All uses and development activities in shorelines shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6.

5.1 General Shoreline Use and Development Regulations

1. Shoreline uses and developments that are water-dependent shall be given priority.

2. Shoreline uses and developments shall fully mitigate for impacts and shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.

3. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative that protects public safety and existing primary structures.

4. Non-water oriented uses shall not adversely impact or displace water-oriented shoreline uses.

5. Single-family residential uses shall be allowed on all shorelines not subject to a preference for commercial or industrial water-dependent uses, and shall be located, designed and used in accordance with applicable policies and regulations of this Program. However, single-family residences are prohibited in the Aquatic and Natural shoreline designations.

6. On navigable waters or their beds, all uses and developments should be located and designed to:
   a. minimize interference with surface navigation;
   b. consider impacts to public views; and
   c. allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

7. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, regulations, codes, and ordinances.

8. 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.

9. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

10. Previous approvals of master plans for projects in shoreline jurisdiction should be accepted. New phases of projects for which no master plan has yet been approved, or for which major changes are being proposed, or new projects for which master plans are being submitted shall be subject to the policies and regulations of this Program.

11. Within urban growth areas, Ecology may grant relief from use and development regulations of this program when:

a. A shoreline restoration project identified in SMP Restoration Plan causes or would cause a landward shift in the OHWM creating a hardship meeting specific criteria in RCW 90.58.580;

b. The proposed relief meets specific criteria in RCW 90.58.580; and

c. The application for relief is submitted to Ecology in writing requesting approval or disapproval as part of a normal review of a shoreline substantial development permit, conditional use permit, or variance. If the proposal is not connected to a shoreline permit review, the County may provide a copy of a complete application to Ecology along with the applicant’s request for relief.

5.2 Archeological, Cultural, and Historic Resources

1. When a shoreline use or development is in an area known or likely to contain archaeological artifacts and data based on Clark County’s predictive model, the applicant shall provide for a site inspection and evaluation by a professional archaeologist prior to issuance of any shoreline permit or approval. Work may not begin until the inspection and evaluation have been completed and the County has issued its permit or approval.

2. If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all work shall immediately stop, and the County, State Department of Archaeology and Historic Preservation (DAHP), and affected Native American Tribes shall be notified of the discovery. A stop-work order will be issued. The shoreline permit will be temporarily suspended. All applicable state and federal permits shall be secured prior to commencement of the activities they regulate and as a condition or resumption of development activities. Development activities may resume only upon receipt of County approval.

3. If the discovery includes human skeletal remains, the find must be secured and protected from further disturbance; the Clark County Medical Examiner and local law enforcement shall be notified in the most expeditious manner possible. The
County Medical Examiner will assume jurisdiction over the site and the human skeletal remains, and will make a determination of whether they are crime-related. If they are not, DAHP will take jurisdiction over the remains and report them to the appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.

5.3 Critical Areas Protection

5.3.1 General Provisions

1. Critical areas as defined in CCC Chapters 40.410 through 40.450 which are located within the shoreline jurisdiction are protected under this section.

2. Any allowed use, development, or activity proposed on a parcel with a critical area located in the shoreline jurisdiction shall be regulated under the provisions of this Program.

3. Any allowed use, development, or activity meeting the definition of a development exempt from the shoreline substantial development permit process outlined in WAC 173-27-040 and Chapter 2.3 of this Program shall be consistent with the policies and provisions of this program for critical areas protection.

4. Provisions of the critical areas regulations that are not consistent with the Act and supporting WAC chapters shall not apply in shoreline jurisdiction.

5. Habitat that cannot be replaced or restored within twenty (20) years shall be preserved.

6. Where construction of a single-family residence is proposed, this activity is considered exempt from obtaining a shoreline substantial development permit when the construction is located landward of the ordinary high water mark and does not include placement of fill in wetlands. Construction of single-family residences requiring fill in wetlands must obtain a shoreline substantial development permit in addition to other shoreline approvals as applicable.

7. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with this Program and CCC Title 40.

8. Unless otherwise stated, critical area buffers within the shoreline jurisdiction shall be protected and/or enhanced in accordance with this Program and CCC Title 40.

