engineer's insurance shall be primary. The Engineer shall hold the Agency harmless from, and shall indemnify the Agency against, any and all claims, demands, actions or liabilities caused by or occurring by reason of any negligent act or omission of the Engineer, its agents, employees or subcontractors, arising out of or in connection with the performance of this Contract.

The Engineer shall be required to indemnify the Agency in those cases where damages have been caused by the concurrent negligence of the Agency and Engineer, its agents, employees or subcontractors for that portion of the damages caused by the negligence of the Engineer, its agents, employees or subcontractors.

The Engineer has no duty to indemnify the Agency where damages were caused by the negligence of the Agency.

ARTICLE 18

INSURANCE

A. Public Liability

The Engineer shall provide evidence of comprehensive Public Liability and Property Damage Insurance which includes but is not limited to, operations of the Engineer, commercial general liability, and blanket limited contractual liability with limits of not less than:

COMPREHENSIVE GENERAL LIABILITY

Bodily Injury & Property Damage: \$1,000,000 each person
\$1,000,000 each occurrence
\$1,000,000 each aggregate

AUTOMOBILE LIABILITY

Bodily Injury: \$1,000,000 each person
\$1,000,000 each occurrence

Property Damage: \$1,000,000 single limit

The Agency shall be named as an additional insured as respects this Contract. In conjunction therewith, the Engineer shall furnish a certificate of such insurance to the Agency at the time of execution of this Contract.

B. Professional Liability

The Engineer shall provide Professional Errors and Omissions Liability Insurance which shall provide coverage for any negligent professional acts, errors or omissions for which the Engineer is legally responsible, with limits of not less than:

PROFESSIONAL ERRORS \$1,000,000 each occurrence
AND

OMISSIONS LIABILITY \$1,000,000 aggregate

The Engineer shall furnish a certificate of such insurance to the Agency at the time of execution of this Contract.

ARTICLE 19

STATUS OF ENGINEER

The Engineer is an independent contractor operating for its own account, and is in no way and to no extent an employee or agent of the Agency. The Engineer shall have the sole judgment of the means, mode or manner of the actual performance of this Contract. The Engineer, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing this Contract.

ARTICLE 20

CERTIFICATION OF ENGINEER

Attached hereto is Exhibit "B" Certification Regarding Debarment, Suspension and Other Responsibility Matters.

ARTICLE 21

CHOICE OF LAW/JURISDICTION/VENUE

This Contract shall be governed as to validity, interpretation, construction and effect, and in all other respects, by the laws of the State of Washington. Jurisdiction of any suit or action arising out of or in connection with this Contract shall be in the State of Washington, and the venue thereof be in the same County as the Agency.

ARTICLE 22

NOTICES

In every case where, under any of the provisions of this Contract or in the opinion of either the Agency or the Engineer or otherwise, it shall or may become necessary or desirable to make, give, or serve any declaration, demand, or notice of any kind or character or for any purpose whatsoever, the same shall be in writing, and it shall be sufficient to either (1) deliver the same or a copy thereof in person to the Mayor, if given by the Engineer, or to the President or Secretary of the Engineer personally, if given by the Agency; or (2) mail the same or a copy thereof by registered or certified mail, postage prepaid, addressed to the other party at such address as may have theretofore been designated in writing by such party, by notice served in the manner herein provided, and until some other address shall have been so designated, the address of the Agency for the purpose of mailing such notices shall be as follows:

CITY OF ILWACO
P.O. Box 548
Ilwaco, Washington 98624

and the address of the Engineer shall be as follows:

GRAY & OSBORNE, INC.
701 Dexter Ave. North
Suite 200
Seattle, Washington 98109-4339

ARTICLE 23

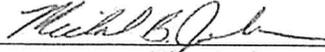
ATTORNEY'S FEES

The parties agree that in the event a civil action is instituted by either party to enforce any of the terms and conditions of this Contract, or to obtain damages or other redress for any breach hereof, the prevailing party shall be entitled to recover from the other party, in addition to its other remedies, its reasonable attorney's fees in such suit or action and upon any appeal therefrom.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day and year written below.

ENGINEER: Gray & Osborne, Inc.

AGENCY: City of Ilwaco

By: 
(Signature)

By: _____
(Signature)

Name/Title: Michael B. Johnson, P.E., President

Name/Title: _____
(Print)

Date: 2/1/16

Date: _____

"Equal Opportunity/Affirmative Action Employer"

EXHIBIT "C"

GRAY & OSBORNE, INC.

PROFESSIONAL ENGINEERING SERVICES CONTRACT FULLY BURDENED BILLING RATES* THROUGH JUNE 15, 2016**

<u>Employee Classification</u>	<u>Fully Burdened Billing Rates</u>		
AutoCAD/GIS Technician/Engineering Intern	\$ 45.00	to	\$ 90.00
AutoCAD/GIS Manager/Graphic Artist	\$ 92.00	to	\$118.00
Electrical Engineer	\$102.00	to	\$182.00
Structural Engineer	\$ 98.00	to	\$168.00
Environmental Technician/Specialist	\$ 80.00	to	\$108.00
Civil Engineer	\$ 75.00	to	\$118.00
Project Engineer	\$110.00	to	\$142.00
Project Manager	\$115.00	to	\$176.00
Principal-in-Charge	\$112.00	to	\$176.00
Resident Engineer	\$123.00	to	\$164.00
Field Inspector	\$ 82.00	to	\$130.00
Field Survey (2 Person)***	\$144.00	to	\$210.00
Field Survey (3 Person)***	\$219.00	to	\$274.00
Professional Land Surveyor	\$109.00	to	\$128.00
Secretary/Word Processor***	N/A		

* Fully Burdened Billing Rates include overhead and profit.

