Walla Walla County
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CITY OF WALLA WALLA

SHORELINE MASTER PROGRAM

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SHORELINE MASTER PROGRAM
2016

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Acronyms and Abbreviations

BMP…Best Management Practice

CMZ…Channel Migration Zone

Ecology…Washington State Department of Ecology

DAHP…Department of Archaeology and Historic Preservation

FEMA…Federal Emergency Management Act

OHWM…Ordinary High Water Mark

RCW…Revised Code of Washington

SMA...Shoreline Management Act

SMP…Shoreline Master Program

SEPA…State Environmental Policy Act

TESC…Temporary Erosion and Sediment Control

UGA…Urban Growth Area

WAC…Washington Administrative Code

WDFW...Washington State Department of Fish and Wildlife

WDNR...Washington State Department of Natural Resources

WWMC…City of Walla Walla Municipal Code

CITY OF WALLA WALLA SHORELINE MASTER PROGRAM

1.0 Introduction

1.1 Relationship to the Shoreline Management Act

Washington State's citizens voted to approve the Shoreline Management Act (SMA) of 1971 in November 1972. In accordance with the SMA, the City of Walla Walla developed and adopted its first Shoreline Master Program (SMP) in 1977. The City's SMP was amended in 1981 and again in 1986.

The SMA was created in response to a growing concern among residents of the State that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was "to prevent the inherent harm in an uncoordinated and piecemeal development of the State's shorelines." While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values. The SMA has three broad policies:

A. Encourage water-dependent and water-oriented uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...."

B. Promote public access: "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

C. Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life...."

The SMA and implementing SMP Guidelines require all towns, cities, and counties across the State to comprehensively update their SMPs. The SMP update allows preparations of a locally tailored program that represents the visions and interests of our citizens and meets the needs of our urban communities.

The goals, policies, and regulations of this SMP are intended to be consistent with the State shoreline guidelines in WAC 173-26. Consistent with RCW 36.70A.480, the goals and policies of this SMP that are approved under RCW 90.58 shall be considered an element of the City of Walla Walla's comprehensive planning, and all regulatory elements of this SMP shall be considered a part of the City's development regulations.

After the City's local development and adoptions process is complete, the SMP is reviewed by the Washington State Department of Ecology (Ecology) to ensure compliance with the SMP Guidelines. The SMP does not become effective until it has been adopted by the City and approved by Ecology.

1.2 Scope and Jurisdiction of the Regional Shoreline Master Program

The only shoreline waterbody in the City of Walla Walla is Mill Creek. The City's shoreline jurisdiction encompasses the Mill Creek waterbody plus its associated shorelands which in accordance with state law, includes lands within 200 feet of the ordinary high water mark (OHWM) of Mill Creek, as well as floodways, floodplain areas within 200 feet of a mapped floodway, and associated wetlands.

The reaches of Mill Creek that flow through the City are part of the U.S. Army Corps of Engineers Mill Creek Flood Control Project.

1.3 Authority, Purpose, and Applicability

1.3.1. Authority

This SMP is enacted and administered according to the following state law and rules:

A. The Shoreline Management Act (SMA) of 1971, Chapter 90.58 RCW;
B. State master program approval/amendment procedures and master program guidelines, WAC 173-26; and
C. Shoreline management permit and enforcement procedures, Chapter 173-27 WAC.

1.3.2. Purpose

The purposes of this SMP are:

A. To promote the public health, safety, and general welfare of the City by providing comprehensive policies and effective, reasonable regulations for development, use and protection of jurisdictional shorelines; and
B. To further assume and carry out the local government responsibilities established by RCW 90.58.050 including planning and administering the regulatory program; and
C. To assure no net loss of ecological functions associated with the shoreline; and
D. To carry out the policies and use preferences in RCW 90.58.020, described in Section 3.1.2 (General Shoreline Use Preferences).

1.3.3. Applicability

A. Except as described in Subsection (b), all proposed uses and development occurring within shoreline jurisdiction must conform to the intent and requirements of the laws and rules cited in Section 1.3.1 (Authority) and this SMP.
B. This SMP does not apply to the following activities:

    1. Consistent with Section 2.0 (Definitions), WAC 173-26-020 (Definitions), and WAC 173-26-241(3)(a), as amended, agricultural activities on agricultural lands as of the date of adoption of the SMP listed in Section 1.6, Effective Date.
    2. Interior building improvements that do not change the use of the structure or land;
    3. Exterior structure maintenance activities, including painting and roofing, as long as it does not expand the existing footprint of the structure;
    4. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
    5. As of the effective date of the SMP [insert date], legal pre-existing residential uses and structures where no change or new activity is proposed.

C. Activities that are exempt from the permit system in Section 7.4 (Exemptions from Permit Requirements) shall comply with this SMP whether or not a permit or other form of authorization is required.
D. The shoreline permit procedures, policies and regulations established in this SMP shall apply citywide to all nonfederal uses, activities, and development. Applicability of this SMP to activities on federal lands and undertaken by federal agencies shall be consistent with WAC 173-27-060(3).
E. This SMP applies to lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership. Applicability of this Master Program to federal lands shall be consistent with WAC 173-27-060(3).

1.4 Relationships to Other Codes, Ordinances, and Plans

A. All applicable federal, state, and local laws shall apply to properties in the shoreline jurisdiction.
B. Consistent with RCW 36.70A.480, the goals and policies of this SMP approved under chapter 90.58 RCW shall be considered an element of the City of Walla Walla's Comprehensive Plan. All

regulatory elements of this SMP, including, but not limited to, definitions and use regulations, shall be considered a part of the City of Walla Walla's development regulations.

C. All local development regulations including, but not limited to, zoning and subdivision rules shall apply in addition to this SMP. This SMP includes critical areas regulations applicable only in shoreline jurisdiction, and shall control within shoreline jurisdiction over other City critical area regulations adopted pursuant to the Growth Management Act.

D. In the event provisions of this SMP conflict with provisions of federal, state, county or City regulations, the provision that is most protective of shoreline resources shall prevail, when consistent with policies set out in the SMA.

1.5 Liberal Construction

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

1.6 Effective Date

The SMP is hereby adopted on May 25, 2016. This SMP and all amendments thereto shall become effective 14 days from the date of the Washington Department of Ecology's written notice of final approval.

2.0 Definitions

A

Abutting. To border upon, to touch upon, or to be in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

Accessory. Any use or development incidental to and subordinate to a primary use of a shoreline use or development.

Adaptive management. Adaptive management relies on scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.

Adjacent. Means immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. "Adjacent" shall mean any activity or development located:

1. On a site immediately adjoining a critical area;
2. A distance equal to or less than the required critical area buffer width and building setback;
3. A distance equal to or less than two hundred feet upland from a stream, wetland, or water body;
4. Bordering or within the floodway, floodplain or channel migration zone; or
5. A distance equal to or less than 200 feet from a critical aquifer recharge area.

Administrator or SMP Administrator. The designee charged with the responsibility of administering the SMP.

Agricultural activities. Agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural

equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

Agricultural equipment and agricultural facilities. Includes, but is not limited to:

1. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
3. Farm residences and associated equipment, lands, and facilities; and
4. Roadside stands and on-farm markets for marketing fruit or vegetables.

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

Agricultural lands of long-term commercial significance. Those lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products.

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

Agricultural reserve ground. Ground in/or around an ongoing agricultural operation that is not currently in production such as steep hillsides, grass waterways, field eyebrows, areas too small to be economically viable at this time, and areas that are unfit to be utilized because of their general inaccessibility to the operation, but which at a later time may be used for active agricultural activities.

Agricultural stands. A structure used for the retail sale of agricultural and related incidental products, excluding livestock that is primarily grown on the same property where the stand is located.

Agricultural uses. Agricultural activities including farming, horticulture, silviculture, irrigation delivery systems, drainage systems, ranching and grazing of animals and pest and weed control. This includes agricultural set-aside land, lands lying idle under government programs and changes between agricultural activities.

Agri-tourism (or Agricultural tourism). The act of visiting a working form or an agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation.

Alteration. Any human-induced change in an existing condition of a critical area or its buffer. Alterations include but are not limited to grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation or any other activity that changes the character of the critical area.

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

Applicant. A person who files an application for permit under this Chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

Approval. An official action by a local government legislative body agreeing to submit a proposed SMP or amendments to the Department of Ecology for review and official action pursuant to this chapter; or an official action by the Department of Ecology to make a local government SMP effective, thereby incorporating the approved SMP or amendment into the state master program.

Appurtenance, residential. **I**ncludes a garage; deck; driveway; utilities; fences; and installation of a septic tank and drainfield.

Aquaculture. The culture and/or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. Commercial aquaculture is conducted to produce products for market with the objective of earning a profit. Non-commercial aquaculture is conducted for the benefit of native fish recovery, education and interpretation, or other public benefit or use.

Aquifer. A geological formation, group of formations or part of formation that is capable of yielding a significant amount of water to a well or spring.

Aquifer recharge areas. Areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.

Aquifer, sole source. An area designated by the U.S. Environmental Protection Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s) must supply fifty percent or more of the drinking water for an area without a sufficient replacement available.

Aquifer susceptibility. The ease with which contaminants can move from the land surface to the aquifer based solely on the types of surface and subsurface materials in the area. Susceptibility usually defines the rate at which a contaminant will reach an aquifer unimpeded by chemical interactions with the vadose zone media.

Aquifer, unconfined. An aquifer not bounded above by a bed of distinctly lower permeability than that of the aquifer itself and containing ground water under pressure approximately equal to that of the atmosphere. This term is synonymous with the term "water table aquifer."

Archaeological resource. See the definition in WAC 25-48-020(10) as it exists or is hereafter amended.

Archaeological resources, historic. See the definition in RCW 27.53.030(9) as it exists or is hereafter amended.

Archeological value. See the definition in WAC 25-48-020(124) as it exists or is hereafter amended.

Archaeologist, professional. See the definition in RCW 27.53.030(11) as it exists or is hereafter amended.

Area of special flood hazard. Areas designated on the Flood Insurance Rate Maps which include the letter A or V, meaning the land in a flood plain subject to a one-percent (1%) or greater chance of flooding in any given year.

Associated wetlands. Those wetlands which are in proximity to and either influence or are influenced by a lake or stream subject to the Shoreline Management Act.

B

Base flood. A flood event having a one percent chance of being equaled or exceeded in any given year, also referred to as the one-hundred-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.

Best management practices or BMP. Conservation practices or systems of practices and management measures, that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
2. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
3. Protect trees and vegetation designated to be retained during and following site construction; and
4. Provide standards for proper use of chemical herbicides within critical areas.

Biodiversity. The variety of animal and plant life and its ecological processes and interconnections, represented by the richness of ecological systems and the life that depends on them, including human life and economies.

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

Boat launch. An area that is developed for boating ingress and egress from the water.

Boating facilities. Developments and uses that support access to shoreline waters for purposes of boating, including marinas, joint use docks serving more than four single-family residences or multi-family units, public piers, and community or public boat launch facilities.

Breakwater. A fixed or floating off-shore structure that protects the shore from wave action or currents.

Buffer or buffer zone. An area contiguous to and protecting a critical habitat that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Building Setback. The distance between the critical area buffer and a vertical building wall, intended to provide adequate room for construction, use, maintenance activities and access without infringing upon the critical area or required buffer.

Bulkhead. An erosion protection structure placed parallel to the shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

C

Channel migration zone or CMZ. The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

Clearing. The cutting or removal of vegetation or other organic plant materials by physical, mechanical, chemical, or any other means.

Commercial use. Those activities engaged in commerce and trade and involving the exchange of money, including but not limited to, retail, services, wholesale, lodging, or business trade activities.

Community access. Access to the shoreline provided to a group of single-family residences in place of public access when part of a subdivision of greater than four (4) but less than ten (10) residential dwellings.

Compensation project. Actions necessary to replace project-induced critical area and buffer losses, including land acquisition, planning, construction plans, monitoring and contingency actions.

Compensatory mitigation. Replacing project-induced losses or impacts to a critical area, and includes, but is not limited to, the following:

1. Restoration – Actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland;
2. Creation – Actions performed to intentionally establish a wetland at a site where it did not formerly exist;
3. Enhancement – Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality; and
4. Preservation – Actions taken to ensure the permanent protection of existing, high-quality wetlands.

Conditional use. A use, development, or substantial development which is classified as a conditional use or is not classified within this SMP.

Conservation easement. A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Critical aquifer recharge area. Areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

Critical areas. Critical areas include any of the following areas or ecosystems: (a) aquifer recharge areas, (b) fish and wildlife habitat conservation areas, (c) frequently flooded areas, (d) geologically hazardous areas, and (e) wetlands, as defined in RCW 36.70A and this SMP.

Critical species. All animal and plant species listed by the state or federal government as threatened or endangered.

Cumulative impact. The combined, incremental effects of human activity on ecological or critical areas functions and values. Cumulative impacts result when the effects of an action are added to or interact with other effects in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

D

Developable area. A site or portion of a site that may be utilized as the location of development, in accordance with the rules of this chapter.

Development. Any activity upon the land consisting of construction or alteration of structures, earth movement, dredging, dumping, grading, filling, mining, removal of any sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of vegetation, or other land disturbance. Development includes the storage or use of equipment or materials inconsistent with the existing use. Development also includes approvals issued by the city of Walla Walla that bind land to specific patterns of use, including but not limited to subdivisions, short subdivisions, conditional use permits, and binding site plans. Development activity does not include the following activities:

1. Interior building improvements.
2. Exterior structure maintenance activities, including painting and roofing.
3. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding.
4. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning); wells; individual utility service connections; and individual cemetery plots in established and approved cemeteries.

Development permit. Any permit issued by the City, or other authorized agency, for construction, land use, or the alteration of land.

Development regulation. Any controls placed on development or land use activities by the City of Walla Walla, including but not limited to, zoning ordinances, official controls, and subdivision ordinances.

Director. The City of Walla Walla Development Services Director or such other person to whom the city manager assigns the primary responsibility of administering and enforcing this code, and such other staff granted authority to act on behalf of the director or other assigned person.

Dock. A structure that is built over or floating upon the water and is used as a landing or moorage place for commercial and pleasure craft, marine transport, fishing, swimming, and other recreational uses. A dock typically consists of a combination of one or more of the following elements: pier, ramp, and/or float.

Dredging. Removal of earth from the bed of a stream, lake, or pond for the purpose of flood control; navigation; utility installation (excluding on-site utility features serving a primary use, which are accessory utilities and shall be considered a part of the primary use); the construction or modification of essential public facilities and regional transportation facilities; restoration (of which the primary restoration element is sediment/soil removal rather than being incidental to the primary restoration purpose); and/or obtaining minerals, construction aggregate, or landfill materials. This definition does not include excavation for mining within a pond created by a mining operation approved under this title or under a local zoning ordinance, or a mining operation in existence before Zoning, Shorelines, or Critical Areas permits were required for such operations. Dredging, as regulated in this SMP, is not intended to cover other excavations waterward of the ordinary high water mark that are incidental to construction of an otherwise authorized use or modification (e.g., shoreline stabilization replacements, large woody debris installations, boat launch ramp installation, pile placement).

E

Eco-connectivity. Eco-connectivity is a physical feature of the land as well as functional one. It is the geo-physical connection between natural habitat areas that allow fish and animals to move between feeding, reproductive, rearing, and resting areas. The functional connection is dependent on the physical connection.

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

Ecologically intact. Shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent waterbodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

Ecologically sustainable. The establishment of site conditions that preserve or result in no net loss of ecological functions and values, as identified in a mitigation plan.

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

EDT priority protection reach. Reach designated as a priority using the Ecosystem Diagnosis and Treatment method.

Elevated building. A building that has no basement and its lowest elevated floor is raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Emergent wetland. A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetative strata.

Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

Erosion. The process whereby wind, rain, water, and other natural agents mobilize and transport particles.

Erosion hazard areas. At least those areas identified by the U.S. Department of Agriculture National Resources Conservation Service as having a "severe" rill and inter-rill erosion hazard.

Excavation. The mechanical removal of earth materials.

Exempt. Exempt developments are those set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a Shoreline Substantial Development Permit, but which must otherwise comply with applicable provisions of the SMA and this SMP.

Exotic. Any species of plants or animals, which are (not listed on the State plant list) foreign to the planning area.

Extreme slope hazard areas. Those areas with pre-development slope greater than forty-five percent.

F

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

Feasible. An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:

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

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

Federal Emergency Management Agency (FEMA). The agency that oversees the administration of the National Flood Insurance Program.

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

Fish and wildlife habitat conservation areas. Areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas are guided by the State's Priority Habitats and Species list and include the following:

1. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;
2. Habitats of local importance, including but not limited to areas designated as priority habitat by the Department of Fish and Wildlife, areas that provide important habitat for neotropical migratory songbirds, areas that provide important habitat for wintering birds of prey, and areas that provide unique habitats within the city;
3. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds;
4. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington;

5. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
6. State natural area preserves and natural resource conservation areas designated by the Department of Natural Resources; and
7. Land essential for preserving connections between habitat blocks and open spaces.

Fish habitat. Habitat that is used by fish at any life stage at any time of the year, including off-channel habitat.

Float. An anchored (not directly to the shore) floating platform that is free to rise and fall with water levels and is used for water-dependent recreational activities such as boat mooring, swimming, or diving. Floats may stand alone with no over-water connection to shore or may be located at the end of a pier or ramp.

Flood, Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood control. Any undertaking for the conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream overflow.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study. The official report by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Floodplain. The total land area adjoining a river, stream, watercourse or lake subject to inundation by the base flood.

Floodway. The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot. Also known as the "zero rise floodway."

Forest practices. Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction; harvesting, or processing timber, including but not limited to road and trail construction; harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. Forest practice shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

Forested wetland. A wetland with at least thirty percent of the surface area covered by woody vegetation greater than twenty feet in height that is at least partially rooted within the wetland.

Formation. An assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

Frequently flooded area. Lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the Development Services Director in accordance with WAC 365-190-080(3). Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

Functions and values. The beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards,

historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

G

Generators, large quantity. When referring to critical aquifer recharge areas, means those businesses that generate more than two thousand two hundred pounds of dangerous waste per month. They accumulate more than two thousand two hundred pounds of dangerous waste at any time. They generate and accumulate more than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.

Generators, medium quantity. When referring to critical aquifer recharge areas, means those businesses that generate more than two hundred twenty pounds, but less than two thousand two hundred pounds of dangerous waste per month. They are limited to the accumulation of less than two thousand two hundred pounds of dangerous waste at any time. They are limited to the generation of, and accumulation of, less than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.

Geologically hazardous areas. Areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.

Geotechnical report or geotechnical analysis. A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes. Reference to materials prepared by the Natural Resource Conservation Service and/or the Walla Walla County Conservation District is encouraged.

Grade. The vertical location of the ground surface.

1. Natural grade is the grade as it exists or may have existed in its original undisturbed condition.
2. Existing grade is the current grade in either its undisturbed, natural condition or as disturbed by some previous modifications.
3. Rough grade is a stage where grade conforms approximately to an approved plan.
4. Finish grade is the final grade of the site which conforms to an approved plan.
5. Average grade level is the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the OHWM. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

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

Groin. A barrier type structure extending from the stream bank into a waterbody for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials. Groins may serve a variety of functions, including bank protection, pool formation, and increased roughness, and may include rock structures, debris jams, or pilings that collect wood debris.

Groundwater. Water in a saturated zone or stratum beneath the surface of land or a surface waterbody.

Growth Management Act. RCW 36.70A, and 36.70B, as amended.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending master programs.

H

Habitat. The physical and biological environment on which a given species depends for its survival; the place or type of site where a plant, organism or animal population naturally occurs.

Habitat, wildlife. The aquatic and terrestrial environments required for wildlife to complete their life cycles, including air, food, cover, water and spatial requirements.

Habitat conservation areas. Areas designated as fish and wildlife habitat conservation areas.

Habitats of local importance. These areas include a seasonal range or habitat element with which a given species has a primary association, and which, if altered may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alterations such as cliffs, talus, and wetlands. (WAC 365-190-030)

Hard stabilization. Shoreline erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, and similar structures.

Hazard areas. Areas designated as frequently flooded areas or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geological condition.

Hazardous Substances. Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

Height. Measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the SMP specifically requires that such appurtenances be included: Provided further, that temporary construction equipment is excluded in this calculation.

High intensity land use. Land uses which are associated with high levels of human disturbance or substantial adverse habitat impacts including, but not limited to, medium and high-density residential, multifamily residential, some agricultural practices, and commercial and industrial land uses.

High quality wetlands. Those wetlands that meet the following criteria:

1. No, or isolated, human alteration of the wetland topography;
2. No human-caused alteration of the hydrology or the wetland appears to have recovered from the alteration;
3. Low cover and frequency of exotic plant species;
4. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;
5. If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and

6. No known major water quality problems.

Historic condition. Condition of the land, is including flora, fauna, soil, topography, and hydrology that existed before the area and vicinity were developed or altered by human activity.

Houseboat or floating home. A dwelling unit constructed on a float that is moored, anchored, or otherwise secured in the water and is not designed for navigation under its own power.

Hydraulic project approval (HPA). A permit issued by the state Department of Fish and Wildlife for projects that affect the bed or flow of waters of the state in accordance with Chapter 77.55 RCW and WAC 220.110.

Hydric soil. A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements, as amended. Hydrophytic vegetation. Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplements, as amended.

I

Impervious surface. A hard surface area that either prevents or retards the entry of water into the soil mantle under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Industrial. Activities and facilities for processing, manufacturing, and storage of finished or semi-finished goods, wholesale trade or storage, together with necessary accessory uses such as parking, loading, and waste storage treatment.

Infiltration. The downward entry of water into the immediate surface of soil.

Injection well(s).

1. "Class I" — A well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water.
2. "Class II" — A well used to inject fluids:
    a. Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection;
    b. For enhanced recovery of oil or natural gas; or
    c. For storage of hydrocarbons that are liquid at standard temperature and pressure.
3. "Class III" — A well used for extraction of minerals, including but not limited to the injection of fluids for:
    a. In-situ production of uranium or other metals that have not been conventionally mined;
    b. Mining of sulfur by Frasch process; or
    c. Solution mining of salts or potash.
4. "Class IV" — A well used to inject dangerous or radioactive waste fluids.
5. "Class V" — All injection wells not included in Classes I, II, III, or IV.

In-kind compensation. The same species, habitat type, and function impacted. If the impacted habitat is disturbed, it means replacement with the natural habitat that would occur. It does not mean replacement in category.

In-lieu-fee program. An agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public agency or non-profit organization. Under an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees' required mitigation.

Institutional use. Those public and/or private facilities having a primarily public-serving function, including, but not limited to, government offices, police and fire stations, libraries, activity centers, schools, health care facilities, educational and religious training centers, and water-oriented research facilities.

In-stream structures. Structures placed by humans within a stream or river waterward of the OHWM that either causes or has the potential to cause water impoundment or the diversion obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, recreation, or other purposes, including gages and other monitoring devices.

Inter-rill. Inter-rills are areas subject to sheetwash.

Isolated wetlands. Those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

J

Joint use dock. A single dock which serves two or more parcels subject to the jurisdiction of the SMA, and may have multiple slips. This term includes a community dock intended to facilitate public access to the water.

L

Landslide hazard areas. Areas that are potentially subject to risk of mass movement due to a combination of geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors.

Levee. A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Local government. Means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to chapter 90.58 RCW.

Long-term commercial significance. Includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land. (RCW 36.70A.030(10); WAC 365-190-030(11).)

M

Maintenance, normal. Those usual acts to prevent a decline, lapse, or cessation from a legally established condition.

May. An action that is acceptable, provided it conforms to the provisions of the WAC 173-26 and this Program.

Minerals. Materials including gravel, sand, and valuable metallic substances. [R.C.W. 36.70A.030(11); W.A.C. 365-190-030(12).

Mining. The removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc.

Mitigation. Avoiding, minimizing or compensating for adverse critical areas impacts. Mitigation, in the following order of preference, is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat or critical areas by replacing, enhancing, or providing substitute resources or environments; and
7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

Mixed-use project. A use that contains a mix of water-dependent and nonwater-oriented uses use or developments. This definition is only applicable within shoreline jurisdiction as defined by this SMP.

Monitoring. Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

Moorage facility. A marina, pier, dock, mooring buoy, or any other similar fixed moorage site.

Must. A mandate; the action is required.

N

Native growth habitat area. An area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native vegetation. Plant species that are indigenous to the area in question. Plants that are not listed in Chapter 16-750 WAC.

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

Natural waters. Waters excluding water conveyance systems that are artificially constructed and actively maintained for irrigation, or any waters of the state.

New construction. Structures for which the start of construction commence on or after the effective date of this ordinance.

No net loss of ecological function. A public policy goal and requirement to maintain the aggregate total of the City's shoreline ecological functions at its current level. For purposes of reviewing and approving this SMP,

"current" is equivalent to the date of the Final Shoreline Analysis Report (September 2014). As a development standard, it means the result of the application of Mitigation Sequencing, in which impacts of a particular shoreline development and/or use, whether permitted or exempt, are identified and addressed, such that there are no adverse impacts on shoreline ecological functions or processes relative to the legal condition just prior to the proposed development and/or use.

Nonconforming lots. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was established in accordance with local and state subdivision requirements prior to the effective date of the act or this Master Program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as development conforms to all other requirements of this Master Program and the Act.

Nonconforming use or structure. A building, structure or land use which was lawfully established, existing and maintained at the effective date of the provisions of this title but which, because of the application of this title to it, no longer conforms to the regulations prescribed in this title for the use district in which it is located.

Nonconformity. A legally established existing use or legally constructed structure that is not in compliance with current regulations.

Non-indigenous. — See "exotic."

Nonwater-oriented uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

O

Off-site mitigation. To replace critical areas or ecological functions away from the site on which a critical area or shoreline has been impacted.

On-site mitigation. To replace critical areas or ecological functions at or adjacent to the site on which a critical area or shoreline has been impacted.

Ordinary high water mark (OHWM). That mark which is found by examining the bed and banks of waterbodies and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology: PROVIDED, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

Out-of-kind replacement. To replace critical areas with substitute critical areas whose functions and values do not closely approximate those destroyed or degraded. It does not refer to replacement out of category.

P

Party of record. Includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

Permeability. The capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer or confining bed and is independent of the force causing movement.

Permit. An approval for which there is a minimum standard, as stated in any of the relevant ordinances or state law, which must be met in order for the approval to be given.

Permit, Shoreline. Any Shoreline Substantial Development Permit, Shoreline Variance, Shoreline Conditional Use Permit, or revision authorized under chapter 90.58 RCW.

Pier. A fixed platform above the water and supported by piles, usually perpendicular to the shoreline. See also "Dock."

Potable water. Water that is safe and palatable for human use.

Practical alternative. An alternative that is available and capable of being carried out after taking into consideration, cost, existing technology, and logistics in light of overall project purposes, and having fewer impacts to critical areas.

Preferred uses. Those uses which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the shoreline.

