APPENDIX B:
SHORELINE CRITICAL AREAS REGULATIONS

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1 GENERAL PROVISIONS

1.1 Purpose

(1) The city council finds that aquifer recharge areas, frequently flooded areas, geologically hazardous areas, wetlands, and fish and wildlife habitat conservation areas constitute critical areas that are of special concern to the city.

(2) The following regulations are established pursuant to the critical areas requirements of Chapter 36.70 RCW, Growth Management Act. Use and improper use of areas defined by the state of Washington as critical to the public health, safety and welfare can result in increased local government costs. Sprawl and unwise development in areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.

(3) Some of these areas are critical because of the hazard they present to public health and safety; others are critical because of the values they represent to the public welfare (e.g., wetland and fish and wildlife habitat protection, control of floodwaters, preservation of water quality, preservation of open space). There are qualitative differences between and among critical areas. Not all critical areas are important for the same reasons; in some cases, the risk posed to the public by use or development of a critical area can be mitigated or reduced with proper engineering or design. In all cases, the current rights of landowners need to be weighed in comparison to the benefit/risk to public health, safety and welfare.

1.2 Applicability

(1) These provisions apply to all activities, unless exempted, in the incorporated areas of the city of Goldendale, Washington; they are, in effect, an overlay on existing land use regulations. Classifying, inventorying, and designating lands or areas does not imply a change in a landowner's right to use his/her land under current law. However, development permits may be conditioned or denied to ensure that the proposed action is consistent with this Master Program, as well as current ordinances. This section applies to all permits or land use approvals issued by the city.

(2) Compliance with the provisions of this section does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Hydraulic Project Approval, Army Corps of Engineers Section 404 permits, National Pollutant Discharge Elimination System permits, Endangered Species Act compliance, etc.). The applicant is responsible for complying with these requirements, apart from the process established in this Master Program.

(3) If an applicant has already performed a critical areas review under other laws for other permitting agencies, the city will not require duplicate review but will consider whether the review previously taken, including mitigation conditions and any buffer requirements imposed, is satisfactory to comply with this Appendix B.

(4) The city will utilize, in managing its critical areas, the most current, accurate, and complete scientific and technical information available as suggested in agency guidelines prepared by the Department of Ecology, Department of Fish and Wildlife, and other state agencies.

1.3 Nonconforming uses and structures

In addition to the requirements of Section 8.2 in the main body of the SMP, any regulated activity or use which was approved prior to the passage of this SMP and to which substantial resources have been committed pursuant to such approval but which do not conform to this SMP may be continued subject to the following:

(1) No activity or use shall be permitted to expand, change, enlarge or alter in any way the extent of its current nonconforming operations without a permit issued pursuant to the provisions of this Master Program.

(2) If any nonconforming activity or use, excluding intermittent agricultural activities, is discontinued for a period of twelve months, any resumption of the activity or use shall conform to the provisions of this Master Program.

(3) If any nonconforming activity or use is destroyed by human activities or natural processes, it shall not be resumed again unless it conforms to the provisions of this Master Program.

(4) Activities or uses that are or become nuisances shall not be allowed to continue as nonconforming activities or uses.

1.4 Violations and penalties

(1) Noncompliance with any section of this Appendix B may result in enforcement actions. The Shoreline Administrator, as administrator of this Master Program, is authorized to enforce all of the provisions of this Appendix B. The Shoreline Administrator may request the assistance of the police department and/or building department, and in such instances they shall have full powers pursuant to the Goldendale Municipal Code and other chapters to enforce this Appendix B. Any person or entity violating the provisions of this Master Program, including this Appendix B, is punishable pursuant to the procedures set forth in Section 8.11 of the body of the SMP, the Goldendale Municipal Code, and Chapter 7.80 RCW.

(2) Citizen complaints may be submitted to code enforcement. The complaint shall be submitted on violation/complaint forms provided by the code enforcement officer. The

violation/complaint forms shall include sufficient factual information on which to substantiate the complaint, and shall reference the sections of the code which have been violated. The form should be accompanied by any available, relevant evidence, such as photographs of the violation, maps and/or reports.

1.5 Appeals

(1) If a critical areas review is associated with a city shoreline permit, any appeal issues associated with critical areas review must be incorporated into a timely appeal of that permit, in accordance with the administrative appeal remedies outlined in Chapter 8 of the main body of the SMP and available through the city municipal code.

(2) If critical areas review is not associated with another city shoreline permit, then appeals of the final review decision may be filed by the applicant with the board of adjustment within fourteen calendar days of the date a final decision on critical areas code compliance is issued.

1.6 Liability

This Appendix B does not imply that land outside of a critical area or use permitted within such areas will be free from exposure or damage by natural disasters. This Appendix B shall not create liability on the part of the city or any officer or employee thereof for any damages that result from reliance on this Appendix B or administrative decision lawfully made hereunder. Upon issuance of a permit, the permit holder is solely responsible to comply with other local, state and federal laws.

