5. Shoreline Environment Designations

5.1 Introduction

The intent of assigning shoreline environment designations (SEDs) to specific geographies is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given a SED based on existing development patterns, natural capabilities and limitations, and the vision of the City of Woodland. The SEDs are intended to work in conjunction with the comprehensive plan and zoning.

Management policies are an integral part of the shoreline environment designations and are used for determining uses and activities that can be permitted in each shoreline environment designation.

Chapter 6, General Shoreline Regulations, and 7, Shoreline Use and Modification Regulations, contain development regulations to specify how and where permitted development can take place within each SED.

5.2 Authority

Local governments are required under the Act to develop and assign a land use categorization system known as "shoreline environment designations" for shoreline areas as a basis for effective shoreline master programs.

The City of Woodland accounted for different shoreline conditions is by assigning a SED to each distinct shoreline section in the City. The SEDs provide the framework for implementing shoreline policies and regulatory measures for environmental protection, use and modification provisions, and other regulatory measures specific to each SED.

5.3 Shoreline Environment Designations

The City classification system consists of SEDs that are consistent with and implement the Act, the Program, and the City of Woodland Comprehensive Plan.

These designations have been assigned consistent with the corresponding criteria provided for each SED. In delineating SEDs, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. The five SEDs are:

- High-Intensity
- Residential
- Urban Conservancy
- Aquatic
- Recreation

A. The landward extent for shoreline jurisdiction is approximate. The OHWM and resultant upland, lateral extent of shoreline jurisdiction will need to be determined on a site-specific basis at the time of application. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the upland extent of shoreline jurisdiction are automatically assigned the category of the contiguous upland shoreline environment designation.

B. All other areas that were neither mapped in the shoreline jurisdiction nor meet the applicability criteria in Section 3.1, Applicability, shall be assigned an Urban Conservancy environment designation until the shoreline can be designated through a Program amendment.

C. Property shown in shoreline jurisdiction that does not meet the definitions of shoreline or shoreland found in RCW 90.58.030 or the applicability criteria in Section 3.1, Applicability, shall not be subject to the requirements of this Program.

D. Identified (Appendix A) and unmapped potentially associated wetlands must be delineated at the time of application. Those portions of unmapped delineated associated wetlands would receive the adjoining environment designation. In the case that there is more than one adjoining environment designation, the designation should be assigned based on application of the Designation Criteria.

E. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow the nearest right-of-way edge.

5.3.1 High-Intensity

Purpose

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

Management Policies

A. Priority should be given to water-dependent, water-related, and water-enjoyment uses in that order of preference. Non-water-oriented uses within shoreline jurisdiction are appropriate on sites where there is no direct access to the shoreline because of an intervening property or public right-of-way precluding a water-dependent use from occurring there.

B. Non-water-oriented uses on sites adjacent to the water should provide public benefit in the form of ecological enhancement or public access in compliance with the provisions of this Program.

C. No net loss of shoreline ecological functions should result due to development of a site. Where unavoidable impacts to ecological functions occur, appropriate mitigation should be provided in accordance with this Program. Where applicable, development should include environmental cleanup and restoration of the shoreline in accordance with relevant state and federal law.

D. Where feasible as described by this Program, visual and/or physical public access should be provided.

E. Aesthetic objectives of this Program should be in character with high intensity development and include height limits, screening, and other standards consistent with the primary purpose of accommodating high-intensity uses.

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

Designation Criteria

The High-Intensity SED is given to shoreline areas within Woodland and the city's urban growth areas if they currently support or are planned for high-intensity water-oriented uses related to commerce or transportation.

5.3.2 Residential

Purpose

The purpose of the Residential SED is to accommodate residential development and appurtenant structures that are consistent with this Program.

Management Policies

A. Development in the Residential designation should assure no net loss of shoreline ecological functions. New residential development should take into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available.

B. Multi-family and multi-lot residential (greater than four [4] lots) developments, and recreational developments should provide public access and joint use for community facilities in compliance with this Program.

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

D. Commercial development should be limited to water-oriented uses.

Designation Criteria

The Residential SED is assigned to shoreline areas if they are predominantly single-family or multi-family residential development or are planned and platted for residential development.

5.3.3 Urban Conservancy

Purpose

The purpose of the Urban Conservancy SED is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses. Activities permitted in these areas are intended to have minimal adverse impacts upon the shoreline.