Primary association area. The area used on a regular basis by, is in close association with, or is necessary for the proper functioning of the habitat of a critical species. Regular basis means that the habitat area is normally, or usually known to contain a critical species, or based on known habitat requirements of the species, the area is likely to contain the critical species. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

Priority habitat. Habitat type or elements with unique or significant value to one or more species as classified by the Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. (WAC 173-26-020(34))

Project area. All areas within fifty feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.

Provisions. Policies, regulations, standards, guideline criteria or environment designations.

Public access. The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

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

Public Trust Doctrine. A common law principle generally holding that the waters of the state are a public resource owned by and available to all citizens equally for the purposes of navigation, conducting commerce, fishing, recreation and similar uses. While the doctrine protects public use of navigable water bodies below the OHWM, the doctrine does not allow the public to trespass over privately owned uplands to access the lands below the OHWM.

Q

Qualified professional. A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant subject. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and, unless otherwise specified in this SMP, have at least two years of related work experience.

1. A qualified professional for habitats or wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans;
2. A qualified professional for a geological hazard must be a professional geologist (preferred) or engineer, licensed in the state of Washington;
3. A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

R

Recharge. The process involved in the absorption and addition of water to ground water.

Reclaimed water. Wastewater effluent that has been adequately and reliability treated so that it is suitable for beneficial use. Following treatment it is no longer considered wastewater (treatment levels and water quality requirements are given in the water reclamation and reuse standards adopted by the state Departments of Ecology and Health).

Recreation. An experience or activity in which an individual engages for personal enjoyment and satisfaction. Shore-based outdoor recreation includes but is not limited to fishing; various forms of boating, swimming, hiking, bicycling, horseback riding, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

Recreation uses. Public, private, or commercial uses which offer activities, pastimes, and experiences that allow for the refreshment of mind and body.

Regulatory flood. A level of flooding that a regulatory agency's design regulations apply to.

Repair, normal. Restoring a development or structure to a state comparable to its original, legally established condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as a repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

Repair or maintenance. An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

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

Restoration. Measures taken to restore an altered or damaged natural feature including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Rills. Steep-sided channels resulting from accelerated erosion. A rill is generally a few inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion tends to occur on slopes, particularly steep slopes with poor vegetative cover.

Riparian habitat. Areas adjacent to surface water which possesses elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends from the ordinary high water mark to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet

conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

Riprap. A layer, facing, or protective mound of stone placed on shoulders, slopes, or other such places to protect them from erosion, scour, or sloughing of a structure or embankment.

River. See "Watercourse."

S

Section 404 permit. A permit issued by the U.S. Army Corps of Engineers for the placement of dredge or fill material or clearing in waters of the U.S., including wetlands, in accordance with 33 USC § 1344.

Seeps. A spot where water oozes from the earth, often forming the source of a small stream.

Seismic hazard areas. Areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

Serviceable. Presently usable.

SEPA. Washington State Environmental Policy Act, Chapter 43.21C RCW.

Setback. The distance in feet as measured from a lot line to the sill line of a building, or the closest point of a structure to the lot line. In the case where there is a leased area within a parcel of land, the setback shall be measured from the lease line to the sill of a building, or the closest point of a structure to the lease line.

Shall. A mandate; the action must be done.

Shorelands or shoreland areas. Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams and lakes which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

Shorelines. All of the water areas of the state as defined in RCW 90.58.030, including reservoirs, and their associated shorelands, together with the lands underlying them, except

1. Shorelines of statewide significance;
2. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and
3. Shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shoreline areas and shoreline jurisdiction. All “shorelines of the state” and “shorelands.”

Shoreline Hearings Board. A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit or enforcement penalty, and appeals by the City on Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of statewide significance. Those areas defined in RCW 90.58.030(2)(e) which include the following:

1. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;
2. Those natural rivers or segments east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer; and
3. Those shorelands associated with 1 and 2, above.

Shorelines of the state. Total of all "shorelines" as defined in RCW 90.58.030(2)(d) and "shorelines of statewide significance" within the state as defined in RCW 90.58.030(2)(c).

Shoreline environment designations. Classification of shorelines established by this SMP in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

Shoreline Management Act or SMA. The Washington State Shoreline Management Act, chapter 90.58 RCW.

Shoreline Master Program or SMP. The comprehensive shoreline master program for the City of Walla Walla, including the use regulations together with maps, diagrams, charts or other descriptive material and text.

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

Shoreline stabilization. Structural or non-structural modifications to the existing shoreline intended to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, wind, or wave action. They are generally located parallel to the shoreline at or near the OHWM.

Should. The particular action is required unless there is a demonstrated compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

Significant portion of its range. That portion of a species range likely to be essential to the long-term survival of the population in Washington.

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

Slide. The downward mass movement of soil, rock, or snow resulting from failure of that material under stress.

Slope. The inclination of the surface of the land from the horizontal.

Soft stabilization. Shoreline erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft structural shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide shore stability in a non-linear, generally sloping arrangement. Linear, vertical faces are an indicator of hard stabilization (see above definition).

Soil survey. The most recent soil survey for the local area or City by the National Resources Conservation Service, U.S. Department of Agriculture.

Special flood hazard areas. The land in the floodplain within an area subject to a one percent or greater chance of flooding in any given year. Designations of special flood hazard areas on flood insurance map(s) always include the letters A or V.

Special protection areas. Aquifer recharge areas defined by WAC 173-200-090 that require special consideration or increased protection because of unique characteristics, including, but not limited to:

1. Ground waters that support an ecological system requiring more stringent criteria than drinking water standards;
2. Ground water recharge areas and wellhead protection areas that are vulnerable to pollution because of hydrogeologic characteristics; and
3. Sole source aquifer status.

Species. Any group of animals classified as a species or subspecies as commonly accepted by the scientific community.

Species, endangered. Any fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

Species of local importance. Those species of local concern due to their population status or their sensitivity to habitat manipulation, or that are game species.

Species, priority. Any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.

Species richness. The number of species in a given area.

Species, threatened. Any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

Stream. See Watercourse.

Structure. Anything constructed or erected which requires location on the ground or attached something having a location on the ground, but not including fences less than six feet in height, excepting that "structure" for the purposes of applying the regulations prescribed by the Flood Management Overlay District of this title shall mean any walled and roofed building or mobile home that is principally above ground.

Subbasin plan protection reach. Reaches recommended for priority protection by the Walla Walla Subbasin Plan (NPCC 2001).

Sub-drainage basin or subbasin. The drainage area of the highest order stream containing the subject property impact area. Stream order is the term used to define the position of a stream in the hierarchy of tributaries in the watershed. The smallest streams are the highest order (first order) tributaries. These are the upper watershed streams and have no tributaries of their own. When two first order streams meet, they form a second order stream, and when two second order streams meet they become a third order stream, and so on.

Substantial development. Any development of which the total cost or fair market value exceeds $6,416, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in RCW 90.58.030(3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. (The consumer price index means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the Bureau of Labor and Statistics, United States Department of Labor.) The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For the purpose of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated or found labor, equipment or materials. See WAC 173-27-040 for a list of developments that are not considered substantial.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of

the structure. The term does not, however, include either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by City Building Inspection, County Department of Community Health or City Development Services staff and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a structure listed in the National Register of Historic Places or a State Inventory of Historic Places.

Substantially degrade. To cause significant ecological impact.

T

Transportation. Roads and railways, related bridges and culverts, fills, embankments, causeways, parking areas, and trails.

U

Unavoidable. Adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.

Upland. The area above and landward of the OHWM.

Use. The activity or purpose for which land or structures or combination of land and structures are designed, arranged, occupied, or maintained together with any associated site improvement. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself including any grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

Utility. A primary or accessory service or facility that produces, transmits, stores, processes, or disposes of electrical power, gas, water, sewage, communications, oil, and the like.

V

Valid scientific process. According to WAC 365-195-905, in the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions and in developing critical areas policies and development regulations that will be effective in protecting the functions and values of critical areas. To determine whether information received during the public participation process is reliable scientific information, the city should determine whether the source of the information displays the characteristics of a valid scientific process. The characteristics generally to be expected in a valid scientific process are as follows:

1. Peer Review. The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The criticism of the peer reviewers has been addressed by the proponents of the information. Publication in a refereed scientific journal usually indicates that the information has been appropriately peer-reviewed.
2. Methods. The methods that were used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to assure their reliability and validity.
3. Logical Conclusions and Reasonable Inferences. The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.
4. Quantitative Analysis. The data have been analyzed using appropriate statistical or quantitative methods.
5. Context. The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.

6. References. The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

Variance. A variance is the means by which an adjustment may be made in the application of the specific regulations of this Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided, however, that a variance granted shall not authorize a use otherwise prohibited in the shoreline environment designation in which the property is located.

Vegetation. Any and all organic plant life growing at, below, or above soil surface.

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

Vulnerability. The combined effect of susceptibility to contamination and the presence of potential contaminants.

W

Watercourse. Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined beds or banks, which influence the quality of fish habitat downstream. This definition includes watercourses that flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans.

Water-dependent use. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-enjoyment use. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented use. Any water-dependent, water-related, or water-enjoyment use.

Water quality. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

1. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Water resource inventory area (WRIA). One of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997.

Water table. That surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

Water typing system. Waters classified according to the following:

1. "Type S Water" means all waters, within their bankfull width, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW including periodically inundated areas of their associated wetlands.
2. "Type F Water" means segments of watercourses other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one half acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following categories:
    a. Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for one thousand five hundred feet, including tributaries if highly significant for protection of downstream water quality.
    b. Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:
        i. The site must be connected to a fish habitat stream and accessible during some period of the year; and
        ii. The off-channel water must be accessible to fish.
3. "Type Np Water" means all segments of watercourses within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.
4. "Type Ns Water" means all segments of watercourses within the bankfull width of the defined channels that are not Type S, F, or No Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters.

    For purposes of this section: "Seasonal low water" means the conditions of the seven-day, two-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the Department of Natural Resources.

Waterward. Any point located on the water side from the OHWM.

Weir. A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

Well. A bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension for the purpose of withdrawing or injecting water or other liquids.

Wellhead protection area (WHPA). The portion of a zone of contribution for a well, wellfield or spring, as defined using criteria established by the State Department of Health.

Wetlands. That area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands may include those artificial wetlands specifically intentionally created from non-wetland areas to mitigate conversion of wetlands. For identifying and delineating a wetland, local government shall use the approved federal wetland delineation manual and applicable regional supplements, as amended.

Wetland buffer. An area contiguous to and which protects a critical area that is required for the continual maintenance, functioning, and/or structural stability of a critical area.

Wetland category. Wetlands that are categorized into Category I, II, III or IV based upon the categorization procedures in the Washington State Wetland Rating System for Eastern Washington, as amended (Hruby T. 2014).

Wetland classes, classes of wetlands, or wetland types. The descriptive classes of the wetlands taxonomic classification system of the U.S. Fish and Wildlife Service (Cowardin, et al. 1979).

Wetland edge. The boundary of a wetland as delineated using the procedures in the currently approved Federal Wetland Delineation Manual.

Wetland functions. The natural processes performed by wetlands and include functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting site for aquatic, terrestrial or avian species, maintaining the availability and quality of water such as purifying water, acting as recharge and discharge areas for groundwater aquifers and moderating surface water and storm water flows as well as performing other function including but not limited to those set out in U.S. Army Corps of Engineers regulations at 33 C.R.R. Section 320.4(b)(2)(1988).

Wetland mitigation bank. A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing advance mitigation to compensate for future, permitted impacts to similar resources.

Z

Zone of contribution. The area surrounding a well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.

3.0 Shoreline Vision and Goals

It is the ultimate goal of the City of Walla Walla SMP to prevent harm that results from uncoordinated development of the state's shorelines and to provide plans, policies and regulations consistent with the SMA (RCW 90.58) and with the SMP Guidelines (WAC 173 – 26) which reflect the desires of the citizens of the City and its communities regarding the balanced use of the City shorelines. Mill Creek is an asset to the community and the City's vision of restoring Mill Creek to a more naturalized system while recognizing the vital flood control aspects of the channel is an overarching goal of the SMP. The City of Walla Walla Shoreline Master Program will preserve for future generations the high quality of the city's waters and shorelines while recognizing and respecting the rights of property owners and promoting the economic vitality and sustainability of the City.

3.1 Shorelines of the State

3.1.1. Definition

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the State, as well as their associated "shorelands." The waterbodies designated as shorelines of the State are those streams whose mean annual flow is at least 20 cubic feet per second (cfs) and lakes whose area is greater than 20 acres. All waterbodies described in Section 1.2 as being within the jurisdiction of

this SMP meet these criteria and are considered shorelines of the State. Mill Creek is the only shoreline of the state within the city limits of Walla Walla.

3.1.2. General Shoreline Use Preferences

A. This SMP adopts the policy provided by RCW 90.58.020 regarding management of shoreline areas:

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

In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.

Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state…

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

B. When determining allowable uses and resolving use conflicts on shorelines within jurisdiction consistent with the above policy, the following preferences and priorities shall be applied in the order listed below, consistent with WAC 173-26-201(2)(d):

1. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
2. Reserve shoreline areas for water-dependent and associated water related uses. Local governments may prepare master program provisions to allow mixed-use developments that include and support water-dependent uses and address specific conditions that affect water-dependent uses.
3. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
4. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
5. Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

3.2 Shoreline Use and Modifications

Goal-1. To foster a pattern of land use along the shorelines of the City of Walla Walla that balances human use with protection of existing character, habitat, and ecological systems.

Goal-2. To encourage shoreline development and modifications that are wisely placed, consistent with the physical limitations of the area, serve the needs and desires of the local citizens, and ensure no net loss of ecological function.

Goal-3. To give priority to preferred uses of the shoreline, as well as those uses that contribute to the unique character and economic prosperity of the City of Walla Walla, where those uses will not cause a net loss of shoreline ecological function.

3.3 Public Access

Goal-4. To encourage a system of diverse public access opportunities that is safe and convenient, consistent with shoreline character and ecological functions, and compatible with adjacent land uses while recognizing private property rights.

Goal-5. To encourage coordinated public shoreline access across the City through partnership with Federal, State, and local governments, as well as non-governmental organizations, through incentives to property owners and developers.

3.4 Recreation

Goal-6. To meet the recreational needs of City residents and visitors while protecting existing recreational resources, shoreline ecological functions, and private property rights.

Goal-7. To encourage a variety of recreational opportunities tailored to the ecological and land use conditions of the City's diverse shoreline environments.

3.5 Economic Development

Goal-8. To ensure that economic activity along shorelines is encouraged while also developing in a manner that protects the shoreline environment, is compatible with adjacent land uses, and ensures no net loss of shoreline ecological function.

Goal-9. To recognize the value of water-oriented development to the local economy and promote future economic development activity in shoreline areas where ecological conditions and land use patterns are appropriate for such uses.

Goal-10. To recognize that healthy, attractive shoreline areas provide value for the local economy and serve as amenities to citizens and businesses.

3.6 Transportation and Circulation

Goal-11. To create and maintain a comprehensive circulation system which provides for the safe and convenient movement of people, goods and services while minimizing disruption of shoreline areas and the environment.

Goal-12. To maintain adequate safety, environmental, and aesthetic standards for existing and new circulation systems within the shoreline jurisdiction.

3.7 Conservation and Restoration

Goal-13. To protect and preserve shoreline natural resources, including wetlands, native vegetation, fish and wildlife habitat, and scenic resources, both through responsible management of public land and incentives for private landowners and developers.

Goal-14. To encourage restoration of shoreline ecological functions where they have been impaired and to facilitate restoration of shoreline ecological functions and aesthetics to achieve regional goals for water quality and habitat recovery.

3.8 Historic and Cultural Resources

Goal-15. To identify, protect, and preserve shoreline sites that have historic, cultural, educational or scientific significance or value.

3.9 Flood Hazard Prevention

Goal-16. To protect property in the City of Walla Walla from losses and damage caused by flooding by applying consistent flood hazard regulations.

Goal-17. To guide future shoreline development in a manner that avoids the need for unnecessary new shoreline stabilization or flood control infrastructure.

4.0 Environment Designations

4.1 Urban Conservancy

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

B. Designation Criteria: Specific criteria for designation of the Urban Conservancy environment include areas or properties that lie within City limits and consist of any of the following characteristics:

1. Are planned for development that is compatible with the principles of maintaining or restoring the ecological functions of the area;
2. Are suitable for water related and water-enjoyment uses;
3. Are open space or floodplains; or
4. Are areas that retain important ecological functions which should not be more intensively developed.

C. Management Policies:

1. Allowed uses for the Urban Conservancy environment generally include uses which preserve the natural character of the area, and promote the preservation of open space, floodplains or sensitive lands.
2. Uses allowed under this designation should focus on recreation.
3. Public access and recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

4.2 Urban Residential

A. Purpose: The purpose of the Urban Residential environment is to accommodate existing development and guide planned urban residential development and accessory structures. An additional purpose is to provide appropriate community or public access and recreational uses.

B. Designation Criteria: Assign an Urban Residential environment designation to areas that include existing residential development or areas planned or platted for residential development within the City limits and the city's urban growth area.

C. Management Policies:

1. Shoreline development standards should ensure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline

area, the level of infrastructure and services available or planned to be available, and other comprehensive planning policy considerations.

2. Multi-unit residential developments, including subdivision of land into more than four (4) lots, should provide public access and joint use for community recreational facilities.

3. Access, utilities, and public services should be available and adequate or planned for to serve existing needs and/or planned future development.

4. Commercial development should be limited to water-oriented uses, unless separated from the shoreline, and allowed only when the underlying zoning permits such uses.

4.3 High Intensity

A. Purpose: The purpose of the High Intensity environment designation is to provide for a variety of different uses including, high-intensity commercial, transportation, industrial, and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

B. Designation Criteria: Assign a High Intensity environment designation to shoreline areas if they currently support or are planned for high-intensity uses related to multi-family residences, commerce, transportation, or industry.

C. Management Policies

1. Priority should be given to water-enjoyment uses. Nonwater-oriented uses may also be allowed where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Public benefits such as ecological restoration or public access may be required in association with nonwater-oriented development.

2. Full utilization of existing urban and extensively altered areas should be achieved before further expansion of intensive development is allowed.

3. Development in the High Intensity designation should assure no net loss of shoreline ecological functions. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with relevant state and federal law.

4. Where feasible, visual and physical public access should be required as part of development in the High Intensity designation unless access already exists to serve the development or unless safety, security, or fragile environmental conditions preclude access

5. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative separation.

4.4 Urban Downtown

A. Purpose: The purpose of the Urban Downtown environment designation is to provide for a variety of urban uses in areas where Mill Creek flows partially or fully confined in artificial, underground channels.

B. Designation Criteria: Assign an Urban Downtown environment designation to the piped sections of Mill Creek approximately between Colville Street and Third Avenue, where the stream route is primarily underground and thereby removed from interaction with adjacent surface-level land uses and development. The Urban Downtown environment designation may also be applied to daylighted portions of the stream between piped sections, provided that the stream is confined to an artificial channel in these locations.

C. Management Policies

1. Because this environment designation is characterized by an artificial stream channel and is physically separated from upland development by virtue of being located underground, areas within the Urban Downtown environment designation should not be subject to the shoreline use preferences established in RCW 90.58.020, nor the use priorities established in WAC 173-26-201(2)(d). Likewise, the General Policies and Regulations contained in Chapter 5 of this SMP should not apply within the Urban Downtown environment designation.

2. Building heights within the Urban Downtown environment designation should not be limited by the development standards of this SMP, but should comply with applicable City zoning regulations.

3. Opening or daylighting of piped sections may be allowed, where feasible, and provided that it would not disturb or hinder existing or future upland development. Corresponding shoreline buffers would not apply to opened sections, and no change in the adjacent use preferences would be required.

4.5 Mill Creek Flume

A. Purpose: The purpose of the Mill Creek Flume environment designation is to accommodate a mix of water-oriented and nonwater-oriented uses in an intensively developed environment adjacent to Mill Creek's flood control works.

B. Designation Criteria:

1. Assign a Mill Creek Flume environment designation to those areas within the U.S. Army Corps of Engineers Mill Creek Flood Control Project between the Rooks Park Spillway and Gose Street which are not designed to promote physical access to the water.

2. For areas of the Mill Creek Flume which contain a concrete flume, the landward extent of the designation extends to the landward edge of the flume. For all other areas, the landward extent ends at the OHWM.

C. Management Polices:

1. In regulating uses in the Mill Creek Flume environment, recognize that the existing concrete-lined and partially-fenced condition precludes accommodation of recreation oriented water-dependent and water-related development. Water-enjoyment uses, primarily visual, and nonwater-oriented uses should be allowed.

2. Manage the Mill Creek Flume environment to maximize flood control for protection of adjacent uses and developments.

3. Improve conditions (passage, water quality) for aquatic species using the flood control channel.

4.6 Environment Designation Interpretation

A. If disagreement develops as to the exact location of an environment designation boundary line, the Official Shoreline Maps shall prevail consistent with the following rules:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

2. In cases where boundary line adjustments or subdivisions occur, the designation applied to the original parcel prior to the boundary line adjustment or subdivision shall not change as a result. The shoreline designation can be re-designated through an SMP amendment.

3. Boundaries indicated as approximately following roads and railroads shall be respectively construed to follow the nearest right-of-way edge.

4. Boundaries indicated as approximately parallel to or extensions of features indicated in (1), (2), or (3) above shall be so construed.

B. In the event of an environment designation mapping error where the SMP update or amendment record, including the public hearing process, is clear in term of the correct environment designation to apply to a property, the SMP Administrator shall apply the environment designation approved through the SMP Update or Amendment process and correct the map. Appeals of such interpretations may be filed pursuant to Section 7.0 Administration, Permits, and Enforcement, and the local appeal procedures referenced in Chapter 20.18 of the Walla Walla Municipal Code. If the environment designation criteria were misapplied, but the map does not show an unintentional error (e.g. the SMP hearing and adoption record does not indicate another designation was intended), a SMP amendment may be obtained consistent with WAC 173-26-100 and Section 7.12 Amendments to the SMP.

C. All shoreline areas waterward of the OHWM shall be designated Aquatic or Mill Creek Flume.

D. Upland environment designations shall apply to shorelands.

E. Only one environment designation shall apply to a given shoreland area. In the case of different designations occurring parallel to the shoreline, designations shall be divided along an identified linear feature and the boundary shall be clearly noted on the map (for example: “boundary is 100 feet upland from the OHWM”).

4.7 Official Shoreline Maps and Unmapped or Undesignated Shorelines

A. The Official Shoreline Maps at the time of SMP adoption, which illustrate the delineation of shoreline jurisdiction and environment designations, are available for review in the Development Services Department as either hard copy or computer-generated images of the City's Geographic Information System. The official map shall include the following language: "We hereby certify that this map constitutes the Official Shoreline Map as approved by Ordinance 2016-09 of the City of Walla Walla and signed by its mayor dated this 25th day of May, 2016.” The Official Shoreline Maps may be updated administratively or through an SMP amendment as indicated in sub-sections B through E below. The Department of Ecology will be provided with electronic files of the Official Shoreline Maps when any updates are made. Minor mapping errors corrected administratively shall not be greater than 1.0 acre in size. If greater than 1.0 acre in size, an SMP amendment shall be completed within three years of finding the mapping error.

B. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the shoreline waterbody related to site-specific surveys of OHWM, floodway, and/or floodplain are automatically assigned the category of the contiguous waterward shoreline environment designation. Where the mapping inaccuracy results in inclusion of an unmapped associated wetland, that wetland shall be assigned an Urban Conservancy designation. Correction of these minor mapping inaccuracies may be made and incorporated into the Official Shoreline Maps without an SMP amendment.

C. All other areas of shoreline jurisdiction that were neither mapped as jurisdiction nor assigned an environment designation shall be assigned an Urban Conservancy designation until the shoreline can be re-designated through an SMP amendment process conducted consistent with WAC 173-26-100 and Section 7.0 of this SMP.

D. The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Wetland boundary and OHWM determinations are valid for five years from the date the determination is made. Floodplain and

floodway boundaries should be assessed using FEMA maps or the most current technical information available.

E. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the OHWM or floodway, is no longer in floodplain as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this SMP. Revisions to the Official Shoreline Maps may be made as outlined in this Subsection 4.7 without an SMP amendment.

5.0 General Policies and Regulations

General policies and regulations are applicable to all uses and activities that occur within all Environmental Designations (EDs). The policies and regulations found in this chapter are intended to be used in conjunction with the more specific use and activity regulations found in the chapters that follow. The policies apply to all uses within the jurisdiction, whether or not a separate shoreline permit is required. The policies may be used to condition any required permit or required letter of exemption.

5.1 Ecological Protection and Critical Areas

Policies

Policy-1. Protect all shorelines of the state in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property so that there is no net loss of ecological functions from both individual permitted or exempt development.

Policy-2. Protect and, where necessary, apply planning and land use measures to improve the quality and productivity of the City's environmental resources (air, ground and surface waters, and indigenous biology).

Policy-3. Sustain a diverse, productive, and high quality natural environment for the use, health and enjoyment of City residents.

Policy-4. Identify and protect critical fish and wildlife habitat from destruction or encroachment of incompatible uses.

Policy-5. Preserve wetlands that are important wildlife and game habitat or recreational areas.

Policy-6. Protect life and property by avoiding inappropriate developments in areas susceptible to natural disasters and hazards, such as floodplains and steep slopes.

Regulations

A. Ecological Functions. Uses and developments on shorelines must be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. New uses and developments must not have an unmitigated adverse impact on other shoreline functions fostered by this SMP.

B. Protection of Critical Areas and Buffers. Critical areas, critical areas buffers, and shoreline buffers must be protected in accordance with the provisions of Appendix A, Critical Areas in Shoreline Jurisdiction. However, these provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 1.3.3, Applicability.