9. Shoreline uses and developments and their associated structures and equipment shall be located, designed and operated using best management practices to protect critical areas.
10. The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:

a. Avoiding the impact altogether by not taking a certain action or parts of an action.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

11. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

5.3.2 Applicable Critical Areas

For purposes of this Program, the following critical areas will be protected under this Program:

1. Critical aquifer recharge areas, defined in CCC Chapter 40.410 as adopted by Ordinance 2005-04-15, dated April 26, 2005;

2. Flood hazard areas, defined in CCC Chapter 40.420 as adopted by Ordinance 2005-04-15, dated April 26, 2005;

3. Geologic hazard areas, defined in CCC Chapter 40.430 as adopted by Ordinance 2005-04-15, date April 26, 2005;

4. Habitat conservation areas, defined in CCC Chapter 40.440 as adopted by Ordinance 2005-04-15, dated April 26, 2005; and

5.3.3 Flood Hazard Areas

5.3.3.1 General Provisions

1. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “The Flood Insurance Study for Clark County” (effective August 2, 1982, and revised July 19, 2000) and accompanying maps are hereby adopted by reference and declared to be a part of this Program. The Flood Insurance Study is on file with the Clark County Public Works Department. In addition, Map 27 Potential Channel Migration Zone (CMZ) Areas (Inventory and Characterization Report Volume 1, Lewis and Salmon-Washougal Watersheds and Rural Areas) is incorporated hereby incorporated by reference.

2. This section shall apply to all flood hazard areas within the shoreline jurisdiction as defined in CCC Section 40.420.010(C), including channel migration zones. All applications for development on lands containing flood hazard areas, including conditional uses, master plans, planned unit developments, short plats, subdivisions, site plans, rezones, grading, and final construction shall be subject to these provisions.

3. Where development proposals require a Flood Hazard Review under CCC Section 40.420.030, the review will be part of the approvals required under this Program.

4. The degree of flood protection required by this section is considered reasonable for regulatory purposes, and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside flood hazard areas, or uses permitted within such areas, will be free from flooding or flood damages. This chapter shall not create liability on the part of Clark County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

5.3.3.2 Regulated Activities

1. The following activities are allowed outright in the floodway in accordance with RCW 86.16:

   a. Park, recreational, agricultural and other similar open space uses allowed in the underlying zoning district, and not involving structures, fill, or storage of equipment;

   b. Repairs, reconstruction, or improvements of residential structures which do not increase the ground floor area;

   c. Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty percent (50%) of the market value of the structure, either:
Before the repair or reconstruction or improvement is started, or if the structure has been damaged, and is being restored, before the damage occurred; provided, that any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by a code enforcement official or designee and are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the fifty percent (50%) determination; and

d. Travel trailers and recreational vehicles subject to the provisions set forth in CCC Section 40.420.020(B)(2)(d).

2. Construction or reconstruction of residential structures is prohibited in the floodway.

3. Any use other than those permitted outright in a floodway requires a Flood Hazard Review as specified in CCC 40.420.030 as part of the approvals required under this Program. All other uses permitted in the zoning district and the shoreline designation are allowed in the floodway and floodway fringe.

5.3.3.3 Standards

1. Construction in flood hazard areas is subject to the standards specified in CCC Section 40.420.020.

2. Structural flood hazard reduction measures are allowed only when necessary to protect existing development.

3. When necessary, in-stream structures shall be located, designed, and maintained in such a manner that minimizes flood potential and the damage affected by flooding.

4. Fills are prohibited in floodplains except where the applicant clearly demonstrates that the geohydraulic characteristics will not be altered in a way that increases flood velocity or risk of damage to life or property, and flood storage capacity will not be reduced (see Section 5.6.2).

5. Fill shall be avoided in critical areas or buffers where possible. Pile or pier supports or other support methods shall be utilized instead of fills whenever feasible, particularly for permitted development in floodways or wetlands.

6. Dikes and levees shall not be placed in the floodway except for current deflectors necessary for protection of bridges and roads.