Management Policies

A. Primary allowed uses within this designation should preserve the natural character of the area or promote preservation of open space, floodplain or other sensitive lands where they exist in urban and developed settings, either directly or over the long term.

B. Standards should ensure no net loss of ecological functions and significant ecological impacts can be mitigated.

C. Public access and public recreation objectives should be implemented whenever feasible, but only when any resulting significant ecological impacts can be mitigated.

D. Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

Designation Criteria

The Urban Conservancy SED is assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions. These are shoreline areas that are not generally suitable for water-dependent uses that display any of the following characteristics:

A. Suitability for water-related or water-enjoyment uses;

B. Open space, floodplain or other sensitive areas that should not be more intensively developed;

C. Potential for ecological restoration;

D. Retention of ecological functions, even though partially developed; or

E. Potential for development that is compatible with ecological restoration.

5.3.4 Aquatic

Purpose

The purpose of the Aquatic SED is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

Management Policies

Allow new overwater and in-water structures only for water-dependent uses, public access, or ecological restoration. In order to reduce the impacts, multiple use of overwater facilities should be encouraged, and the size of new overwater structures should be limited to the minimum necessary to support the structure's intended use.

All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed, except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the preferred mitigation sequence of this Program, Section 6.1, No Net Loss of Ecological Function, to assure no net loss of ecological functions.

New dredging may be approved as a conditional use provided it meets all of the conditions of this Program.

Maintenance dredging should be allowed for navigation and flood hazard reductions provided it meets all of the conditions of this Program.

Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

Designation Criteria

A. The Aquatic SED is applied to lands waterward of the OHWM.

5.3.5 Recreation

Purpose

The Recreation SED is intended to provide areas for new and continued recreational and public access opportunities along shorelines, including public and private parks and recreational facilities while maintaining ecological functions and open space.

Management Policies

A. New recreation development should result in no net loss of ecological function.

B. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling platforms, , and swimming beaches, are preferred uses provided significant adverse impacts to the shoreline can be mitigated.

C. To the extent possible, recreational opportunities should be accessible by all populations.

D. New recreation development should be designed to encourage ecological stewardship by locating non-water-dependent activity areas away from the water's edge and planting and maintaining native vegetation buffers along the water.

Designation Criteria

The Recreation SED is applied to shoreline areas where public and private lands are devoted to or designated for recreation use including parks and open space and water-dependent uses such as marinas which provide recreational moorage, as well as where lands are not yet developed but are planned for water-oriented recreation.

5.4 Shorelines of Statewide Significance

The Act designated certain shoreline areas as Shorelines of State-wide Significance (SSWS). Because these shorelines are major resources from which all people in the state derive benefit, the City shall give preference to uses which favor long-range goals and support the overall public interest.

Within the City of Woodland the Lewis River is designated as a shoreline of SSWS. SSWS are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

A. Every project located on a SSWS shall demonstrate consistency with the following priorities, in order of preference, in all permit review, in addition to compliance with other criteria provided by this Program:

   1. Recognize and protect the statewide interest over local interest.

      a. Solicit comments and opinions from groups and individuals representing statewide interests by circulating amendments to the Program, and any proposed amendments affecting SSWS, to state agencies, affected tribes, adjacent jurisdictions, citizen's advisory committees and local officials, and statewide interest groups.

b. Recognize and take into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.

c. Solicit comments, opinions, and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.

2. Preserve the natural character of the shoreline.

a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.

b. Restore, enhance, and/or redevelop those areas where intensive development or uses already exist in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.

c. Protect and preserve existing diversity of native vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.

3. Support actions that result in long-term over short-term benefit.

a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

b. Protect resources and values of SSWS for future generations by modifying or prohibiting development that would irretrievably damage shoreline resources.

c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.

4. Protect the resources and ecological function of the shoreline:

a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values and water quality.

b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing, and habitat areas and migratory routes.

c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human use.

d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.

e. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of currently degraded wetland areas.

5. Increase public access to publicly owned areas of the shoreline.

   a. Retain and enhance public access to the shoreline including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.

   b. Give priority to developing a system of linear access consisting of paths and trails along the shoreline areas, providing connections across current barriers.

   c. Provide multi-purpose non-motorized trail facilities also serving the mobility impaired wherever feasible.