C. Mitigation Requirement. If a proposed shoreline use or development is entirely addressed by specific, objective standards (such as, but not limited to, setback distances, pier dimensions, or materials requirements) contained in this SMP, then the mitigation sequencing analysis described in Subsection D is not required. In the following circumstances, the applicant must provide a mitigation sequencing analysis as described in Subsection D:

1. If a proposed shoreline use or development is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible" or requiring the minimization of development size) contained in this Chapter, then the mitigation sequencing analysis is required for the discretionary standard(s); or

3. When an action requires a Shoreline Conditional Use Permit or Shoreline Variance Permit; or

4. When specifically required by regulations contained in this SMP; or

D. Mitigation Sequence. In order to ensure that development activities contribute to meeting the no net loss provisions by avoiding, minimizing, and mitigating for adverse impacts to ecological functions or ecosystem-wide processes, an applicant who is required to complete a mitigation analysis pursuant to Subsection C must describe how the proposal will follow the sequence of mitigation as defined below:

1. Avoid the impact altogether by not taking a certain action or parts of an action;

2. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;

4. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;

5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and

6. Monitor the impact and the compensation projects and take appropriate corrective measures.

E. Adverse Impacts. Example of common actions that may result in adverse ecological impacts include, but are not limited to, the following:

1. Removal of native plant communities in shoreline jurisdiction,

2. Removal of trees or shrubs that overhang the water,

3. Removal of vegetation on slopes if that vegetation supports maintenance of slope stability and prevents surface erosion,

4. Removal or alteration of priority habitats or habitat for priority species,

5. Construction of new or expanded in- and over-water structures,

6. Construction of new or expanded shoreline stabilizations,

7. New discharges of water into shoreline waterbodies that may introduce pollutants,

8. Construction of new impervious surfaces whose discharges are not infiltrated and thus may alter hydrologic conditions of shoreline waterbodies, and/or

9. Changes in grading or fill that reduce floodplain capacity.

F. Mitigation Plan. All proposed alterations to shoreline jurisdiction that may have adverse effects on ecological functions require mitigation sufficient to provide for and maintain the functions and values of the shoreline area or to prevent risk from a critical areas hazard. The applicant must develop and implement a mitigation plan prepared by a qualified professional. Mitigation

in excess of that necessary to ensure that development will result in no net loss of ecological functions will not be required by the City, but may be voluntarily performed by an applicant. In addition to any requirements found in Appendix A, Critical Areas in Shoreline Jurisdiction, a mitigation plan must include:

1. An inventory and assessment of the existing shoreline environment including relevant physical, chemical and biological elements;
2. A discussion of any federal, state, or local management recommendations which have been developed for critical areas or other species or habitats located on the site, including stormwater management;
3. A discussion of proposed measures which mitigate the adverse impacts of the project to ensure no net loss of shoreline ecological functions;
4. A discussion of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed;
5. Scaled drawings of existing and proposed conditions, materials specifications, and performance standards;
6. A minimum three-year maintenance and monitoring plan to evaluate the effectiveness of conditions, management practices, and performance standards;
7. A contingency plan if the mitigation plan fails to meet established success criteria; and
8. Any additional information necessary to determine the adverse impacts of a proposal and mitigation of the impacts.

G. Alternative Mitigation.

1. When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions on site and in kind. To provide for flexibility in the administration of the ecological protection provisions of this SMP, alternative mitigation approaches may be approved within shoreline jurisdiction where such approaches:
   a. Provide increased protection of shoreline ecological functions and processes over the standard provisions of this SMP and are scientifically supported; or
   b. Are consistent with the Shoreline Restoration Plan or watershed-level management plans.
2. Potential alternative mitigation tools include in-lieu-fee, advance mitigation, and mitigation banking.
3. Authorization of alternative compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of ecological functions, and may require approval by other state or federal agencies.

5.2 Water Quality

Policies

Policy-1. Maintain and improve the water quantity and quality of the shoreline waterbodies, and preserve surface and groundwater for the beneficial and economic use of the area's citizens and to provide for wildlife and wildlife habitat.

Policy-2. Require that new developments or expansions or retrofits of existing developments assess the effects of additional stormwater runoff volumes and velocities, and mitigate

potential adverse effects on shorelines through design and implementation of appropriate stormwater management measures.

Regulations

A. Maintain ecological functions. The design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that there is no net loss of ecological functions.

B. Maintain aesthetic qualities and recreation opportunities. The design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that there is no net loss of aesthetic qualities (e.g., water color) or recreational opportunities (e.g., safe swimming and fishing).

C. Requirements for new development.

   1. New development and re-development shall manage short-term and long-term stormwater runoff to avoid or minimize potential adverse effects on shoreline ecological functions through compliance with the latest adopted edition of the Stormwater Management Manual for Eastern Washington (2004) or approved equivalent. If certain thresholds are not met by a development that trigger compliance with the Stormwater Management Manual or approved equivalent, best management practices (BMPs) shall be employed to avoid or minimize potential adverse effects.

   2. When the Stormwater Management Manual applies, deviations from the standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

D. Sewage management. New developments or failing septic systems shall connect to an existing municipal sewer service system if feasible, or install a system or make system corrections approved by Walla Walla County Department of Community Health.

E. Materials requirements. All materials that may come in contact with water shall be untreated or approved treated wood, concrete, approved plastic composites, or steel that will not adversely affect water quality or aquatic plants or animals.

5.3 Vegetation Conservation

Policies

Policy-1. Where new developments, uses and/or redevelopments are proposed, ensure shoreline vegetation, both upland and waterward of the OHWM, is conserved to maintain shoreline ecological functions and processes.

Policy-2. Encourage management and control of noxious and invasive weeds. Control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality.

Policy-3. Vegetation removal not associated with development should be limited to that which is necessary to achieve the intended purpose while maintaining shoreline ecological functions and processes.

Regulations

A. Vegetation within shoreline buffers, other stream buffers, wetlands and wetland buffers, WDFW-mapped priority habitats and species areas, and other critical areas must be managed consistent with Appendix A, Critical Areas in Shoreline Jurisdiction. Regulations specifying establishment and management of shoreline buffers are located in Appendix A, Section 6.0, Fish and Wildlife Habitat Conservation Areas and listed in the Development Standards Table of this SMP, Section 6. 2.

B. Other vegetation within shoreline jurisdiction, but outside of shoreline buffers, stream buffers, wetlands and wetland buffers, and other WDFW-mapped priority habitats and species areas must be managed according to Section 5.1, Ecological Protection and Critical Areas, and any other regulations specific to vegetation management contained in this SMP, including this section, and Walla Walla Municipal Code.

C. Vegetation clearing must be limited to the minimum necessary to accommodate permitted shoreline development that is consistent with all other provisions of this SMP and local codes. Mitigation sequencing per Section 5.1.D, must be applied unless specifically excluded by this SMP or Section 5.1.C, Mitigation Requirement, so that the design and location of the structure or development, including septic drainfields, minimizes short- and long-term vegetation removal. The City may approve modifications or require minor site plan alterations to achieve maximum tree retention.

D. Where vegetation removal conducted consistent with this Section results in adverse impacts to shoreline ecological function per Section 5.1.E, Adverse Impacts, new developments or site alterations are required to develop and implement a mitigation plan per Section 5.1.F, Mitigation Plan.

E. Mitigation measures must be maintained over the life of the use or development.

F. Shoreline vegetation may be removed to accommodate a temporary staging area when necessary to implement an allowed use or modification, but mitigation sequencing must be utilized and the area must be immediately stabilized and restored with native vegetation once its use as a staging area is complete.

G. Native tree removal in shoreline jurisdiction must be mitigated by installation of a similar native tree at a 2:1 impact to mitigation ratio. Non-native tree removal in shoreline buffers must be mitigated by installation of a native or suitable non-native tree at a 1:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas, and shall be held to a 75% survival standard at the end of three years.

H. Where a tree poses a safety hazard, it may be removed or converted to a wildlife snag if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function. If a safety hazard cannot be easily determined by the City, a written report by a certified arborist or other qualified professional is required to evaluate potential safety hazards.

I. Selective pruning of trees for views is allowed. Selective pruning of trees for views does not include removal of understory vegetation, and must not compromise the health of the tree. Topping of trees for views is not allowed.

J. Removal or chemical treatment of invasive species or noxious weeds included on the Washington State Noxious Weed List as a Class A, B or C weed on shorelands outside of steep or unstable slope areas is encouraged.

    1. Hand removal or spot-spraying of invasive species or noxious weeds is preferred, when feasible.

2. Mechanical removal or large-scale chemical treatment of invasive species or noxious weeds is allowed when hand removal or spot-spraying is not practical, not feasible, or not recommended.

3. Coordination with the Walla Walla County Conservation District is encouraged prior to undertaking invasive or noxious weed removal projects to ensure that the control and disposal technique is appropriate.

4. Where noxious weeds and invasive species removal results in bare soils that may be subject to erosion or recolonization by invasive or noxious species, the area must be stabilized using best management practices and replanted with native plants (in or outside of shoreline or critical area buffers) or suitable non-native plants (outside of shoreline or critical area buffers). The replanted vegetation must be similar in size and structure at maturity to the removed vegetation.

5. Invasive species removal efforts that exceed one-quarter acre should be phased if feasible to minimize potential erosion and sedimentation impacts.

K. Aquatic weed control must only be permitted where the presence of aquatic weeds will adversely affect native plant communities, fish and wildlife habitats, or an existing water-dependent use. Aquatic weed control efforts must comply with all applicable laws and standards as well as the Walla Walla County Noxious Weed Control Board.

5.4 Archaeological and Historic Resources

Policies

Policy-1. Ensure that shoreline development provides for protection and restoration of areas and sites on Walla Walla shorelines that have historic, cultural, archaeological, educational, or scientific value, in compliance with State and Federal laws.

Policy-2. As part of shoreline permit application review, coordinate with tribal, State, and Federal agencies that maintain inventories of known significant historic, cultural, and archaeological sites.

Policy-3. Avoid potential damage to cultural or archaeological resources and protect such resources if they are discovered during development, including compliance with all applicable state and federal laws.

Regulations

A. Where a professional archaeologist or historian recognized by the State of Washington has identified a site or area as containing resources of significant value, or where a site or area is listed on National, State, or local historic registers, or where state data has identified the potential for cultural resources, the SMP Administrator shall, with Department of Archaeology and Historic Preservation (DAHP) consultation, require shoreline permit applicants to provide an evaluation of the resource, and the City may apply permit conditions for the protection of the resource. Conditions may include, but are not limited to, preservation and/or retrieval of data, modification of the development proposal to reduce impacts, or other mitigation authorized under the State Environmental Policy Act (SEPA) or other local, State, and Federal laws.

B. Permits issued in areas known to have, or suspected of having, archaeological artifacts or resources shall consult the Statewide Predictive Model and determine the appropriate action as follows:

1. If any of the following are met, the project will be exempt from taking action:

a. Prior negative archaeological survey is on file

b. No ground disturbance will occur

2. If no known cultural resources are present, the Department of Archaeology and Historic Preservation Predictive Model shall be applied and the survey recommendations shall be followed according to the associated risk identified.

3. If cultural resources are present and ground-disturbance is proposed, then a site inspection or evaluation by a professional archaeologist is required in coordination with affected Tribes prior to initiating disturbance. The resource shall be avoided or a mitigation strategy shall be determined. Cost of the evaluation and inspection is the responsibility of the permit applicant.

C. In accordance with State law:

1. In the event that human remains, burials, funery items, sacred objects, or objects of cultural patrimony are found during project implementation, all provisions of RCW 68.50.645 must be adhered to.

2. In the event that prehistoric artifacts or historic-period artifacts or features are found during project implementation, all work shall cease immediately within 200 feet of the find, Washington State DAHP shall be contacted, and all provisions of RCW 27.53.060 shall be adhered to.

D. All shoreline permit applications shall be required to follow the applicable provisions of all Federal and State laws, including, but not limited to, Chapter 27.44 RCW – Indian Graves and Records and Chapter 27.53 RCW – Archaeological Sites and Resources.

5.5 Flood Protection

Policies

Policy-1. Recognize and protect the hydrologic functions of floodplains by limiting the use of structural flood hazard reduction measures.

Policy-2. Recognize that existing flood control works, such as levees, are an existing and important feature to protect life and property.

Policy-3. Ensure developments subject to damage or that could result in loss of life do not locate in areas of known flood hazards unless it can be demonstrated by the project proponent that the development is sited, designed and engineered for long-term structural integrity impacts to ecological functions are mitigated, nonstructural measures are not feasible, and that life and property on and off-site are not subject to increased hazards as a result of the development.

Policy-4. Limit new development or uses in shoreline jurisdiction, including subdivision of land that would likely require structural flood hazard reduction measures.

Regulations

A. New development shall be located outside of floodways and avoid location in floodplains so as not to significantly or cumulatively increase flood hazards. Development shall be consistent with this SMP, including Appendix A Section 4.0, Frequently Flooded Areas, as well as the City's flood damage prevention regulations, Chapter 21.10 Floodplain Management of the Walla Walla Municipal Code. If allowed, any structures permitted in the designated flood areas in shoreline jurisdiction are subject to all of the flood protection measures referenced in this Section, as well as all applicable guidelines of the Federal Emergency Management Agency and an approved flood hazard management plan.

B. The channel migration zone (CMZ) is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b). The Channel Migration Zone Maps are available for review in the Development Services Department as either hard copy or computer-generated images of the City's Geographic Information System. Applicants for shoreline development or modification may submit a site-specific CMZ study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The CMZ study must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.

C. The following uses and activities may be authorized within the CMZ or floodway, provided they are also consistent with Appendix A, Section 4.0, Frequently Flooded Areas; and WWMC Chapter 21.10 Floodplain Management:

1. Actions and development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
2. New development or redevelopment landward of publically-owned existing legal structures, such as levees, that prevent active channel movement and flooding and that would be maintained or repaired if subjected to flooding.
3. Existing and ongoing agricultural activities provided that no new restrictions to channel movement are proposed.
4. Development of new or expansion or redevelopment of existing bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures, including trails, where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed, mitigation shall address adversely impacted functions and processes in the affected shoreline.
5. New or redeveloped measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of adverse impacts on ecological functions associated with the river or stream.
6. Water-dependent installations which by their very nature must be in the floodway.
7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the modified or expanded development includes appropriate protection of ecological functions.
8. Repair and maintenance of existing legally established use and developments, provided that channel migration is not further limited, flood hazards to other uses are not increased, and significant adverse ecological impacts are avoided.
9. Uses and developments allowed in the floodway under WWMC Chapter 21.10 Floodplain Management provided they are otherwise consistent with all provisions of this SMP.

D. New flood hazard reduction measures shall not result in channelization of normal stream flows, interfere with natural hydraulic processes such as channel migration, or undermine existing structures or downstream banks.

E. New development in shoreline jurisdiction, including the subdivision of land, shall not be permitted if it is reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

F. New public and private structural flood hazard reduction measures:

1. Shall be permitted, only when a scientific and engineering analysis demonstrates the following:

a. They are necessary to protect existing development;

b. Nonstructural measures, such as buffers and setbacks, land use controls, wetland restoration, biotechnical measures, and stormwater management programs are not feasible;

c. Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;

d. The ability of natural drainage ways to adequately drain floodwaters after a flooding event is not impaired; and,

e. Adverse impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.

2. Shall be consistent with an approved comprehensive flood hazard management plan.

3. Shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the SMP Administrator.

G. New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant adverse ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

H. In those instances where management of vegetation as required by this SMP conflicts with vegetation provisions included in State, federal or other flood hazard agency documents governing City-authorized, legal flood hazard reduction measures, the vegetation requirements of this SMP will not apply. However, the applicant shall submit documentation of these conflicting provisions with any shoreline permit applications, and shall comply with all other provisions of this Section and this SMP that are not strictly prohibited by the approving flood hazard agency.

I. The removal of gravel or other riverbed material for flood management purposes shall be consistent with Section 6.9, Dredging and Dredge Material Disposal, and be allowed only after a biological and geo-morphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

5.6 Public Access

Policies

Policy-1. Promote the provision and maintenance of quality physical and visual access to shorelines, with a focus on both public properties and private properties under development.

Policy-2. Encourage public access as part of new shoreline development, commensurate with the level of public access demand created by the development, and consistent with public safety.

Policy-3. Allow for provision of communal public access as part of new commercial and residential shoreline developments.

Policy-4. Ensure that the provision of public access does not degrade natural features or otherwise contribute to a loss of shoreline ecological function.

Regulations

A. Implementation of the public access provision in this SMP shall be consistent with constitutional and legal limitations on the regulation of private property. Public access required for individual developments shall be related and proportionate to the level of demand for public access generated by the development.

B. For the purposes of this SMP, public access shall not be construed to include the right to enter or cross private property, except through the use of dedicated public right-of-way or through an easement that allows public access.

C. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly-owned shoreline areas.

D. Construction of public access improvements shall not result in a net loss of shoreline ecological function.

E. Consolidated community access for new multi-lot or multi-unit development shall be preferred over individual access, provided that the access provided is proportional to the demand generated by the proposed uses.

F. The City shall not vacate any road, street, or alley abutting a body of water except as provided under the provisions of RCW 35.79.035.

G. Shoreline public access shall be provided for the following new shoreline uses and activities, except as designated in Subsection H:

1. Shoreline development proposed or financed by public entities, including City or county governments, port districts, state agencies, and public utility districts;
2. New marinas or boating facilities, where water-enjoyment uses are associated with the facility;
3. Shoreline development that proposes commercial uses on publicly-owned land;
4. Shoreline development that is not a water-oriented or other preferred use or activity, as designated by the SMA, such as nonwater-oriented commercial or industrial development;
5. New public structural flood hazard management measures, such as dikes or levees;
6. Shoreline recreational development; or
7. When the proposed use or activity would be likely to generate additional public demand for physical or visual access to the shoreline.
8. Multi-unit residential development, including land divisions creating more than four (4) lots.

H. An applicant shall not be required to provide public access if the SMP Administrator determines that one or more of the following conditions apply:

1. The proposed development is for the subdivision of property into four or fewer parcels.
2. The proposed development consists of only agricultural activities.

I. The public access requirement may be waived if the SMP Administrator determines that one or more of the following conditions apply:

1. The site is part of a larger development project that has previously provided public access as part of the development permitting process.

2. The economic cost of providing the required public access is unreasonably disproportionate to long-term economic value of the proposed use or activity. Provision of public access on the site would pose a health or safety risk to the public due to the nature of the proposed use or activity or the location of public access, or would be infeasible due to security requirements associated with the proposed development.

3. Provision of public access at the proposed development site would result in a net loss of shoreline ecological function that cannot be effectively mitigated or avoided, or would pose a risk to threatened and/or endangered species listed under the Endangered Species Act.

4. The proposal consists solely of a new or expanded utility crossing through shoreline jurisdiction, serving development located outside shoreline jurisdiction.

J. Standards for Public Access. When public access is required, the following provisions shall apply:

1. Physical access to the shoreline shall be preferred over solely visual access. Where physical access is not safe or feasible, visual access shall be provided. Visual access may consist of solutions such as, but not limited to, view corridors, designated viewing areas, scenic overlooks, or other means of visually accessing public shorelines. Physical access may consist of solutions such as, but not limited to, a dedication of land or easement or physical improvements in the form of a trail, park, or other area where the shoreline may be physically accessed.

2. New physical public access shall be designed to connect with existing or future planned public access on adjacent properties, or shall connect to existing public right-of-way or access easements.

3. Public access sites shall be designed according to parks and recreation standards adopted by the City.

K. The SMP Administrator may allow the construction of off-site public access, either physical or visual, where such off-site access would result in equal or greater public benefit than provision of public access on the proposed development site, or when provision of on-site public access is limited due to security requirements or potential risks to health and safety. The City may also allow for the payment of a fee-in-lieu if it deems the off-site improvement would be better implemented by the City at a later date. The cost of such a fee-in-lieu shall be proportionate to the total long-term cost of the proposed development or use.

L. When all other provisions of this Section are met, shoreline development adjacent to the Mill Creek levee shall require the creation of an easement or dedication providing for a trail identified in an adopted City plan.

6.0 Shoreline Use and Modification Policies and Regulations

6.1 Use and Modifications Matrix

The following table (Table 6-1) indicates which new, expanded or altered shoreline activities, uses, developments, and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Refer to the text in Section 6.0 of this Program for all

applicable provisions related to specific uses and modification standards. Activities, uses, developments, and modifications are classified as follows:

A. Uses allowed by Shoreline Substantial Development Permit or Shoreline Exemption are indicated by a "P" on the use matrix.
B. Uses allowed by Shoreline Conditional Use Permit are indicated by a "C" on the use matrix.
C. Prohibited activities, uses, developments, and modifications are not allowed and are shown as an "X" on the use matrix.
D. Uses or activities not applicable to the shoreline environment designation in question are shown as "N/A" on the matrix.
E. Activities, uses, developments or modifications not specifically identified in the table may be allowed by a Shoreline Conditional Use Permit

All existing uses and modifications are eligible for a Shoreline Exemption if the proposed activity meets the criteria for one of the exempt activities listed in WAC 173-27-040.

Table 6-1: City of Walla Walla Use and Modification Table

City of Walla Walla Shoreline Use or Modification Key: P = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited N/A = Not Applicable	**Urban Conservancy**	**Urban Residential**	**High Intensity**	**Urban Downtown**	**Mill Creek Flume**
Agriculture					
Agricultural Activities, New	X	X	X	X	N/A
Aquaculture					
Commercial	X	X	X	X	X
Non-commercial	C	X	C	C	X
Boating and Moorage Facilities					
Boat Launches					
Public	X	X	X	X	X
Commercial/Industrial	X	X	X	X	X
Other private	X	X	X	X	X
Pier/Dock					
Residential, including community	X	X	X	X	X
Commercial, industrial	X	X	X	X	X
Recreational or public access use	X	X	X	X	X
Breakwaters, Weirs and Groins					
To protect or restore ecological functions	P	P	P	P	P
To maintain existing water-dependent uses	C	C	C	P	P
All other purposes	C	C	C	C	C
Commercial Development					
Tourism and Visitor-serving uses	X	P	P	P	X
Other retail, trade or service					

City of Walla Walla Shoreline Use or Modification Key: P = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited N/A = Not Applicable	Urban Conservancy	Urban Residential	High Intensity	Urban Downtown	Mill Creek Flume
General	X	X	P	P	X
Separated from Shoreline	X	P	P	P	N/A
Dredging and Dredge Material Disposal					
Dredging for water-dependent use, navigation, flood capacity maintenance, and public access	N/A	N/A	N/A	P	P
Dredging or disposal of dredged material for in-water habitat restoration	N/A	N/A	N/A	P	P
Dredging, other	N/A	N/A	N/A	C	C
Disposal of dredged material	C	C	C	C	C
Implementation of dredging maintenance plan	P	P	P	P	P
Fill and Excavation					
Waterward of the OHWM - restoration	N/A	N/A	N/A	P	P
Waterward of the OHWM - other	N/A	N/A	N/A	C	C
Upland of the OHWM	P	P	P	P	N/A
Flood Hazard Management					
Modification of Existing Flood Hazard Facilities	P	P	P	P	P
New Facilities	P	P	P	P	P
Forest Practices					
Forest Practices	X	X	X	X	N/A
Institutional Development					
Water-Dependent	P	P	P	P	C
Water-Related and Water-Enjoyment	C	C	P	P	X
Non Water-Oriented	X	X	P	P	X
In-Stream Structures					
To protect public facilities	P	P	P	P	P
To protect, restore, or monitor ecological functions or processes	P	P	P	P	P
To support agriculture	P	P	P	P	P
Other	P	P	P	P	C
Mining					
Extraction and Processing Facilities	X	X	X	X	X
Ports and Industrial Development					
Water-Oriented	X	X	P	P	C
Non-Water-Oriented					
General	X	X	C	P	X
Solid waste disposal/landfill	X	X	X	X	X
Separated from Shoreline	X	X	P	P	N/A

City of Walla Walla Shoreline Use or Modification Key: P = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited N/A = Not Applicable	Urban Conservancy	Urban Residential	High Intensity	Urban Downtown	Mill Creek Flume
Mixed-use project that includes a Water-Dependent Use	X	X	P	P	C
Recreational Development					
Water-Oriented	P	P	P	P	P
Non-Water-Oriented					
General	P	P	P	P	P
Sites separated from shoreline	P	P	P	P	N/A
Trails	P	P	P	P	N/A
Residential Development					
Single-Family Dwelling					
Primary	X	P	X	P	N/A
Accessory	X	P	X	P	N/A
Multi-Family Dwelling	X	P	P	P	N/A
Shoreline Restoration and Enhancement					
Shoreline Restoration and Enhancement Projects	P	P	P	P	P
Shoreline Stabilization					
New Hard Stabilization	P	P	P	P	P
New Soft Stabilization	P	P	P	P	P
Repair and Replacement	P	P	P	P	P
Signs					
Accessory to a Primary Use	P	P	P	P	N/A
Billboards	X	X	X	X	N/A
Transportation and Parking					
Transportation Facilities					
Expansion of Existing Facilities	C	C	C	P	N/A
New Access Roads Serving Permitted Uses and Arterials and Collectors	P	P	P	P	N/A
New Highways and Freeways	P	C	P	P	P
New Bridges	P	C	P	P	P
New Railways	C	C	C	N/A	N/A
New Airstrips	X	X	C	N/A	N/A
Parking					
Expansion of Existing Facilities	C	C	P	P	N/A
New Parking to Support Authorized Use	P	P	P	P	N/A
Stand-Alone Parking Lot or Structure	P	P	P	P	N/A
Utilities					
Expansion of Utilities	P	P	P	P	C

City of Walla Walla Shoreline Use or Modification Key: P = Shoreline Substantial Development Permit or Exemption C = Shoreline Conditional Use Permit X = Prohibited N/A = Not Applicable	Urban Conservancy	Urban Residential	High Intensity	Urban Downtown	Mill Creek Flume
New Utility Services Accessory to Individual Shoreline Projects	P	P	P	P	C
New Utility Services to Projects outside Shoreline Jurisdiction	P	P	P	P	C
New Power Generating Facilities	C	X	C	C	C
New Utility Transmission Lines	P	P	P	P	C
New Utility Services, General	P	P	P	P	C
New Wastewater Treatment Facility	C	X	C	C	C

6.2 Development Standards

A. There shall be a thirty-five (35) foot maximum building height for all structures, except that utility facilities, bridges, and approved industrial uses are not required to meet this standard. Otherwise, to exceed 35 feet, an applicant must apply for a Shoreline Variance, and comply with the following criteria in addition to standard Shoreline Variance criteria:

   1. Demonstrate overriding considerations of the public interest will be served, and

   2. Demonstrate that the proposal will not obstruct the view of a substantial number of residences on areas adjoining such shorelines or impair views from public lands or impair scenic vistas.

B. Minimum shoreline lot frontage shall be consistent with underlying zoning

C. Shoreline buffers. Buffer widths for Mill Creek are provided in Table 6-2. For non-shoreline streams and other critical areas in shoreline jurisdiction, see Appendix A for applicable buffers.

   1. Buffer widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank, if the ordinary high water mark cannot be identified.

   2. Water-dependent uses do not require buffers. For water-dependent developments, no minimum shoreline management buffer is required. Apply mitigation sequencing to avoid and minimize adverse impacts during development siting.

D. Building setbacks. Building setbacks are included in the Dimensional Development Standards Table below (Table 6-2) and only apply to SMP waterbodies.

Table 6-2: City of Walla Walla Dimensional Development Standards

City of Walla Walla Dimensional Standard	Urban Conservancy	Urban Residential	High Intensity	Urban Downtown	Mill Creek Flume
Shoreline Lot Frontage, minimum (feet)	Shall be consistent with underlying zoning				NA
Building Height, maximum (feet)	35	35	35[1]	See Zoning[2]	35
Building Setback (feet)	5	5	5	0	NA
Shoreline Buffers[3], minimum from OHWM (feet)	For water-dependent developments, no buffer and no building setback. Apply mitigation sequencing to avoid and minimize adverse impacts during development siting. <u>For other developments</u> Mill Creek: • From N. 3rd Avenue to S. Colville Street where flow is piped underground: 0 ft. • All other areas: 35 ft.				