** Updated annually, together with the overhead.

All actual out-of-pocket expenses incurred directly on the project are added to the billing. The billing is based on direct out-of-pocket expenses; meals, lodging, laboratory testing and transportation. The transportation rate is \$0.54 per mile or the current maximum IRS rate without receipt IRS Section 162(a).

*** Administration expenses include secretarial and clerical work; GIS, CADD, and computer equipment; owned survey equipment and tools (stakes, hubs, lath, etc. – Note: mileage billed separately at rate noted); miscellaneous administration tasks; facsimiles; telephone; postage; and printing costs, which are less than \$150.

EXHIBIT "B"

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS**

- I. The Engineer, Gray & Osborne, Inc., certifies to the best of its knowledge and belief, that it and its principals:
- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 - B. Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission or fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - C. Are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (I)(B) of this certification; and
 - D. Have not within a 3-year period preceding this application/proposal had one or more public transactions (federal, state, or local) terminated for cause or default.



Michael B. Johnson, P.E., President
Gray & Osborne, Inc.

2/1/16

Date

The Agency may confirm the Engineer's suspension or debarment status on General Services Administration Excluded Parties List System website: www.epls.gov.

**CITY OF ILWACO
RESOLUTION NO. 2016-XX**

**A RESOLUTION OF THE CITY OF ILWACO, WASHINGTON
AUTHORIZING THE SELECTION OF A PYROTECHNIC DISPLAY PROVIDER
BASED ON SPECIAL REQUIREMENT AND FACILITIES AND MARKET
CONDITIONS, AND WAIVING COMPETITIVE BIDDING REQUIREMENTS**

WHEREAS, the City Council finds that providing a pyrotechnic display in celebration of the 4th of July, requires special provider licencing, abilities, equipment and supplies; and,

WHEREAS, RCW 39.04.280 provides that a local agency, by Resolution may waive the competitive bidding requirements when the purchase is clearly and legitimately limited to a single source of supply, or when the purchase involves special facilities or market conditions; and,

WHEREAS, the provider must also have a familiarity with the area where the pyrotechnics are to be fired, as well locations of viewers; and

WHEREAS, the City Council finds that the pyrotechnic provider must have developed emergency response plans and crowd management plans with local emergency service providers,

WHEREAS, the City Council finds that Western Fireworks Display, Ltd. is the only entity that can provide this service because of the danger and expertise involved, it's years of past experience in Ilwaco, the fact it is familiar with the launch site and has already developed and tested emergency response plans, and the fact it has already acquired the necessary licenses and permits; and

WHEREAS, the City Council finds that it is appropriate to waive the competitive bidding requirements for the above reasons; and,

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO,
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

Section 1. The procurement of a pyrotechnic display from Western Fireworks Display, Ltd. is authorized and competitive bidding requirements are hereby waived for the is purchase due to special facilities and market conditions.

Section 2. Severability. If any section, sentence, clause or phrase of this resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 3. This resolution, being an exercise of power specifically delegated to the city legislative body, is not subject to referendum and shall take effect five (5) days after passage by the City Council.

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, Deputy City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Fornier	Cassinelli
Ayes						
Nays						
Abstentions						
Absent						

EFFECTIVE: Month, Day, Year

SOLE SOURCE JUSTIFICATION

Requisition Item: 2016 Fireworks Display

Prior Purchase Order Number (if item had been approved previously): _____

1. Please describe the item and its function:

A fireworks display on July 2, 2016 over Baker Bay – Columbia River, Outer Harbor Way SE, Ilwaco WA 98624 as defined in proposal #16-5071.

2. This is a sole source* because:

- sole provider of a licensed or patented good or service
- sole provider of items that are compatible with existing equipment, inventory, systems, programs or services
- sole provider of goods and services for which the City has established a standard**
- sole provider of factory-authorized warranty service
- sole provider of goods or services that will meet the specialized needs of the City or perform the intended function (please detail below or in an attachment)
- the vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (please attach information on market price survey, availability, etc.)

3. What necessary features does this vendor provide which are not available from other vendors? Please be specific.

The vendor has inherent knowledge of the area and safety measures that are required with a pyrotechnic show. The vendor has provided services to the community for multiple years and understands the liability involved with such a display show, insurance requirements, positioning for maximum spectator enjoyment, etc. The vendor has a long standing history of producing award winning shows, and over 250 shows the 4th of July weekend. The vendor contracts for nearly every fireworks display on the Oregon and SW Washington coastline.

4. What steps were taken to verify that these features are not available elsewhere?

- Other brands/manufacturers were examined (please list phone numbers and names, and explain why these were not suitable)

X Other vendors were contacted (please list phone numbers and names, and explain why these were not suitable).

Western Display Fireworks, Ltd is the sole distributor in the area of pyrotechnic displays of this size, including City of Long Beach, Astoria 4th and Regatta, Seaside, Clatskanie, St. Helens, Manzanita, Rockaway, Garibaldi Days, Neskowin, Lincoln City, Devils Lake, Newport, Vernonia, Willamina, Toledo, Waldport, Yachats, Florence, Winchester Bay, Lakeside, Coos Bay, The Mill Casino 3rd of July (North Bend), Bandon, Port Orford, and Gold Beach. Due to that determination no other vendors were contacted.

*Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation.

**Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.

**CITY OF ILWACO
CITY COUNCIL AGENDA ITEM BRIEFING**

A. Meeting Dates: Council Workshop: Public Hearing:
Council Discussion Item: 02/08/16 Council Business Item:

B. Issue/Topic: Western Display Fireworks Contract

C. Sponsor(s):

1. Cassinelli
- 2.

D. Background (overview of why issue is before council):

In 2015 the city agreed to take the lead with the 4th of July Firework celebration at the port of Ilwaco.

E. Discussion (specific details relevant to the issue, pros/cons, alternatives and any other decision-making details)

1. The city will now be handling the majority of donation solicitations, along with contractual obligations. It is expected that the Port of Ilwaco and Ilwaco Merchant Association will match the 2015 donation amounts, however a donation of \$3,000.00 from KLEAN in 2015 will **not** be matched in 2016.
2. Western Display Fireworks will provide permits, operators, and insurance binders.
3. Total cost of \$15,000 shall be paid as follows: 25% or \$3,750 due May 1, 2016; Remaining balance of the price, \$11,250 is due in full on or before July, 12 2016.

F. Impacts:

1. Fiscal: \$7,500 has been incorporated into the current budget. Approximately \$4,500.00 is expected from Port and IMA leaving \$3,000.00 to be funded from donations.
2. Legal: Contract reviewed and approved by Heather Reynolds
3. Personnel:
4. Service/Delivery:

G. Planning Commission: Recommended N/A Public Hearing on

H. Staff Comments:

I. Time Constraints/Due Dates:

J. Proposed Motion: I move to approve the mayor enter into an agreement with Western Display Fireworks, Proposal #16-5071 for the 2016 Independence Day at the Port fireworks display.



January 26, 2016

Ms. Holly Beller
City of Ilwaco
PO Box 548
Ilwaco, WA 98624

Dear Holly,

Thank you for allowing Western Display Fireworks the opportunity to be a part of your upcoming celebration. We are pleased to present our proposal for the 2016 Independence Day at the Port fireworks display.

Please review the enclosed program and call us if you have any questions or if we can be of further assistance at this time. If the show is approved as written, please sign the enclosed Display Agreement and Purchase Order and return to Western by March 1st via fax, e-mail or in the envelope provided. This will allow us to then proceed with all other arrangements for your show.

We appreciate your business and look forward to providing another spectacular fireworks display for your event.

Sincerely,

A handwritten signature in black ink that reads "Heather Gobet".

Heather Gobet
President



p.o. box 932 • canby • oregon 97013 • office 503.656.1999 • fax 503.656.6628 • info@westerndisplay.com

FIREWORKS DISPLAY PROPOSAL PRESENTED BY

WESTERN DISPLAY FIREWORKS LTD



City of Ilwaco
Independence Day Fireworks
Display at the Port
July 2, 2016



p.o. box 932 • canby oregon • 97013
office 503.656.1999 • fax 503.656.6628
info@westerndisplay.com



Fireworks Display Proposal Summary

City of Ilwaco

Independence Day Fireworks at the Port

July 2, 2016

Your display proposal includes the following services to be provided by Western Display Fireworks, Ltd:

- Provide display liability insurance with sponsors and property owners listed as additional insured
 - \$5,000,000 (per occurrence) general liability
- Prepare the Washington State Public Fireworks Display permit application to be approved by the local fire authority
- Prepare and submit the United States Coast Guard Application for Marine Event Permit
- Provide transportation by a properly licensed vehicle and a CDL hazmat driver for all equipment and pyrotechnics to and from the display site
- Provide \$5,000,000 commercial auto insurance to cover transportation
- Supply all necessary labor to conduct the display including a state certified pyrotechnician, assistant and crew covered under worker's compensation insurance
- Supply all pyrotechnics as listed on the attached detailed proposal
 - Complimentary product has been included in your display for signing the enclosed Multi-Year Contract Addendum. These items include (6) spectacular 24-100 count multi-shot boxes.
- Provide necessary supplies, mortars and firing equipment required to pre-load and fire the display



