



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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City of Longview

AUG 03 2015

Community Development

July 27, 2015

Mr. David Campbell, City Manager  
City of Longview  
PO Box 128  
Longview, Washington 98632

**Re: Final Ecology Approval of City of Longview Comprehensive Shoreline  
Master Program Update**

Dear Mr. Campbell:

The Department of Ecology (Ecology) is pleased to announce the approval of the city of Longview's (City) Shoreline Master Program (SMP) update. Congratulations to you, the City Planning Commission, the City Council, and the Longview community for completing this comprehensive update.

The Department of Ecology (Ecology) finds the City's SMP is consistent with the policy and procedural requirements of the Shoreline Management Act of 1971 and the Shoreline Master Program Guidelines, and is approved. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Ecology acknowledges the City has worked with Ecology to identify non-substantive clarifications as indicated in the attached Recommended Changes. These changes are detailed in Attachment B.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed recommended changes, or
- Retain the existing language in the SMP as submitted to Ecology for approval.

Final Ecology approval will occur when the City responds to Ecology communicating the City's decision on the recommended changes.

Pursuant to RCW 90.58.090(2)(e), the City must notify Ecology if the recommended changes are approved or denied. Please provide your response within 30 days to the Director's Office at the following address:



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WA State Department of Ecology  
Attention: Director's Office  
PO Box 47600  
Olympia, WA 98504-6700

The SMP is effective 14 days from the date of Ecology's final action. This 14-day period was established by legislative action in 2011 and is intended to provide lead time for the City to prepare to implement the new SMP.

Ecology is required to publish a newspaper notice that the City's SMP has received final approval. The publication of this notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal ad to the City for its records.

If you have any questions, please contact our regional planner, Sarah Cassal at [Sarah.Cassal@ecy.wa.gov](mailto:Sarah.Cassal@ecy.wa.gov) or (360) 407-7459.

Sincerely,

A handwritten signature in black ink, reading "Maia D. Bellon", followed by a horizontal line.

Maia D. Bellon  
Director

Enclosures (3)

By Certified Mail [7012 1010 0003 3028 4031]

cc: Steve Langdon, City of Longview  
Sarah Cassal, Ecology  
Paula Ehlers, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF LONGVIEW  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted April 7, 2015, Resolution No. 2136  
Prepared by Sarah M. Cassal on July 14, 2015

**Brief Description of Proposed Amendment:**

The City of Longview has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as regulations protecting critical areas embedded as Appendix A of the draft SMP. Additional reports and supporting information and analyses noted below, are included in the submittal.

**FINDINGS OF FACT**

**Need for amendment.** The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the City's Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The original SMP was approved by Ecology in 1977. This SMP was written as a regional program that regulated all of Cowlitz County and shoreline cities within. The SMP has never been amended or comprehensively updated. This SMP update is also needed to address land use changes that have occurred along the City's shorelines over the past 38 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the City's Critical Areas Ordinance, and Comprehensive Plan.

This comprehensive SMP update is intended to entirely replace the City's existing SMP. The updated SMP regulates approximately .25 miles less shoreline area than the existing Longview SMP. Shorelands regulated under the Longview SMP were reduced due to the elimination of the Long Bell Log Pond as a shoreline of the state. Under this comprehensively updated SMP the linear extent of shorelines to be covered and regulated by the City is approximately 10.75 miles, including approximately 2.4 miles of the Columbia River, 4 miles of the Cowlitz River, and 4.4 miles of Lake Sacagawea. In addition, the City chose to plan in an area outside of the municipal boundary of Longview, consistent with WAC 173-26-150, on the Columbia River shoreline in a backwater near the confluence of the Cowlitz and Columbia Rivers. This area, now regulated by the Cowlitz County SMP, is approximately .10 miles linear miles of Columbia River shoreline. This predesignated area will be regulated with the new SMP upon annexation by the City.

**Amendment History, Review Process:** The City indicates the proposed SMP amendments originated from a local planning process that began on November 23, 2011. The record shows that extensive community involvement and public outreach was initiated by the City during the update process.

A joint Stakeholder and Technical Advisory Committee was formed of state and local agencies along with stakeholder groups and community members. This committee acted as the primary review body of draft documents including the inventory, characterization, and analysis report and the draft SMPs. The committee met several times over the update process to review and discuss documents between

the spring of 2012 and the summer of 2014. The committee's efforts resulted in recommendations to the City Planning Commission for further review and approval.