1. Additional height for industrial uses may be approved in accordance with relevant sections of this Program.
2. Building heights within the Urban Downtown environment designation shall comply with City zoning regulations.
3. Shoreline buffer regulations (allowed uses etc.) and buffers for non-shoreline waterbodies in shoreline jurisdiction are found in the attached critical areas regulations (Appendix A, Section 6.0 Fish and Wildlife Habitat Conservation Areas).

6.3 General Shoreline Modification Requirements

Policies

Policy-1. Allow shoreline modifications if the use or activity is permitted under this SMP and the modifications are consistent with WWMC Chapter 21.10 Floodplain Management or where it can be demonstrated that the proposed activities are necessary to support or protect an allowed use or development.

Policy-2. Allow shoreline modifications if the use or activity is permitted under this SMP and only when adverse individual and cumulative impacts are avoided, minimized, and then mitigated as necessary to result in no net loss of shoreline ecological functions, in accordance with the mitigation sequence of this SMP.

Regulations

A. Structural shoreline modifications are only allowed where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

B. As much as possible, the number and extent of shoreline modifications shall be limited.

C. Shoreline modifications shall be appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

D. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions.

E. Shoreline modifications that have a lesser impact on ecological functions shall be given preference over other solutions.
F. Mitigation sequencing shall be required, if applicable.
G. Shoreline modifications shall incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

6.4 Agriculture

Policies

Policy-1. New or expanded agricultural activities should not be allowed within shoreline jurisdiction to comply with the City's Comprehensive Plan.

Regulations

A. New or expanded agricultural activities are prohibited within shoreline jurisdiction.

6.5 Aquaculture

Policies

Policy-1. New aquaculture for commercial propagation should not be allowed in shoreline jurisdiction. Encourage aquaculture that supports the recovery of endangered or threatened fish species.
Policy-2. Restrict aquaculture in areas where it would result in a net loss of ecological functions or significantly conflict with navigation or other water-dependent uses.
Policy-3. Promote aquaculture in such a manner as to protect the aesthetic quality of the shorelines and adjacent lands, and to protect the soil, air, water, fish and wildlife.
Policy-4. Allow aquaculture that supports the propagation of native species, whether for the purposes of recreational activities or the restoration of species.

Regulations

A. Aquaculture for commercial propagation shall be prohibited.
B. Aquacultural facilities shall be designed and located to avoid:

1. Spreading of disease, especially to native species;
2. Introducing new non-native species which cause significant ecological impacts;
3. Creating significant conflicts with navigation and other water-dependent uses;
4. Causing a net loss of ecological functions; or
5. Creating significant impacts to the aesthetic qualities of the shoreline.

C. Aquaculture structures and activities that do not require a waterside location shall be located landward of the shoreline buffers required by this SMP.

6.6 Boating and Moorage Facilities

Policies

Policy-1. New or expanded boating and moorage facilities should not be allowed within shoreline jurisdiction.

Regulations

A. New or expanded boating and moorage facilities are prohibited within shoreline jurisdiction.

6.7 Breakwaters, Weirs, and Groins

Policies

Policy-1. Allow breakwaters, weirs, and groins to be located waterward of the OHWM only where necessary to support water-dependent uses, public access, shoreline stabilization, ecological restoration, or other specific public purpose.

Policy-2. Consider alternative structures with less impact where physical conditions make such alternatives feasible.

Regulations

A. New, expanded or replacement structures shall only be allowed if it can be demonstrated that they will not result in a net loss of shoreline ecological functions and that they support water-dependent uses, public access, shoreline stabilization, ecological restoration, or other specific public purpose.

B. Breakwaters, weirs, and groins shall be limited to the minimum size necessary.

C. Breakwaters, weirs, and groins shall be designed to protect critical areas, and shall implement mitigation sequencing to achieve no net loss of ecological functions.

D. Proposed designs for new or expanded structures shall be designed by qualified professionals.

6.8 Commercial Development

Policies

Policy-1. Recognize the urban character of Mill Creek within the City of Walla Walla and encourage water-enjoyment commercial development that promotes economic activity and public enjoyment of the shoreline.

Policy-2. Ensure that shoreline commercial development provides public or visual access to the shoreline where opportunities exist, provided that such access would not pose a health or safety hazard or such access is demonstrated to be infeasible.

Policy-3. Promote public access or shoreline restoration as potential mitigation measures for impacts associated with shoreline commercial development where opportunities exist, and provided that public access would not pose a health or safety hazard to the public. .

Policy-4. Limit over-water, and non-water-oriented commercial uses in the shoreline environment.

Regulations

A. Water-enjoyment uses shall be given preference over nonwater-oriented commercial uses along Mill Creek. Non-water oriented commercial uses may be permitted if included in a mixed-use project that includes water-oriented uses or if public access to the shoreline is incorporated into the project design. Examples include, but are not limited to, outdoor seating areas, courtyards, or trails.

B. Non-water oriented commercial uses may be permitted where located on a site physically separated from the shoreline by another property in separate ownership, or by a public right-of-way, such that access for water-oriented use is precluded. All other non-water-oriented commercial uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objectives of the Shoreline Management Act, such as providing public access and ecological restoration and the commercial use is:

   1. Part of a mixed use project that includes a water-oriented use; or

   2. Proposed on a site where navigability is severely limited.

C. Only those portions of water-dependent commercial uses that require over-water facilities shall be permitted to locate waterward of the OHWM, provided they are limited to the minimum size necessary to support the structure's intended use. Non-water dependent commercial uses shall not be allowed over water except when accessory to, and located within the same building as, a water-dependent use.
D. Commercial development shall be designed to achieve no net loss of shoreline ecological function.
E. Commercial development shall minimize disruption to other shoreline uses, resources and values, such as navigation, recreation, and public access.
F. New commercial development in the shoreline environment shall provide appropriate public access to the shoreline, per the requirements of Section 5.6 – Public Access.

6.9 Dredging and Dredge Material Disposal

Policies

Policy-1. Site and design new development to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

Policy-2. Ensure dredging and dredge material disposal is done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

Policy-3. Discourage the disposal of dredge material on shorelands or wetlands within a channel migration zone, unless part of an approved restoration project.

Regulations

A. Applicability. As regulated in this SMP, dredging is the removal of bed material from below the OHWM or wetlands using other than unpowered, hand-held tools for one of the allowed dredging activities listed in Section (D) below. This Section is not intended to cover other removals of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements). These in-water substrate modifications should be conducted pursuant to applicable general and specific use and modification regulations of this SMP.
B. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
C. Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
D. Dredging may only be permitted for the following activities:

    1. Maintenance dredging of established navigation channels and basins when restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
    2. Establishing, expanding, relocating or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses.
    3. Development of new or expanded wet moorages, harbors, ports or water-dependent industries of economic importance to the region only when there are no feasible alternatives or other alternatives may have a greater ecological impact.
    4. Development of essential public facilities when there are no feasible alternatives.
    5. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.

6. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.

7. Trenching to allow the installation of necessary underground utilities if no alternative, including boring, is feasible; impacts to fish and wildlife habitat are avoided to the maximum extent possible; and the installation does not alter the natural rate, extent, or opportunity of channel migration.

E. Dredging for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions. The site where the fill is to be placed shall be located waterward of the OHWM. The project shall be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.

F. Dredge material disposal within shoreline jurisdiction is permitted under the following conditions:

1. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and

2. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or to property.

G. Dredge material disposal in open waters may be approved only when authorized by applicable state and federal agencies, and when one of the following conditions apply:

1. Land disposal is infeasible, less consistent with this SMP, or prohibited by law.

2. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.

H. All applications for dredging or dredge material disposal shall include the following information, in addition to other application requirements.

1. A description of the purpose of the proposed dredging activities.

2. A site plan outlining the perimeter of the area proposed to be dredged and the dredge material disposal area, if applicable.

3. A description of proposed dredging operations, including, but not limited to:

   a. The method of removal;
   b. The length of time required;
   c. The quantity of material to be initially removed; and
   d. The frequency and quantity of projected maintenance dredging.

4. A description of proposed dredge material disposal, including, but not limited to:

   a. Size and capacity of disposal site;
   b. Means of transportation to the disposal site; and
   c. Future use of the site and conformance with land use policies and regulations, if applicable.

5. Plans for the protection and restoration of the shoreline environment during and after dredging operations.

6. An assessment of potential impacts to ecological functions or processes from the proposal.

7. A mitigation plan to address identified impacts, if necessary.

6.10 Fill and Excavation

Policies

Policy-1. Allow fill when it is demonstrated to be the minimum extent necessary to accommodate an allowed shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes.

Policy-2. Allow fill when it is associated with restoration projects.

Policy-3. Allow upland excavation only when necessary to support a use or modification otherwise allowed by this Shoreline Master Program.

Policy-4. Upland fill and excavation should be designed to meet the character of the surrounding shoreline.

Regulations

A. All fills and excavations shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Any adverse impacts to shoreline ecological functions shall be mitigated.

B. Fills in wetlands, floodways, channel migration zones or waterward of the OHWM may be allowed only when necessary to support one or more of the following:

1. Water-dependent uses.
2. Public access.
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.
4. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers.
5. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible.
6. Ecological restoration or enhancement when consistent with an approved plan.
7. Maintenance or installation of flood hazard reduction measures consistent with a comprehensive flood hazard management plan and this SMP.
8. Protection of cultural resources when fill is the most feasible method to avoid continued degradation, disturbance or erosion of a site. Such fills shall be coordinated with any affected Indian tribes.

C. Upland fills and excavation in shoreline jurisdiction that are not located within wetlands, floodways, or channel migration zones may be allowed provided they are:

1. Part of an allowed shoreline use or modification, necessary to provide protection to cultural resources, or part of an approved restoration plan.
2. Located outside applicable buffers, unless specifically allowed in buffers.
3. Designed to avoid an increase in flood hazards. Proposals must be compliant with WWMC Chapter 21.10 Floodplain Management.

D. All fills and excavations, except fills and excavations for the purpose of shoreline restoration, shall be designed:

1. To be the minimum size necessary to implement the allowed use or modification.
2. To fit the topography so that minimum alterations of natural conditions will be necessary.
3. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
4. To avoid an increase in flood hazards though compliance with the requirements WWMC Chapter 21.10 Floodplain Management.

E. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material with a minimum potential to degrade water quality and shall be obtained from a state-authorized source.

F. A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the latest edition of the City-adopted Stormwater Management Manual for Eastern Washington (2004) or approved equivalent, shall be provided for all proposed fill and excavation activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.

6.11 Forest Practices

Policies

Policy-1. Forest practices should not be allowed within shoreline jurisdiction.

Regulations

A. Forest practices are prohibited within shoreline jurisdiction.

6.12 Institutional Development

Policies

Policy-1. Institutional development in shoreline jurisdiction should be designed and located to result in no net loss of ecological function.

Policy-2. Encourage institutional development in shoreline jurisdiction that provides public benefit with respect to the objectives of the Shoreline Management Act or which provides other scientific, educational, or cultural benefits to the public.

Policy-3. Encourage shoreline institutional development to provide public access to the shoreline where opportunities exist, provided that such access would not pose a health and safety hazard or a security risk.

Regulations

A. New and expanded institutional development in shoreline jurisdiction shall be designed and sited to result in no net loss of shoreline ecological function.

B. To the greatest extent possible, non-water oriented elements of new institutional development shall be located as far from the shoreline as is feasible, except when one of the following conditions applies:

1. Such non-water oriented uses are part of an institutional development that provides a public benefit with respect to the objectives of the Shoreline Management Act; or
2. Such non-water oriented uses are part of an institutional development that provides scientific, educational, or cultural public benefits.

C. Institutional shoreline development shall minimize disruption to other shoreline uses, resources and values, such as navigation, recreation, and public access.
D. New institutional development in shoreline jurisdiction shall provide appropriate public access to the shoreline, per the requirements of Section 5.6 – Public Access.

6.13 In-Stream Structures

Policies

Policy-1. Ensure that the location, design, construction and maintenance of in-stream structures give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

Policy-2. Encourage non-structural and non-regulatory approaches as an alternative to in-stream structures. Non-regulatory and non-structural approaches may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

Regulations

A. In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, priority habitats and species, other wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
B. In-stream structures shall not interfere with existing water-dependent uses, including recreation.
C. In-stream structures shall not be a safety hazard or obstruct water navigation.
D. In-stream structures shall be designed by a qualified professional, and located and constructed consistent with floodplain regulations found in WWMC Chapter 21.10 Floodplain Management.
E. Natural in-stream features, such as snags, uprooted trees, or stumps, shall be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation or human safety.

6.14 Mining

Policies

Policy-1. Mining activities should not be allowed within shoreline jurisdiction.

Regulations

A. Mining activities are prohibited within shoreline jurisdiction.

6.15 Ports and Industrial Development

Policies

Policy-1. Design new industrial development in the shoreline environment to result in no net loss of ecological function and to minimize disruption of navigation and use of the shoreline by adjacent property owners.

Policy-2. Recognize the urban character of Mill Creek within the City of Walla Walla and give preference to industrial development which encourages cooperative use of existing facilities that promotes economic activity and public enjoyment of the shoreline.

Policy-3. Allow future industrial and port facilities that are dependent upon a shoreline location in areas where the shoreline is already characterized by industrial development or planned for such uses.

Policy-4. New industrial development should consider providing shoreline public access as mitigation for disruption of shoreline resources and values, unless such public access would result in a security risk or life and safety hazard.

Policy-5. Restoration of impaired shoreline ecological functions and processes should be a component of new industrial development, where applicable.

Regulations

A. Industrial uses which incorporate water-enjoyment elements shall be given preference over non-water oriented industrial uses.

B. Non-water-oriented industrial uses may be permitted where located on a site physically separated from the shoreline by another property in separate ownership or a major transportation corridor such that access for water-oriented use is precluded. All other non-water-oriented industrial uses are prohibited in the shoreline environment unless one of the following conditions apply:

   1. The use is part of a mixed-use project that includes water-oriented uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and ecological restoration; or

   2. Navigability is severely limited at the proposed site, and the use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

C. New industrial development shall be located, designed and constructed in a manner that assures no net loss of shoreline ecological functions and minimizes disruption of other shoreline resources and values.

D. Required shoreline setback and buffer areas shall not be used for storage of industrial equipment, materials, or waste disposal, but may be used for outdoor recreation and public access.

E. Disposal or storage of solid or other industrial wastes is not permitted in shoreline jurisdiction.

F. New industrial development shall provide public access to the shoreline, subject to Section 5.6 – Public Access, except where such access would result in safety or security hazards or other significant impediments, as described in Section 5.6.

G. Only those portions of water-dependent industrial uses that require over-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on piling or other open-work structures, and they are limited to the minimum size necessary to support the structure's intended use.

H. Water-oriented structures may be allowed to exceed a height of thirty-five (35) feet. Such structures may include, but are not limited to, facilities which must be of a greater height in order to function, such as cranes or other facilities designed to move or place products, fixed loading facilities that must provide clearance over vessels, storage facilities such as grain elevators, as well as accessory features such as lighting required for operations. The applicant must demonstrate compliance with the following criteria:

   1. The public interest will be served by accommodating the increased height.

   2. The view of a substantial number of residences in areas adjoining such shorelines will not be obstructed.

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

6.16 Recreational Development

Policies

Policy-1. Prioritize development and improvement of recreational facilities identified in the City of Walla Walla's parks and recreation plan, to the extent that development of these facilities will not result in a net loss of ecological function.

Policy-2. Promote public access to and enjoyment of the shoreline at existing and future City parks in shoreline jurisdiction.

Regulations

A. Water-oriented recreational development shall be a priority in the shoreline jurisdiction. Where water-dependent uses, such as swimming, fishing, and boating are not appropriate or feasible due to shoreline conditions, water-enjoyment uses, such as trails and passive parks shall be given priority.

B. Expansions and improvements at existing shoreline parks to add or improve shoreline public access features shall be prioritized, provided that such improvements would not interfere with shoreline use or enjoyment by adjacent property owners or result in a net loss of shoreline ecological function.

C. New recreation facility development along the Mill Creek Recreation Trail shall include an on-site connection to the trail network.

6.17 Residential Development

Policies

Policy-1. Where shoreline conditions permit, promote a variety of housing types along shorelines in the City of Walla Walla to increase pedestrian activity and increase market area for local businesses while ensuring no net loss of shoreline ecological function.

Policy-2. Encourage community shoreline access points for multifamily residential development in the shoreline jurisdiction.

Policy-3. Design residential subdivisions in shoreline jurisdiction to be compatible with the physical and aesthetic character of the shoreline.

Policy-4. Require residential development to make adequate provision for wastewater, water, and stormwater facilities and apply best management practices to protect shoreline water quality and meet the needs of the development.

Policy-5. Design residential development to prevent the need for new shoreline stabilization or flood hazard reduction measure.

Regulations

A. Single-family and multifamily residential development in shoreline jurisdiction shall be designed and located to minimize the need for new structural stabilization, minimize native vegetation removal, and shall result in no net loss of shoreline ecological function.

B. New residential development in shoreline jurisdiction, which includes subdivision of land for more than four parcels, shall provide community access to the shoreline, consistent with the standards of Section 5.6: Public Access.

C. Overwater residential structure and floating homes shall be prohibited in the shoreline jurisdiction.

D. Residential development shall be designed consistent with the applicable environment designation, as well as zoning and development regulations.

E. Residential development shall be located a sufficient distance from steep slopes and erosion hazard areas that structural stabilization structures are not required to protect proposed

residences, for the life of the structure. The minimum buffer distance from a steep slope or erosion hazard shall be determined according to the standards in Appendix A, Section 5.0, Geologically Hazardous Areas.

F. Applications for residential development shall include provisions for water supply, wastewater, stormwater, solid waste, access, and other utilities in a manner that does not result in harmful effects on the shoreline environment or waters of the State.

G. Grading in shoreline jurisdiction associated with residential appurtenances shall be limited to 250 cubic yards or less.

H. Residential structures and their accessory uses or appurtenances shall not be located in required shoreline buffers unless specifically authorized in this SMP. Residential accessory uses shall be prohibited over the water unless clearly water-dependent for recreational or personal use.

6.18 Shoreline Restoration and Enhancement

Policies

Policy-1. Promote restoration and enhancement actions that improve shoreline ecological functions and processes and target the needs of sensitive plant, fish and wildlife species as identified by Washington Department of Fish and Wildlife, Washington Department of Natural Resources, affected tribes, National Marine Fisheries Service, and/or U.S. Fish and Wildlife Service

Policy-2. Ensure restoration and enhancement of shorelines are designed using principles of landscape and conservation ecology and restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.

Policy-3. Seek funding to implement restoration and enhancement projects, particularly those sources that are identified in the Restoration Plan of this SMP or in other pertinent plans. Funding may be sought by the City or other entities.

Policy-4. Develop application processing guidelines that will streamline the review of restoration-only projects.

Policy-5. Ensure restoration and enhancement of shorelines is implemented using best management practices and protects adjacent natural resources.

Regulations

A. Applicability. Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring or enhancing habitat for priority species in shorelines. Such projects may include shoreline modification actions such as modification of vegetation, removal of non-native or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline. This Section does not apply to mitigation.

B. Shoreline restoration and enhancement projects shall be designed using the best available scientific and technical information, and implemented using best management practices.

C. All shoreline restoration and enhancement projects shall protect the integrity of adjacent natural resources, including aquatic habitats and water quality.

D. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.

E. Long-term maintenance and monitoring shall be included in restoration or enhancement proposals.

F. Applicants seeking to perform restoration projects are advised to work with the City to assess whether and how the proposed project is allowed relief under RCW 90.58.580, in the event that the project shifts the OHWM landward.

6.19 Shoreline Stabilization

Policies

Policy-1. Locate and design new development to avoid the need for future shoreline stabilization to the extent feasible.

Policy-2. Use structural shoreline stabilization measures only when nonstructural methods are infeasible. Nonstructural methods include building setbacks, structure relocation, groundwater management, and other measures.

Policy-3. Ensure soft structural shoreline stabilization measures are used prior to hard stabilization measures unless demonstrated to be insufficient.

Policy-4. Allow new or expanded structural shoreline stabilization only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or for reconfiguration of the shoreline for mitigation or enhancement purposes.

Policy-5. Ensure all proposals for structural shoreline stabilization, both individually and cumulatively, do not result in a net loss of ecological functions.

Regulations

A. New development shall be located and designed to avoid the need for future shoreline stabilization, if feasible.

   1. Land subdivisions shall be designed based on a geotechnical report to assure that future development of the created lots will not require shore stabilization for the allowed development to occur.

   2. New development adjacent to steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated in a geotechnical report.

B. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.

C. Soft stabilization and/or bioengineered bank stabilization techniques shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses by a qualified professional.

D. All proposals for shoreline stabilization structures, both individually and cumulatively, shall evaluate potential impacts to adjacent upstream, downstream, and cross-stream channel stability, shall not result in a net loss of ecological functions, and shall be the minimum size necessary for such structures.

E. New or enlarged structural shoreline stabilization measures shall not be allowed, except as follows:

   1. To protect an existing primary structure, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization.

2. In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:

    a. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

    b. Nonstructural measures, such as, but not limited to, placing the development farther from the shoreline, reducing the size or scope of the proposal, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage shall be caused by natural processes, such as currents or waves.

3. In support of water-dependent development when all of the conditions below apply:

    a. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

    b. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible over time or sufficient.

    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.

F. New hard structural shoreline stabilization measures shall not be authorized, except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

G. An existing shoreline stabilization structure, hard or soft, may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves. While replacement of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, such activity is not exempt from the policies and regulations of this SMP.

1. For purposes of this Section, "replacement" means the construction of new structure to perform a shoreline stabilization function of existing structure that can no longer adequately serve its purpose. Any additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.

2. Replacement shall be regulated as a new shoreline stabilization measure, except for the requirement to prepare a geotechnical analysis. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or softer measure if the applicant demonstrates need to protect principal uses or structures from erosion caused by currents or waves or other natural processes operating at or waterward of the OHWM.

3. Replacement hard structural shoreline stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the

residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. All other replacement hard structural shoreline stabilization measures shall be located at or landward of the existing shoreline stabilization structure.

4. Hard and soft shoreline stabilization measures may allow some fill waterward of the OHWM to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat and shoreline rearing habitat for salmonids.

H. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following standards. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, such activity is not exempt from the policies and regulations of this SMP.

1. Repair and maintenance includes modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part. Limitations on repair and maintenance include:

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

b. Any additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.

c. The placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure shall be considered a new structure, not maintenance or repair.

2. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.

I. Structural shoreline stabilization design and construction standards:

1. Structural shoreline stabilization measures shall not extend waterward more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.

2. Stairs or other water access measures may be incorporated into shoreline stabilization measures, but shall not extend waterward of the measure or the OHWM.

3. All structural shoreline stabilization measures shall minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities. Techniques may include compliance with timing restrictions, use of best management practices, and stabilization of exposed soils following construction.

J. In addition to other submittal requirements, the applicant shall submit the following as part of a request to construct a new, enlarged, or replacement shoreline stabilization measure:

1. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical report prepared by a qualified professional. The report shall include the following:

a. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation.

b. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM, and documentation of the OHWM field determination.

c. An assessment of alternative measures to shoreline stabilization.

d. Where structural shoreline stabilization is determined to be necessary, the assessment shall evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.

e. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and cobble substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

2. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant shall submit a written narrative providing a demonstration of need. The narrative shall be prepared by a qualified professional. The demonstration of need shall consist of the following:

   a. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.

   b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization, and documentation of the OHWM field determination.

   c. An assessment of alternative measures to shoreline stabilization.

   d. An assessment of the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.

   e. Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.

   f. The demonstration of need may be waived when an existing hard structural shoreline stabilization measure is proposed to be repaired or replaced using soft structural shoreline stabilization measures, resulting in significant restoration of shoreline ecological functions or processes.

3. For all structural shoreline stabilization measures, including soft structural shoreline stabilization, detailed construction plans, including, but not limited to, the following are required:

   a. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs.

   b. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation.

6.20 Signs

Policies

Policy-1. Ensure that signs located in the shoreline jurisdiction do not disrupt visual access to water areas.

Policy-2. Limit the size and number of signs in the shoreline environment to be compatible with the applied environment designation.

Policy-3. Locate, design, and maintain signs to minimize impacts to views and be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.

Regulations

A. Vistas and viewpoints shall not be degraded by the placement of signage. Commercial, informational, and wayfinding signs shall be located and designed to not impair visual access to the water from such vistas.

B. When feasible, signs should be constructed against existing buildings to minimize visual access to the shoreline and water bodies.
C. In the shoreline environment, shared, consolidated gateway signs to identify and give directions to local premises shall be preferred over individual, single-purpose signs.
D. Safety and warning signs in shoreline jurisdiction shall be designed and located to minimize impacts to views as much as possible while accomplishing their primary function of advising the public of potential hazards.
E. Billboards and other stand-alone commercial signage not accessory to a shoreline development shall be prohibited in shoreline jurisdiction.

6.21 Transportation and Circulation

Policies

Policy-1. Design, implement, and locate new roads, railroads, and parking facilities in such a manner as to result in no net loss of shoreline ecological function.
Policy-2. Encourage a circulation system which will efficiently and safely move people, goods and services to minimize disruption or adverse effect on the shoreline areas.
Policy-3. Encourage circulation planning systems for pedestrian and bicycle transportation where appropriate.
Policy-4. Require that circulation planning and projects support existing and proposed shoreline uses that are consistent with this SMP.
Policy-5. New roads and railroads in shoreline jurisdiction should be located as far landward from the shoreline as possible.
Policy-6. Consider viewpoints, parking, trails and similar improvements for transportation system projects in shoreline areas.

Regulations

A. When it is necessary to locate transportation infrastructure within shoreline jurisdiction, such facilities should be designed to minimize the amount of land area consumed and located as far landward from the shoreline as possible.
B. Proper design, location, and construction of road and railroad facilities should be exercised to:

    1. Minimize erosion and maintain slope stability using methods consistent with the most current WSDOT design manual.
    2. Permit the natural movement of water.
    3. Prevent the entry of pollutants or waste materials into the water body.
    4. Use existing topography and preserve natural conditions to the greatest practical extent.
    5. Provide to the degree practical, scenic corridors, rest areas, viewpoints and other public amenities in public shoreline areas.

C. Encourage the retention of extensive loops or spurs of old highways in SMP jurisdiction with high aesthetic quality or trail route potential to be used as pleasure bypass routes.
D. Transportation facilities shall be constructed of materials which will not adversely affect water quality or aquatic plants and animals over the long-term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash, rain or runoff. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Preferred materials are concrete and steel.

E. Transportation and parking development shall be carried out in a manner that maintains or improves state water quality standards for affected waters and results in no net loss of shoreline ecological function.
F. Parking areas shall be designed and located to minimize disruption of the shoreline and ensure no net loss of shoreline ecological function.
G. To the greatest extent feasible, accessory parking shall be located landward of the building or use it serves.
H. Stand-alone parking lots and parking garages shall be located on portions of the development site outside shoreline jurisdiction to the greatest degree feasible and shall be separated from the shoreline by vegetation, undeveloped space, a topographical barrier, or another building or structure.