WESTERN DISPLAY FIREWORKS LTD

SHOW SCRIPT

Ilwaco, City of
120 First Ave N
Ilwaco, WA 98624

Event Date: 7/2/2016

Proposal #: 16-5071

Show Name: Independence Day Fireworks at the Port

Quantity	Description
1	SHOW OPENER
1	3" (24 Shot) Fanned Turquoise Peony / Orange Shiny Peony / Silver Palm w/Tourbillion Tail
1	4" (5) Orange Glitter Tail w/ White Strobe Pistil / Turquoise Peony
1	5" (3) Orange Glitter Tail w/ White Strobe Pistil / Turquoise Peony
1	MAIN SHOW
1	THREE INCH SHELLS
10	3" Titanium Salute
1	FOUR INCH SHELLS
1	4" (36) Sunny Meteor Assortment Package
	4" Red & Green Peony w/Silver Tail (2ea)
	4" Half Red & Half Blue Chrysanthemum (2ea)
	4" Red to Blue Peony w/Strobe Pistil (2ea)
	4" Christmas Dahlia (assorted dahlia) w/Silver Tail (2ea)
	4" Lemon & Purple Dahlia (2ea)
	4" Glitter Coconut (2ea)
	4" Red & Blue Peony to White Strobe w/Tail (2ea)
	4" Red & Spangle (2ea)
	4" Red & Green Dahlia Ring w/Tail (2ea)
	4" Variegated Color w/Tail (2ea)
	4" Crackling Willow Flower w/Strobe Pistil (2ea)
	4" Green & Purple & Gold Strobe (2ea)
	4" Silver Brocade w/Green Strobe Pistil w/Tail (2ea)
	4" Super Gold Brocade to Red w/Tail (2ea)
	4" White Strobe Flitter & Blue w/Tail (2ea)
	4" Green Strobe Glitter & Blue w/Glitter Tail (2ea)
	4" Orange to Popping Flower w/Silver Tail (2ea)
	4" Charcoal Crackling Chrysanthemum & Red w/Tail (2ea)
1	4" (36) Sunny Assortment Package B 2016
	4" Variegated Peony w/Silver Tail (2ea)
	4" Blue to Silver Strobe (2ea)
	4" Purple Dahlia (2ea)
	4" Green & Purple Dahlia w/Tail (2ea)
	4" Red & Green Palm (2ea)
	4" Red Chrysanthemum w/Silver Palm w/Tail (2ea)
	4" Glitter Silver to Red Chrysanthemum (2ea)
	4" Silver Palm Ring w/Red & Green Tip (2ea)
	4" Red to Blue Peony w/Silver Palm Core w/Tail (2ea)
	4" Variegated Color w/Tail (2ea)
	4" Red Tip w/Crackling Tail w/Tail (2ea)
	4" Green Strobe Willow & Purple w/Tail (2ea)
	4" Purple Glitter to Silver Strobe w/Tail (2ea)
	4" Blue to Twinkling Kamuro w/Tail (2ea)
	4" Red Glitter w/Big Silver Palm w/Tail (2ea)
	4" Red & Blue & Spangle w/Tail (2ea)
	4" Purple to Popping Flower (2ea)
	4" Gold Strobe to Green w/ Silver tail (2ea)

WESTERN DISPLAY FIREWORKS LTD

SHOW SCRIPT

Proposal #: 16-5071

Quantity . Description

- 1 4" (36) Vulcan Misc Assortment 2013
4" Half Twilight Glitter to Blue Half Twilight Glitter to Red Peony w/ Silver Tail (2ea)
4" Blue & White Strobe Pistil & 2 Brocade Rings w/ Gold Tail (2ea)
4" Blue to Red w/ Red to White Strobe Pistil & Midnight Snow Double Ring (2ea)
4" Purple to Crackling Rain w/ Green to Crackling Rain Pistil and Crackling Tail (2ea)
4" Twilight Glitter to Sapphire Blue Chrysanthemum w/ Ruby Red Pistil (2ea)
4" Twilight Glitter to Cardinal Purple Chrysanthemum w/ Pearly White Pistil (2ea)
4" Gold Willow Crown w/ Gold Tail (2ea)
4" Typhoon Palm w/Crackling Tail (2ea)
4" Green Glitter Palm w/ Gold Tail & Orange Pistil (2ea)
4" Silver Flying Go Getters (2ea)
4" Crossed Silver Ring w/ Crackling Rain Pistil and Crackling Tail (2ea)
4" Stacked Color Bands w/ Whistle Tail (2ea)
4" White Strobe Crisscross w/ Whistle Tail (2ea)
4" Golden Rain Crossette w/ Gold Tail (2ea)
4" Sunflower: Yellow Cascade Ring w/ Purple Pistil (2ea)
4" Stained Glass (2ea)
4" Starfish Twinkling Silver w/ Silver Tail (2ea)
4" Purple Gold Plume (2ea)
- 1 4" (36) Sunny Assortment Package V25
4" Yellow Peony (2ea)
4" Red to Blue Peony w/ Tail (2ea)
4" Blue to Silver Peony (2ea)
4" Purple Dahlia (2ea)
4" Lemon Dahlia (2ea)
4" Orange Dahlia w/Silver Tail (2ea)
4" Red Coconut (2ea)
4" Yellow Chrysanthemum (2ea)
4" Blue Chrysanthemum (2ea)
4" Green Chrysanthemum (2ea)
4" Purple Chrysanthemum (2ea)
4" Blue Willow (2ea)
4" Orange to Green Bees (2ea)
4" Red to Silver Bees (2ea)
4" Purple Coconut (2ea)
4" Gold to Silver Diamond (2ea)
4" Orange Bee (2ea)
4" Red Bee (2ea)
- 1 FIVE INCH SHELLS
- 1 5" (18) Sunny Assortment Package A 2016
5" Red & Green Glitter w/Tail (2ea)
5" Purple to Crackling Willow w/Tail (2ea)
5" Gold Wave to Purple Chrysanthemum (2ea)
5" Crackling Chrysanthemum & Green w/Tail (2ea)
5" Silver to Purple Crossette w/Tail (2ea)
5" Red,Blue to Brocade Ring w/Tail (2ea)
5" Charcoal Chrysanthemum & Blue w/Tail (2ea)
5" Variegated Color w/Tail (2ea)
5" Green Strobe Flitter & Purple w/Tail (2ea)