6. Increase recreational opportunities for the public on the shoreline.

   a. Plan for and encourage development of facilities for water-oriented recreational use of the shoreline.

6. General Shoreline Regulations

This Chapter describes general regulations which apply to all shorelines of the state that are located in the City of Woodland. The general regulations Section is used in conjunction with specific use and modification regulations found in Chapter 7.

6.1 No Net Loss of Ecological Function

A. All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological functions, in accordance with the mitigation sequencing provisions of this Program.

B. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food web support, and water quality maintenance.

C. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

D. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

E. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

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

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

   3. Rectify the adverse impact by repairing, rehabilitating, or restoring the affected environment.

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

5. Compensate for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.

6. Monitor the adverse impact and take appropriate corrective measures.

F. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in this Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

6.2 Archaeological, Cultural, and Historic Resources

A. If historic, cultural, or archaeological sites or artifacts are discovered in the process of development, work shall be stopped immediately in accordance with provisions of federal, state, and local laws; the site secured; and the find reported as soon as possible to the City. The property owner also shall notify the Washington Department of Archaeology and Historic Preservation and affected tribes. Tribal contacts will be provided by the City. The City may require a site investigation by a qualified professional and may require avoidance or conservation of the resources in coordination with appropriate agencies. All shoreline permits shall contain a special provision notifying permittees of this requirement. Failure to comply with this requirement shall be considered a violation of the shoreline permit and shall subject the permittee to legal action as specified in Section 8.12, Enforcement, of this Program.

B. Prior to approval of development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist in coordination with affected tribes. Conditions of approval may require preservation or conservation of cultural resources as provided by applicable federal, state, and local statutes. All permits issued for development in areas known to be archaeologically significant shall provide for monitoring of any development activity for previously unidentified cultural resources.

6.3 Critical Areas Protection

Critical Areas Regulations that apply in shoreline jurisdiction are found in Appendix B of this program.

6.3.1 Applicable Critical Areas

For purposes of this Program, the following critical areas, as defined in Chapter 2 and Appendix B, will be protected under this Program: Wetlands, Critical Aquifer Recharge Areas, Frequently Flooded Areas, Geologically Hazardous Areas, and Fish and Wildlife Habitat Conservation Areas.

6.3.2 General Provisions

A. Shoreline uses, activities, developments, and their associated structures and equipment shall be located, designed, and operated to protect the ecological processes and functions of critical areas.

B. New and expanded development proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions, such as retention of channel migration zones, to ensure no net loss of ecological functions.

C. Critical areas within the shoreline jurisdiction shall be regulated for any use, development, or activity as provided in accordance with this Program and Appendix B whether or not a permit or Shoreline Letter of Exemption is required.

D. If provisions of Appendix B and other parts of this Program conflict, the provisions most protective of ecological resources shall apply, as determined by the City.

E. Unless otherwise stated, critical area buffers shall be protected and regulated in accordance with this Program and Appendix B.

F. These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 3.1, Applicability. Critical area buffers that are located outside of shoreline jurisdiction shall be regulated by the Critical Area Regulations found in 15.08 WMC.

6.4 Flood Prevention and Flood Damage Minimization

This Program addresses flooding in two different ways. This Section includes flood hazard reduction measures, including flood control works, intended to avoid increasing hazards and minimize damage. Appendix B incorporates flood hazard protections by adopting Chapter 14.40, Flood Damage Prevention within the Critical Areas Regulations.

A. Development or uses in floodplains shall avoid significantly or cumulatively increasing flood hazards and shall be consistent with WMC 14.40, Flood Damage Prevention (1996).

B. New residential, commercial, or industrial development and uses, including subdivision of land, within shoreline jurisdiction are prohibited if it would be

reasonably foreseeable that the development or use would require structural flood hazard reduction measures in the channel migration zone or floodway over the life of the development.

C. The following uses and activities may be authorized in floodways or channel migration zones when otherwise permitted by this Program:

1. Actions and development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.

2. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.

3. Mining when conducted in a manner consistent with the SED and with Subsection 7.2.9 of this Program.

4. Bridges, utility lines, water-dependent public utilities, and other public utility and transportation structures where no other feasible alternative exists, or where the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.

5. Repair and maintenance of an existing legally established use, provided flood hazards to other uses are not increased and that the activity does not cause significant ecological impacts that cannot be mitigated.