6.22 Utilities

Policies

Policy-1. Locate new utilities outside shoreline jurisdiction unless alternative locations are unfeasible, the utility requires a shoreline location, or the utility is necessary to support an approved shoreline use.

Policy-2. Ensure new utilities utilize existing transportation facilities (e.g. bridges) and utility rights-of-way easements, or existing cleared areas to the greatest extent feasible.

Regulations

A. Upon completion of installation or maintenance, projects on shoreline banks should be restored to pre-project configuration, including restoration of vegetation as required under Section 5.3: Vegetation Conservation.
B. Whenever utility lines must be placed in a shoreline area the location shall be chosen so as not to obstruct or destroy scenic views, and shall avoid disruptions to public recreation areas and significant natural, historic, archaeological or cultural sites. Utilities should be encouraged to place the lines underground wherever feasible.
C. Utilities should be located to meet the needs of future populations in areas planned to accommodate this growth.
D. Wherever possible, multiple utilities shall be co-located in a shared corridor.
E. Utility structures shall be designed and located to minimize disruption of public access to the shoreline and obstruction of visual access to the water.
F. Utilities applications should demonstrate how the location, design and use achieves no net loss of shoreline ecological functions and incorporates appropriate mitigation.
G. Privately operated irrigation pumps and water diversion structures to support agricultural activities shall not be considered utilities for the purposes of this SMP and shall be regulated as accessory to the primary agricultural use.

7.0 Administration, Permits, and Enforcement

7.1 Purpose

RCW 90.58.140(3) requires local governments to establish a Shoreline Master Program consistent with the rules adopted by the Washington Department of Ecology, for the administration and enforcement of shoreline development. In accordance with RCW 90.58.050, the City of Walla Walla has the responsibility of administering the regulatory program, with Ecology acting primarily in a supportive and review capacity.

7.2 Administrative Responsibilities

A. The City shall designate an SMP Administrator. The SMP Administrator or his/her designee is hereby vested with the authority to:

1. Have overall administrative responsibility of this SMP.
2. Grant or deny exemptions from Shoreline Substantial Development Permit requirements of this SMP.
3. Recommend authorization, approval with conditions, or denial of Shoreline Substantial Development Permits, conditional uses, and variances.
4. Grant time extensions to shoreline permits and their revision.
5. Process shoreline substantial development permits, conditional use permits, and variances pursuant to Walla Walla Municipal Code (WWMC) Chapter 20.27.
6. Administrative appeals are processed pursuant to WWMC Chapter 20.38.
7. Amendments to the SMP are processed pursuant to the WWMC Chapter 20.28 and WAC 173-26-100.

7.3 Noticing Requirements

A. Applicants shall follow the noticing requirements of the City. At a minimum, the City shall provide notice in accordance with WAC 173-27-110, and shall be consistent with noticing requirements in the Walla Walla Municipal Code.
B. Per WAC 173-27-120 the City shall comply with special procedures (public notice timelines, appeal periods, etc.) for limited utility extension and bulkheads.

7.4 Exemption from Permit Requirements

A. An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this SMP and the SMA.
B. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.
C. A development or use that is listed as a conditional use pursuant to this SMP, or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.
D. The burden of proof that a development or use is exempt from the permit process is on the applicant.
E. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.
F. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the SMA and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.
G. The City shall exempt those shoreline activities listed in WAC 173-2040, WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, or their successor laws,

from the Shoreline Substantial Development Permit process. Exempted activities shall obtain a letter of exemption under the procedures in Subsection H.

H. Letters of exemption shall be issued by the City when a development application is determined to meet the listed criteria for an exemption and when a letter of exemption is required by the provisions of WAC 173-27-050.

   1. The City is hereby authorized to grant or deny requests for statement of exemption from the shoreline substantial development permit requirements. The statement shall be in writing and shall indicate the specific exemption of this SMP that is being applied to the development, and shall provide a summary of the analysis of the consistency of the project with this SMP and the SMA. The letter shall be sent to the applicant and the Department.

   2. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this SMP and the SMA.

7.5 Permit Applications

A. Where this SMP requires more information than the minimum required by WAC 173-27-180, the SMP Administrator may vary or waive requirements beyond WAC-173-27-180 if the information is unnecessary to process the application. The SMP Administrator may require additional specific information if required by the nature of the proposal or the presence of sensitive ecological features, to ensure compliance with other local requirements or the provisions of this SMP.

B. All applications for a permit or a permit revision shall be submitted by the City to Ecology upon a final decision by the City. Final decision by the City shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed. Filing shall occur consistent with WAC 173-27-130.

C. As set forth in WAC 173-27-190, each Substantial Development Permit, Conditional Use Permit, or Variance, issued by the City must contain a provision that construction pursuant to the permit may not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have terminated; except as provided in RCW 90.58.140(5)(a) and (b).

D. A permit data sheet shall be submitted to Ecology with each shoreline permit. The permit data sheet form shall be consistent with WAC 173-27-990.

E. After the City's approval of a conditional use or variance permit, the City shall submit the permit to the department for Ecology's approval, approval with conditions, or denial.

   1. Ecology shall render and transmit to the City and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty days of the date of submittal by the City pursuant to WAC 173-27-110.

   2. Ecology shall review the complete file submitted by the City on conditional use and variance permits and any other information submitted or available that is relevant to the application. Ecology shall base its determination to approve, approve with conditions or deny a conditional use permit or variance on consistency with the policy and provisions of the SMA and, except as provided in WAC 173-27-210, the criteria in WAC 173-27-160 and 173-27-170.

   3. The City shall provide appropriate notification of the Ecology's final decision to those interested persons having requested notification from local government pursuant to WAC 173-27-130. All requests for review of any final permit decisions under chapter 90.58 RCW

and chapter 173-27 WAC are governed by the procedures established in RCW 90.58.180 and chapter 461-08 WAC, the rules of practice and procedure of the shorelines hearings board.

7.6 Shoreline Substantial Development Permits

A. A shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposals is specifically exempt per Section 7.4 (Exemption from Permit Requirements) or is not subject to the SMP per Section 1.3.3 (Applicability). Shoreline Substantial Development Permit applications shall be processed consistent with this SMP and Walla Walla Municipal Code Chapter 20.27 (Level IV Review) and Chapter 20.14 (Development Authorizations – General).

B. A substantial development permit shall be granted only when the development proposed is consistent with:

   1. The policies and procedures of the SMA;
   2. The provisions of WAC 173-27; and
   3. This SMP.

C. The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the SMA and this SMP.

D. Nothing shall interfere with the City's ability to require compliance with all other applicable plans and laws.

E. Construction and activities authorized by a Shoreline Substantial Development Permit are subject to the time limitations of WAC 173-27-090.

7.7 Shoreline Conditional Use Permits

A. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the Shorelines Hearings Board/Examiner and by Ecology. Shoreline Conditional Use Applications shall be processed consistent with this SMP and Walla Walla Municipal Code Chapters 20.14 and 20.27.

B. Other uses which are not classified, listed, or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this Section and the requirements for conditional uses contained in this SMP.

C. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.

D. Uses which are classified or set forth in this SMP as conditional uses may be authorized provided that the applicant demonstrates all of the following:

   1. That the proposed use is consistent with the policies of RCW 90.58.020 and this SMP;
   2. That the proposed use will not interfere with the normal public use of public shorelines;
   3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP;
   4. That the proposed use will cause no significant adverse effects to the shoreline environment; and
   5. That the public interest suffers no substantial detrimental effect.

E. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of

the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

7.8 Shoreline Variances

A. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where extraordinary or unique circumstances relating to the property would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. The City may not grant variances from the use regulations of the SMP. Shoreline Variance Applications shall be processed consistent with this SMP and WWMC 20.27.

B. Variance permits should be granted in circumstances where denial of the permit would conflict with the goals of the SMA as listed in RCW 90.58.020. In all instances the applicant must demonstrate extraordinary circumstances and that approval of the variance will not result in substantial detrimental effect to the public interest.

C. Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized, provided the applicant can demonstrate all of the following:

   1. That the strict application of the bulk, dimensional or performance standards set forth in the SMP precludes, or significantly interferes with, reasonable use of the property;

   2. That the hardship described in Subsection (1) is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

   3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;

   4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

   5. That the variance requested is the minimum necessary to afford relief; and

   6. That the public interest will suffer no substantial detrimental effect.

D. Variance Permits for development and/or uses that will be located waterward of the OHWM as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:

   1. That the strict application of bulk, dimensional or performance standards set forth in this SMP precludes all reasonable use of the property;

   2. That the proposal is consistent with the criteria established under Subsection (C) of this Section; and

   3. That the public rights of navigation and use of the shoreline will not be adversely affected.

E. In the granting of all variance permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

7.9 Revisions to Permits

A. When an applicant seeks to revise a shoreline substantial development permit, conditional use permit, or variance, whether such permit or variance was granted under this SMP or under the prior effective SMP, the SMP Administrator shall require the applicant to submit detailed plans and text describing the proposed changes to the project. If the Administrator determines that the proposed changes are within the general scope and intent of the original permit or variance, the revision may be approved without the need for the applicant to file a new permit application, provided the development is consistent with the SMA, WAC 173-27-100 (Revisions to Permits), and this SMP. If the proposed change constitutes substantial development, then a new permit is required.

B. Within the "scope and intent" of the original permit, as referenced in Subsection (A), means the following:

   1. No additional over-water construction will be involved, except that pier, dock, or float construction may be increased by 500 square feet or 10 percent from the provisions of the original permit, whichever is less;

   2. Lot coverage and height may be increased a maximum of 10 percent from the provisions of the original permit;

   3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted in the original permit;

   4. Additional or revised landscaping is consistent with the conditions attached to the original permit and with the SMP;

   5. The use authorized pursuant to the original permit is not changed;

   6. No adverse environmental impact will be caused by the project revision; and

C. If the revision, or the sum of the revision and any previously approved revisions, would not be consistent with the criteria specified in Subsection (B), the SMP Administrator shall require the applicant to apply for a new shoreline substantial development or conditional use permit or variance, as appropriate, in the manner provided herein.

D. If proposed revisions to the original permit involve a conditional use or variance, the City shall submit the proposed revision to the Department of Ecology for approval, approval with conditions, or denial. Indication shall be made that the revision is being submitted under the requirements set forth in WAC 173-27-100. The Department of Ecology shall respond with its final decision on the proposed revision request within 15 days of the date of receipt per WAC 173-27-100(6). The City shall notify parties of record of the Department of Ecology's final decision.

E. The revised permit becomes effective immediately upon final decision by local government or, when appropriate under Subsection (D) of this section, upon final action by Ecology.

F. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the Department of Ecology or, when appropriate under Subsection (D) of this section, the date Ecology's final decision is transmitted to the City and the applicant. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

7.10 Nonconforming Uses, Structures, and Lots

A. Nonconforming uses or developments are those shoreline uses or developments lawfully constructed or established prior to the effective date of this Master Program. The intent of this chapter is to provide regulations regarding nonconforming uses, structures, and lots as well as to establish residences as pre-existing legal uses, as allowed by SMA.

B. Nonconforming Uses and Structures: Continuance and Discontinuance

1. Lots, structures, and uses that were legally established prior to adoption of this Master Program or that were in compliance with the Master Program at the time of initial establishment but, due to revision or amendment of the Master Program, have become noncompliant are nonconforming uses that may continue, without regard to ownership changes, so long as in compliance with this chapter. A use of property that is unlawful under other local, state, or federal laws shall not be deemed a nonconforming use.

2. Any use which existed prior to adoption of this Master Program or applicability of this Master Program to the property and which is not listed as a permitted use shall be considered a nonconforming use.

3. If a nonconforming use is replaced by a conforming use for any length of time, use of the property shall not revert to the nonconforming use. The mere presence of a structure shall not constitute the continuance of a nonconforming use.

4. In accordance with Walla Walla Municipal Code Chapter 20.212, when a nonconforming use is discontinued for a period of six months or more without replacement by a conforming use, legal conforming use status expires and further use of the structure or lot must be in compliance with the provisions of Walla Walla Municipal Code and this Master Program.

C. Nonconforming Lots

1. Any permitted use or structure may be erected on any existing lot or parcel. This provision shall apply even if said lot fails to meet the minimum dimensional requirements of this SMP, provided that such a structure or use is allowed within the shoreline environment. All uses of the nonconforming lot shall comply with all other provisions of this Master Program, as well as underlying zoning requirements pursuant to WWMC Chapters 20.50 and 20.102.

2. Structures and customary accessory buildings on non-conforming lots shall be set back from the OHWM to the greatest extent feasible. Development proposed inside required buffers shall go through mitigation sequencing and shall require a mitigation plan.

D. Alteration, Expansion, or Restoration of Nonconforming Uses and Structures

1. Alteration, expansion, or restoration of nonconforming structures and uses are not allowed except as set forth in this Master Program and in Walla Walla Municipal Code Chapter 20.212.

2. Any nonconforming structure that is moved any distance must be brought into conformance with this Master Program, the SMA, and Walla Walla Municipal Code.

3. A structure for which a variance has been issued shall be considered a legal nonconforming structure, and the requirements of this Section shall apply as they apply to pre-existing nonconforming structures and uses.

4. Legally existing structures used for a conforming use but which are nonconforming with regard to setbacks, buffers, or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded, provided that said enlargement does not

increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.

5. Alteration or expansion of a nonconforming use or structure is allowed if necessary to accommodate handicapped accessibility requirements, fire code, or other life safety related requirements mandated by local, state, or federal law.

E. Pre-Existing Legal Residential Uses – Conforming Legal Residential Structures

1. Notwithstanding Subsections (A) through (D), the following shall apply only to pre-existing legal residential structures constructed prior to the effective date of this SMP:

a. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for setbacks, buffers or yards; area; bulk; height; or density shall be considered a conforming structure.

b. Redevelopment, expansion, or change of class of occupancy, of a legally constructed residential structure, including the expansion of the existing structure footprint is allowed up to twenty-five (25) percent, provided that the following criteria are met:

i. The enlargement, expansion or addition is in conformance with all other provisions of this SMP;

ii. The structure is located landward of the ordinary high water mark;

iii. The expansion does not extend farther waterward than the existing primary residential structure;

iv. The enlargements, expansion or addition does not increase the degree of non-conformity;

v. Any expansion of the existing structure footprint between ten (10) and twenty-five (25) percent shall be mitigated by providing an equivalent area of shoreline buffer enhancement through planting of native vegetation.

c. Pre-existing legal residential structures that are damaged or destroyed to an extent of more than fifty percent of their replacement cost at the time of destruction may be replaced to their prior size and location subject to:

i. All other requirements of the Walla Walla Municipal Code.

i. Submission of a building permit within six months of the act causing damage or destruction to the dwelling unit.

d. For purposes of this Section, “appurtenant structures” shall mean garages, sheds, and other legally established structures. Appurtenant structures do not include bulkheads and other shoreline modifications or over-water structures.

e. Nothing in this Section shall:

i. Restrict the ability of this SMP to limit development, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or

ii. Affect the application of other federal, state, County, or local requirements to residential structures.

7.11 Enforcement Authority

The City shall apply WAC 173-27 Part II (Shoreline Management Act Enforcement) to enforce the provision of this SMP as well as WWMC Chapter 20.42.

7.12 Amendments to the SMP

A. This SMP shall be reviewed and amended as appropriate in accordance with the review periods required in the SMA and in order to:

1. Assure that this SMP complies with applicable law and guidelines in effect at the time of the review; and
2. Assure consistency of this SMP with the City's Comprehensive Plan and development regulations adopted under Chapter 36.70A RCW, if applicable, and other local requirements.

B. This SMP and all amendments shall become effective 14 days from the date of Ecology's written notice of final approval.
C. Amendments to this SMP shall follow the process outlined in WWMC Chapters 20.28 and 20.48.

7.13 Monitoring

A. The City will track all shoreline permits and exemption activities to evaluate whether this SMP is achieving no net loss of shoreline ecological functions.
B. Activities to be tracked will be consistent with WAC requirements and shall include development, conservation, restoration and mitigation efforts, such as:
   1. New shoreline development
   2. Shoreline variances and the nature of the variance
   3. Compliance issues
   4. Net changes in impervious surface areas, including associated stormwater management
   5. Net changes in fill or armoring
   6. Net change in linear feet of flood hazard structures
   7. Net changes in vegetation (area, character)
C. Using the information collected in Subsection (B), a no net loss report shall be prepared every eight years as part of the City's SMP evaluation. Should the no net loss report show degradation of the baseline condition documented in the City's Shoreline Analysis Report (2014), changes to the SMP and/or Shoreline Restoration Plan shall be proposed at the time of the eight-year update to prevent further degradation and address the loss in ecological functions. The report will comply with the current WAC requirements at the time of submittal.

Appendix A
Critical Areas in Shoreline Jurisdiction

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APPENDIX A - CRITICAL AREAS IN SHORELINE JURISDICTION

1.0 General Provisions

1.1 Purpose

A. The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas in shoreline jurisdiction, and to protect these areas and their functions and values, in accordance with the Shoreline Management Act, while also allowing for reasonable use of private property.

B. This chapter is to implement the goals, policies, guidelines, and requirements of the city of Walla Walla ("city") urban area comprehensive plan and the Shoreline Management Act.

C. The city finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city and its residents, and/or may pose a threat to human safety or to public and private property. The beneficial functions and values provided by critical areas include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of flood waters, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical, archaeological, and aesthetic value protection, and recreation. These beneficial functions are not listed in order of priority.

D. Goals. By limiting development and alteration of critical areas, this chapter seeks to:

1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, abandoned mines, or flooding;

2. Maintain healthy, functioning ecosystems through the protection of unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve the biodiversity of plant and animal species;

3. Direct activities not dependent on critical areas resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and

4. Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.

E. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act and through the application of the best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.

F. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing and planned development.

G. The city's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

1.2 Authority

A. As provided herein, the SMP Administrator ("Administrator") is given the authority to interpret and apply, and the responsibility to enforce, this chapter to accomplish the stated purpose.
B. The city may withhold, condition, or deny shoreline development permits or exemptions to ensure that the proposed action is consistent with this chapter.

1.3 Applicability

A. The provisions of this chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in the city's shoreline jurisdiction, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the city. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purposes and requirements of this chapter. It does not apply to lawful uses or legal nonconforming uses existing at the time of adoption. Existing and ongoing agricultural activities on existing agricultural lands as defined in SMP Section 2.0, Definitions and consistent with SMP Section 1.3.3, Applicability, or changes from one agricultural use to another are exempt from this chapter. The provisions of this chapter shall not impinge upon water rights.
B. The city shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first ensuring compliance with the requirements of this chapter including but not limited to the following:

    1. Building permit;
    2. Conditional use permit;
    3. Shoreline conditional use permit;
    4. Shoreline substantial development permit;
    5. Clearing and grading permit;
    6. Shoreline exemption;
    7. Shoreline variance;
    8. Short subdivision;
    9. Subdivision;
    10. Planned unit development;
    11. Boundary line adjustment;
    12. Binding site plan; or
    13. Any other adopted permit or required approval not expressly exempted by this chapter.

C. Approval or denial of a permit or development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

1.4 Severability

If any clause, sentence, paragraph, section, or part of this chapter or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the

remainder of any part thereof, and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.

1.5 Jurisdiction – Critical areas

A. The city shall regulate all uses, activities, and developments within, adjacent to, or likely to affect one or more critical areas, consistent with the most current, accurate, and complete scientific and technical information available and the provisions herein.

B. Critical areas regulated by this chapter include:

   1. Critical aquifer recharge areas as designated in Section 2.1, Critical aquifer recharge areas – Designation;

   2. Wetlands as designated in Section 3.1, Wetlands critical areas – Designation;

   3. Frequently flooded areas as designated in Section 4.1, Frequently flooded areas – Designation;

   4. Geologically hazardous areas as designated in Section 5.1, Geologically hazardous areas – Designation; and

   5. Fish and wildlife habitat conservation areas as designated in Section 6.1, Fish and wildlife habitat conservation areas – Designation.

C. All areas within the city's shoreline jurisdiction meeting the definition of one or more critical areas, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

D. Areas Adjacent to Critical Areas Subject to Regulation. To support the intent of this chapter and ensure protection of the functions and values of critical areas, areas adjacent to critical areas shall also be considered to be within the jurisdiction of these requirements and regulations when the areas adjacent are also within shoreline jurisdiction, Jurisdiction of these requirements and regulations ends at the end of shoreline jurisdiction. Outside of shoreline jurisdiction critical areas shall be regulated by WWMC Chapter 21.04. "Adjacent" shall mean any activity located:

   1. On a site immediately adjoining a critical area;

   2. A distance equal to or less than the required critical area buffer width and building setback;

   3. A distance equal to or less than two hundred feet upland from a stream, wetland, or water body;

   4. Within the floodway, floodplain, or channel migration zone; or

   5. A distance equal to or less than two hundred feet from a critical aquifer recharge area.

1.6 Critical area maps

A. The approximate location and extent of critical areas will be displayed on various inventory maps available at the city development services department. These maps will be updated as inventories are completed in compliance with the requirements of the Shoreline Management Act, and additional maps may be added as appropriate. These maps include:

   1. City of Walla Walla Critical Area Map 1: Critical Aquifer Recharge Areas;

   2. City of Walla Walla Critical Area Maps 2a and 2b: Wetlands;

   3. City of Walla Walla Critical Area Map 3: Frequently Flooded Areas;

4. City of Walla Walla Critical Area Maps 4a, 4b, 4c and 4d: Geologic Hazard Areas – Potential Liquefaction Susceptibility, Steep Slope/Landslide Hazards, Potential Water Erosion Susceptibility, and Potential Wind Erosion Susceptibility;

5. City of Walla Walla Critical Area Map 5: Riparian Buffers/Terrestrial Habitat;

B. Maps and inventory lists are not complete and are to be considered only as guides to the general location and extent of critical areas. Maps will be used for a preliminary determination to suggest the presence or absence of a critical area. However, where additional properties containing features meeting the definitions of critical areas contained in this chapter are identified by the city, properties containing such critical areas shall be subjected to the requirements of this chapter. Where mapped areas are confirmed through an advance determination under this chapter or through site visits and analysis of other available data as part of a permit application to not actually contain critical areas, the provisions of this chapter shall not apply.

1.7 Most current, accurate, and complete scientific and technical information available.

A. Protect Functions and Values of Critical Areas with Special Consideration to Anadromous Fish. Critical area reports and decisions to alter critical areas shall rely on the most current, accurate, and complete scientific and technical information available to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat.

B. Most Current, Accurate, and Complete Scientific and Technical Information Available to Be Consistent with Criteria. The most current, accurate, and complete scientific and technical information available is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals that is consistent with WAC 173-26-201(2)(a).

C. Nonscientific Information. Nonscientific information may supplement scientific information, but it is not an adequate substitute for valid and available scientific information. Common sources of nonscientific information include anecdotal information, nonexpert opinion and hearsay.

D. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the Administrator shall:

1. Take a precautionary or a no-risk approach that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and

2. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:

   a. Address funding for the research component of the adaptive management program;
   b. Change course based on the results and interpretation of new information that resolves uncertainties; and
   c. Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and non-regulatory actions affecting protection of critical areas and anadromous fisheries.

1.8 Administrative procedures

The administrative procedures followed during the critical area review process shall conform to the standards and requirements of the city. This shall include, but not be limited to, timing, appeals, and fees associated with applications covered by this chapter and the City's SMP.

1.9 Fees

A. The city has established fees, Chapter 2.94, Miscellaneous Planning Related Fees and Charges, or Section 15.04.030, Technical Building Codes – Fees), for critical area review processing and other services provided by the city as required by this chapter. Basis for these fees shall include, but not be limited to, the cost of engineering and planning review time, cost of inspection time, costs for administration, and any other special costs attributable to the critical area review process.

B. Unless otherwise indicated in this chapter, the applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

1.10 Critical Areas Review

A. The approval or denial of an activity or modification within or adjacent to a critical area shall be an administrative action of the Administrator for actions requiring only a permit or approval requiring only ministerial action as defined by relevant city codes. The review process will be integrated with the review of the underlying shoreline permit or shoreline exemption. Public notice is required only if required by the underlying permit.

B. If a project requires another permitting action by the city that requires a public hearing, consideration of critical areas will be integrated with the underlying permitting process.

C. Preliminary Consultation. Any person preparing to submit an application for development or use of land that may be regulated by the provisions of this chapter shall hold a consultation meeting with the Administrator or designee prior to submitting an application for development or other approval. At this meeting, the Administrator or designee shall discuss the requirements of this chapter; provide critical area maps, scientific information, and other source materials; outline the review process; and work with the activity proponent to identify any potential concerns that might arise during the review process, in addition to discussing other permit procedures and requirements.

D. The city shall perform the process discussed below:

1. Verify the information submitted by the applicant for the applicable permit;

2. Evaluate the project area and vicinity for critical areas. Such evaluation may include a staff site visit if the Administrator has reason to believe that a project may involve a critical area;

3. For wetland and/or fish and wildlife habitat conservation areas, the city may require that boundaries be verified and mapped by a qualified professional. The scale of the boundary information shall be the same as the city maps, and such boundaries shall be submitted to the city as part of the application for the applicable permit if the project is:

   a. Within two hundred feet of a wetland or fish and wildlife critical area; and
   b. Will not be receiving a no-impact waiver as provided in subsection E of this section.

4. The Administrator may require that the applicant mark the following boundaries on the site to reflect the proposed construction plan: the location of the building footprint, critical area(s) boundaries, the outer extent of required critical area buffers, areas to remain undisturbed, and trees and vegetation to be removed.

a. Field markings are intended to prevent disturbance of critical areas and buffers and may include such items such as temporary fences;

b. If field markings are required by the Administrator, the applicant shall obtain the Administrator's approval on the field markings before beginning any permitted activities;

c. The applicant shall maintain the field markings for critical area(s), critical area buffers, and areas to remain undisturbed throughout the duration of the permit.

5. Determine whether the proposed project is likely to impact the functions or values of critical areas; and

6. Determine if the proposed project adequately addresses the impacts and avoids impacts to the critical area associated with the project.

E. Critical Areas Present, but No Impact –Waiver. If the Administrator determines that there are critical areas within or adjacent to the project area, but that the proposed activity is unlikely to degrade the functions or values of the critical area, the Administrator may waive the requirement for a report or other applicable information. If the waiver involves a wetland, the Administrator may require a wetland category rating be completed prior to determining whether a waiver can be granted. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:

1. There will be no alteration of the critical area or buffer;

2. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this chapter; and

3. The proposal is consistent with other applicable regulations and standards.

A summary of this analysis and the findings shall be included in any staff report or decision on the underlying permit.

F. Independent Review. Based on a review of the information contained in the critical area report and the conditions of the development proposal site, the Administrator may require independent review of any such study. This independent review shall be performed by a mutually agreed upon qualified professional selected by the city and paid for by the applicant. The purpose of such independent review is to assist the city in evaluating the effects on critical areas that may be caused by a development proposal and to facilitate the decision making process. Independent review may also include a request for consultation with the State of Washington Department of Fish and Wildlife, Washington State Department of Ecology, State Department of Natural Resources, or other appropriate local, state, federal or tribal agency.