WESTERN DISPLAY FIREWORKS LTD

SHOW SCRIPT

Proposal #: 16-5071

Quantity	Description
1	5" (18) Sunny Assortment Package B 2016 5" Orange to Blue Peony (2ea) 5" Blue Octopus w/Silver Tail (2ea) 5" Bowtie Ring w/Silver Tail (2ea) 5" Green & Purple Dahlia w/Tail (2ea) 5" Red & Blue Double Ring (2ea) 5" Red & Blue to Crackling Tail w/Tail (2ea) 5" Variegated Color w/Tail (2ea) 5" Variegated Peony w/Silver Palm W/Tail (2ea) 5" Silver Brocade to Red Strobe w/Tail (2ea)
1	5" (18) Sunny Assortment Package C 2016 5" Green & Purple Peony (2ea) 5" Lemon Peony w/ Palm Core w/ Silver Tail (2ea) 5" Aqua Dahlia (2ea) 5" Blue & Red Dahlia w/ Gold Tail (2ea) 5" Crackling Chrysanthemum & Blue w/ Gold Tail (2ea) 5" Purple Ring w/ Popping Flower w/ Gold Tail (2ea) 5" Variegated Color w/Tail (2ea) 5" Silver Strobe Willow & Red (2ea) 5" 2 Color Change Chrysanthemum w/ Color Change Pistil w/ Silver Tail (2ea)
1	5" Yellow Chrysanthemum
1	5" Jelly Fish
1	5" Brocade to Silver Waterfall (Long Duration)
1	5" Pixie Dust Willow w/ Twice Crackling Rain Pistil (Long Duration)
1	5" Pixie Dust Willow w/ Aqua Pistil (Long Duration)
1	5" Rainbow
1	5" Tulip: Midnight Snow Ring / Purple Pistil
1	5" Stained Glass Brocade
1	5" Cut Glass 7 Arms (Blue Pistil to Red Tips Silver Arms)
1	5" Cut Glass 7 Arms (Kaleidoscope Pistil to Multi Color Tips Gold Arms)
1	5" Straw Hat Midnight Snow Ring / Red Pistil
1	5" Golden Rain Crossette
1	5" Purple Go Getters
1	5" Red Go Getters
1	5" Blue to Aqua Chrysanthemum w/ White Strobe Pistil and Silver Crossed Rings
1	5" Aqua Chrysanthemum w/Orange Pistil
1	5" Multi Color Chrysanthemum w/ Whistle Tail
1	5" Twilight Glitter w/ Multi Color Pistil
1	5" Blue Peony w/ Pixie Dust Willow Pistil
1	5" Half Purple to Crackling Rain/Half Green to Crackling Rain
1	MID SHOW VOLLEY
1	4" (5) Lemon Shiny Peony / Purple Wave to Crackling Spider w/Tail
1	4" (5) Artillery Titanium w/Silver Tail
1	4" (5) Blue w/Purple & Green Sun & Palm Core w/Tail
1	5" (3) Variegated w/Brocade Trail w/Gold Tail
1	5" (3) Twinkling Kamuro Crown to White Strobe

WESTERN DISPLAY FIREWORKS LTD

SHOW SCRIPT

Proposal #: 16-5071

Quantity	Description
1	2.5" (30 Shot) Fanned Long Golden Tail & Golden Rain Bombard (Long Duration)
1	2.5" (25 Shot) Fanned Diamond Screamer: Red Star Mine + Twilight Glitter to Red Comet, Green Star Mine + Silver Coconut Comet, Multi-Color Star Mine + Crackling Comet, Multi-Color Star Mine + Diamond Screamer
1	2.5" (36 Shot) Purple Mine & Long Gold Palm w/ Purple Stars Bombard
1	2.5" (36 Shot) Disco Strobe & Palm Core w/Gold Tail
1	2.5" (36 Shot) Twinkling Kamuro / Green Strobe / Blue Crackling Flower
1	3" (25 Shot) Assorted Shells
1	3" (25 Shot) Assorted Shells w/ Tail
1	3" (25 Shot) Green Strobe Flitter & Purple / Lemon & Purple / Titanium Salute w/Tail
1	3" (25 Shot) Gold Wave Bowtie w/ Red, Blue, Purple, Green & Aqua Ring + Twice Crackling Rain
1	3" (24 Shot) Fanned Crackling Palm / Blue Violet Shiny Peony w/Crackling Tail
1	3" (25 Shot) Fanned Sky Crossing: Golden Rain, Green Star, Red Star, Silver Cascade, Crackling Star Crossette Mines
1	3" (25 Shot) Fuchsia Magic Peony / Blue Crackling Spider / Purple & Glitter Palm Core w/Tourbillion Tails
1	GRAND FINALE 1
1	2.5" (30 Shot) Fanned Red Shiny Peony / Blue Shiny Peony / Titanium Salute
1	3" (25 Shot) Blue Magic Peony / Red Shiny Peony / Titanium Salute w/Tail
1	GRAND FINALE 2
2	2.5" (36 Shot) Red Magic Peony / Blue Crackling Flower / Titanium Salute w/ Tails
1	3" (24 Shot) Fanned Red Shiny Peony / Blue Shiny Peony / Titanium Salute
1	GRAND FINALE 3
3	3" (10) Titanium Salutes w/Glitter Tail
10	4" Red Gamboge to Blue to Crackle Chrysanthemum w/ Crackle Pistil
3	5" Red Gamboge to Blue to Crackle Chrysanthemum w/ Crackling Pistil
1	MISC SUPPLIES
8	20 Minute Fusee w/ Handle
30	Match Fuse for Packing - By the Foot
8	Earplugs
8	Safety Glasses
2	Foil - Small
2	1" x 60yd Masking Tape - Roll
2	Rubber Bands (Bag of 350)