1.7 Reasonable use

If the application of this section would deny all reasonable use of the property, applicants may pursue a Shoreline Variance consistent with Section 1.10 below and Chapter 8, Administration, Permits & Enforcement, of the body of the SMP.

1.8 Process for critical areas review

Critical areas review is required for permits or land use approvals issued by the city and for certain grading/clearing activity. When review is triggered because a land use approval or development permit is required, the review procedures of the other permit(s) or approval(s) will apply.

1.9 Critical areas checklist

The city may utilize a critical areas checklist to assist in its application of this Appendix B. The checklist shall include a list of questions concerning the location and significance of critical areas which may be on a particular property.

1.10 Alternative to prescriptive buffers

(1) Intent. The city recognizes that in some cases the desired or better critical area protection can be achieved through alternative approaches.

(2) In considering an application for an alternative, it shall always be the primary intent of the city to protect the functions and values of the critical areas.

(3) Any proposed use of the following alternative shall be supported by analysis utilizing the most current, accurate, and complete scientific and technical information available to determine and minimize the impacts of the alternative.

(4) Habitat Management Plan. A habitat management plan (HMP) may be prepared when it can clearly be demonstrated that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers. An HMP may be used as a means to protect wetland and/or fish and wildlife habitat conservation area buffers. Habitat management plans may not be used to reduce the buffers for wetlands and/or fish and wildlife habitat conservation areas.

1.11 Variances

(1) Variances to reduce the prescribed buffers for wetlands and/or fish and wildlife habitat conservation areas may be considered where application of the standards renders compliance with these provisions an unnecessary hardship.

(2) A shoreline variance may be granted when it can be shown that the application meets all of the criteria in Section 8.7.4 of the main body of the SMP and the following criteria:

A. No other practicable or reasonable alternative exists; and

B. A mitigation plan has been submitted and is approved for the proposed use of the critical area; and

C. If structures are the approved use for which the variance is applied, the structures shall be no greater than the minimum size necessary to accommodate the permitted use; and

D. Retention of existing native or equivalent vegetation in other portions of the site is provided in order to offset habitat loss from buffer reduction; and

E. A HMP has been prepared, unless it is determined through the applicable review process that such a plan is unnecessary.

(2) Pilot Projects. The city council may, by resolution, establish a site-specific pilot project in partnership with an applicant that encourages the applicant to undertake creative, nonstandard efforts that were not envisioned during the development of this section, but through which a greater conservation of critical areas will be achieved; provided, that such project will satisfy the intent of this section.

2 WETLANDS

2.1 Purpose

The purpose of this section is to provide standards for classification and designation of wetlands; and provide guidance for protecting those wetlands necessary to maintain the public health, safety, and welfare (e.g., wetlands that lend to reduction of erosion, saturation, flooding, ground and surface water pollution, recharge streams and aquifers, and provide habitat for fish and wildlife).

2.2 Designation

(1) Approximate wetland locations shall be identified using National Wetlands Inventory maps, information furnished by the applicant (per a checklist provided by the city), and/or other information provided by qualified professionals or agencies.

(2) Regulated Wetlands.

A. All natural wetlands identified using the methodology of the approved federal wetland delineation manual and applicable regional supplements, in accordance with WAC 173-22-035, as revised.

B. Unintentionally created wetlands identified using the methodology of the approved federal wetland delineation manual and applicable regional supplements, in accordance with WAC 173-22-035, as revised.

C. Wetlands intentionally created from nonwetland area to mitigate conversion of other wetlands.

(3) Nonregulated Wetlands.

A. Created Wetlands. Wetlands created intentionally from a nonwetland site that was not required to be constructed as mitigation for adverse wetland impacts. These

may include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment ponds, farm ponds, and landscape amenities. The applicant shall bear the burden of proving that the wetland was intentionally created from a nonwetland site. Where enhancements or restorations are made to wetlands for purposes other than mitigation, the original rating shall be maintained even if the changes would otherwise result in a higher classification.

B. Road Construction Related Wetlands. Wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The applicant shall bear the burden of proving that the wetland meets these criteria.

2.3 Wetland classification

(1) Wetland classification shall use the Department of Ecology's Washington State Wetland Rating System for Eastern Washington (Ecology Publication #14-06-018, or as revised and approved by Ecology), which contains the definitions and methods for determining if the criteria below are met. Rating categories shall be applied as the wetland exists at the time of an associated permit application. Wetland rating categories shall not change due to illegal modifications.

A. Category I wetlands are: 1) alkali wetlands; 2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; 3) bogs and calcareous fens; 4) mature and old-growth forested wetlands over ¼ acre with slow-growing trees; 5) forests with stands of aspen; and 6) wetlands that perform many functions very well (scores between 22-27 points). These wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of function.

B. Category II wetlands are: 1) forested wetlands in the floodplains of rivers; 2) mature and old-growth forested wetlands over ¼ acre with fast-growing trees; 3) vernal pools; and 4) wetlands that perform functions well (scores between 19-21 points). These 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 still need a relatively high level of protection.