G. Critical Areas Present and Potential Impact Likely. If the Administrator determines that the proposed project is within, adjacent to, or likely to impact a critical area, the Administrator shall:

1. Notify the applicant that a critical area report, SEPA checklist, and other applicable information must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed;

2. Require a critical area report or other applicable information from the applicant that has been prepared by a mutually agreed upon qualified professional;

3. Review and evaluate the critical area report and other applicable information to determine whether the development proposal conforms to the purposes and performance standards of this chapter;

4. Assess potential impacts to the critical area and determine if they are necessary and unavoidable;

5. Determine if any mitigation, monitoring plans and bonding measures proposed by the applicant are sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of this chapter; and

6. Include a summary of this analysis and the findings in any decision on the underlying permit(s). Critical area review findings may result in: (a) no adverse impacts to critical area(s); (b) list of applicable critical area(s) protection conditions for the underlying permit(s); or (c) denial of permit based upon unavoidable impacts to critical area(s) functions and values.

1.11 Interpretation

In the interpretation and application of this chapter, the provisions of this chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

1.12 Relationship to other regulations

A. These critical area regulations shall apply as an overlay to the city's existing regulations. In the case of conflict among regulations, whichever provision or regulation provides the greater protection to the critical area involved shall apply.
B. These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted.
C. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, hydraulic project approvals permits, U.S. Army Corps of Engineers Section 404 permits, or National Pollutant Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter. Where applicable, the development services Administrator will encourage use of information such as permit applications to other agencies or special studies prepared in response to other regulatory requirements to support required documentation submitted for critical areas review.

1.13 Multiple designations

Where any parcel may be designated as having more than one critical area designation, the development standards for each category of critical area must be met. Where there is conflict between development standards of critical area categories, the most restrictive standards shall apply.

1.14 Allowed activities

The following developments, activities, and associated uses are allowed in critical areas, and do not require approval or submission of a critical area report, provided they are consistent with the provisions of other local, state, and federal laws and requirements. Activities may intrude into the critical area or required buffer subject to any listed conditions, related permits, and in conformance with other portions of the Walla Walla Municipal Code and applicable state or federal law or regulation.

A. Notices. If a notice of application is required for a development authorization associated with the permitted activity, the notice shall describe the CAO-related activity.
B. Allowed Activities.

1. Emergency actions are those activities necessary to prevent an immediate threat to life, to public health, safety, or welfare, or that pose an immediate risk of damage to private

structures or improvements and that require remedial or preventative action in a time frame too short to allow for compliance with the procedural requirements of this chapter.

a. Emergency actions that create an impact on a critical area or its buffer shall be limited to those actions that are required to address the emergency and generally are limited to the actions necessary to remove the immediate threat. Additional actions to permanently address a deficiency generally do not qualify as emergency actions and require full compliance with the procedural requirements of this chapter. Emergency actions also must be carried out in a manner that has the least feasible impact on the critical area or its buffer.

b. The person or agency undertaking emergency action shall notify the Administrator within one working day following commencement of the emergency activity. Within fourteen days, the Administrator shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Administrator determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the enforcement provisions of SMP Section 7.0, Administration, Permits and Enforcement shall apply.

c. After the emergency, the person or agency undertaking the action shall submit a critical area report to assess effects on critical areas and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan. The person or agency undertaking the action shall apply for all approvals required by this chapter. Restoration and/or mitigation activities must be initiated within sixty days of the date of the emergency, unless an extension is approved by the Administrator, and completed in a timely manner.

2. Maintenance, operation and/or repair of existing rights-of-way, trails, roads, utilities, buildings and other facilities within critical areas and buffers; provided, that the activity does not further alter, impact, or encroach upon the sensitive area or buffer or further affect the functions of sensitive areas, and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair; and provided further, that:

   a. Prior to undertaking such actions, the applicant shall submit a written description of the maintenance activity to the Administrator with all of the following general information:
      i. Type, timing, frequency and sequence of maintenance activity to be conducted;
      ii. Type of equipment to be used (hand or mechanical);
      iii. Manner in which the equipment will be used; and
      iv. Best management practices to be used.

3. Maintenance of existing, lawfully established landscaping and gardens within a regulated critical area or its buffer, including but not limited to mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this code; provided, that native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants are not covered by this exception.

4. Maintenance, repair or replacement of an existing legal nonconforming structure that does not further alter or increase the impact to the sensitive area or buffer and results in no increased risk to life or property as a result of the proposed modification or replacement, or reconstruction of unintentionally damaged nonconforming structures, provided structures are not expanded or reconstructed for a new use. Development permit application for modification, replacement or reconstruction of the unintentionally damaged nonconforming structure(s) must be made within six months of the damaging incident.

5. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the existing improved portion of the public right-of-way (road surface, shoulder, sidewalks, and fill slopes) or the improved portion of city-authorized private roadways; provided, that no fill or discharge occurs outside the existing improved area and with appropriate best management practices to control erosion, sedimentation and other potential impacts. Excluded is work within a water body or wetland, including but not limited to culverts or bridge replacement or construction.

6. Utility projects that have minor or short-duration impacts to critical areas and buffers, as determined by the Administrator in accordance with the criteria below, and which do not significantly impact the functions or values of a sensitive area(s); provided, that such projects are constructed with best management practices and appropriate restoration measures are provided. These activities shall not result in the transport of sediment or increased stormwater. Such allowed minor utility projects shall meet the following criteria:

    a. There is no practical alternative to the proposed activity with less impact on sensitive areas;

    b. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility; and

    c. The activity involves disturbance of less than seventy-five square feet of the sensitive area and/or buffer.

7. Low-impact activities such as hiking, canoeing, nature study, photography, fishing, education or scientific research.

8. Public and private pedestrian trails, provided they are subject to the following:

    a. The trail surface shall not exceed five feet in width;

    b. The trail surface shall consist of gravel or pervious materials, including boardwalks;

    c. The trail shall meet all other city requirements including water quality standards;

    d. Sensitive area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and

    e. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report.

9. The following vegetation removal activities:

    a. The removal of the noxious weed species designated by Washington State or the local weed control authority with hand labor and light equipment, or other invasive species;

    b. The removal of hazard trees from sensitive areas and buffers that are posing a threat to public safety, or an imminent risk of damage to a permanent structure.

10. Minor site investigative work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads, removal of native trees or shrubs, or displacement of more than five cubic yards of material. Investigations involving displacement of more than five cubic yards of material, including geotechnical soil borings, groundwater monitoring wells, percolation tests, and similar activities, shall require submittal of specific plans and restoration plans. In every case, impacts to the sensitive area shall be minimized and disturbed areas shall be immediately restored.

11. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary; provided, that their use shall be conducted in accordance with applicable state and federal law.
12. Activities undertaken to comply with a United States Environmental Protection Agency superfund-related order, or a Washington Department of Ecology order pursuant to the Model Toxics Control Act that specifically preempts local regulations in the findings of the order.
13. Projects and facilities for restoration and enhancement of ecological functions of critical areas and related resources may be allowed within critical areas and buffers, upon approval of a restoration and mitigation plan in accordance with the provisions of this chapter, or for restoration and enhancement programs in an adopted shoreline restoration plan pursuant to Chapter 173-26 WAC, a watershed planning document prepared and adopted pursuant to Chapter 90.82 RCW, a watershed restoration project pursuant to RCW 89.08.460, a salmonid recovery plan, the Salmon Recovery Funding Board habitat project list, or identified by the Washington Department of Fish and Wildlife as essential for fish and wildlife habitat enhancement pursuant to RCW 77.55.290.
14. The repair and maintenance of existing drainage ditches.
15. The installation of individual service lines for agricultural purposes and to existing uses.
16. Normal and routine activities conducted by a public agency to control mosquitoes and weeds.
17. Agricultural activities including farming, horticulture, normal maintenance and repair of irrigation delivery systems and drainage systems, ranching and grazing of animals and pest and weed control. This includes land lying idle under a government program, agricultural set-aside land and changes between agricultural activities.
18. Normal and routine maintenance of agricultural ponds, livestock watering ponds and fish ponds.
19. Intentional construction of artificial structures from upland areas for purposes of stormwater drainage or water quality control, grassy swales or ornamental landscape ponds, which are not a part of a critical mitigation plan, and are consistent with the Stormwater Management Manual for Eastern Washington (Ecology 2004) and the Clean Water Act.
20. Normal maintenance and repair of the concrete-lined Mill Creek channel within the city's jurisdiction from Rooks Park to Gose Street for flood control purposes.
21. Normal dredging required to maintain ongoing water navigational facilities including boat and barge slips, docking facilities, entrance channels and agricultural irrigation facilities; provided, that other applicable permits are obtained.
22. Cases where a federal or state agency has jurisdictional control over a wetland and the Administrator determines that those permit conditions would satisfy the requirements of this chapter.

1.15 Critical area reports – General requirements

A. Prepared by Qualified Professional. If required by Appendix A Section 1.10(G)(2), the applicant shall submit a report prepared by a qualified professional as defined in this chapter.
B. Incorporating Scientific and Technical Information. The report shall use scientifically valid methods and studies in the analysis of data and field reconnaissance and reference the source of

science used. The report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this chapter.

C. Minimum Report Contents. At a minimum, the report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

2. A copy of the site plan for the development proposal showing:

   a. Identified critical areas, buffers, and the development proposal with dimensions;

   b. Limits of any areas to be cleared; and

   c. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations, consistent with the current edition of the city of Walla Walla development codes;

3. The names and professional qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

4. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;

5. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

6. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;

7. An analysis of site development alternatives;

8. A description of reasonable efforts made to apply mitigation sequencing pursuant to Appendix A Section 1.18 to avoid, minimize, and mitigate impacts to critical areas;

9. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Appendix A Sections 1.17 through 1.21, including, but not limited to:

   a. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and

   b. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties, and the environment;

10. A discussion of the performance standards applicable to the critical area and proposed activity;

11. Provisions for financial guarantees to ensure compliance, if applicable; and

12. Any additional information required for the critical area as specified in the corresponding chapter.

D. Unless otherwise provided, a report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved in advance by the Administrator.

1.16 Critical area reports – Modifications to requirements

A. Limitations to Study Area. The Administrator may limit the required geographic area of the critical area report as appropriate if:

1. The applicant, with assistance from the city, cannot obtain permission to access properties adjacent to the project area; or

2. The proposed activity will affect only a limited part of the subject site.

B. Modifications to Required Contents. The applicant may consult with the Administrator prior to or during preparation of the critical area report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

C. Additional Information Requirements. The Administrator may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with this chapter. Additional information that may be required includes, but is not limited to:

1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;

2. Grading and drainage plans; and

3. Information specific to the type, location, and nature of the critical area.

1.17 Mitigation requirements

A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in this chapter, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the most current, accurate, and complete scientific and technical information available in accordance with an approved critical area report and SEPA documents.

B. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

C. The Administrator may approve off-site mitigation if the applicant demonstrates that no viable on-site mitigation opportunities exist. Compensatory mitigation proposed off site shall be provided in the location that will provide the greatest ecological benefit and have the greatest likelihood of success. Preference will be given to off-site mitigation as close as possible to the impact area and within the same watershed sub-basin as the permitted alteration; provided, that off-site mitigation may occur within the city or within water resource inventory area (WRIA) 32 upon demonstration through a watershed- or landscape-based analysis that mitigation within an alternative sub-basin of the watershed would have greater ecological benefit. Off-site mitigation sites preference shall be given to sites and restoration activities identified in an adopted shoreline restoration plan pursuant to Chapter 173-26 WAC, a watershed planning document prepared and adopted pursuant to Chapter 90.82 RCW, a watershed restoration project pursuant to RCW 89.08.460, a salmonid recovery plan, the Salmon Recovery Funding Board habitat project list, or identified by the Washington Department of Fish and Wildlife as essential for fish and wildlife habitat enhancement pursuant to RCW 77.55.290.

D. The city may approve mitigation banking as a form of compensatory mitigation for wetlands and fish and wildlife habitat conservation area impacts when the provisions of this chapter require mitigation and when it is clearly demonstrated that the use of a mitigation bank will provide equivalent or greater replacement of critical area functions and values when compared to conventional on-site mitigation; provided, that all of the following criteria are met:

1. Mitigation banks shall only be used when they provide significant ecological benefits including long-term conservation of critical areas, important species, habitats and/or habitat

linkages, and when they are consistent with the city's comprehensive plan and create a viable alternative to piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals.

2. The mitigation bank shall be established in accordance with the Washington State Draft Mitigation Banking Rule, Proposed Chapter 173-700 WAC or as revised, and Chapter 90.84 RCW and the federal mitigation banking guidelines as outlined in the Federal Register, Volume 60, No. 228, November 28, 1995. These guidelines establish the procedural and technical criteria that banks must meet to obtain state and federal certification.

3. Preference shall be given to mitigation banks that implement restoration actions that have been identified in an adopted shoreline restoration plan, watershed planning document prepared and adopted pursuant to Chapter 90.82 RCW, a salmonid recovery plan or project that has been identified on the Salmon Recovery Funding Board habitat project list or by the Washington Department of Fish and Wildlife as essential for fish and wildlife habitat enhancement.

E. Mitigation shall not be implemented until (1) after city receipt of a report or other applicable information that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the report or other applicable information; and (2) city approval of the underlying permit(s).

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

1.18 Mitigation sequencing

Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference:

A. Avoiding the impact altogether by not taking a certain action or parts of an action;

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

C. Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, enhancing, or restoring the affected environment to the historical conditions, or pre-development, or the conditions existing at the time of the initiation of the project;

D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through approved engineered or other methods;

E. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

F. Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, fish and wildlife habitat, and vegetation conservation areas by replacing, enhancing, or providing substitute resources or environments; and

G. Monitoring the hazard or other required mitigation for a reasonable period of time and taking remedial action when necessary.

H. Mitigation for individual actions may include a combination of the above measures.

1.19 Mitigation plan requirements

When mitigation is required, the applicant shall submit to the city a mitigation plan as part of the critical area report or other applicable information. The goals and objectives will be related to the functions and values of the impacted critical area. They include:

A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:

1. A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities;

2. A review of the most current, accurate, and complete scientific and technical information available supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed; and

3. An analysis of the likelihood of success of the compensation project.

B. Performance Standards. The mitigation plan shall address the applicable performance standards identified in this chapter.

C. Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:

1. The proposed construction sequence, timing, and duration;

2. Grading and excavation details;

3. Erosion and sediment control features;

4. A vegetation planting plan specifying plant species, quantities, locations, size, spacing, and density; and

5. Measures to protect and maintain plants until established.

These written specifications shall be accompanied by detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

D. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring in years one, three and five after site construction, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. At a minimum, a monitoring report shall be submitted to document mitigation plan performance in year five after site construction.

E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

F. Financial Guarantees. The mitigation plan shall include financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with Appendix A Section 1.20.

G. Other Permits. Other local, state, and federal regulatory jurisdictions may require permits for habitat mitigation projects. The applicant shall comply with all other appropriate regulatory permits, agreements, and authority, as required by each respective jurisdiction.

1.20 Bonds to ensure mitigation, maintenance and monitoring

A. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional.

B. The bond shall be in the amount of one hundred fifty percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.

C. The bond shall be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney.

D. Bonds or other security authorized by this section shall remain in effect until the city determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the city for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

F. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.

H. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

1.21 Notice on title

A. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted should be recorded with the Walla Walla County auditor/recording office. The notice shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the land.

B. This notice on title shall not be required for a development proposal by a public agency or public or private utility:

1. Within a recorded easement or right-of-way;

2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or

3. On the site of a permanent public facility.

C. The applicant shall submit proof that the notice has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, as a condition of plat approval.

1.22 Building setbacks

Unless otherwise provided, buildings and other structures shall be set back a distance of five feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the setback area:

A. Landscaping;
B. Uncovered decks;
C. Building overhangs, if such overhangs do not extend more than twenty-four inches into the setback area; and
D. Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to water quality regulations, where water quality regulations apply. Stormwater handling will be controlled consistent with requirements in the Stormwater Manual for Eastern Washington (Ecology 2004) and the locally adopted program, as applicable.

1.23 Critical area inspections

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

1.24 Unauthorized critical area alterations and enforcement

A. When a critical area or its buffer has been altered in violation of this chapter, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a stop work order to cease all ongoing development work and to order restoration, rehabilitation, replacement or, where determined appropriate by the Administrator, mitigation measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter and other applicable city codes governing the underlying permit(s). Administrative procedures including but not limited to review and appeal of city actions related to unauthorized critical area alterations are outlined in Appendix A Sections 1.8 to 1.11 and SMP Section 7.0.
B. Restoration/Mitigation Plan Required. All development work shall remain stopped until a restoration/mitigation plan is prepared and approved by the city. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the minimum requirements described in subsection C of this section and/or mitigation requirements outlined in Appendix A Sections 1.17, 1.18, and 1.19, if mitigation is determined to be appropriate by the Administrator. The Administrator shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.
C. Minimum Performance Standards for Restoration or Mitigation.

    1. For alterations to critical aquifer recharge areas, frequently flooded areas, wetlands, and habitat conservation areas, the following minimum performance standards shall be met for the restoration or mitigation of impacts to a critical area; provided, that if the violator can demonstrate in a restoration/mitigation plan that greater functional and habitat values can be obtained, these standards may be modified by the Administrator:

a. The historic structural and functional values shall be restored, including water quality and habitat functions;
b. The historic soil types and configuration shall be replicated;
c. The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and
d. The historic functions and values should be replicated at the location of the alteration.

2. For alterations to flood and geological hazards, the following minimum performance standards shall be met for the restoration of a critical area; provided, that if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

a. The hazard shall be reduced to a level equal to, or less than, the pre-development hazard;
b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
c. The hazard area and buffers shall be replanted with native vegetation sufficient to minimize the hazard.

D. Site Investigations. The Administrator is authorized to make site inspections and take such actions as are necessary to enforce this chapter. The Administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

2.0 Critical Aquifer Recharge Areas

2.1 Critical aquifer recharge areas – Designation

Critical aquifer recharge areas (CARA) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARA have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. CARA in the city of Walla Walla are designated as follows:

A. Wellhead Protection Areas. Wellhead protection areas may be defined by the boundaries of the ten-year time of ground water travel or boundaries established using alternate criteria approved by the Washington State Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.
B. The ten-year time of travel as defined in the wellhead protection plans submitted by communities and water providers to the Department of Health as of 2007. The city of Walla Walla maintains these groundwater capture zones. The CARA delineated by the ten-year capture zones are defined in Critical Area Map 1. Table 2.1-1 lists the communities and water providers in the city of Walla Walla that have designated wellhead protection areas. Table 2.1-1 also lists the total area encompassed by the ten-year time of travel.

Table 2.1-1 List of Water Providers with Ten-Year Capture Zones Delineated

Community/Water Provider	**Area of 10-Year Capture Zone (Square Miles)**
City of Walla Walla	157,624
Artesia Water District	19
Cottonwood Glen Water Association	69

Sydney Heights Water Association	419
Veteran Affairs Medical Center	419
Walla Walla Airport (Port of Walla Walla)	94
Walla Walla Labor Home	37

The entire extent of the gravel aquifer as delineated in Critical Area Map 1 is not defined as a CARA; however, it is an aquifer of significance/consideration. The city will encourage voluntary implementation of best management practices associated with development in this area.

In order to protect the public health and safety, prevent degradation of ground water, and for potentially usable potable water, and to provide for regulations that prevent and control risks to the degradation of ground water quality and quantity, development in critical aquifer recharge areas shall be subject to the standards described in this section.

2.2 Mapping of critical aquifer recharge areas

A. The approximate location and extent of critical aquifer recharge areas are shown on the following adopted critical areas map: City of Walla Walla Critical Area Map 1: Critical Aquifer Recharge Areas.
B. These maps are to be used as a guide for the city, project applicants, and/or property owners and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

2.3 Activities allowed in critical aquifer recharge areas

The following activities are allowed in critical aquifer recharge areas pursuant to Appendix A Section 1.14, Allowed activities, and do not require submission of a critical area report:

A. Construction of structures and improvements, including additions, resulting in less than five percent or three thousand five hundred square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.
B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance.
C. On-site domestic septic systems releasing less than five hundred gallons of effluent per day and that are limited to a maximum density of one system per one acre.

2.4 Critical area report – Additional requirements for critical aquifer recharge areas

In addition to the general critical area report requirements of Appendix A Section 1.15, critical area reports for critical aquifer recharge areas must meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

A. Preparation by a Qualified Professional. An aquifer recharge area critical area report shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer, who is licensed in the state of Washington and has experience in preparing hydrogeologic assessments.
B. Hydrogeologic Assessment. For all proposed activities to be located in a critical aquifer recharge area, a critical area report shall contain a level one hydrogeological assessment. A level two hydrogeologic assessment shall be required for any of the following proposed activities:

    1. Activities that result in five percent or more impervious site area;

2. Activities that divert, alter, or reduce the flow of surface or ground waters, or otherwise reduce the recharging of the aquifer;

3. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;

4. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than five hundred gallons of effluent per day and that are limited to a maximum density of one system per one acre; or

5. Any other activity determined by the Administrator likely to have an adverse impact on ground water quality or quantity or on the recharge of the aquifer.

C. Level One Hydrogeologic Assessment. A level one hydrogeologic assessment shall include the following site- and proposal-related information at a minimum:

1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;

2. Ground water depth, flow direction, and gradient based on available information;

3. Currently available data on wells and springs within one thousand three hundred feet of the project area;

4. Location of other critical areas, including surface waters, within one thousand three hundred feet of the project area;

5. Available historic water quality data for the area to be affected by the proposed activity; and

6. Best management practices proposed to be utilized.

D. Level Two Hydrogeologic Assessment. A level two hydrogeologic assessment shall include the following site- and proposal-related information at a minimum, in addition to the requirements for a level one hydrogeological assessment:

1. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;

2. Ground water monitoring plan provisions;

3. Discussion of the effects of the proposed project on the ground water quality and quantity, including:

a. Predictive evaluation of ground water withdrawal effects on nearby wells and surface water features; and

b. Predictive evaluation of contaminant transport based on potential releases to ground water; and

c. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

2.5 Performance standards – General requirements

A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely affect the recharging of the aquifer.

B. The proposed activity must comply with the water source protection requirements and recommendations of the United States Environmental Protection Agency, Washington State Department of Ecology, Washington State Department of Health, and the city of Walla Walla health department.

C. The proposed activity must be designed and constructed in accordance with existing local, state and federal laws and regulations, and the Stormwater Management Manual for Eastern Washington, as amended (Ecology 2004), for those geographic areas covered under the Eastern Washington Phase II Municipal Stormwater Permit (Ecology 2007) or activities covered under the Ecology General Construction Permit (Ecology 2005), and/or the locally adopted program, as applicable.

2.6 Performance standards – Specific uses

A. Storage Tanks. All storage tanks proposed to be located 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 use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

   a. Prevent releases due to corrosion or structural failure for the operational life of the tank;

   b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

   c. Use material in the construction or lining of the tank that is compatible with the substance to be stored.

2. Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

   a. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;

   b. Have a primary containment area enclosing or underlying the tank or part thereof; and

   c. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

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 in critical aquifer recharge areas 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. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

D. 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 ground water recharge criteria given in RCW 90.46.080(1) and 90.46.010(10). 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.

E. State and Federal Regulations. The uses listed in Table 2.6-1 shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

Table 2.6-1 Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities

Activity	**Statute – Regulation – Guidance**
Above Ground Storage Tanks	WAC 173-303-640
Animal Feedlots	Chapters 173-216 and 173-220 WAC
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	WAC 173-303-182
Hazardous Waste Generator (Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 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 gal/day)	Chapter 246-272 WAC, Local health ordinances
Pesticide Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapters 173-303 and 173-304 WAC, Best Management Practices to Prevent Stormwater

	Pollution at Log Yards (Washington State Department of Ecology, 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	WAC 332-18-015
Wastewater Application to Land Surface	Chapters 173-216 and 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture

2.7 Uses prohibited in critical aquifer recharge areas

The following activities and uses are prohibited in critical aquifer recharge areas:

A. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, woodwaste, and inert and demolition waste landfills;
B. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;
C. Mining.
    1. Metals and hard rock mining; and
    2. Sand and gravel mining, prohibited from critical aquifer recharge areas determined to be highly susceptible or vulnerable;
D. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
E. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances; and
F. Other Prohibited Uses or Activities.
    1. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source;
    2. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

3.0 Wetlands

3.1 Wetlands critical areas – Designation

A. Designating Wetlands. Wetlands are those areas designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, as amended, 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 adapted for life in saturated soil conditions. All areas within the city of Walla Walla meeting the wetland designation criteria in the approved federal wetland delineation manual and applicable regional supplements, as amended, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

B. Wetland Ratings. Wetland Types I to IV shall be rated according to the Washington Department of Ecology wetland rating system found in the Washington State Wetland Rating System for Eastern Washington, (Ecology Publication No. 14-06-030, or as revised and approved by Ecology). These categories are generally defined as follows (Hruby 2014):

1. Category 1 Wetlands. Wetlands which are alkali wetlands, wetlands that are identified by scientists of the Washington Natural Heritage Program (DNR) as wetlands with high conservation value, bogs, mature old-growth forested wetlands over one-quarter acre with slow-growing trees, forests with stands of aspen, and wetlands that perform many functions very well function at a very high level (scores 22-27 points). They meet at least one of the following criteria: (a) represent a unique or rare wetland type; or (b) are more sensitive to disturbance than most wetlands; or (c) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; (d) provide a high level of functions (scores of 22-17 points using the Eastside rating system); or (e) are documented wetlands of local significance. The city cannot afford the risk of any degradation to these wetlands because their functions and values are too difficult to replace. Generally, these wetlands are not common and make up a small percentage of the wetlands in the region.

2. Category II Wetlands. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions (scores between 19 and 21 points). These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.

3. Category III Wetlands. Category III wetlands are (a) vernal pools that are isolated, and (b) wetlands with a moderate level of functions (scores between 16 and 18 points). Wetlands scoring between thirty and fifty points generally have been disturbed in some ways, and are often smaller, less diverse and/or more isolated from other natural resources in the landscape than Category II wetlands.

4. Category IV Wetlands. Category IV wetlands have the lowest levels of functions (scores fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. 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.

3.2 Mapping of wetland areas

A. The approximate location and extent of known wetlands are shown on the Shoreline Inventory Maps. This information is to be used as a guide for the city, project applicants and/or property owners, and may be updated as new information becomes available. In some instances (uncertified boundaries), it is a reference and does not provide a final critical area designation.

B. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional applying the approved federal wetland delineation manual and applicable regional supplements, as amended, as required by WAC 173-22-035

3.3 Critical area report – Additional requirements for wetland areas

A. Prepared by a Qualified Professional. A qualified professional shall prepare a critical areas report for wetlands. The city shall determine whether a person is a qualified professional based on criteria established in WAC 395-195-905(4).