DISPLAY AGREEMENT AND PURCHASE ORDER

THIS AGREEMENT ("Agreement") is entered into on this 26th day of January, 2016 by and between Western Display Fireworks, Ltd., an Oregon corporation, whose address is set forth above, ("Western") and City of Ilwaco, whose address is PO Box 548, Ilwaco, WA 98264 ("Sponsor"). Western and Sponsor are sometimes individually referred to as a "Party" and collectively as the "Parties."

In consideration of the mutual terms and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Proposal.** Western agrees to supply, and Sponsor agrees to pay for, a fireworks display on the following designated date(s) and location: July 2, 2016 at the Port of Ilwaco, Outer Harbor Way SE, Ilwaco, WA 98264, as detailed in Proposal #16-5071, which is attached hereto and incorporated herein by this reference, (the "Display") in accordance with the program approved by both Parties.
2. **Price and Payment Terms.** Total price of FIFTEEN THOUSAND DOLLARS AND NO/100(\$15,000.00) is to be paid as follows: 25% of the total price, \$3,750.00 is due by MAY 1, 2016; the remaining balance of the price, \$11,250.00, is due in full on or before July 12, 2016. Interest will accrue at 1½% per month (an annual percentage rate of 18% per annum) on all unpaid amounts from the date on which the payment was due.
3. **Western Duties.** As part of the total price Western agrees to the following:
 - a. To supply all shells and other pyrotechnics listed on the Proposal;
 - b. Mortars, firing equipment and all other required materials necessary to perform its services hereunder;
 - c. Proper delivery, set-up, firing and presentation by pyrotechnic operator and crew covered under workers compensation insurance
 - d. To remove all equipment and spent pyrotechnic devices and clean up debris from the immediate Display site. Sponsor acknowledges that additional debris may remain in the fallout zone after Western's responsibilities of Display site cleanup have been completed.
 - e. To comply with all local and federal guidelines and obtain any necessary permits to perform the Display, unless otherwise notes in Sponsor duties.
4. **Sponsor Duties.**
 - a. Sponsor shall comply with all duties as detailed under the Compliance with Laws/Sponsor Responsibilities portion of this Agreement.
 - b. Sponsor to dig trench for the display.
5. **Insurance.** Western agrees to provide, at its expense, commercial general liability insurance coverage in an amount not less than \$5,000,000. If requested in writing, Western shall provide Sponsor with a certificate of insurance within two weeks of the Display. All entities/individuals listed on the certificate of insurance will be deemed as additional insured pursuant to this Agreement.
6. **Indemnification.** Western agrees to indemnify, defend, and hold harmless the Sponsor, its agents and employees, and those entities/individuals listed on the certificate of insurance, from and against all claims, costs, judgments, damages and expenses, including reasonable attorney fees that directly arise

from the performance of the fireworks to the extent that such are occasioned by an act or omission of Western, its agents and employees. Sponsor agrees to indemnify, defend, and hold harmless Western, its agents and employees from and against all claims, costs, judgments, damages and expenses, including reasonable attorney fees that arise from the performance of the fireworks to the extent that such are occasioned by any act or omission of Sponsor, its agents and employees. Each Party agrees to give the other Party prompt notice of any claims. Neither Party shall be responsible for consequential damages.

7. Compliance with Laws.

- a. **Sponsor Responsibilities:** In accordance with NFPA 1123 Outdoor Display of Fireworks 2010 Edition (National Fire Protection Association) 4-1.1.1, Sponsor has consulted with the Authority Having Jurisdiction to determine the level of fire protection required to provide adequate fire protection for the Display and Western agrees that such consultation was accomplished and the level of fire protection is adequate for the size of show this Agreement outlines. It is further agreed that in accordance with NFPA 1123 4-1.2, Sponsor shall provide an adequate number of monitors whose sole duty shall be the enforcement of crowd control located around the Display area during the Display and until the discharge site has been inspected by Western's pyrotechnic operator after the Display.
- b. **Western's Responsibilities:** Western shall secure and maintain any and all licenses, permits or certificates that may be required by any regulatory body having jurisdiction over the materials or performance of the services herein contemplated unless otherwise noted above in Sponsor duties. Western shall exercise full and complete authority over its personnel, shall comply with all workmen's compensation, employer's liability and other federal, state, county and municipal laws, ordinances, rules and regulations required of an employer performing such services, and shall make all reports and remit all withholdings or other deductions from the compensation paid its personnel as may be required by any federal, state, county or municipal law, ordinance, rule or regulation. Western is responsible to insure that all materials and services supplied under this Agreement comply with all laws, rules and regulations of the State and the federal government relating thereto.