C. Category III wetlands are wetlands with a moderate level of functions (scores between 16-18 points). Wetlands scoring between 16-18 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

D. Category IV wetlands have the lowest levels of functions (scores fewer than 16 points) and are often heavily disturbed. 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 also need to be protected

(2) If a proposal is located within three hundred feet of a wetland, the applicant shall provide the following reports prior to development authorization:

A. Wetland boundary delineation/survey;

B. Wetland rating; and

C. Wetland mitigation plan if the proposed development will encroach upon a wetland or its buffer.

(3) If it is determined that a proposed development is not within three hundred feet of a wetland, then the proposed development will not be reviewed for impacts to wetlands under this section.

2.4 Regulated activities

(1) The following uses shall be regulated to achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function:

A. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

B. The dumping, discharging, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater;

C. The draining, flooding, or disturbing of the water level, duration of inundation, or water table;

D. The placing of obstructions;

E. The construction, reconstruction, demolition, or expansion of any structure;

F. Significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules;

G. Other uses or development that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or

H. Activities reducing the functions of wetland buffers.

2.5 Wetland buffers

(1) An applicant shall provide the prescribed buffers in this section unless otherwise approved per these regulations or a shoreline variance is granted.

(2) Buffers.

A. The standard buffer widths in Table 2-1 have been established in accordance with the most current, accurate, and complete scientific and technical information available. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Eastern Washington.

B. Vegetative buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. 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.

C. The use of the standard buffer widths requires the implementation of the measures in Table 2-2, where applicable, to minimize the impacts of the adjacent land uses. If the applicant is unable to or chooses not to apply the mitigation measures in Table 2-2 or meet the buffer descriptions listed in Section D below, the required wetland buffers listed in Table 2-3 must be used.

~~D. If an applicant chooses not to apply the mitigation measures in Table 2-2, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.~~

~~E.~~D. The adequacy of these standard buffer widths presumes the existence of a relatively intact native vegetative community within the buffer zone that is deemed adequate to protect the identified critical area.

1. If the vegetation is degraded, then revegetation may be considered with any adjustment to the buffer width.

2. Where the use is being intensified, a degraded buffer may be revegetated to maintain the standard width.

~~F.~~E. No refuse shall be placed in the buffer.

Table 2-1. Standard Wetland Buffer Widths

~~Wetland Category~~	~~Buffer width if wetland scores 3-4 habitat points~~	~~Additional buffer width if wetland scores 5 habitat points~~	~~Additional buffer width if wetland scores 6-7 habitat points~~	~~Additional buffer width if wetland scores 8-9 habitat points~~
~~Category I: Based on total score~~	~~75 ft~~	~~Add 15 ft~~	~~Add 45 ft~~	~~Add 75 ft~~
~~Category I: Forested~~	~~75 ft~~	~~Add 15 ft~~	~~Add 45 ft~~	~~Add 75 ft~~
~~Category I: Bogs and Wetlands of High Conservation Value~~	~~190 ft~~			
~~Category I: Alkali~~	~~150 ft~~			
~~Category II: Based on total score~~	~~75 ft~~	~~Add 15 ft~~	~~Add 45 ft~~	~~Add 75 ft~~
~~Category II: Vernal pool~~	~~150 ft~~			
~~Category II: Forested~~	~~75 ft~~	~~Add 15 ft~~	~~Add 45 ft~~	~~Add 75 ft~~
~~Category III (all)~~	~~60 ft~~	~~Add 30 ft~~	~~Add 60 ft~~	~~Add 140 ft~~
~~Category IV (all)~~	~~40 ft~~			

Wetland Category	Buffer width of wetland scores 3-5 habitat points	Buffer width if wetland scores 6-7 habitat points	Buffer width if wetland scores 8-9 habitat points
Category I: Based on total score	75 feet	110 feet	150feet
Category I: Forested	75 feet	110 feet	150 feet
Category I: Bogs			

Wetland Category	Buffer width of wetland scores 3-5 habitat points	Buffer width if wetland scores 6-7 habitat points	Buffer width if wetland scores 8-9 habitat points
and Wetlands of High Conservation Value	190 feet (buffer width not based on habitat scores)		
Category I: Alkali	150 feet (buffer width not based on habitat scores)		
Category II: Based on total score	75 feet	110 feet	150 feet
Category II: Vernal pool	150 feet (buffer width not based on habitat scores)		
Category II: Forested	75 feet	110 feet	150 feet
Category III (all)	60 feet	110 feet	150 feet
Category IV (all)	40 feet		

Table 2-2. Required measures to minimize impacts to wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management

Disturbance	Required Measures to Minimize Impacts
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	Use best management practices to control dust

Table 2-3. Required buffer widths if minimization measures not taken

Wetland Category	Buffer width of wetland scores 3-5 habitat points	Buffer width if wetland scores 6-7 habitat points	Buffer width if wetland scores 8-9 habitat points
Category I: Based on total score	100 feet	150 feet	200 feet
Category I: Forested	100 feet	150 feet	200 feet
Category I: Bogs and Wetlands of High Conservation Value	250 feet (buffer width not based on habitat scores)		
Category I: Alkali	200 feet (buffer width not based on habitat scores)		
Category II: Based on total score	100 feet	150 feet	200 feet
Category II: Vernal pool	200 feet (buffer width not based on habitat scores)		
Category II: Forested	100 feet	150 feet	200 feet