6. Development where structures exist that prevent active channel movement and flooding.

7. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.

8. 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 geomorphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of impacts to ecological functions associated with the river or stream.

D. Removal of materials for flood management purposes shall be consistent with an adopted flood hazard reduction plan and is allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution, except when the removal is part of a U.S. Army Corps of Engineers dredging activity.

E. Channel Migration Zones:

1. Channel migration zones must be evaluated on a site by site basis when required by the City.

2. The Channel Migration Zone Map is included as Appendix D. Applicants may submit a site-specific channel migration zone study if they believe these conditions do not exist on the subject property and the map is in error. The 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 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.

F. Flood Control Works:

1. New or expanded structural flood hazard reduction measures, such as dikes, levees, berms, and similar flood control structures, shall be consistent with flood hazard regulations or management plans adopted pursuant to RCW 86.12, provided the plan has been adopted after 1994 and approved by Ecology.

2. New or expanded structural flood hazard reduction measures shall be permitted only when it can be demonstrated by a scientific and engineering analysis that:

   a. They are necessary to protect existing development.

   b. Non-structural flood hazard reduction measures are infeasible.

   c. Impacts to ecological processes and functions, and priority fish and wildlife species and habitats can be successfully mitigated to ensure no net loss of functions as set forth in Section 6.1, No Net Loss of Ecological Function.

   d. Appropriate vegetation conservation actions are undertaken consistent with Section 6.6, Vegetation Conservation.

   e. They are placed landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis.

3. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways, if feasible, unless public access improvements would cause:

   a. Unavoidable health or safety hazards to the public,

   b. Inherent and unavoidable security problems,

   c. Unacceptable and unmitigable significant ecological impacts,

d. Unavoidable conflict with the proposed use, or

e. A cost that is disproportionate and unreasonable to the total long-term cost of the development.

4. To the maximum extent feasible, new or expanded dikes and levees shall be designed to be:

   a. No greater than the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by the U.S. Army Corps of Engineers for dike certification.

   b. Placed landward of associated wetlands and designated buffers, except for actions that increase ecological functions, unless there is no other feasible alternative to reduce flood hazard to existing development in which case all impacts shall be fully mitigated.

   c. Located and designed so as to protect and restore the natural character of the stream, avoid the disruption of channel integrity, and provide the maximum opportunity for natural floodway functions to take place, including levee setbacks to allow for more natural functions of floodplains, channel migration zones, off-channel habitat, and associated wetlands directly interrelated and interdependent with the stream.

   d. Planted with appropriate vegetation meeting any permit or certification requirements of 44 CFR 65.10 while providing the greatest amount of ecological function possible.

5. A geotechnical or geofluvial report prepared by a qualified professional shall demonstrate that new or altered flood protection structures will not increase downstream flooding and will not adversely affect the integrity of downstream ecological functions including disruption of natural drainage flows and stormwater runoff.

G. Information Required. In addition to any information required as part of a critical areas assessment per Appendix B, the City shall require the applicant to provide the following information as part of an application for development within a flood hazard area. The City may also request additional information listed in WMC Chapter 14.40, Flood Damage Prevention (1996).

1. Flood hazard area characteristics up- and downstream or up- and downcurrent from the project area;

2. Existing shoreline stabilization and flood protection works within the area;

3. Physical, geological, and soil characteristics of the area;
4. Biological resources and predicted impact to fish, vegetation, and animal habitat associated with shoreline ecological systems;
5. Predicted impact upon adjacent area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and
6. Analysis of alternative flood protection measures, both structural and nonstructural.

6.5 Public Access

Public access provisions apply to all shorelines of the state, and are intended to protect 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.

A. Applicability (also see Figure 6-1):

1. Public access shall be required in the following circumstances:
    a. The use or development is a public project or is on public lands; or
    b. The project is a water-enjoyment, water-related, or non-water-oriented use or development; or
    c. The project is a residential development of more than four (4) dwelling units; or
    d. The project is a subdivision of land into more than four (4) parcels; or
    e. The project is a private water-dependent or water-related use or development and one of the following conditions exists:
        i. The project increases or creates demand for public access; or
        ii. The project impacts or interferes with existing access by blocking access or discouraging use of existing access; or
        iii. The project impacts or interferes with public use of waters subject to the Public Trust Doctrine.
2. Public access to the shoreline shall not be required for the following:
    a. Activities qualifying for a SLE and no other shoreline permit is required; or
    b. New single-family residential development of four (4) or fewer units.