A Shorelines Community Visioning Summit was held at the City hall on October 9, 2012 with coordination from the Port of Longview to receive public input on the development of the SMP. This public workshop included an open house and presentations from the City on information gathered in the inventory, characterization, and analysis phase of the comprehensive update and also facilitated small and large group discussions on future public access and development along the City's shoreline.

A public hearing before the Longview Planning Commission was held on October 1, 2014. Affidavits of publication provided by the City indicate notice of the hearing was published on September 24, 2014 in The Daily News. At the October 1, 2014 hearing, several community members provided testimony. Written comments were also provided by state agencies. After discussing the comments received, the Planning Commission postponed making a recommendation to the City Council until the November 5, 2014 Planning Commission meeting. On January 8, 2015 the City Council first heard the Planning Commission's recommendation to approve the draft SMP. Upon the second reading, the City Council passed Resolution #2136 on January 22, 2015, authorizing staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on April 7, 2015. Notice of the state comment period was distributed to state task force members and interested parties identified by the City with postcards on April 17, 2015, and with email notifications on April 24, 2015, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on May 4, 2015 and continued through June 3, 2015. One organization, the Port of Longview, submitted a letter of support on the proposed comprehensive amendment. No other comments were received. Ecology sent the written comments to the City, after close of business, on June 3, 2015. On June 15, 2015, the City submitted to Ecology its response to comments. A summary of comments received can be found as Attachment C to this letter.

**Consistency with Chapter 90.58 RCW:** The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

**Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

**Consistency with SEPA Requirements:** The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on September 15, 2014. Notice of the SEPA determination was published in The Daily News on September 18, 2014. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

- a May 2012 public participation plan,
- a July 2012 shoreline inventory and characterization,
- a November 2012 addendum to the inventory and characterization,
- a November 2012 community visioning summit report
- a November 2013 cumulative impacts analysis,
- a November 2013 no net loss report, and
- a June 2013 restoration plan

**Summary of Issues Raised During The Public Review Process:** The City's SMP amendment public review process raised issues concerning private property rights. Community members provided public testimony at the October 1, 2014 public hearing concerning the potential of increased public trail systems along the Cowlitz River adjacent to their homes. The testifiers spoke about the ongoing homeless population encampments on the existing trail system and the related safety and sanitation concerns if more trail systems were built. In response, the Planning Commission postponed the recommendation to the City council until November 5, 2014 and added language to the SMP Public Access Objective 2 to read as follows:

*“Provide, protect, and enhance the public trail system within the City’s shoreline areas that provide physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State’s shorelines consistent with the existing shoreline character, private rights, and public safety. Establish walking trails that access the City’s shorelines consistent with the City’s Parks and Recreation Plan and the Cowlitz County Regional Trails Plan.”*

At the November 5, 2015 Planning Commission meeting, a second public hearing was held on the SMP, however no further testimony was given regarding the issue.

**Summary of Issues Identified by Ecology as Relevant to Its Decision:** Upon the City’s request, Ecology recommends changes to SMP Appendix A for consistency with recent changes to the wetlands rating system instead of achieving this through a separate SMP amendment process.

The Washington state wetlands system went through a substantial update in 2014 that became effective January 1, 2015 but was not incorporated into the SMP. As part of the required update the City is responsible for adopting the critical areas code as part of the SMP, for consistency with RCW 36.70A and RCW 90.58.610. To meet this requirement the City adopted a critical areas code as SMP Appendix A. WAC 173-26-221(2)(i)(B) *Wetlands*, requires the SMP to either use, “the Washington state wetland rating system, or they should develop their own, regionally specific, scientifically based method for categorizing wetlands.” For consistency with this section, the City of Longview adopted the Washington State Wetlands Rating System for Western Washington, Revised (Ecology Publication #04-06-025, August 2004), or as revised, and embedded the applicable text into the document, which is now outdated. Because of the recent change, Ecology recommends the City consider updating the wetlands rating system consistent with Ecology publication #14-06-029 at this time and make the applicable associated changes to SMP Appendix A section II, instead of implementing a separate amendment process to implement this update. See Attachment B, exhibit 1 for changes.

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed comprehensive SMP amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a set of recommended changes to the submittal (identified during the review process and itemized in Attachment B) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City, be included in Ecology's approved SMP amendments.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies

outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

#### **DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments is effective 14 days from Ecology's final action approving the amendment.