Wetland Category	Buffer width of wetland scores 3-5 habitat points	Buffer width if wetland scores 6-7 habitat points	Buffer width if wetland scores 8-9 habitat points
Category III (all)	80 feet	150 feet	200 feet
Category IV (all)	50 feet		

~~G~~F. Increased Buffer Widths. Buffer widths may be increased if the SMP Administrator finds, on a case-by-case basis and based upon the most current, accurate, and complete scientific and technical information available, that at least one of the following applies:

1. A larger buffer is necessary to maintain viable populations of existing species, or
2. The wetlands are used by species proposed or listed by the federal government or the state as endangered, threatened, rare, sensitive or being monitored as habitat for those species or has unusual nesting or resting sites, or
3. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or
4. The adjacent land has minimal vegetative cover or slopes greater than 25 percent.

~~H~~G Buffer Averaging. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area.
2. 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 areas report from a qualified wetland professional.
3. The total area of the buffer after averaging is equal to the area required without averaging.

~~I~~H. 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.

~~H~~I. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this section, 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 monitoring period.

2.6 Wetland mitigation

(1) Mitigation of wetland losses and impacts shall be in the following descending order of preference:

A. Complete restoration.

B. In-kind replacement in the same functional area.

C. In-kind replacement outside the area.

D. Out-of-kind replacement inside the area.

E. Out-of-kind replacement outside the area.

(2) Wetland Mitigation Plan.

A. The wetland mitigation plan shall identify how the proposed mitigation will adequately mitigate for the loss of wetland area and function at the impact site.

B. 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 (Eastern Washington) (Publication #10-06-07, November 2010).

(3) Wetland mitigation ratios shall be consistent with Table 2-3.

Table 2-3. Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Wetlands with High Conservation Value	Not considered possible	Case by case	Case by case
Category I: Forested	6:1	12:1	24:1

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Based on functions	4:1	8:1	16:1
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

A. The standard replacement ratio may be decreased under the following circumstances:

1. Findings of special studies coordinated with agencies and/or under qualified individuals with expertise which demonstrate that no net loss of wetland function or value is attained under the decreased ratio.

2. In all cases, a minimum acreage replacement ratio of one to one shall be required.

B. The standard replacement ratio may be increased under the following circumstances:

1. High degree of uncertainty as to the probable success of the proposed restoration or creation;

2. Significant period of time between destruction and replication of wetland functions;

3. Projected losses in functional value; and/or

4. Off-site compensation.

(4) The applicant shall develop a plan that provides for land acquisition, construction, maintenance, and monitoring of replacement/compensatory wetlands. Mitigation shall be completed prior to wetland destruction or concurrent with development. Any restored, created, purchased, or enhanced wetland shall be maintained as a wetland in perpetuity. All wetland restoration, creation and/or enhancement projects required pursuant to this section either as a permit condition or as the result of an enforcement action must be approved by the city prior to commencement of any wetland restoration, creation or enhancement activity.

3 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

3.1 Purpose

The purpose of this section is to provide standards for classification and designation of critical fish/wildlife habitat conservation areas; and provide guidance for protecting those critical fish/wildlife habitat conservation areas necessary to maintain the public health, safety, and welfare.

3.2 Classification and designation

(1) Critical Wildlife Habitat Conservation Areas.

A. Areas with which known federal or state endangered, threatened, or sensitive species have a primary association;

B. Habitats of local importance (this is a habitat in which a species of local importance has a primary association);

C. Areas designated by the Washington State Department of Natural Resources as state natural area preserves and natural resource conservation areas.

(2) Fish Habitat Conservation Areas.

A. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;

B. Waters of the state as defined in WAC Title 222;

C. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity.

(3) Mapping.

A. Those lands which meet the established criteria for critical fish and wildlife habitat conservation areas are to be designated as such. Critical fish and wildlife habitat conservation areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain critical fish/wildlife habitat conservation areas, which are not mapped, shall be subject to critical fish/wildlife habitat conservation area review.

B. The identification and location of habitats and species of local importance shall be based upon scientifically valid methods and studies, which may include materials submitted by the applicant, Washington State Department of Fish and Wildlife priority habitats and species database maps, or other appropriate methods and studies.

C. The approximate location and extent of these areas is displayed on inventory maps available at City Hall. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist, and are protected under all the provisions of this section. In the event that the designations shown on the maps or inventory lists conflict with the site-specific conditions, site-specific conditions shall control.

3.3 Performance standards

(1) Wildlife and Fish Habitat Conservation Areas.