3. Physical public access shall not be required where the new or expanded use or development is physically separated from the shoreline by another property or public right-of-way.

4. The City may approve alternatives to on-site, physical access to the shoreline if the applicant can demonstrate with substantial evidence that at least one of the following conditions exist:

   a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any reasonable means;

   b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;

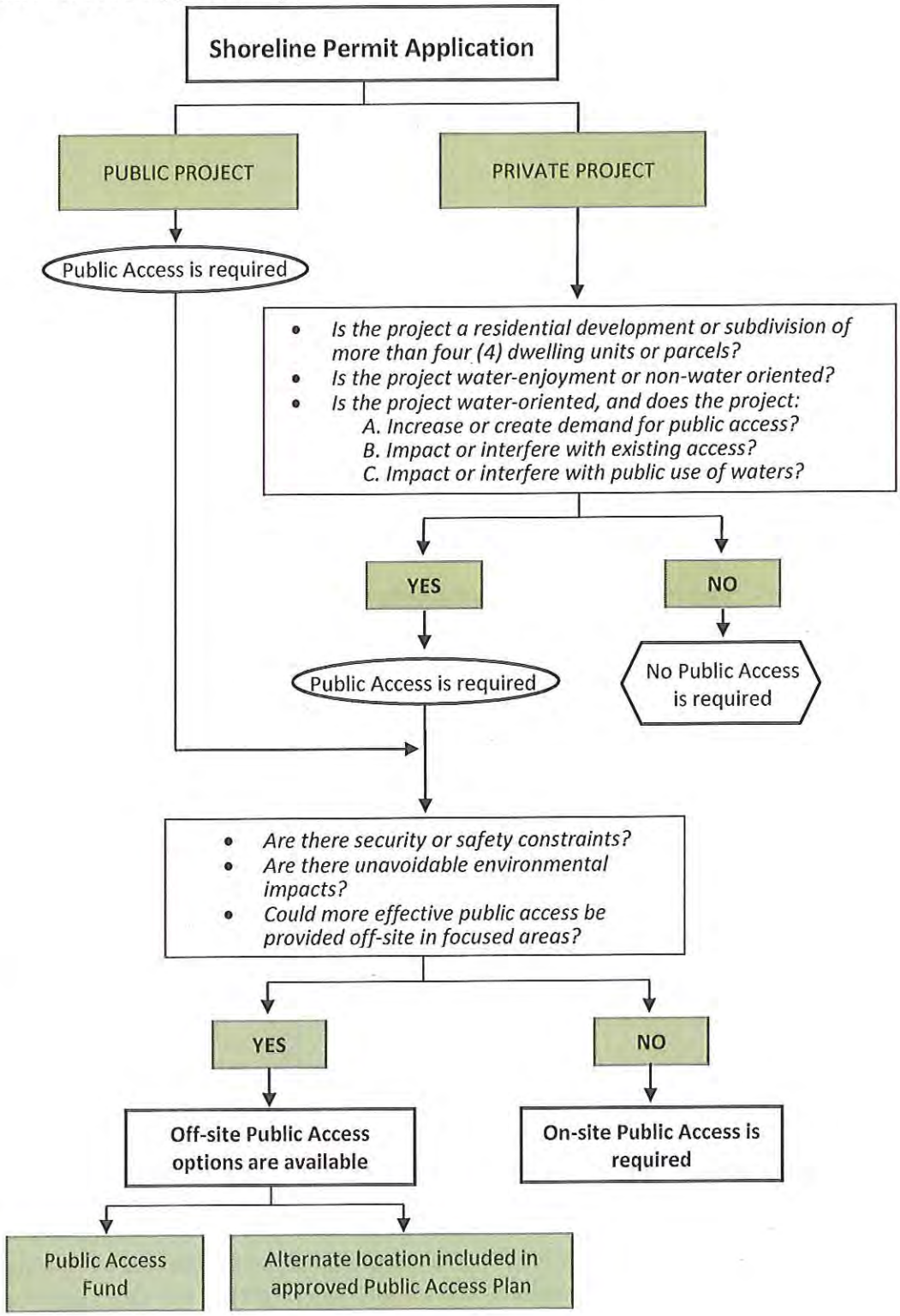
   c. The cost of providing the access, easement, or an alternative amenity, is unreasonably disproportionate to the total long term cost of the proposed development;

   d. Environmental impacts that cannot be mitigated, such as damage to spawning areas or nesting areas, would result from public access on-site;

   e. Significant undue and unavoidable conflict between access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; and/or

   f. More effective public access can be provided off-site by focusing public access improvements at sites identified in the City's public access planning process conducted per WAC 173-26-221(4)(c).