8. **Cancellation/Rescheduling by Sponsor.** If the Display is cancelled by the Sponsor after receipt of this signed Agreement but prior to departure from Western's facility, Sponsor agrees to pay 25% of the total price (\$3,750.00) for restocking and costs incurred. If the Display is cancelled by the Sponsor after departure from Western's facility, Sponsor agrees to pay 50% of the total price (\$7,500.00). If the Display is cancelled by the Sponsor after the physical show setup is complete, Sponsor agrees to pay 100% of the total price (\$15,000.00). If the Sponsor elects to reschedule the Display for an alternate mutually agreeable date, Western agrees to facilitate this rescheduling and Sponsor agrees to reimburse Western for new permit and other additional costs associated with this change.
9. **Safety / Weather Forced Cancellation.** Western agrees that it shall be the responsibility of the pyrotechnic operator in charge, acting on Western's behalf or the Authority Having Jurisdiction, to cancel or delay the Display if in the operator's judgment circumstances beyond the control of either Party pose an extraordinary risk to the health and safety of any persons or property within the vicinity of the Display.

If the product has been damaged as an attempt to execute the Display and cannot be safely reused, 100% of the price is due and Western has no further obligation under this Agreement. If the product is intact and reusable, Western agrees to store the product and execute the Display on a mutually agreeable future date. Sponsor agrees to reimburse Western for reasonable costs associated with the rescheduling of the event.

10. **Force Majeure.** Sponsor assumes the risks of weather, strike, civil unrest, terrorism, military action, governmental action, and any other causes beyond the control of Western which may prevent the Display from being safely performed on the scheduled date, which may cause the cancellation of the event for which Sponsor has purchased the Display, or which may affect or damage such portion of the Display as must be replaced and exposed a necessary time before the Display.
11. **Product Performance.** Sponsor recognizes and acknowledges that due to the nature of fireworks, an industry accepted level of 3% of the product used in any display may not function as designed and this level of nonperformance is acceptable as full performance.
12. **Limitation on Damages.** In the event that Sponsor claims that Western has breached this Agreement or was negligent in performing its duties hereunder, Sponsor shall not be entitled to claim or recover monetary damages from Western beyond the amount that Sponsor has paid Western under this Agreement and shall not be entitled to a claim for or recover of consequential damages from Western, including, but not limited to, damages for lost income, business, or profits. Additionally, Western's liability for matters covered by the insurance set forth herein shall be limited to the limits of said insurance.
13. **Time.** Time is of the essence in this agreement. The Parties expressly recognize that in the performance of their respective obligations, each Party is relying on timely performance by the other Party and will schedule operations and incur obligations to third parties in reliance upon timely performances by the other Party and may sustain substantial losses by reason of any failure of timely performance.
14. **Independent Contractor/No Joint Venture.** The Parties agree that Western is an independent contractor, and is not an agent or employee of Sponsor for any purpose. It is further agreed that Western's employees shall be, and remain, the employees of Western and not of Sponsor. Nothing in this Agreement or the actions of Western or Sponsor shall be construed as forming a partnership or joint venture between Sponsor and Western.
15. **Attorney Fees.** In the event that either Party to this Agreement shall enforce any of the provisions hereof by any action at law or in equity, the unsuccessful Party to such litigation agrees to pay to the prevailing Party all costs and expenses, including reasonable attorney fees, incurred therein by the prevailing Party.
16. **Jurisdiction.** This Agreement shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, by the laws of the State of Oregon applicable to contracts.
17. **Severability.** In the event a court of competent jurisdiction determines that any provision of this Agreement is in violation of any statute, law, rule, regulation, ordinance or public policy, then the

provisions of this Agreement that violate such statute, law, rule, regulation, ordinance or public policy shall be stricken or modified to the extent that such provision no longer violates such statute, law, rule, regulation, ordinance or public policy. All provisions of this Agreement that do not violate any statute, law, rule, regulation, ordinance or public policy shall continue in full force and effect for all purposes. Furthermore, any court order striking or modifying any provision of this Agreement shall modify or strike the provision in as limited a manner as possible to give as much effect as possible to the intentions of the Parties to this Agreement.

18. **Survival.** The terms of paragraphs 5, 6, 12, 15, and 16 shall survive the cancellation or termination of this Agreement.
19. **Entire Agreement.** This Agreement sets forth the entire agreement and understanding between the Parties hereto respecting the matters within its scope and may be modified only in writing signed by both of the Parties hereto.

The pricing and product offered in the Proposal shall remain firm if this Agreement is mutually executed by both Parties on or before March 1, 2016.

Sponsor

Western Display Fireworks, Ltd.

By: _____

Its: _____

Date: _____

By: Heather J. Gobet

Its: President

Date: _____



Multi-Year Contract Addendum

THIS AGREEMENT is made between WESTERN DISPLAY FIREWORKS, LTD here and after referred to as WESTERN and CITY OF ILWACO here and after referred to as the SPONSOR.

The execution of this contract demonstrates the Sponsor's commitment to purchase fireworks from Western in the years 2016 through 2018, and qualifies the Sponsor for complimentary product. An annual contract and proposal will be issued by Western for each display to reflect Sponsor's actual budget and total product costs for said Display.

Based on your 2016 budget of \$15,000.00 you will receive no less than Six (6) 24-100 count spectacular multi-shot boxes at no additional cost.

In the event your budget increases or decreases in 2017 or 2018, the value for the complimentary items will adjust accordingly. The exact amount of product offered will depend upon the value of your show and product costs each year.

In the event that Sponsor elects to terminate this Agreement or to purchase a fireworks display provided by an entity other than Western during the years covered by this Agreement, Sponsor agrees to pay Western an amount equal to the complimentary product provided to the Sponsor during the term of this Agreement. Said payment shall be due within thirty (30) days of receipt of an invoice from Western.