A. Where a project is proposed within a wildlife and fish habitat conservation area, and habitat functions and values are likely to be impaired by the project, a habitat management plan will be required, unless the exception noted below is met. The limits of development and other related activities within the conservation area shall be based on the recommendations of the plan. The plan shall be prepared by a qualified professional. However, a plan is not required if the applicant places a particular emphasis on protecting a conservation area by avoiding the impact caused by not taking a certain action(s) or part(s) of an action, or by minimizing impacts through limiting the magnitude of the action and its implementation. If complex mitigation which requires the expertise of a qualified professional is necessary, a habitat management plan will be required.

B. Activities may be permitted within a conservation area subject to conditions designed to avoid probable, significant adverse impacts to the conservation area and to protect the functions and values of the conservation area; provided, that the city may deny a project if probable significant impacts to the conservation area cannot be avoided or if critical area function and value cannot be protected with mitigation.

(2) Fish Habitat Conservation Areas.

A. Standard Buffers.

1. Buffers (measured horizontally from OHWM):

Table 3-1. Standard stream buffer widths.

Water Type	Standard Buffer
Type 1 Waters	
High Intensity – A	50 feet
High Intensity – B	100 feet
All other designations	150 feet
Type 2 Waters	200 feet

Water Type	Standard Buffer
Type 3 Waters	150 feet
Type 4 Waters	50 feet
Type 5 Waters and other nontyped HCAs	25 feet

2. Definition of "Waters." Streams are classified Type 1 to 5 for critical area protection purposes based on the water typing criteria in WAC 222-16-031, as currently enacted. Artificially created structures, ditches, canals, ponds, irrigation return ditches, and stormwater channels shall not be considered a stream for purposes of this section.

B. Riparian vegetation in buffers shall not be removed except as specifically allowed in this section. The following uses and modification are allowed in stream buffers provided that mitigation sequencing is demonstrated, and any adverse impacts to ecological functions are mitigated.

1. Water-dependent uses.

2. Accessories to water-dependent uses. Uses, developments and activities accessory to water-dependent uses should be located outside any applicable standard or reduced buffer unless at least one of the following is met:

   a) Proximity of the proposed accessory to the water-dependent project elements is critical to the successful implementation of the facility's purpose and the elements are supportive of the water-dependent use and have no other utility;

   b) The proposed accessory would be located in a park or on other public lands where high-intensity, water-oriented recreational development is already legally established and the accessory would not conflict with or limit opportunities for other water-oriented uses;

   c) The accessory use, development or activity can be located upland of the water-dependent use; or

   d) The applicant's lot/site has topographical constraints where no other location of the development is feasible (e.g., the water-dependent use or activity is located on a parcel entirely or substantially encumbered by the required buffer).

   In these circumstances, uses and modifications accessory to water-dependent uses must be designed and located to minimize intrusion into the buffer. All other accessory uses, developments and activities proposed to be located in a

shoreline buffer must obtain a Shoreline Variance unless otherwise allowed by other regulations in this section or in this SMP.

3 Water-oriented public access and recreation facilities. New development and redevelopment of water-oriented public access and recreation structures are allowed in shoreline buffers provided the applicant can demonstrate that the design applies mitigation sequencing and appropriate mitigation is provided to ensure no net loss of ecological functions. Applicants shall submit a management plan that specifically addresses compliance with Sections 4.1.3 (Environmental Protection), 4.1.6 (Shoreline Vegetation Conservation), 4.1.7 (Water Quality, Stormwater and Nonpoint Pollution), and this Appendix B (Shoreline Critical Areas Policies and Regulations). The city may review and condition the project to fully implement the policies of the Shoreline Management Act and this Master Program.

4. Temporary agricultural equipment and facilities. New agricultural equipment and facilities, excluding buildings, may be placed in a buffer if the following conditions are satisfied:

   a) Placement of the equipment and facilities must support an existing agricultural use.

   b) The equipment and facilities may only be in the buffer on a temporary or seasonal basis, a maximum of eight (8) months in a running 12-month period.

   c) Placement outside of a buffer is not feasible because it would be located on a property owned by another landowner or it would interfere with another agricultural or authorized use.

   d) The location of the proposed equipment and facilities is on an already altered site, and would not result in harm to or removal of native vegetation.

   e) Best management practices are utilized to prevent adverse impacts to water quality or other ecological functions.

5. Shoreline residential access. A private access pathway constructed of pervious materials may be installed, a maximum of four (4) feet wide, through the shoreline buffer to the OHWM. 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 section. 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.

6. View/access corridor. A view/access corridor to the OHWM may be cleared to a width not to exceed twenty-five feet if habitat values will not be impacted and/or mitigation will be unaffected. If the functions and values of critical areas are impaired, mitigation will be imposed, such as widening the riparian buffer at the same location, or widening or enhancing the buffer at another location.