The City may choose to adopt the recommended changes included in Attachment B, *Recommended Changes*. Pursuant RCW 90.58.090(2)(e), the City must notify Ecology of the approval or denial of the proposed recommended changes.





# Attachment B: Ecology Recommended Changes

The following changes are recommended to clarify elements of the City of Longview's updated SMP

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	Page 2	Table of Contents	<p>... IX. DEFINITIONS .....63</p> <p><u>SHORELINE CRITICAL AREAS REGULATIONS.....APPENDIX A</u></p> <p><u>SHORELINE DESIGNATION MAPS.....APPENDIX B</u></p>	The Table of Contents does not identify Appendices
2	Page 3, Introduction	Introduction	<p>... <del>Currently, Before</del> the adoption of this Shoreline Master Program the City of Longview (City) managed shorelines through their adoption of the Cowlitz County Shoreline Master Program (SMP), which was enacted in 1977. According to Substitute Senate Bill (SSB) 6012, passed by the 2003 Washington State Legislature, cities and counties within Washington are required to amend their local SMP consistent with the SMA Chapter 90.58 Revised Code of Washington (RCW) and its implementing guidelines, and Chapter 173-26 Washington Administrative Code (WAC). Therefore, the City has undertaken the task to update its SMP in accordance with existing SMA regulations. In recognition of the SMA and citizen ideas collected through a local shoreline planning process, the City has developed this SMP, and will continually implement and administer it through shoreline permits and reviews.</p> <p><b>H. Official Map</b></p> <p>1. Approximate shoreline jurisdiction and the shoreline environmental designations are delineated on a series of maps, hereby incorporated as a part of this SMP that shall be known as the "City of Longview Shoreline Master Program Maps"; see Figures 1A, 1B, 2, 3, 4, 5, 6, and 7 <del>following the body of the SMP in Appendix B.</del></p>	The new SMP will be current after approval. The changes make the information in the past tense.
3	Page 22,	Shoreline	<p><b>H. Official Map</b></p> <p>1. Approximate shoreline jurisdiction and the shoreline environmental designations are delineated on a series of maps, hereby incorporated as a part of this SMP that shall be known as the "City of Longview Shoreline Master Program Maps"; see Figures 1A, 1B, 2, 3, 4, 5, 6, and 7 <del>following the body of the SMP in Appendix B.</del></p>	I recommend adding the maps into an Appendix to easily identify the figures in the Table of Contents.
4	Appendix A	Critical Areas Regulations	<p><i>See Exhibit 1</i></p>	The wetland regulations found in Appendix A, Section II of the SMP are outdated and no longer consistent with WAC 173-26-221(2)(i)(B). Ecology recommends updating the

Attachment B Recommended Changes  
Page 2

				wetlands rating standards at this time instead of initiating a separate SMP amendment process to achieve the same outcome.
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## ATTACHMENT B

### EXHIBIT 1

*Underlined text are additions; strikethrough text are deletions*

## **II. WETLANDS**

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### **A. Wetland Designations**

Wetlands are those areas, designated in accordance with the 1987 U.S. Corps of Engineers *Wetland Delineation Manual* and the 2010 U.S. Army Corps of Engineers *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (Version 2.0), or as revised, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

### **B. Wetland Classification**

Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the *Washington State Wetland Rating System for Western Washington 2014 Update*, ~~Revised~~ (Ecology Publication #104-06-0295, ~~October~~ August 20104), or as revised. The rating system document contains the definitions and methods for determining whether the criteria below are met:

1. Wetland Rating Categories.
  - a. Category I. Category I wetlands are:
    - i. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR ~~as high-quality wetlands~~;
    - ii. Mature and old growth forested wetlands, ~~as defined by Washington Department of Fish and Wildlife priority habitat and species provisions~~, larger than one (1) acre; or
    - iii. Wetlands that perform many functions well, as characterized by a wetland score of ~~seventy-two~~ seventy-three (2370) or greater on the rating form.
  - b. Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.
  - c. Category II. Category II wetlands are wetlands with a moderately high level of functions, as characterized by a wetland score between twenty (20) and twenty-two (22) ~~of fifty-one (51) through sixty-nine (69)~~ on the rating form. Category II wetlands are difficult, though not impossible, to replace and provide high levels of some functions. These wetlands occur

more commonly than Category I wetlands, but they still need a relatively high level of protection.