7. Removal of beaver dams to control or limit flooding shall be avoided where feasible and allowed only in coordination with WDFW and receipt of all applicable state permits.
5.3.4 Geologic Hazard Areas

5.3.4.1 General Provisions

1. Geologic hazard areas include steep slope hazard areas, landslide hazard areas, seismic hazard areas, and volcanic hazard areas as defined in CCC Section 40.430.010.

2. Approximate locations of geologic hazard areas are identified on adopted maps which are on file with the County Auditor. Where the maps and definitions of geologic hazard areas conflict, the definitions shall prevail.

3. Where development proposals require a Geologic Hazard Area Review under CCC Section 40.430.030, the review will be part of the approvals required under this Program.

5.3.4.2 Regulated Activities

1. All construction, development, earth movement, clearing, or other site disturbance which requires a permit, approval or other authorization from the County in or within one hundred (100) feet of a geologic hazard area that is not specifically identified as exempt in Chapter 2.3 shall comply with the requirements of this section.

2. Class IV G forest practices (conversions).

5.3.4.3 Standards

1. Required buffers and setbacks for development activities in geologic hazard areas are specified in CCC Section 40.430.020.

2. The Shoreline Administrator may approve buffers and setbacks which differ from those required by CCC Section 40.430.020(D)(1) if the applicant submits a geologic hazard area study described in CCC Section 40.430.030(C), which technically demonstrates and illustrates that the alternative buffer provides protection which is greater than or equal to that provided by the buffer required in CCC Section 40.430.020(D)(1).

3. The Shoreline Administrator may increase buffers or setbacks where necessary to meet requirements of the International Building Code.

5.3.5 Habitat Conservation Areas

5.3.5.1 General Provisions

1. Designated habitat areas are those defined in CCC Section 40.100.070 and those described below:
a. Waterbodies defined as waters of the state (RCW 90.40.020), including waters, bed, and bank;

b. DNR Classification System Type S, F, Np, and Ns waterbodies as defined and mapped based on WAC 222-16-030 (Forest Practices Rules);

c. Riparian Priority Habitat Areas – areas extending landward on each side of the stream or waterbody from the ordinary high water mark to the edge of the one hundred (100) year floodplain, or the following distances, if greater:

(1) DNR Type S waters, two hundred, fifty (250) feet;
(2) DNR Type F waters, two hundred (200) feet;
(3) DNR Type Np waters, one hundred (100) feet; and
(4) DNR Type Ns waters, seventy-five (75) feet.

d. Other Priority Habitats and Species (PHS) Areas - areas identified by and consistent with WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The County shall defer to WDFW in regards to classification, mapping and interpretation of priority habitat species.

2. The above habitat areas are mapped on a countywide basis in the adopted “Priority Habitats and Species Map.” Maps are on file with Clark County Environmental Services, except that maps of individual locations of sensitive, threatened, or endangered wildlife species are maintained separately to protect sensitive species.

3. In the event of inconsistencies, official habitat area definitions shall prevail over county-wide maps in determining applicability of this section. The County shall follow the recommendations of WDFW in the interpretation of site-specific conditions as they relate to the definition of priority habitat and species.

4. The portion of the riparian priority habitat area nearest to the OHWM shall be set aside for vegetation conservation and protection of the waterbody within the shoreline jurisdiction.

5. Where development proposals require a Habitat Review under CCC Section 40.440.030, the review will be part of the approvals required under this Program.

5.3.5.2 Regulated Activities

1. All construction, development, earth movement, clearing, or other site disturbance proposals within a habitat area which require a permit, approval, or other authorization from the County shall be reviewed pursuant to CCC Chapter 40.440 and shall comply with the requirements of this section.
2. Proposed new single-family residential development occurring immediately outside but within three hundred (300) feet of designated priority species habitat polygons or within one hundred (100) feet of designated non-riparian priority habitat polygons shall require consultation with WDFW prior to issuance of a development permit. In such cases, further review under this section is not required unless WDFW finds that there are potential adverse impacts.

3. Agricultural activities within designated riparian habitat areas are subject to the provisions of this section and CCC Section 40.440.040(B).