C. Buffers shall be delineated on all permits.

3.4 Fish and wildlife mitigation

Wildlife habitat management plans shall meet the following criteria:

(1) Plans shall be prepared by a qualified professional, at the expense of the applicant;

(2) Relevant background information shall be documented and considered;

(3) Critical fish/wildlife habitat conservation areas shall be delineated if applicable;

(4) The size, scope, configuration or density of new uses and developments within a core habitat and wildlife buffer zone shall be designated to protect threatened, endangered, or sensitive wildlife species, and habitats and species of local importance. The timing and duration of uses and developments may be regulated to ensure that they do not occur during a time of year when species are sensitive to disturbance;

(5) Developments shall be generally discouraged within critical wildlife/fish habitat conservation areas. Any development permitted shall be mitigated as outlined in Section 3.3. Development may be conditionally authorized when the critical wildlife and fish habitat conservation area is inhabited seasonally; provided the development will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns;

(6) If rehabilitation and enhancement actions are required, they shall be documented in the wildlife management plan and shall include a map and text;

(7) The plan shall include an analysis of the effect of the proposed use or activity upon critical wildlife and fish habitat conservation areas;

(8) The plan shall explain how the applicant will avoid, minimize or mitigate adverse impacts to critical wildlife and fish habitat conservation areas created by the proposed use or activity. Mitigation measures within the plan may include, but are not limited to:

A. Establishment of buffer areas;

B. Preservation of critically important plants and trees;

C. Limitation of access to habitat area;

D. Seasonal restriction of construction activities;

E. Conservation easements;

(9) The plan shall incorporate use of scientifically valid methods and studies in the analysis of data and field reconnaissance.

4 GEOLOGICALLY HAZARDOUS AREAS

4.1 Purpose

(1) The purpose of this section is to provide standards for classification and designation of significant geologically hazardous areas; and provide guidance for reducing or mitigating hazards to public health and safety.

4.2 Classification and designation

(1) All geologically hazardous areas shall be divided into one of the following risk categories: erosion, landslide, seismic, volcanic, or mine hazard areas.

A. Erosion. Those areas identified as having slopes in excess of fifteen percent or soils rated by the Natural Resource Conservation Service (NRCS) as having moderate to very severe erosion potential.

B. Landslide. Those areas identified as subject to mass movements due to their geologic, topographic, and/or hydrologic factors. Areas subject to land sliding are the following:

1. Areas of historic failure of potentially unstable slopes;

2. Areas with any combination of the following:

a) Slopes of fifteen percent or greater;

b) Permeable soils frequently overlying impermeable surfaces or soils;

c) Springs or groundwater seepage;

3. Any slope forty percent or greater and with a vertical relief on ten plus feet, except areas composed of consolidated rock;

4. Greater than eighty percent subject to rock fall during seismic shaking;

5. Unstable areas resulting from stream incision, erosion, or undercutting;

6. Any area located on an alluvial fan; or

7. That are parallel to planes of weakness in subsurface materials such as bedding planes, fault planes, etc.

C. Seismic. The city of Goldendale is located within a Class Type C seismic zone, with no known active faults. All new development shall conform to the applicable provisions of the International Building Code which contain structural standards and safeguards to reduce risks from seismic activity.

D. Volcanic. Volcanic risk is low, although ashfall could be expected during a volcanic event.

E. Mines. The likelihood of the presence of underground mines within the city is believed to be remote.

(2) Those lands which meet the established criteria for geologically hazardous areas are to be designated as such. Geologically hazardous areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain geologically hazardous areas, including those geologically hazardous areas which are not mapped, shall be subject to geologically hazardous areas review so stated in this section.

4.3 Performance standards

(1) Upon receipt of a complete development application, USGS topographic maps and NRCS soil information shall be reviewed to determine if the proposed development is in a geologically hazardous area. If the proposed site is in a geologically hazardous area, the applicant shall be responsible for securing the services of a professional engineer/geologist who shall provide information as follows:

A. Maximum and average on-site slopes;

B. Identification of groundwater seepage areas;

C. Any known on-site landslide activity;

D. Identification of any stream incision and/or erosion points;

E. The extent of any applicable alluvial fan; and

F. Recommendations for siting and design of the development to avoid risk to human life and property at the site and on adjacent properties.

(2) Proposed developments shall be designed in accordance with the requirements of the International Building Code as written now or hereafter amended when a geologically hazardous area is found on or near the proposed development.

(3) Development sites for new structures identified with intermittent or perennial stream-side incision or erosion points shall have all structures located a minimum of one hundred feet away from such points.

(4) Any disturbance to erosion hazard areas will require revegetation and stabilization with native plant materials.

4.4 Submittal requirements

(1) All Geologically Hazardous Areas and Buffers.

A. Indemnification. An indemnification or hold harmless agreement shall be required for all projects in geologically hazardous areas and buffers except erosion hazard areas. The form of agreement shall be approved by the city and executed prior to the commencement of construction or site alteration.

B. Notice. If no other public notice is required for a proposed development located in a landslide hazard area, a notice of intent to construct on a landslide hazard area shall be given.

C. All reports or analyses required or prepared pursuant to this section shall be prepared, and shall meet the satisfaction of and be approved by the city prior to the commencement of any development activity.