B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for wetlands:

1. The project area of the proposed activity;
2. All wetlands and recommended buffers within two hundred feet of the project area; and
3. All shoreline areas, water features, flood plains, and other critical areas, and related buffers within two hundred feet of the project area.

C. Wetland Analysis. In addition to the minimum required contents of critical area reports in Appendix A Section 1.15, a critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

1. A written assessment and accompanying maps of the wetlands and buffers within two hundred feet of the project area, or one-half mile upstream or downstream if the wetland is a riverine wetland, including the following information at a minimum:
    a. Wetland rating, wetland delineation and required buffers;
    b. Existing wetland acreage;
    c. Wetland category; vegetative, faunal, and hydrologic characteristics;
    d. Soil and substrate conditions;
    e. Topographic elevations, at two-foot contours; and
    f. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year: drift lines, algal layers, moss lines, and sediment deposits).
2. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
3. Functional evaluation for the wetland and adjacent buffer using a local or state agency staff-recognized method and including the reference of the method and all data sheets.
4. Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
    a. Existing wetland acreage and proposed impact area;
    b. Vegetative, faunal, and hydrologic conditions;
    c. Relationship within watershed and to existing water bodies;
    d. Soil and substrate conditions, topographic elevations;
    e. Existing and proposed adjacent site conditions;
    f. Required wetland buffers; and
    g. Property ownership.
5. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs.

D. Additional Information May Be Required. When appropriate, the city may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

3.4 Activities allowed in wetlands

The activities listed below are allowed in wetlands in addition to those activities listed in, and consistent with, the provisions established in Appendix A Section 1.14, and do not require submission of a critical area report, except

where such activities result in a loss to the functions and values of a wetland or wetland buffer. These activities include:

A. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing wetland.
B. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water sources.
C. Recreational and educational activities.
D. Research.
E. Drilling for utilities under a wetland; provided, that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.
F. Enhancement of a wetland through the removal of nonnative invasive species. Weeding shall be restricted to hand removal and weed material shall be removed from the site. Bare areas that remain after weed removal shall be revegetated with native shrubs and trees at natural densities. Some hand seeding may also be done over the bare areas with native herbs.

3.5 Performance standards – General requirements

A. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and values of the wetland and other critical areas.
B. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter.
C. Wetland Buffers.

    1. Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored or enhanced wetland.

    2. Buffers shall not include areas that are functionally and effectively disconnected from the wetland by a road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided.

    3. Standard Buffer Widths. The standard buffer widths are based on wetland category, intensity of impacts, and wetland functions or special characteristics. The buffer is to be vegetated with native plant communities that are appropriate for the site conditions. If vegetation in the buffer is disturbed (grazed or mowed), proponents planning changes to land that will increase impacts to wetlands need to rehabilitate the buffer with native plant communities that are appropriate for the site conditions. The width of the buffer is measured in horizontal distance.

    4. Measurement of Wetland Buffers. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The buffer for a wetland created, restored, or enhanced as compensation for wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

Table 3.5-1 Land Use Intensity Table: Types of Proposed Land Use That Can Result in High, Moderate, and Low Levels of Impacts to Adjacent Wetlands

Level of Impact from Proposed Change in Land Use	**Types of Land Use Based on Common Zoning Designations**
High	• Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • High-intensity recreation (golf courses, ball fields, etc.)
Moderate	• Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails
Low	• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Timber management • Gravel driveways serving 2 or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

Table 3.5-2 Recommended Buffer Widths

Wetland Characteristics	**Buffer Width by Impact of Proposed Land Use**	**Other Measures Recommended for Protection**
Category IV Wetlands (For wetlands scoring fewer than 16 points for all functions)		
Score for all 3 basic functions is less than 30 points	Low – 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time
Category III Wetlands (For wetlands scoring 16-19 points or more for all functions)		
Moderate level of function for habitat (score for habitat 5-7 points)* *if wetland scores 8-9 habitat points, use row below for Category II buffers	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time

Score for habitat 3-4 points	Low – 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time
Category II Wetlands (For wetlands that score 19-21 points or more for all functions or having the "Special Characteristics" identified in the rating system)		
High level of function for habitat (score for habitat 8-9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft²	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 8-9 points; habitat less than 5points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Vernal pool	Low – 100 ft Moderate – 150 ft High – 200 ft OR Develop a regional plan to protect the most important vernal pool complexes – buffers of vernal pools outside protection zones can then be reduced to: Low – 40 ft Moderate – 60 ft High – 80 ft	No intensive grazing or tilling of wetland
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or sub basin scale Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time
Category I Wetlands (For wetlands that score 22 points or more for all functions or having the "Special Characteristics" identified in the rating system)		

Wetlands of High Conservation Value	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft. of wetland Restore degraded parts of buffer
Bogs	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Alkali	Low – 100 ft Moderate – 150 ft High – 200 ft	No additional surface water discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer width based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connections to other habitat areas.
High level of function for habitat (score for habitat 8-9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Restore degraded parts of buffer Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 5-7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (8-9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

3.6 Signs and fencing of wetlands

A. Temporary Markers. The outer perimeter of the wetland or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and are subject to inspection by the Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

B. Permanent Signs. As a condition of any permit or authorization issued pursuant to this chapter, the Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.

1. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post, or another nontreated material of equal durability. Signs must be posted at an interval of one per lot or every fifty feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the Administrator:

Protected Wetland Area
Do Not Disturb
Contact City of Walla Walla
Regarding Uses and Restriction

2. The provisions of subsection (B)(1) of this section may be modified as necessary to ensure protection of sensitive features or wildlife.

C. Fencing.

1. The Administrator shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the Administrator shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the wetland buffer, when fencing will prevent future impacts to the wetland.

2. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.

3. Fencing installed as part of a proposed activity or as required in this section shall be designed so as not to interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

3.7 Performance standards – Wetland buffer averaging

The permit approval authority may average wetland buffer widths on a case-by-case basis when the applicant demonstrates through a critical area study to the satisfaction of the Administrator that all the following criteria are met:

A. Averaging to improve wetland protection may be permitted when all of the following conditions are met as demonstrated by a critical area report pursuant to Appendix A Section 3.3:

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;

3. The total area of the buffer after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;

4. The buffer at its narrowest point is never less than seventy-five percent of the required width.

B. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met as demonstrated by a critical area report pursuant to Appendix A Section 3.3:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging;
2. The averaged buffer will not result in degradation of the wetland's functions and values;
3. The total buffer area after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;
4. The buffer at its narrowest point is never less than three-quarters of the required width except where the Administrator finds that there is an existing feature such as a roadway that limits buffer dimension, or an essential element of a proposed development such as access that must be accommodated for reasonable use and requires a smaller buffer.

C. The applicant implements all reasonable measures to reduce the adverse effects of adjacent land uses and ensure no net loss of wetland functions and values in conjunction with a wetland assessment study and mitigation plan.

3.8 Performance standards – Wetland buffer increase

The permit approval authority may increase the width of the standard buffer width on a case-by-case basis, based on a critical area report, when a larger buffer is required to protect critical habitats as outlined in Appendix A Section 6.0, or such increase is necessary to:

A. Protect the function and value of that wetland from proximity impacts of adjacent land use, including noise, light and other disturbance, not sufficiently limited by buffers provided above;
B. Maintain viable populations of priority species of fish and wildlife; or
C. Protect wetlands or other critical areas from landslides, erosion or other hazards.

3.9 Performance standards – Wetland buffer decrease

The Administrator shall have the authority to reduce the standard buffer widths identified in Appendix A Section 3.5(C); provided, that the general standards for avoidance and minimization per Appendix A Section 1.18(A) and (B) shall apply; and provided further, that all of the following apply:

A. The buffer reduction shall not adversely affect the functions and values of the adjacent wetlands;
B. The buffer of a Category I or II wetland shall not be reduced to less than seventy-five percent of the required buffer or fifty feet, whichever is greater;
C. The buffer of a Category III or IV wetland shall not be reduced to less than seventy-five percent of the required buffer or twenty-five feet, whichever is greater;
D. The applicant implements all reasonable measures to reduce the adverse effects of adjacent land uses and ensure no net loss of buffer functions and values. The specific measures that shall be implemented include, but are not limited to, the following:
    1. Direct lights away from the wetland and buffer.
    2. Locate facilities that generate substantial noise (such as some manufacturing, industrial and recreational facilities) away from the wetland and buffer.
    3. Establish covenants limiting use of pesticides within two hundred feet of wetland.
    4. Implement integrated pest management programs.
    5. Infiltrate or treat, detain and disperse runoff into buffer.
    6. Post signs at the outer edge of the critical area or buffer to clearly indicate the location of the critical area according to the direction of the city.

7. Plant buffer with native vegetation appropriate for the region to create screens or barriers to noise, light, and human intrusion and discourage domestic animal intrusion.
8. Use low impact development where appropriate.
9. Establish a permanent conservation easement to protect the wetland and the associated buffer.

3.10 Performance standards – Buffer management plan

In order to maintain effective buffer conditions, values and functions, a vegetation management plan shall be required for all buffer areas. Specific provisions to be addressed in the plan include:

A. Maintaining adequate cover of native vegetation including trees and understory at densities provided in Table 6.5-1, Walla Walla County Conservation District native riparian vegetation planting guidelines;
B. Establishing a plan for control of invasive weeds, and removal of existing invasive plant species;
C. Incorporating a monitoring and maintenance plan for a period of at least five years, except this provision may be waived for isolated single-family residential lots.

3.11 Performance standards – Specific activities and uses

The following activities may be permitted within a wetland buffer in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner to minimize impacts to the buffer and adjacent wetland:

A. Conservation and Restoration Activities. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife;
B. Passive Recreation. Passive recreation facilities designed and in accordance with the critical area report, including:
    1. Walkways and trails limited to five feet from shoulder to shoulder that are made of pervious materials and require only limited excavation for foundation or stabilization; provided, that those pathways that are generally parallel to the perimeter of the wetland shall be located in the outer twenty-five percent of the buffer area;
    2. Wildlife viewing structures that are temporary in nature or not built with permanent foundations; and
    3. Fishing areas accessed by foot.
C. Stormwater Management Facilities. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer twenty-five percent of the buffer of Category III or IV wetlands only; provided, that:
    1. No other location is feasible; and
    2. The location of such facilities will not degrade the functions or values of the wetland.
D. Subdivisions. The subdivision and short subdivision of land in wetlands and associated buffers is subject to the following:
    1. Land that is located wholly within a wetland or its buffer may not be subdivided;
    2. Land that is located partially within a wetland or its buffer may be divided; provided, that an accessible and contiguous portion of each new lot is:

a. Located outside of the wetland and its buffer; and
b. The buildable portion of the lot meets the minimum lot size requirements of the city zoning code (WWMC Title 20).

3. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the city determines that no other feasible alternative exists in and when consistent with this title. Mitigation requirements outlined in Appendix A Section 3.12 apply to these roads.

E. On-site sewage disposal system conventional drainfields may be permitted in the outer twenty-five percent of a Category II, III and IV wetland buffer when accessory to an approved residential structure, if the following conditions are met:

1. It is not feasible to connect to a public sanitary sewer system;

2. There is no reasonable location outside the wetland buffer based on analysis of conditions within the contiguous property owned by the applicant;

3. The facility is located as far from the wetland edge as possible and is designed and constructed in a manner that minimizes disturbance of soils and vegetation, and no trees in excess of four inches in diameter are removed or disturbed;

4. Clearing, grading, and excavation activities are limited to the minimum necessary and the area is restored following installation.

F. Maintenance, repair, or operation of existing structures, facilities, or improved areas, including minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions, and subject to the provisions for nonconforming uses and facilities.

G. Public and private roadways and railroad facilities, including bridge construction and culvert installation, if the following criteria are met:

1. There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland.

2. Facilities parallel to the wetland edge are located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation.

3. Clearing, grading, and excavation activities are limited to the minimum necessary, which may include placement on elevated structures as an alternative to fill, where feasible.

4. Impacts on wetland functions are mitigated in accordance with Appendix A Section 3.12.

H. Access to private development sites may be permitted to cross Category II, III, or IV wetlands or their buffers, pursuant to the criteria in subsection G of this section; provided, that alternative access shall be pursued to the maximum extent feasible, including through the provisions of Chapter 8.24 RCW. Exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts may be specified, including placement on elevated structures as an alternative to fill, if feasible.

I. Utility lines and facilities providing local delivery service, not including facilities such as electrical substations, water and sewage pumping stations, water storage tanks, petroleum products pipelines and not including transformers or other facilities containing hazardous substances, may be located in Category II, III, and IV wetlands and their buffers and/or Category I wetland buffers if the following criteria are met:

1. There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland.
2. The utility line is located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation.
3. Clearing, grading, and excavation activities are limited to the minimum necessary to install the utility line, which may include boring, and the area is restored following utility installation.
4. Buried utility lines shall be constructed in a manner that prevents adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology.
5. Impacts on wetland functions are mitigated in accordance with Appendix A Section 3.12.

3.12 Performance standards – Mitigation requirements

When the acreage required for compensatory mitigation is divided by the acreage of impact, the result is a number known variously as a replacement, compensation, or mitigation ratio. Compensatory mitigation ratios are used to help ensure that compensatory mitigation actions are adequate to offset unavoidable wetland impacts by requiring a greater amount of mitigation area than the area of impact. Requiring greater mitigation area helps compensate for the risk that a mitigation action will fail and for the time lag that occurs between the wetland impact and achieving a fully functioning mitigation site.

A. Definitions of Types of Compensatory Mitigation. The ratios presented are based on the type of compensatory mitigation proposed (e.g., restoration, creation, and enhancement). In its Regulatory Guidance Letter 02-02, the U.S. Army Corps of Engineers provided definitions for these types of compensatory mitigation. For consistency, the authors of this document use the same definitions which are provided under "compensatory mitigation" in SMP Section 2.0, Definitions.

B. The Administrator shall have the authority to adjust these ratios when a combination of mitigation approaches is proposed. In such cases, the area of altered wetland shall be replaced at a one-to-one ratio through re-establishment or creation, and the remainder of the area needed to meet the ratio can be replaced by enhancement at a two-to-one ratio. For example, impacts to one acre of a Category II wetland requiring a three-to-one ratio for creation can be compensated by creating one acre and enhancing four acres (instead of the additional two acres of creation that would otherwise be required).

Table 3.12-1 Mitigation Ratios for Eastern Washington[1]

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only[2]	Re-establishment or Creation (R/C) and Rehabilitation (RH)[2]	Re-establishment or Creation (R/C) and Enhancement (E)[2]	Enhancement Only[2]
All 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

All 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 II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal Pool	2:1 Compensation must be seasonally ponded wetland	4:1 Compensation must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All other 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 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 I Natural Heritage site	Not considered possible[3]	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible[3]	R/C Not considered possible[3]	Case-by-case
Category I Alkali	Not considered possible[3]	6:1 Rehabilitation of an alkali wetland	R/C Not considered possible[3]	R/C Not considered possible[3]	Case-by-case
Category I Bog	Not considered possible[3]	6:1 Rehabilitation of a bog	R/C Not considered possible[3]	R/C Not considered possible[3]	Case-by-case

1. Mitigation ratios reference: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication No. 06-06-011a. Olympia, WA.

2. These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

3. Natural Heritage sites, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

C. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report" (Ecology Publication #11-06-015, August 2012, or as revised).

D. Buffers. Replacement wetlands established pursuant to these mitigation provisions shall have adequate buffers to ensure their protection and sustainability. The buffer shall be based on the category and land-use intensity in Appendix A Section 3.5(C); provided, that the Administrator shall have the authority to approve a smaller buffer when existing site constraints (such as a road) prohibit attainment of the standard buffer.

E. Mitigation Maintenance and Monitoring. Mitigation areas will be maintained and monitored for a minimum of five years or a period necessary to establish that performance standards have been met after the mitigation has been completed. Annual maintenance and monitoring reports will be submitted to the city and, where applicable, the Department of Ecology, and shall include:

1. Descriptive data for vegetation, soils, and hydrology;
2. Itemized list of dead, dying, and replaced vegetation;
3. Quantitative assessment of invasive species;
4. Descriptive photographs;
5. Statement of overall success of mitigation;
6. Schedule of activities for the next year of maintenance and monitoring.

The city may extend maintenance and monitoring for mitigation projects that fail to achieve performance standards outlined in the mitigation plan.

3.13 Performance standards – Wetland mitigation plan

In addition to meeting the requirements of Appendix A Section 1.19, a compensatory mitigation plan for wetland and wetland buffer impacts shall meet the following requirements:

A. The plan shall be based on applicable portions of the Washington State Department of Ecology's Wetland Mitigation in Washington State Part 2: Developing Mitigation Plans, 2006, as amended, or other appropriate guidance document that is consistent with the most current, accurate, and complete scientific and technical information available.

B. The plan shall contain sufficient information to demonstrate that the proposed activities are logistically feasible, constructible, ecologically sustainable, and likely to succeed. Specific information to be provided in the plan shall include:

1. The rationale for site selection;
2. General description and scaled drawings of the activities proposed including, but not limited to, clearing, grading/excavation, drainage alterations, planting, invasive plant management, installation of habitat structures, irrigation, and other site treatments associated with the development activities and proposed mitigation action(s);
3. A description of the ecological functions and values that the proposed alteration will affect and the specific ecological functions and values the proposed mitigation area(s) shall provide, together with a description of required or recommended mitigation ratios and an assessment of factors that may affect the success of the mitigation program;

4. Overall goals of the plan, including wetland function, value, and acreage;
5. Description of baseline (existing) site conditions including topography, vegetation, soils, hydrology, habitat features (i.e., snags), surrounding land use, and other pertinent information;
6. Field data confirming the presence of adequate hydrology (surface and/or groundwater) to support existing and compensatory wetland area(s);
7. Nature of mitigation activities, including area of restored, created, enhanced and preserved wetland, by wetland type;
8. Detailed grading and planting plans showing proposed post-construction topography; general hydrologic patterns; spacing and distribution of plant species, size and type of proposed planting stock, watering or irrigation plans, and other pertinent information;
9. A description of site treatment measures including invasive species removal, use of mulch and fertilizer, placement of erosion and sediment control devices, and best management practices that will be used to protect existing wetlands and desirable vegetation.

C. Specific measurable performance standards that the proposed mitigation action(s) shall achieve together with a description of how the mitigation action(s) will be evaluated and monitored to determine if the performance standards are being met and identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates that project performance standards are not being met. The performance standards shall be tied to and directly related to the mitigation goals and objectives.
D. Cost estimates for the installation of the mitigation program, monitoring, and potential corrective actions if project performance standards are not being met.
E. Timing. Mitigation activities shall be timed to occur in the appropriate season based on weather and moisture conditions and shall occur as soon as possible after the permitted alteration.

3.14 Wetland mitigation banks

A. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
    1. The bank is certified under the Washington State Wetland Mitigation Bank Rule, Chapter 173-700 WAC, or as revised;
    2. The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
    3. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
B. Replacement ratios for projects using bank credits shall be consistent with replacement 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.

4.0 Frequently Flooded Areas

4.1 Frequently flooded areas – Designation.

A. All areas within the city meeting the definition of a frequently flooded area, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter. The flood areas are classified as either one of two types:

   1. Floodway. Floodways are defined as the channel of a stream and adjacent land areas which are required to carry and discharge the flood water or flood flows of any river or stream associated with a regulatory flood.

   2. Floodway Fringe. The floodway fringe is defined as that land area which is outside a stream's floodway, but is subject to periodic inundation due to flooding, associated with a regulatory flood.

B. These flood areas have been accurately delineated based on hydrologic and hydraulic studies completed by the Federal Emergency Management Agency in 1983, and as subsequently revised and amended.

The methodology and detail of these studies is accepted as the most current, accurate, and complete scientific and technical information available.

4.2 Mapping of frequently flooded areas

A. The approximate location and extent of frequently flooded areas are shown on the following adopted critical areas map: City of Walla Walla Critical Area Map 3: Frequently Flooded Areas. This map is based on data obtained from the Federal Emergency Management Agency Flood Insurance Rate Maps, December 1983, or as later revised.

B. These maps are to be used as a guide for the city, project applicants, and/or property owners and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

4.3 Frequently flooded areas – Regulation

"Frequently flooded areas" are those same areas regulated by WWMC Chapter. 21.10 Floodplain Management and are protected through regulations provided in that Chapter. If allowed, any structures permitted in the designated flood areas in shoreline jurisdiction are subject to the regulations of WWMC Chapter 21.10 Floodplain Management, as well as the flood protection measures of SMP Section 5.5, Flood Protection.

5.0 Geologically Hazardous Areas

5.1 Geologically hazardous areas – Designation.

A. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. The following regulations, in combination with the performance standards for development, will guide development in these critical areas. The purpose of these regulations is to maintain the natural integrity of hazardous areas and their buffers in order to protect adjacent lands from the impacts of landslides, mudslides, subsidence, excessive erosion and seismic events, and to safeguard the public from these threats to life or property. Geologically hazardous areas are designated as those areas that are susceptible to one or more of the following types of hazards:

   1. Erosion hazard;

2. Landslide hazard;
3. Seismic hazard;
4. Other geological events including mass wasting, debris flows, rock falls, and differential settlement.

B. Erosion Hazard Areas. Erosion hazard areas are those areas of the City of Walla Walla which:

1. Contain soils or soil complexes identified by the U.S. Department of Agriculture's Natural Resource Conservation Service or the soil survey for the city of Walla Walla as having moderate to severe, severe or very severe erosion hazard potential; or
2. Are impacted by shore land and/or stream bank erosion; or
3. Areas with a slope greater than fifteen percent.

C. Landslide Hazard Areas. Landslide hazard areas are those areas susceptible to landslides because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other physical factors. Potential landslide hazard areas exhibit one or more of the following characteristics:

1. Sensitive Sloped Areas. Slopes exceeding thirty-five percent with a vertical relief of ten or more feet except areas composed of competent rock and properly engineered slopes designed and approved by a geotechnical engineer licensed in the state of Washington and experienced with the site;
2. Areas mapped by the Washington State Department of Natural Resources (slope stability mapping) as unstable ("U"), unstable old slides ("UOS"), or unstable recent slides ("URS");
3. Areas designated by the U.S. Department of Agriculture's Natural Resource Conservation Service as having severe limitations for building site development;
4. Areas that have shown evidence of historic failure or instability, including but not limited to back-rotated benches on slopes; areas with structures that exhibit structural damage such as settling and racking of building foundations; and areas that have toppling, leaning, or bowed trees caused by ground surface movement;
5. Slopes greater than fifteen percent that have a relatively permeable geologic unit overlying a relatively impermeable unit and having springs or groundwater seepage;
6. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action;
7. Areas located in a canyon or active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
8. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Washington State Department of Natural Resources;
9. Areas that are at risk of mass wasting due to seismic forces; and
10. 1Slopes having gradients steeper than eighty percent subject to rock fall during seismic shaking.

D. Seismic Hazard Areas. Seismic hazard areas are those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, soil liquefaction or surface faulting including:

1. Areas subject to surface faulting during a seismic event;
2. Areas with underlying deposits indicative of a risk of liquefaction during a seismic event, including those areas mapped as moderate, moderate to high and high by the Washington State Department of Natural Resources;
3. Areas subject to slope failure during a seismic event;
4. Areas that are at risk of mass wasting due to seismic forces.

Seismic hazards shall be as identified in Washington State Department of Natural Resources seismic hazard and liquefaction susceptibility maps for eastern Washington and other geologic resources.

E. Other Hazard Areas. Geologically hazardous areas shall also include areas determined by the Administrator those areas subject to severe risk of damage as a result of other geological events including mass wasting, debris flows, rock falls and differential settlement.

5.2 Mapping of geologically hazardous areas

A. The approximate location and extent of geologically hazardous areas containing known or suspected risk are shown on the following adopted critical areas maps: City of Walla Walla Critical Area Map 4: Geologic Hazard Areas: Landslide, Liquefaction and Seismic; and City of Walla Walla Critical Area Map 5: Geologic Hazard Areas: Erosion and Steep Slopes. The hazard areas outlined on these maps are based on the following data:
   1. USGS ten-meter Digital Elevation Model (slope);
   2. USDA Soil Survey of City of Walla Walla Area, Washington;
   3. Washington State Department of Natural Resources Liquefaction Susceptibility Map of City of Walla Walla, Washington;
   4. Washington State Department of Natural Resources Site Class Map of City of Walla Walla, Washington; and
   5. City of Walla Walla Landslide Hazards.
B. These maps are to be used as a guide for the city, project applicants and/or property owners, and may be updated as new information becomes available. They are a reference and do not provide a final critical area designation.

5.3 Activities allowed in geologically hazardous areas

The following activities are allowed in geologically hazardous areas pursuant to Appendix A Section 1.14, and do not require submission of a critical area report; provided, that the activity will not increase the risk of the hazard:

A. Erosion and Landslide Hazard Areas. Except as otherwise provided for in this chapter, only those activities approved and permitted consistent with the critical area report in accordance with this chapter shall be allowed in erosion or landslide hazard areas.
B. Extreme Slope Hazard Areas. Installation of fences may be allowed within an extreme slope hazard area.
C. Other Hazard Areas. The following activities may be allowed within other geologically hazardous areas:
   1. Construction of new buildings with less than three thousand five hundred square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;

2. Additions to existing residences that are two hundred fifty square feet or less; and
3. Installation of fences.

5.4 Critical area report – Additional requirements for geologically hazardous areas

A. Prepared by a Qualified Professional. A critical areas report for a geologically hazardous area shall be prepared by a geotechnical engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrologic, and ground water flow systems; or by a geologist who earns his or her livelihood from the field of geology and/or geotechnical analysis, with experience analyzing geologic, hydrologic and ground water flow systems, who has experience preparing reports for the relevant type of hazard. Preparation of these reports by a state of Washington registered geologist is preferred.

B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for geologically hazardous areas:

1. The project area of the proposed activity; and
2. All geologically hazardous areas within two hundred feet of the project area or that have potential to be affected by the proposal.

C. Geotechnical Assessment. A critical area report for a geologically hazardous area shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:

1. Site and Construction Plans. The report shall include a copy of the site plans for the proposal showing:
    a. The type and extent of geologic hazard areas, and any other critical areas, and buffers on, adjacent to, within two hundred feet of, or that are likely to impact the proposal;
    b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
    c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report; and
    d. Clearing limits.
2. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rocks of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:
    a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
    b. A detailed overview of the field investigations; published data and references; data and conclusions from past assessments of the site; and site-specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas; and
    c. A description of the vulnerability of the site to seismic and other geologic events.
3. Analysis of Proposal. The report shall contain a geotechnical analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property and affected adjacent properties; and

4. Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis.