Sponsor agrees to negotiate in good faith with Western regarding all fireworks presentations in the years 2016 through 2018. In addition, Sponsor grants Western a First Right of Refusal for the Sponsor presented firework display events in the years 2016 through 2018.

THIS AGREEMENT shall bind the parties hereto and also their respective successors in interest, personal representatives and assigns. The person signing below certifies that they are duly authorized to enter into this agreement on behalf of SPONSOR.

Sponsor Representative (print)

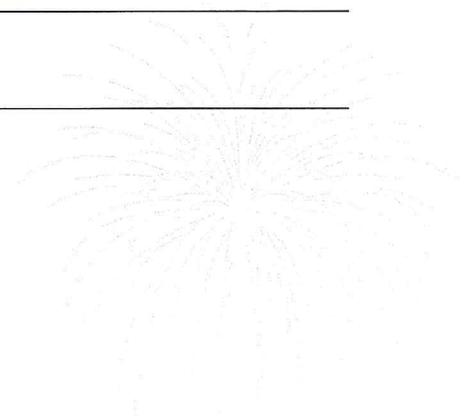
Western Display Fireworks, Ltd.
Heather Gobet, President

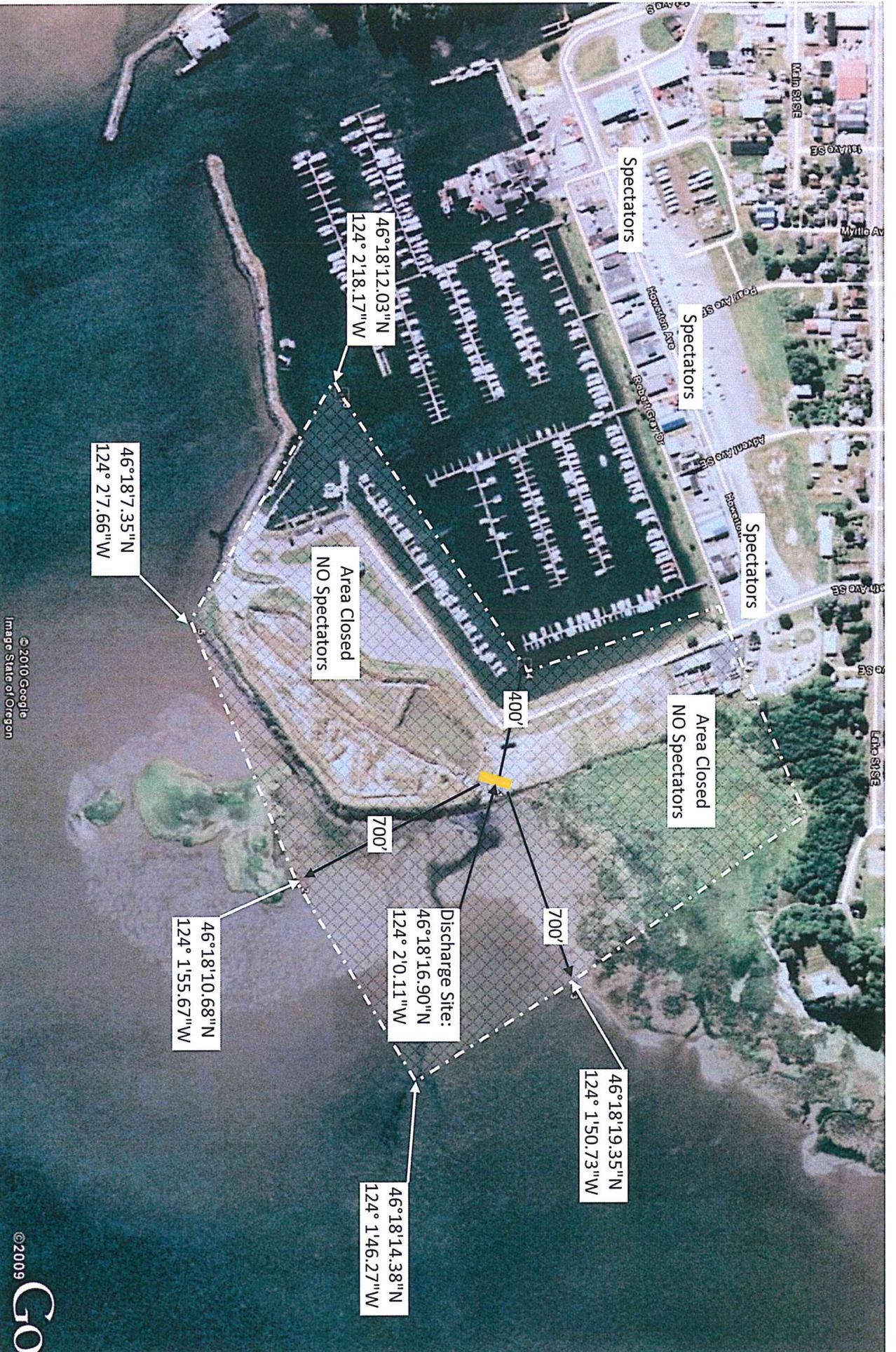
Sponsor Representative Signature

Date _____

For _____
(Organization)

Date _____





Ilwaco Washington

Discharge Site: 20' x 100'

Mortars angled over water

Rev. 2/2010