D. Mitigation Plans. The city may determine that a mitigation plan is necessary. The mitigation plan shall propose, and the city may approve, appropriate mitigation measures, which may include, among others, removal of groundwater, vegetation management, and/or construction of bulkheads or retaining walls. No mitigation plan shall be approved that increases the risk of landslide or erosion on site or off site. Bulkheads and retaining walls may be utilized as engineering solutions where it can be demonstrated that a structure will be more safely protected than without the use of such measures, and the resulting retaining wall is the minimum size necessary to protect the structure. The mitigation plan shall be prepared by qualified professionals, which may include geotechnical engineers, hydrogeologists, arborists, and/or fisheries biologists, depending on specific circumstances and as deemed appropriate by the city.

(2) Erosion Hazard Areas. An erosion control plan prepared by a duly licensed civil engineer shall be submitted to the city prior to the issuance of a clearing or grading permit.

(3) Landslide Hazard Areas.

A. Erosion Control. An erosion control plan prepared by a civil engineer shall be submitted to the city prior to the issuance of a clearing or grading permit.

B. The applicant shall provide a geotechnical analysis containing information specified by the city, which concludes that the development proposal meets the standards of this section.

4.5 Development standards

The city shall determine professionally acceptable levels of risk for all activities within geologically hazardous areas. The applicant shall meet the following standards for all activities:

(1) The proposed activity shall not create a net increase in geological instability, either on or off site, which is defined as follows:

A. The subject parcel shall not be less stable after the planned development than before; and

B. The adjacent parcels shall not be less stable after the planned development than before.

(2) The proposed activity shall not increase the risk of life safety due to geological hazards above professionally acceptable levels.

(3) The proposed activity shall not increase the risk due to geological hazards above professionally acceptable levels for:

A. Property loss of any habitable structures or their necessary supporting infrastructure on site; or

B. Risk to any off-site structures or property of any kind.

(4) Proposed buildings shall be constructed using appropriate engineering methods that respond to the geologic characteristics specific to the site in order to achieve the highest standard of safety feasible.

4.6 Development design

(1) There shall be no clearing, grading, or new construction within fifty feet of the edge of all slopes that are classified as geologically hazardous areas. This fifty-foot area may be reduced only if the applicant provides expert verification by a geotechnical engineer, that demonstrates that the proposal will not increase slope instability, and that no other reasonable project alternative exists;

(2) All development proposals shall be designed to avoid impacts to the geologically hazardous areas. The development shall be designed to minimize the footprint of building in other disturbed areas, minimize removal of vegetation, minimize topographic change, and retain open space to the maximum extent practicable;

(3) Development design shall utilize clustering, multi-level construction, and tiered foundations to the extent feasible to minimize impervious lot coverage, slope disturbance, and changes to the natural topography;

(4) Access shall be located in the least sensitive part of the site, and common access drives and utility corridors are required to the extent feasible;

(5) Roads, walkways and parking areas shall be designed to parallel the natural contours to the extent feasible;

(6) All proposed clearing and tree removal shall be marked in the field for inspection and approval prior to alteration of the site;

(7) Cut and fill slopes shall be prepared and maintained to control against erosion and instability; and

(8) Drainage and stormwater designs in zones of influence shall incorporate elements of low impact design, to the extent feasible, and shall be designed in such a manner that stormwater outlet discharges do not create additional impacts.

(9) In any geologically hazardous area, new development and creation of new lots that would cause foreseeable risk from geological conditions after application of these standards during the life of the development is prohibited.

5 AQUIFER RECHARGE AREAS

5.1 Purpose

The purpose of this section is to provide standards for classification and designation of areas with a critical recharging effect on aquifers used for potable water and whose protection is necessary to public health and safety.

5.2 Classification and designation

(1) Aquifer recharge areas that have a high susceptibility to aquifer contamination shall be designated as such on the basis of:

A. Land use activities which pose a threat to aquifer quality; or

B. Land use activities which pose a threat to community water systems; or

C. Aquifers with characteristics conducive to contamination.

(2) Designated areas include wellhead protection areas, sole source aquifers, susceptible groundwater management areas, moderately or highly vulnerable areas, and moderately

or highly susceptible areas. Susceptibility can be estimated using soil permeability, geologic matrix (underlying soils), infiltration rate, and depth to groundwater.

(3) Those lands which meet the established criteria for aquifer recharge areas are to be designated as such. Aquifer recharge areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain aquifer recharge areas, including those aquifer recharge areas which are not mapped, shall be subject to aquifer recharge areas review as stated in this section.

5.3 Performance standards

(1) Mitigation measures shall be utilized to minimize the risk of contamination. These will be tailored to each proposal but will be designed to ensure that development does not present a significant risk of aquifer recharge area contamination. All hazardous materials must be handled to minimize risk of leakage or accidental spills, and emergency response plans must be prepared.