- d. Category III. Category III wetlands are wetlands with a moderate level of functions, as characterized by a score of ~~sixteenthrity~~ (1630) through ~~nineteenfifty~~ (1950) on the rating form. Generally, wetlands in this category have often been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
- e. Category IV. Category IV wetlands have the lowest levels of functions and are often heavily disturbed. They are characterized by a score of less than ~~sixteenthrity~~ (1630) on the rating form. These are wetlands that should be replaceable, and in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

### ***C. Exempted wetlands***

1. Wetlands less than four thousand (4,000) square feet may be exempted from the avoidance and minimization steps in mitigation sequencing (as listed in Section J (6) - Mitigation Standards) when compliance with the following is fully demonstrated by a qualified wetlands specialist:
  - a. Wetland is not associated with a riparian corridor, with the exception of wetlands located fully within five (5) feet of the bank-full width or ordinary high water mark (OHWM); and
  - b. Wetland is not part of a wetland mosaic; and
  - c. Wetland does not score more than ~~five (5)~~20 points or greater for habitat in the 2004 Western Washington Rating System; and
  - d. Wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife; and
  - e. Wetland does not contain aspen stands.
  - f. Impacts allowed under this provision to these wetlands will be fully mitigated as required in Subsection J below.
  - g. All Category I and II wetlands less than 4,000 square feet shall be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts shall be adequately compensated by mitigation.
2. Land disturbance, including fill, in wetlands or their associated buffers cumulatively less than five (5) cubic yards in volume and three hundred (300) square feet in area; provided, that the wetland hydroperiod is not significantly affected.
3. Artificial. Wetlands intentionally created from non-wetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals,

detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, and landscape amenities; provided, that wetlands created as mitigation shall not be exempted;

4. Wetlands larger than four thousand 4,000 square feet shall be evaluated using standard procedures for wetland review identified in Subsection K below.

#### ***D. Development Limitations: Alterations of Wetlands***

Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Alteration of all regulated wetlands shall not be allowed unless project mitigation sequencing has been followed and shall be fully mitigated. Project mitigation sequencing should follow the standard of first avoiding (the preferred protection), or minimizing and mitigating impacts to wetland and wetland buffers.

1. In Category I Wetlands, only the following activities may be allowed:
  - a. Installation of utilities such as water, sewer, stormwater conveyance, gas, electric, cable, fiber optic cable or telephone, expansion of existing roads, utilities and railroads, and maintenance of existing levees or dikes, provided that impacts are minimized and that mitigation for any unavoidable impacts to wetland functions is conducted.
  - b. Trails constructed with pervious surfaces and wildlife viewing structures provided that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology.
2. In Category II Wetlands, the following activities may be allowed:
  - a. Activities allowed in Category I wetlands.
  - b. Enhancement and restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
  - c. Activities that are mitigated in accordance with an approved wetland delineation report prepared according to the performance standards described in LMC 17.12.10 and an approved mitigation plan prepared according to the performance standards described in LMC 17.10.160.
3. In Category III and IV Wetlands, the following activities may be allowed:
  - a. Activities allowed in Category I and II wetlands.
  - b. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.
  - c. Activities that are mitigated in accordance with an approved wetland delineation report prepared according to the performance standards described in LMC 17.12.10 and an approved mitigation plan prepared according to the performance standards described in LMC 17.10.160.

### **E. Wetland Buffers**

Wetlands buffers shall be determined by the responsible official, in accordance with the standards below.

1. Buffers are required for all regulated wetlands. Wetland buffer widths are established in Tables II.E.1, II.E.2, and II.E.3 of this section, and are based on the corresponding wetland rating category and adjacent land-use intensity. Land-use intensities are shown on Table II.E.4. Category IV wetland buffers are based solely on the water quality buffers specified on Table II.E.1.

<b>Table II.E.1. Wetland Buffers Required to Protect Water Quality Functions</b>			
<b>Wetland Rating</b>	<b>Low-Intensity Use</b>	<b>Moderate-Intensity Use</b>	<b>High-Intensity Use</b>
Category I	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

<b>Table II.E.2. Wetland Buffers Required to Protect Habitat Functions in Category I and II Wetlands</b>			
<b>Habitat Score in the Rating Form</b>	<b>Low-Intensity Use</b>	<b>Moderate-Intensity Use</b>	<b>High-Intensity Use</b>
<del>19</del> points or fewer <del>3-</del> 4 points	50 ft.	75 ft.	100 ft.
20-28 <del>5-7</del> points	75 ft.	110 ft.	150 ft.
29-36 <del>8-9</del> points	150 ft.	225 ft.	300 ft.