4. Class IV G forest practices (conversions).

### 5.3.3.5 Standards

1. Any alterations within designated habitat areas in the shoreline jurisdiction require a review and approval prior to clearing or development and prior to issuance of any County permit or statement of exemption.

2. Alterations within the designated habitat areas shall:
   
a. Avoid impacts to the habitat conservation areas during project planning and development to extent possible;
   
b. Substantially maintain the level of habitat functions and values as characterized and documented using best available science;
   
c. Minimize habitat disruption or alteration beyond the extent required to undertake the proposal; and
   
d. Compensate for impacts to the habitat conservation areas to meet the standard of no net loss of shoreline ecological functions. Mitigation measures and proposals must demonstrate use of best available science.

3. In the event that impacts to habitat areas cannot be avoided, development and approval of a mitigation plan in accordance with the provisions of CCC Section 40.440.020(A)(3-8) is required.

### 5.3.6 Wetlands

#### 5.3.6.1 General Provisions

1. A wetland permit is required for any development activity that is within wetlands and wetland buffers subject to this Program, unless specifically authorized by a statement of exemption. Requirements for wetland permit applications are provided in CCC Sections 40.450.040(B), (C), and (D).

2. This section shall not apply to wetlands created from non-wetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, landscape amenities and unintentionally created wetlands created as a...
result of the construction of a public or private road, street, or highway after July 1, 1990; provided, that wetlands created as mitigation shall not be exempt.

3. A wetland determination is required in conjunction with the submittal of a development permit application. The Shoreline Administrator shall determine the probable existence of a wetland on the parcel involved in the development permit application. If wetlands or wetland buffers are found to exist on a parcel, wetland delineation is required.

4. The location of a wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Wetlands Delineation Manual and as specified in CCC Chapter 40.450. If a wetland is located off-site and is inaccessible, the best available information shall be used to determine the wetland boundary and category. Methodology is specified in CCC Section 40.450.030(D).

5. All buffers shall be measured horizontally outward from the delineated wetland boundary.

6. Wetland buffer widths shall be determined by the Shoreline Administrator in accordance with the standards in CCC Section 40.450.030.

7. All wetland permits require approval of a preliminary and a final enhancement/mitigation plan in accordance with the provisions of CCC Section 40.450.040(E) unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of CCC Section 40.450.040(E)(2).

8. Wetland permit application, processing, preliminary approval, and final approval procedures are set out in CCC Section 40.450.040(F) through (I) and will be part of the approvals required under this Program.

9. Provisions for programmatic permits are included in CCC Section 40.450.040(K).

10. Provisions for emergency wetland permits are included in CCC Section 40.450.040(L).

### 5.3.6.2 Regulated Activities

No development or activity in wetlands or wetland buffers subject to this Program shall be allowed unless it is demonstrated that:

1. The proposed development or activity will not result in a net loss of wetland functions to the point of net loss of shoreline ecological function; and

2. The proposed development or activity complies with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, wetlands protection, and on-site wastewater disposal.
5.3.6.3 Standards

1. Stormwater Facilities.
   a. Stormwater dispersion practices and facilities that comply with the standards of CCC Chapter 40.385 shall be allowed in all wetland buffers where no net loss of shoreline ecological functions can be demonstrated. Stormwater outfalls for dispersion facilities shall comply with the standards in subsection (b) below.
   b. Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than 20 points on the habitat section of the rating system form) per CCC Section 40.450.040(C)(4)(b).

2. Road and utility crossings into and through wetlands and wetland buffers are allowed provided all the following conditions are met:
   a. Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced;
   b. Impacts to the buffer and wetland are first avoided and minimized; and
   c. The activity does not result in a decrease in wetland acreage or classification.

3. Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction via enhancement are allowed in the buffer if all the following conditions are met:
   a. The activity is temporary and will cease or be completed within three (3) months of the date the activity begins;
   b. The activity will not result in a permanent structure in the buffer;
   c. The activity will not result in a reduction of buffer acreage or shoreline ecological function; and
   d. The activity will not result in a reduction of wetland acreage or shoreline ecological function.