Figure 6-1. Public Access Applicability



5. To be approved for alternative public access as described, the applicant shall demonstrate that all feasible alternatives have been considered, including, but not limited to, regulating access through allowed hours of use, maintaining access gate, and/or separating uses and activities with fences, terracing, hedges, etc.

B. Public Access Standards:

1. When public access is required and provided on-site, it shall be:

   a. Located and designed to be compatible with the natural shoreline character, to avoid adverse impacts to shoreline ecological functions, and to ensure public safety.

   b. Allowed to encroach into the shoreline buffer when necessary to provide physical and or visual access to the water's edge when otherwise consistent with this Program and Appendix B, Critical Areas Regulations.

   c. Connected to the nearest public street and shall include improvements that conform to the requirements of the ADA when feasible or required by law.

   d. Fully developed and available for public use prior to final occupancy when required for public land, commercial, port or industrial use/development.

   e. Clearly identified by signage installed and maintained in easily visible locations indicating the public's right of access, hours of access, and other information as needed to control or limit access according to conditions of approval.

   f. Recorded by easement and permit conditions on the deed of title and/or the face of a short or long plat. Recordation shall occur at the time of final plat approval or prior to final occupancy.

   g. Consistent with all relevant constitutional and other legal limitations on regulation of private property.

2. Off-site or Alternative Public Access:

   a. When public access is provided off-site, its location, design, and access type shall be consistent with the standards of Subsection B.1 of this Section and Woodland's Parks and Recreation Plan (2007) or the City's adopted Shoreline Public Access Plan.

   b. When public access is allowed off-site, an applicant may elect to make a payment into the jurisdiction's Shoreline Public Access Fund in lieu of developing the access directly.

3. Public access requirements for a single-family residential development of greater than four (4) parcels but less than ten (10) parcels can be met by providing community access to the shoreline or to a common waterfront lot/tract for non-commercial recreation use by the property owners.

6.6 Vegetation Conservation

A. Unless otherwise specified, all shoreline uses and development shall comply with the setback and buffer provisions of this Program included in Table 7-1 and Appendix B Table B-4, Critical Areas Regulations, to protect and maintain shoreline vegetation.

B. Vegetation clearing in shoreline jurisdiction shall be limited to the minimum necessary to accommodate approved shoreline development.

C. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of ecological functions as set forth in Section 6.1. Mitigation plans shall be approved and implemented before initiation of other permitted activities unless a phased schedule that ensures completion prior to occupancy has been approved.

D. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with applicable laws and standards.

6.7 Water Quality and Quantity

A. All shoreline development shall comply with the applicable requirements of the City's Comprehensive Stormwater Plan, Comprehensive Plan, and best management practices to prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions and/or a significant impact to aesthetic qualities or recreational opportunities.

B. Stormwater management structures including ponds, basins, and vaults shall be located outside of shoreline jurisdiction and fish and wildlife habitat buffers identified in Appendix B, Table B-4 where possible. Low impact development facilities (which do not substantially change the character of the shoreline) such as vegetation filter strips, grass-lined swales, and vegetated bioretention and infiltration facilities, are encouraged in association with development allowed in shoreline jurisdiction.

C. Aerial application of pesticides, herbicides and fertilizers within shoreline jurisdiction is prohibited unless as part of a public agency program for control of noxious species or specific pests, for quarantine or public health purposes, or for a crisis exemption.

D. Sewage management. To avoid water quality degradation, sewer service is subject to the requirements outlined below.

1. Any existing septic system or other on-site system that fails or malfunctions will be required to connect to an existing municipal sewer service system if feasible, or make system corrections approved by the Cowlitz County Environmental Health Unit.

2. Any new development, business, single-family or multi-family unit will be required to connect to an existing municipal sewer service system if feasible, or install an on-site septic system approved by Cowlitz County Environmental Health Unit.