(2) The following performance standards shall apply to all regulated uses in areas designated with high susceptibility to aquifer contamination:

A. Parcels requiring septic systems shall be subject to the minimum lot size requirement of the county health department, in order to prevent groundwater contamination;

B. All new development activities shall comply with the requirements of the Washington State Department of Ecology, as they pertain to ground and surface water protection;

C. The applicant shall comply with any state or federally required wellhead protection program for public water supplies;

D. Wells shall be set back at least one hundred feet from adjacent property lines;

E. Commercial and industrial uses which process, use, store or produce hazardous, toxic, or otherwise dangerous materials shall meet all applicable federal, state, and local regulations within any aquifer recharge area to prevent groundwater contamination; and

F. Any application which utilizes or generates hazardous or toxic materials shall be required to comply with state and federal regulations pertaining to public health and safety.

(3) Specific Uses.

A. Storage Tanks. All storage tanks proposed in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:

1. Underground Tanks. All new underground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed in accordance with DOE requirements.

2. Aboveground Tanks. All new aboveground storage facilities proposed for the storage of hazardous substances or hazardous wastes shall be designed and constructed in accordance with DOE requirements.

B. Vehicle Repair and Servicing.

1. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

2. No dry wells shall be allowed on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the State Department of Ecology prior to commencement of the proposed activity.

C. Use of Reclaimed Water for Surface Percolation or Direct Recharge. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the State Departments of Ecology and Health.

1. Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may establish additional discharge limits in accordance with RCW 90.46.080(2).

2. Direct injection must be in accordance with the standards developed by authority of RCW 90.46.042.

D. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations:

Activity	**Regulations**
Aboveground storage tanks	WAC 173-303-640
Animal feedlots	Chapters 173-216 and 173-220 WAC
Automobile washers	Chapter 173-216 WAC; WDOE WQ-R-95-56
Below-ground storage tanks	Chapter 173-360 WAC

Activity	Regulations
Dangerous waste regulations	Chapter 173-360 WAC
Siting chemical treatment storage and disposal	WAC 173-303-282
Spills and discharges	WAC 173-303-145
Hazardous waste generators (boat repair, dry cleaners, furniture stripping, motor vehicle garages, printing shops, etc.)	WAC 173-303-170
Injection wells (dry wells)	Chapter 173-218 WAC; Federal 40 CFR Part 144 and 146
Junk and salvage yards	Chapter 173-303 WAC; WDOE 94-146
Oil and gas drilling	WAC 332-12-450; Chapter 173-218 WAC
On-site sewage systems (large scale)	Chapter 173-240 WAC
On-site sewage systems (<14,500 gpd)	Chapter 246-272 WAC; County Health Regulations
Pesticide storage and use	Chapters 15.54 and 17.21 RCW
Sawmills	Chapters 173-303 and 173- 304 WAC; WDOE 95-53
Solid waste handling and recycling	Chapter 173-303 WAC
Surface mining	Chapter 332-18 WAC
Wastewater application to land surface	Chapters 173-200 and 332-216 WAC; WQDOE

6 FREQUENTLY FLOODED AREAS

6.1 Purpose

The purpose of this section is to provide standards for classification and designation of frequently flooded areas; and provide guidance for reducing or mitigating hazards to public health and safety.

6.2 Classification and designation

(1) Frequently flooded areas shall be classified as all areas within the floodplain subject to a one percent or greater chance of flooding in a given year. All lands, shorelines, and waters which are under the jurisdiction of the city of Goldendale and which are identified as within the one-hundred-year floodplain by the Federal Emergency Management Agency are designated frequently flooded areas. Frequently flooded areas identified through the permitting process shall be mapped and shall provide guidance in the land use decision-making process. All sites which maintain frequently flooded areas, including those frequently flooded areas which are not mapped, shall be subject to frequently flooded areas review so stated in this section.

(2) Classification for frequently flooded areas shall be consistent with the one-hundred-year floodplain designation of the Federal Emergency Management Agency and the National Flood Insurance Program. In addition, the following criteria shall be considered when designating and classifying these areas:

A. Flooding impact to human health, safety, and welfare and to public facilities and services;

B. Available documentation including federal, state, and local laws, regulations and programs, local maps, and federally subsidized flood insurance programs;

C. The "floodplain" is defined as a channel of the stream and that portion of the adjoining area which is necessary to contain and discharge the base flood flow at build-out without any measurable increase in flood heights; and

D. The effect of high water levels with strong winds and greater surface runoff caused by increasing impervious surfaces.

6.3 Performance standards.

Upon receipt of a complete development application, the flood information rate maps (FIRM) shall be reviewed to determine if the proposed development is in a frequently flooded area. All frequently flooded area delineations, designations, surveys, reports, studies, plans, documents, etc., shall be performed by a qualified professional or firm. If the proposed site is in a frequently flooded area, the applicant shall be responsible for securing the services of a professional engineer who shall provide information as follows:

(1) Identification of the one-hundred-year floodplain boundary on the site plan;

(2) Conform to the provisions of Chapter 15.48, Flood Damage Prevention; Title 17, Zoning; and the International Building Code; and

(3) Maintain predevelopment movement (volume and velocity) of surface waters and prevent the unnatural diversion of floodwaters into otherwise flood-free areas.