<b>Table II.E.3. Wetland Buffers Required to Protect Habitat Functions in Category III Wetlands</b>			
<b>Habitat Score in the rating form</b>	<b>Low-Intensity Use</b>	<b>Moderate-Intensity Use</b>	<b>High-Intensity Use</b>
<del>19</del> points or fewer <del>3-</del> 4 points	40 ft.	60 ft.	80 ft.
<del>5-7</del> 20-28 points	75 ft.	100 ft.	125 ft.

<b>Table II.E.4. Land-Use-Intensity Matrix<sup>1</sup></b>			
	<b>Low</b>	<b>Moderate</b>	<b>High</b>
<b>Parks and Recreation</b>	Natural fields and grass areas, viewing areas, split-rail fencing	Impervious trails, engineered fields, fairways	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing
<b>Streets and Roads</b>	N/A	Residential driveways and access roads	Public and private streets, security fencing, retaining walls

<b>Stormwater Facilities</b>	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Wet ponds	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation forebays and structures, security fencing
<b>Utilities</b>	N/A	Maintenance access roads	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing
<b>Commercial/Industrial</b>	Underground and overhead utility lines, manholes, power poles without footings	N/A	All site development
<b>Residential</b>	Density at or lower than 1 unit per 5 acres	Density between 1 unit per acre and higher than 1 unit per 5 acres	Density higher than 1 unit per acre

<sup>1</sup>The Director shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table II.E.4.

2. Buffer widths shall be measured outward from the delineated boundaries of the regulated wetland and extend the required distance.
3. Areas that are functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required. Such areas may include, but are not limited to, impervious surfaces such as roads and driveways, buildings, and maintained flood-control levees.
4. As a condition of any permit or authorization issued pursuant to this Chapter, the Director may require the applicant to install permanent signs and/or permanent fencing along the outer boundary of the wetland buffer area. The permanent signs and/or permanent fencing must be perpetually maintained by the property owner. Permanent wood or metal signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of two hundred (200) feet or as otherwise determined by the Director. The sign shall be worded as follows or with alternative language approved by the Director: "Wetland and wetland buffer – please retain in a natural state. Alteration or disturbance is prohibited by law. Please call the City of Longview for more information."

#### ***F. Wetland Buffer Width Averaging***

Wetland buffer widths may be modified by averaging buffer widths as set forth herein.

1. Buffer width averaging shall be allowed only where the applicant demonstrates to the Department that the wetland contains variations in sensitivity due to existing physical characteristics, that lower-intensity land uses would be located adjacent

to areas where the buffer width is reduced, and that width averaging will not adversely impact the wetland functional values.

2. The total area contained within the buffer after averaging shall be no less than that contained within the standard buffer prior to averaging.

### ***G. Wetland Buffer Width***

1. The buffer width may be reduced by up to 25 percent if an applicant undertakes measures approved by the Department to enhance the buffer, including, but not limited to, planting of non-invasive native trees or shrubs, increasing the diversity of native plant cover types, or replacement of non-invasive exotic species with native species, in accordance with the mitigation standards referenced in Subsection J below and LMC 17.10.160. A planting plan shall be required, and shall be prepared by a qualified ecologist, biologist, or prepared by a registered landscape architect and reviewed and certified by a qualified ecologist or biologist certifying that the plantings will complement, enhance, and support the functions of the adjacent wetland.

### ***H. Minimum Buffer Width Reduction***

1. In the case of buffer averaging and buffer reduction per Subsection F and G above, the minimum buffer width at its narrowest point shall not be less than the low-intensity land use water quality buffer widths contained in Table II.E.1 for wetland with a habitat score of 3-4 ~~19~~ points, or fewer. Buffer width reduction shall not be used in combination with buffer width averaging on the same wetland resource on a property or site. Where multiple wetland resources exist on a property or site, the Department may authorize the use of buffer width averaging and buffer width reduction on different resources on the property or site provided that any required scientific analysis or reporting addresses and supports the separate use.