4. Wetland mitigation for unavoidable impacts shall be required using the following prioritization:
   a. On-site. Locate mitigation according to the following priority:
      (1) Within or adjacent to the same wetland as the impact;
      (2) Within or adjacent to a different wetland on the same site;
   b. Off-site. Locate mitigation within the same watershed, as shown on CCC Section 40.450.040, Figure 40.450.040-1, or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;
c. In-kind. Locate or create wetlands with similar landscape position and the
same hydro-geomorphic (HGM) classification based on a reference to a
naturally occurring wetland system; and
d. Out-of-kind. Mitigate in a different landscape position and/or HGM
classification based on a reference to a naturally occurring wetland system.

5. The various types of wetland mitigation allowed are listed below in the general
order of preference.

a. Re-establishment, which is the manipulation of the physical, chemical or
biological characteristics of a site with the goal of returning natural or historic
functions to a former wetland. Re-establishment results in a gain in wetland
acres (and functions). Activities could include removing fill material,
plugging ditches, or breaking drain tiles.

b. Rehabilitation, which is the manipulation of the physical, chemical or
biological characteristics of a site with the goal of returning natural or historic
functions to a degraded wetland. Re-establishment results in a gain in wetland
function, but does not result in a gain in wetland acres. Activities could
involve breaching a dike to reconnect wetlands to a floodplain or return tidal
influence to a wetland.

c. Creation (Establishment). The manipulation of the physical, chemical, or
biological characteristics of a site with the goal of developing a wetland on an
upland or deepwater site where a wetland did not previously exist.
Establishment results in a gain in wetland acres. Activities typically involve
excavation of upland soils to elevations that will produce a wetland hydro-
period, create hydric soils, and support the growth of hydrophytic plant
species.

d. Enhancement. The manipulation of the physical, chemical, or biological
characteristics of a wetland site to heighten, intensify, or improve the specific
functions(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 some wetland functions and can lead to a decline in
other wetland functions, but does not result in a gain in wetland acres.
Activities typically consisting of planting vegetation, controlling non-native or
invasive species, modifying site elevations or the proportion of open water to
influence hydro-periods, or some combination of these activities.

6. The mitigation ratios for each of the mitigation types described in Section
5.3.7.3(5) are specified in CCC Section 40.450.040(D)(4).

7. The Shoreline Administrator has the authority to approve preservation of existing
wetlands as wetland mitigation under the following conditions:

a. The wetland area being preserved is a Category I or II wetland or is within a
WDFW priority habitat or species area;
b. The preservation area is at least one (1) acre in size;

c. The preservation area is protected in perpetuity by a covenant or easement that gives the county clear regulatory and enforcement authority to protect existing wetland and wetland buffer functions with standards that exceed the protection standards of this chapter; and

d. The preservation area is not an existing or proposed wetland mitigation site.

8. Wetland mitigation shall be required in accordance with the wetland mitigation standards in this section for the following indirect wetland impacts:

a. Buffer loss resulting from wetland fills permitted under this section;

b. Reduction of wetland buffers beyond the maximum reduction allowed under CCC Section 40.450.040(C)(2); provided, that such reductions are limited as follows:

(1) Road and utility crossings in the wetland buffer approved in accordance with CCC Section 40.450.040(C)(5); and

(2) The total indirect wetland impact from buffer reductions is less than one-quarter (1/4) acre; and

c. Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protections standards in CCC Chapter 40.385.

9. Wetland mitigation shall be protected by the water quality function wetland buffers required in CCC Chapter 40.450 Table 40.450.030-2.

a. Reductions to the required buffers may be applied in accordance with CCC Sections 40.450.040(C) and (D)(5).

b. All wetland buffers shall be included within the mitigation site and subject to the conservation covenant required under CCC Section 40.450.030(F)(3).

10. Alternate Wetland Mitigation is provided in CCC Section 40.450.040(D)(7) which includes:

a. Wetland mitigation banking; and

b. Contributions to the County’s cumulative effects fund.

5.4 Public Access

1. Provisions for adequate public access shall be incorporated into all shoreline development proposals and erosion control measures that involve public funding unless the applicant demonstrates public access is not feasible due to one or more of the provisions of subsection 5.4.2(a-e), below.