D. Incorporation of Previous Study. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.

E. Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

5.5 Critical area report – Additional requirements for specific geologically hazardous areas

In addition to the general critical area report requirements of Appendix A Section 1.15, critical area reports for geologically hazardous areas must meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

A. Erosion, Landslide and Extreme Slope Hazard Areas. In addition to the basic critical area report requirements, a critical area report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

1. Site Plan. The report shall include a copy of the site plan for the proposal showing:
    a. The height of slope, slope gradient, and cross section of the project area;
    b. The location of springs, seeps, or other surface expressions of ground water on or within two hundred feet of the project area or that have potential to be affected by the proposal; and
    c. The location and description of surface water runoff.
2. Geotechnical Analysis. The geotechnical analysis shall specifically include:
    a. A description of the extent and type of vegetative cover;
    b. An estimate of load capacity including surface and ground water conditions, public and private sewage disposal systems, fills and excavations and all structural development;
    c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
    d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one-hundred-year storm event;
    e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on downslope properties;
    f. A study of slope stability including an analysis of proposed angles of cut and fill and site grading;
    g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement;
    h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

3. Hazards Analysis. The hazards analysis component of the critical areas report shall specifically include:
    a. A description of the extent and type of vegetative cover;
    b. A description of subsurface conditions based on data from site-specific explorations;
    c. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
    d. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
    e. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one-hundred-year storm event;
    f. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on downslope properties;
    g. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
    h. Recommendations for building siting limitations; and
    i. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.
4. Geotechnical Engineering Report. The technical information for a project within a landslide hazard area shall include a geotechnical engineering report prepared by a licensed engineer that presents engineering recommendations for the following:
    a. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
    b. Recommendations for drainage and subdrainage improvements;
    c. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and
    d. Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.
5. Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in the city's construction standards.
6. Drainage Plan. The report shall include a drainage plan for the collection, transport, treatment, discharge and/or recycling of water. The drainage plan should consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area.
7. Mitigation Plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan and/or other means for maintaining long-term soil stability.
8. Monitoring Surface Waters. If the Administrator determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water

discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the city.

B. Seismic Hazard Areas. In addition to the basic report requirements, a critical area report for a seismic hazard area shall also meet the following requirements:

1. The site map shall show all known and mapped faults within two hundred feet of the project area or that have potential to be affected by the proposal.

2. The hazards analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated, fault displacement and liquefaction potential).

3. Where liquefaction risks of high, moderate to high or moderate exist, the report shall address soil and structural mitigation measures.

C. Other Geologically Hazardous Areas. In addition to the basic report requirements, the Administrator may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity and the subject hazard. Additional information that may be required includes, but is not limited to:

1. Site Plan. The site plan shall show all hazard areas located within two hundred feet of the project area or that have potential to be affected by the proposal; and

2. Geotechnical Analysis. The geotechnical analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

5.6 Performance standards – General requirements

A. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

1. Will not increase the threat of the geological hazard to adjacent properties beyond pre-development conditions;

2. Will not adversely impact other critical areas;

3. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

4. Are determined to be safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington.

B. Critical facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

C. In addition to the provisions of this chapter, alterations of geologically hazardous areas or associated buffers must conform to city construction standards and building codes.

D. Seismic Hazard Areas Standards. Development may be allowed in seismic hazard areas when all of the following apply:

1. If evaluation of site-specific subsurface conditions by a qualified professional demonstrates that the proposed development site is not subject to the conditions indicating seismic risk, the provisions of this subsection shall not apply.

2. If a site is subject to seismic risk, the applicant shall implement appropriate engineering design based on analysis by a qualified professional of the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or

injury resulting from seismically induced settlement or soil liquefaction, including compliance with the following criteria:

a. Subdivision within a seismic hazard area shall assure that each resulting lot has sufficient buildable area outside of the hazard area or that appropriate limitations on building and reference to appropriate standards are incorporated into subdivision approval and may be placed as restrictions on the face of the plat;

b. Structures in seismic hazard areas shall conform to applicable analysis and design criteria and provisions of building and construction codes as currently adopted by the city;

c. Public roads, bridges, utilities and trails shall be allowed when there are no feasible alternative locations and geotechnical analysis and design are provided that ensure the roadway, bridge and utility structures and facilities will not be susceptible to damage from seismically induced ground deformation. Mitigation measures shall be designed in accordance with the most recent version of the American Association of State Highway and Transportation Officials (AASHTO) Manual or other appropriate document.

3. The Administrator may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

a. Mobile homes;

b. Additions or alterations to existing structures that do not increase occupancy or significantly affect the risk of structural damage or injury; and

c. Buildings that are not dwelling units or used as places of employment or public assembly.

4. Critical facilities shall not be located in seismic hazard areas unless mitigation shall be provided which renders the proposed development as stable as if it were not located within a seismic hazard area.

5.7 Performance standards – Specific hazards

A. Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:

1. Buffer Required. A buffer shall be established from all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the Administrator to eliminate or minimize the risk of property damage, death or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.

a. Minimum Buffer. The minimum buffer shall be equal to the height of the slope or fifty feet, whichever is greater.

b. Buffer Reduction. The buffer may be reduced to a minimum of ten feet when a qualified professional demonstrates to the Administrator's satisfaction that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area.

c. Increased Buffer. The buffer may be increased where the Administrator determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

2. Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and determines that:

a. The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;

b. The development will not decrease slope stability on adjacent properties; and

c. Such alterations will not adversely impact other critical areas.

3. Construction Standards. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. In addition to those requirements outlined in Section 5.6, the basic development construction standards within geologically hazardous areas are:

    a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.
    b. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas.
    c. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography.
    d. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.
    e. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties.
    f. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes.
    g. Development shall be designed to minimize impervious lot coverage.

4. Vegetation Shall Be Retained. Unless otherwise provided or as part of an approved alteration, removal of vegetation from an erosion or landslide hazard area or related buffer shall be prohibited.

5. Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed consistent with adopted local design and construction standards.

6. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:

    a. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge;
    b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or
    c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff, and where it can be demonstrated that such discharge will not increase the saturation of the slope.

7. Subdivisions. The division of land in erosion and landslide hazard areas and associated buffers is subject to the following:

    a. Land that is located wholly within erosion or landslide hazard area or its buffer may not be subdivided. Land that is located partially within erosion or landslide hazard area or its buffer may be divided; provided, that each resulting lot has sufficient buildable area outside of, and will not affect, the erosion or landslide hazard or its buffer.

b. Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the city determines that no other feasible alternative exists.

8. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and related buffers.

B. Extreme Slope Hazard Areas. Activities on sites containing extreme slope hazards shall be considered unbuildable. This includes, but is not limited to, construction of buildings, sewage disposal systems and roads. Construction of facilities shall not be permitted in extreme slope hazard areas.

6.0 Fish and Wildlife Habitat Areas

6.1 Fish and wildlife habitat conservation areas – Designation.

A. Fish and wildlife habitat conservation areas include:

1. Areas where state or federal designated endangered, threatened, and sensitive species have a primary association.

a. Federal designated endangered and threatened species are those fish, wildlife, and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.

b. State designated endangered, threatened, and sensitive species are those fish, wildlife and plant species native to the state of Washington identified by the state Department of Fish and Wildlife that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status.

2. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

3. Habitats and Species of Local Importance. Habitats and species of local importance are those identified by the city, including those that possess unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators.

4. Naturally Occurring Ponds under Twenty Acres. Naturally occurring ponds are those ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities,

farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the State. Waters of the state include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031.
6. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.
7. State natural area preserves and natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the state Department of Natural Resources.
8. Land essential for preserving eco-connectivity between habitat blocks and open spaces.
9. Streams shall be designated in accordance with the Washington State Department of Natural Resources (DNR) stream type as provided in WAC 222-16-030. Streams are further categorized according to ecosystem diagnosis and treatment (EDT)/Walla Walla Subbasin Plan priority protection reaches.
10. Areas of rare plant species and high quality ecosystems that are identified by the Washington State Department of Natural Resources through the Natural Heritage Program.

B. All areas within the city meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.
C. The following area of local importance: hawk habitat identified on Critical Area Map 7.

6.2 Fish and wildlife habitat conservation areas – Mapping

The approximate location and extent of conservation areas are shown on the critical area maps adopted by the city (Critical Area Map 5: Fish Habitat Conservation Areas and Critical Area Map 6: Terrestrial Wildlife Habitat Conservation Areas, or latest version of these maps), as most recently updated, and the following critical area maps hereby adopted:

A. Department of Fish and Wildlife Priority Habitat and Species Maps;
B. Resident salmonid distribution maps contained in the Habitat Limiting Factors Reports published by the Washington Conservation Commission;
C. Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area Maps; and
D. Additional data as determined necessary by the city.

The city of Walla Walla critical areas maps are to be used as a guide for the city, project applicants and/or property owners, and may be continuously updated as new critical areas are identified. In some instances, they are a reference and do not provide a final critical area designation.

6.3 Critical area report – Additional requirements for habitat conservation areas

A. Prepared by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.
B. Area Addressed in Critical Area Report. The following topics shall be addressed in a critical area report for habitat conservation areas:

1. The project area of the proposed activity;
2. All habitat conservation areas and recommended buffers within two hundred feet of the project area; and

3. All shoreline areas, flood plains, and other critical areas, and related buffers within two hundred feet of the project area.

C. Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of a potential critical fish, wildlife, or plant species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats including the following site- and proposal-related information at a minimum:

1. Detailed description of vegetation on and adjacent to the project area;

2. Identification of any species of local importance, priority species and habitats (PHS), or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

3. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

4. A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with Appendix A Section 1.18; and

5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

D. Additional Information May Be Required. When appropriate due to the type of habitat or species present or the project area conditions, the city may also require the habitat management plan to include:

1. An evaluation by the Department of Fish and Wildlife or qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;

2. An evaluation by the local Native American Indian tribe; and

3. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

6.4 Performance standards – General requirements

A. Alterations Shall Not Degrade the Functions and Values of Habitat. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this chapter.

B. Nonindigenous Species Shall Not Be Introduced. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

C. Mitigation Shall Result in Contiguous Corridors. Mitigation sites shall try to achieve contiguous functioning habitat corridors in accordance with a mitigation plan that is part of the critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

D. Approvals of Activities May Be Conditioned. The director shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize

or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

1. Establishment of buffer zones;
2. Preservation of critically important vegetation and/or habitat features such as snags and downed wood;
3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
4. Seasonal restriction of construction activities;
5. Establishment of a duration and timetable for periodic review of mitigation activities; and
6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

E. Mitigation and Equivalent or Greater Biological Functions. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per-function basis.

F. Approvals and the Best Available Science. Any approval of alterations or impacts to a habitat conservation area shall be supported by the best available science.

G. Buffers.

1. Establishment of Buffers. The Administrator shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife.
2. Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.
3. In order to maintain effective buffer conditions and functions, a vegetation management plan shall be required for all buffer areas established to include:
    a. Maintaining adequate cover of native vegetation including trees and understory consistent with native riparian vegetation guidelines provided in Table 6.5-1;
    b. Provide a plan for control of invasive weeds, and remove existing invasive species;
    c. Provide for a monitoring and maintenance plan for a period of at least five years, except this provision may be waived for single-family residential lots.

H. Signs and Fencing of Habitat Conservation Areas.

1. Temporary Markers. The outer perimeter of the habitat conservation area or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and verified by the Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

2. Permanent Signs. As a condition of any permit or authorization issued pursuant to this chapter, the Administrator may require the applicant to install permanent signs along the boundary of a habitat conservation area or buffer.

    a. Permanent signs shall be made of a metal face and attached to a metal post or another material of equal durability. Signs must be posted at an interval of one per lot or every fifty feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the Administrator:

    Habitat Conservation Area
    Do Not Disturb
    Contact City of Walla Walla
    Regarding Uses and Restriction

    b. The provisions of subsection (H)(2)(a) of this section may be modified by the Administrator as necessary to assure protection of sensitive features or wildlife.

3. Fencing.

    a. The Administrator shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, the Administrator shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing will prevent future impacts to the habitat conservation area.

    b. The applicant shall be required to install a permanent fence around the habitat conservation area or buffer when domestic grazing animals are present or may be introduced on site.

    c. Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as not to interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

I. In areas designated as high density of wintering birds of prey, tree and perch removal shall be discouraged, and limited to hazard tree removal unless otherwise approved by the department.

J. In areas designated as hawk habitat, tree removal will be restricted to the non-nesting season, August through January, and limited to hazard tree removal unless otherwise approved by the department.

K. In areas designated as hawk habitat, and in areas where a hawk nest is known to occur, noise-generating activities should be restricted during the nesting season, specifically from March 1st through June 30th. Noise-generating activities that may be restricted include construction activities that generate more than one hundred decibels (like pile-driving, blasting or other intense, short duration impacts).

6.5 Performance standards – Specific habitats

A. Endangered, Threatened, and Sensitive Species.

1. No development shall be allowed within a habitat conservation area or buffer with which state or federal endangered, threatened, or sensitive species have a primary association.

2. Whenever activities are proposed adjacent to a habitat conservation area with which state or federal endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and submitted to the city. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Department of Fish and Wildlife and the appropriate federal agency.

3. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules

B. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall, at a minimum, conform to the wetland development performance standards set forth in Appendix A Section 3.0, in addition to meeting the habitat conservation area standards in this chapter. If nonwetland habitat and wetlands are present at the same location, the provisions of Appendix A Sections 6.1 through 6.8 or Appendix A Sections 3.1 through 3.14, whichever provide greater protection to the habitat, apply.

C. Riparian Habitat Areas. Unless otherwise allowed in this chapter, all structures and activities shall be located outside of the riparian habitat buffers.

1. Establishment of Riparian Habitat Buffers. Buffers shall be established for habitats that include aquatic systems.

2. Standard Buffer Widths.

a. Water-Dependent Developments. For water-dependent developments, no buffer shall be required. Mitigation sequencing pursuant to SMP Section 5.1.D and Section 1.18 of this chapter shall be applied to avoid and minimize adverse impacts during development siting.

b. All Other Developments. For all other developments, the recommended buffer width is provided in Table 6.5-1 below. A riparian habitat shall have at least the buffer width recommended in Table 6.5-1, unless a greater width is required pursuant to Section 6.5.5, or a lesser width is allowed pursuant to Section 6.5.6 or 6.5.7.

c. Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified.

d. The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers, but shall not be extended across roads or other lawfully established structures or hardened surfaces that are functionally and effectively disconnected from the stream.

3. Buffers in Conjunction with Other Critical Areas. Where other critical areas defined in this chapter fall within the water body buffer, the buffer area shall be the most expansive of the buffers applicable to any applicable critical area.

Table 6.5-1: Recommended Minimum Riparian Buffer Widths for Waterways within the City of Walla Walla

Waterway Category	**River Reach Included[1]**	**Existing Conditions/Targeted Functions**	**Minimum Streamside Buffer Width (per side)[2]**
6a	Mill Creek from Gose Street to Bennington Lake dam diversion	-Flood channel -No riparian vegetation allowed within the channel -Trees outside the concrete channel section with potential to shade the channel should remain	35 feet (Also 35-foot tree removal restriction for concrete channel sections)

6b	Yellowhawk Creek – Russell Creek to Mill Creek	-Summer steelhead migration, limited rearing habitat and/or EDT priority protection reach -LWD recruitment -Shade -Existing riparian average = 31 ft. -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	50 feet
	Russell Creek – Dipping Road to Yellowhawk	-Influence on downstream habitat -Existing riparian average = 21 ft. -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	35 feet
	Reser Creek – Wilbur Avenue to Russell Creek	-Influence on downstream habitat -Existing riparian average = 23 ft. -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	35 feet
	Caldwell Creek – Headwaters to Yellowhawk	-Influence on downstream habitat -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	35 feet
6b	Stone Creek – Headwaters to Teal Street	-Influence on downstream habitat -Existing riparian average = 20 ft -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	35 feet

	Garrison Creek – Yellowhawk to Lions Park (excluding wetland)	-Influence on downstream habitat -Existing riparian average = 24 ft -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff -Wildlife habitat	35 feet
	Bryant Creek – Sprague Avenue to Fort Walla Walla Park	-Influence on downstream habitat -Existing riparian average = 14 ft -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	35 feet
	Titus Creek – Blackberry Lane to Mill Creek by community college	-Influence on downstream habitat -Existing riparian average = 25 ft -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	35 feet
	All other creeks within city limits/UGA – Intermittent open channels with piped sections	-Influence on downstream habitat -Meet CREP minimum -Control sediment, nutrients, and stormwater runoff	35 feet

1. Non shoreline waterbodies are subject to the riparian buffer widths and other critical area protections herein only when passing through shoreline jurisdiction.
2. In stream segments where CREP buffers are established, then CREP buffers become the minimum streamside buffer width.

4. Increased Buffer Widths. The Administrator shall have the authority to increase the width of a stream buffer on a case-by-case basis when such increase is necessary to achieve any of the following:

   a. Protect fish and wildlife habitat, maintain water quality, ensure adequate flow conveyance, provide adequate recruitment for large woody debris, maintain adequate stream temperatures, or maintain in-stream conditions.
   b. Compensate for degraded vegetation communities or steep slopes adjacent to the stream.
   c. Maintain areas for channel migration.
   d. Protect adjacent or downstream areas from erosion, landslides, or other hazards.

5. Buffer Averaging. The Administrator shall have the authority to average standard stream buffer widths on a case-by-case basis when the applicant demonstrates to the satisfaction of the Administrator that all the following criteria are met:

    a. Averaging to improve wetland protection may be permitted when all of the following conditions are met as demonstrated by an assessment study pursuant to Appendix A Sections 1.15 and 6.3:

        i. The water body or buffer area has significant differences in characteristics that affect its habitat functions;

        ii. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the water body and decreased adjacent to the lower-functioning or less sensitive portion;

        iii. The buffer averaging does not reduce the functions or values of the stream or riparian habitat, or the buffer averaging, in conjunction with vegetation enhancement, increases the habitat function;

        iv. The total area of the buffer after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;

        v. The buffer at its narrowest point is never less than seventy-five percent of the standard buffer width;

        vi. The slopes adjacent to the stream within the buffer area are stable and the gradient does not exceed thirty percent.

    b. Averaging to allow reasonable use of a parcel may be permitted when all of the following are met as demonstrated by a critical areas report pursuant to Appendix A Sections 1.15 and 6.3:

        i. There are no feasible alternatives to the site design that could be accomplished without buffer averaging;

        ii. The buffer averaging does not reduce the functions or values of the stream or riparian habitat, or the buffer averaging, in conjunction with vegetation enhancement, increases the habitat function;

        iii. The total area of the buffer after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;

        iv. The buffer at its narrowest point is never less than seventy-five percent of the standard buffer width except where the Administrator finds that there is an existing feature such as a roadway that limits buffer dimension, or an essential element of a proposed development such as access that must be accommodated for reasonable use and requires a smaller buffer.

    c. The applicant implements all reasonable measures to reduce the adverse effects of adjacent land uses and ensure no net loss of functions and values in conjunction with a critical area mitigation plan.

6. Decreased Buffer Widths. The Administrator shall have the authority to reduce buffer widths on a case-by-case basis; provided, that the general standards for avoidance and minimization per Appendix A Section 1.18(A) and (B) shall apply, and when the applicant demonstrates to the satisfaction of the Administrator that all of the following criteria are met:

    a. The buffer reduction shall not adversely affect the habitat functions and values of the adjacent habitat conservation area or other critical area.

    b. The slopes adjacent to the habitat conservation area within the buffer area are stable and the gradient does not exceed thirty percent.

c. The buffer shall not be reduced to less than seventy-five percent of the standard buffer as defined in Section 6.5.C. A thirty-five foot buffer cannot be decreased. Table 6.5-2 identifies potential buffer reductions with accompanying riparian habitat enhancement (see subsection (d) of this section).

Table 6.5-2 Modified Buffer Widths with Approved Habitat Enhancement/Water Quality Treatment

No Habitat Enhancement	Modified Buffer Width with Approved Enhancement/Treatment
100'	75'
75'	56'
50'	38'
35'	35'

d. Habitat enhancement plans prepared by a qualified professional must be provided to the city identifying existing conditions, and how the enhancement plan will improve riparian functions over existing conditions. A five-year monitoring plan must be included. The plan must also address how land outside a reduced buffer would protect surface water quality. Habitat enhancement plans must be consistent with riparian native vegetation planting guides developed by the city of Walla Walla conservation district, as provided in Table 6.5-3.

Table 6.5-3 Walla Walla County Conservation District Suggested Native Plants by Precipitation and Riparian Zone

County Area	Zone #1 – Generally 0' – 35'	Zone #2 – Generally 35' – 75'	Zone #3 – Generally 75' and greater
Central Walla Walla County: Lowden-Walla Walla 10" – 15" precipitation zone	Black Cottonwood – moist soils, silts, slightly alkaline soils (5' – 20' from shoreline) Water Birch – moist soils, silts, pH neutral soils (3' – 12' off shoreline) Thin-leaf Alder – moist soils, pH neutral to slightly acidic silts and loess (3' – 15' off shoreline)	Black Hawthorn – pH neutral to slightly alkaline silts and soils (25' – 40' off shoreline) Ponderosa Pine – well drained soils, dry sites (25' – 50' from shoreline) Mock-orange – well drained soils, slightly acidic (15' – 35' off shoreline)	Smooth Sumac – well drained soils, silts and loess, pH neutral to slightly alkaline (25' – 100' off shoreline) Buffalo Berry – well drained soils, slightly alkaline (25' – 100'+ off the shoreline) Antelope-brush (Bitterbrush) – well drained soils, pH neutral to slightly acidic

	White Alder – moist soils, pH neutral to slightly acidic silts, cobble (1' – 15' off shoreline) Coyote Willow – moist soils, pH neutral silts and clays (3' – 15' off shoreline) Peach-leaf Willow – moist soils, pH neutral to slightly alkaline (5' – 25' off the shoreline) Red-osier Dogwood – moist to well drained soils, pH neutral to slightly alkaline (2' – 25' off the shoreline) Antelope-brush (Bitterbrush) – well drained soils, pH neutral to slightly acidic	Choke Cherry – moist-dry well drained soils, pH neutral to slightly acidic soils (5' – 25' off shoreline) Peach-leaf Willow – moist soils, pH neutral to slightly alkaline (5' – 25' off the shoreline) Smooth Sumac – well drained soils, silts and loess, pH neutral to slightly alkaline (25' – 100' off shoreline) Blue Elderberry – well drained soils, pH neutral to slightly alkaline (15' – 50' off the shoreline) Buffalo Berry – well drained soils, slightly alkaline (25' – 100'+ off the shoreline) Antelope-brush (Bitterbrush) – well drained soils, pH neutral to slightly acidic	

7. Uses and modifications allowed in riparian habitat buffers. In addition to the specific allowed uses and modifications from the applicable provisions of this SMP, the following uses are allowed in riparian habitat area buffers provided that mitigation sequencing (see Appendix A Section 1.18 and SMP Section 5.1.D) is demonstrated, and any adverse impacts to ecological functions are mitigated.

    a. Water-dependent uses. Consistent with the use allowances for each environment designation, water-dependent uses, modifications and activities may be located in shoreline buffers at the water's edge.

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

        i. proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility, facilities that support aquaculture);

        ii. in parks or on other public lands where high-intensity recreational development is already legally established and whose use is primarily related to access to, enjoyment and use of the water, they do not conflict with or limit opportunities for other water-oriented uses; or

iii. 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 the SMP.

c. 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 these critical areas regulations in addition to Appendix A Sections 5.1 (Ecological Protection and Critical Areas), 5.3 (Shoreline Vegetation Conservation), and 5.2 (Water Quality). The City may review and condition the project to fully implement the policies of the Shoreline Management Act and its Master Program.

i. Passive outdoor recreational or educational activities which do not significantly affect the function of the water body or regulated buffer as determined through the documentation described above (including wildlife management or viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) must also meet the following criteria:

1. Trails shall not exceed four feet in width and shall be surfaced with gravel or pervious material, including boardwalk.

2. The trail or facility shall be located in the outer fifty percent of the buffer area unless a location closer to the water body edge is required for interpretive purposes.

3. The trail or facility shall be constructed and maintained in a manner that minimizes disturbance of the water body or buffer.

d. 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 article. A railing may be installed on one edge of the pathway, a maximum of 36 inches tall and of open construction. Pathways to the shoreline should take the most direct route feasible consistent with appropriate safety standards.

D. Anadromous Fish.

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

a. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;

b. An alternative alignment or location for the activity is not feasible;

c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;

d. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report; and

e. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.

2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

3. Fills, when authorized by the locally adopted shoreline management program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

6.6 Performance standards – Subdivisions

The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:

A. Land that is located wholly within a habitat conservation area or its buffer may not be subdivided.

B. Land that is located partially within a habitat conservation area or its buffer may be divided; provided, that the developable portion of each new lot and its access are located outside of the habitat conservation area or its buffer and meet the minimum lot size requirements of the zoning code, WWMC Title 20.

C. Access roads and utilities serving the proposed subdivision may be permitted within the habitat conservation area and associated buffers only if the city determines that no other feasible alternative exists and when consistent with this chapter.

6.7 Fish and wildlife habitat conservation areas – Piped streams

A. Building over a natural stream that is located in an underground pipe or culvert, except as allowed in Appendix A Section 1.14 for transportation or utility crossings, is prohibited. Relocation of the piped stream system around existing structures is allowed. The relocated system shall be sized to convey the one-hundred-year future land use condition runoff from the total upstream tributary area as determined from a hydrologic and hydraulic analysis performed in accordance with standards determined by the city.

B. No riparian buffers are required along segments of piped or culverted streams unless designated by the city for removal. Any easements or setbacks from pipes or culverts shall be consistent with adopted city regulations or design standards as administered by the city public works department. Setback requirements will include an easement over the piped stream system and a building setback from the edge of the easement. The city will determine the setback requirement during the permit review process. The setback size will be dependent upon the required amount of space that would be needed for maintenance, operation and future replacement of the piped stream system.

6.8 Fish and wildlife habitat conservation areas – Mitigation standards

A. Activities that adversely affect fish and wildlife habitat conservation areas and/or their buffers should generally be avoided through site design, including clustering. Unavoidable impacts to designated species or habitats shall be compensated for through habitat creation, restoration and/or enhancement to achieve no net loss of habitat functions and values in accordance with the purpose and goals of this chapter.

B. When compensatory mitigation is required, the applicant shall submit a compensatory mitigation plan with sufficient information to demonstrate that the proposed activities are logistically feasible, constructible, ecologically sustainable, and likely to succeed. In addition to the

requirements of Appendix A Section 1.19, specific information to be provided in the plan shall include, but not be limited to:

1. General description and scaled drawings of the activities proposed including, but not limited to, clearing, grading/excavation, drainage alterations, planting, invasive plant management, installation of habitat structures, irrigation, and other site treatments associated with the development activities and proposed mitigation action(s);
2. A description of the functions and values that the proposed mitigation area(s) shall provide, together with a description of required mitigation actions and an assessment of factors that may affect the success of the mitigation program; and
3. A description of known management objectives for the species or habitat.

C. Required mitigation shall be completed as soon as possible following activities that will disturb fish and wildlife habitat conservation areas and during the appropriate season. Mitigation shall be completed prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

D. The Administrator shall have authority to require monitoring of mitigation activities and submittal of annual monitoring reports to ensure and document that the goals and objectives of the mitigation are met. The frequency and duration of the monitoring shall be based on the specific needs of the project as determined by the Administrator.