### ***I. Activities Allowed in a Wetland Buffer Zone***

1. The following are activities allowed within the Wetland Buffer Zone. Such activities or projects shall be consistent with the wetland development limitations and mitigation standards set forth for a buffered wetland.
  - a. Pedestrian trails are allowed in the buffer, provided that they are limited to five (5) feet wide or less, are located in the outer 50 percent of the buffer, are constructed with a surface that does not interfere with wetland hydrology, and impacts are mitigated. Trails should be designed to avoid removal of significant trees.
  - b. Stormwater Management Facilities. Stormwater management facilities are allowed only in buffers of wetlands with low habitat function (fewer than ~~twenty~~ five (205) points on the habitat section of the Western Washington wetland rating form), provided the facilities are built on the outer 25 percent of the buffer, do not degrade the existing buffer function, and are designed to blend with the natural landscape. Stormwater management



facilities are limited to detention facilities, constructed wetlands, stormwater dispersion outfalls, and bioswales. Stormwater management facilities are prohibited within forested wetland buffer areas.

- c. Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed, provided that buffer functions are replaced, and impacts to the buffer and wetland are minimized.
  - d. Other regulated activities other than pedestrian trails, stormwater management facilities, and road and utilities crossings are allowed in the buffer if all of the following conditions are met:
    - i. The activity is temporary and will cease or be completed within three (3) months of the date the activity begins;
    - ii. The activity will not result in a permanent structure in or under the buffer;
    - iii. The activity will not result in a reduction of buffer acreage or function; and
    - iv. The activity will not result in a reduction of wetland acreage or function.
2. Prior to development or alteration within the Wetland Buffer Zone, the applicant shall demonstrate the following:
- a. Avoidance of all impacts by restructuring the project.
  - b. Minimization or reduction of net impact to buffer while maintaining at least 50 percent of the buffer width on regulated wetlands.
  - c. Mitigation for all buffer alterations on regulated wetlands.

## J. Mitigation Standards

1. All adverse impacts to all regulated wetlands and buffers as identified in the wetlands assessment shall be specified in a mitigation plan consistent with LMC 17.10.160, be prepared by a qualified expert, and be consistent with the standards contained in LMC 17.12.010.

When an applicant proposes to alter or eliminate a regulated wetland, he/she shall be required to replace or enhance the function and value of the wetland. When replacement of a wetland is proposed, the wetland shall be replaced at the ratio designated in Table II.J.1. <b>Table II.J.1. Standard Wetland Mitigation Ratios</b>					
Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Category I Natural Heritage Site	Not considered possible	6:1 rehabilitation of a natural heritage site	N/A	N/A	Case-by-case
Category I forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

2. The mitigation ratios provided in Table II.J.1 are target ratios. Ratios may be increased or decreased to address site-specific situations. It is up to the project proponent to provide the justification for a decrease in the standard ratios. Preservation may be used as a compensatory mitigation strategy in some cases. Recommended preservation ratios can be found in Section 6.5.5 of the Department of Ecology's Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Publication #06-06-011a, or as revised by Ecology, but final actual ratios may be subject to review by the Department of Ecology and/or the Department.
  - a. Increased Mitigation Ratio. The Department or designee may increase the ratios under the following circumstances:
    - i. Uncertainty exists as to the probable success of the proposed restoration or creation; or

- ii. A significant period of time will elapse between impact and replication of wetland functions; or
    - iii. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
    - iv. The impact was an unauthorized impact.
  - b. Decreased Mitigation Ratio. The Department may decrease the ratios under the following circumstances:
    - i. Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
    - ii. Documentation by a qualified ecologist or wetland specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
    - iii. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.
- 3. Wetland Mitigation Banks.
  - a. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:
    - i. The bank is certified under Chapter 173-700 WAC; and
    - ii. The Department determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and
    - iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
  - b. Mitigation ratios for projects using bank credits shall be consistent with mitigation ratios specified in the bank's certification.
  - c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.
- 4. Mitigation bonding at 125 percent of the project cost may be required at the discretion of the Director to ensure that the design and construction of compensatory mitigation project is adequate.
- 5. All shoreline uses and development within wetlands shall meet no net loss of ecological function by using the following mitigation sequence of steps, listed in order of priority, with (a) being top priority;
  - 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 to avoid or reduce impacts;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations;
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

### ***K. Wetland Delineation***

For the purposes of this chapter, wetland delineation shall be performed in accordance with the procedures as specified in the 1987 U.S. Corps of Engineers *Wetland Delineation Manual* and the 2010 U.S. Army Corps of Engineers *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (Version 2.0), or as revised.