2. Consistent with constitutional limitations, provisions for adequate public access shall be incorporated into all land divisions and other shoreline development proposals (except residential development of less than five (5) parcels), unless this
requirement is clearly inappropriate to the total proposal. Public access will not be required where the applicant demonstrates one or more of the following:

a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical 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, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;

d. Significant environmental impacts that cannot be mitigated will result from the public access; or

e. Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the County determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to:

i. Regulating access by such means as maintaining a gate and/or limiting hours of use;

ii. Designing separation of uses and activities (including but not limited to, fences, terracing, use of one-way glazing, hedges, landscaping); and

iii. Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.

3. Public access sites shall be connected to barrier free route of travel and shall include facilities based on criteria within the Americans with Disabilities Act accessibility guidelines.

4. Public access shall include provisions for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.

5. Signs indicating the public’s right of access to shoreline areas shall be installed and maintained in conspicuous locations.

6. Required public access shall be fully developed and available for public use at the time of occupancy of the use or activity.

7. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area
502 serving as a means of view and/or physical approach to public waters and may
503 include interpretive centers and displays.

504 8. Public access easements and permit conditions shall be recorded on the deed of
505 title and/or on the face of a plat or short plat as a condition running
506 contemporaneous with the authorized land use, as a minimum. Said recording
507 with the County Auditor's Office shall occur at the time of permit approval.

508 9. Future actions by the applicant, successors in interest, or other parties shall not
509 diminish the usefulness or value of the public access provided.

510 10. Maintenance of the public access facility shall be the responsibility of the owner
511 unless otherwise accepted by a public or non-profit agency through a formal
512 agreement approved by the Shoreline Administrator and recorded with the County
513 Auditor's Office.

514 5.5 Restoration

515 1. Restoration of shoreline ecological functions and processes shall be encouraged
516 and allowed on all shorelines and shall be located, designed and implemented in
517 accordance with applicable policies and regulations of this Program and
518 consistent with other County programs (see Section 6.4.4).

519 2. Impacts to shoreline ecological functions shall be fully mitigated. Such
520 mitigation may include elements from the Shoreline Restoration Plan, where
521 appropriate.

522 3. Elements of the Shoreline Restoration Plan may also be implemented in any
523 shoreline designation to improve shoreline ecological function.

524 4. Restoration efforts shall be developed by a qualified professional, shall be based
525 on federal, state, and local guidance and shall consider the following:

526 a. Riparian soil conditions;

527 b. In-stream fish habitats; and

528 c. Healthy aquatic and terrestrial food webs.

529 5.6 Site Planning and Development

530 5.6.1 General

531 1. Land disturbing activities such as grading and cut/fill shall be conducted in such a
532 way as to minimize impacts to soils and native vegetation.

533 2. Impervious surfaces shall be minimized to the extent feasible as specified in CCC
534 Chapter 40.385.
3. When feasible, existing transportation corridors shall be utilized. Ingress/egress points shall be designed to minimize potential conflicts with and impacts upon vehicular and pedestrian traffic. Pedestrians shall be provided with safe and convenient circulation facilities.

4. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.

5. Parking, storage, and non-water dependent accessory and appurtenant structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principal use.

6. Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.

7. Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.

8. Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.

9. A use locating near a legally-established aquaculture enterprise, including an authorized experimental project, shall demonstrate that such use would not result in damage to or destruction of the aquaculture enterprise, or compromise its monitoring or data collection.

5.6.2 Grading, Fill, and Excavation

1. Land disturbing activities such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation, and shall at a minimum meet the requirements of CCC Chapter 14.07.

2. Clearing, grading, fill, and excavation activities shall be scheduled to minimize adverse impacts, including but not limited to, damage to water quality and aquatic life.

3. Clearing and grading shall not result in changes to surface water drainage patterns that adversely impact adjacent properties.

4. Developments shall include provisions to control erosion during construction and to ensure preservation of native vegetation for bank stability. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.

5. Fills shall be permitted only in conjunction with a permitted use, and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.
6. Any significant placement of materials from off-site (other than permitted
deposition of clean dredge materials) shall be considered fill and shall comply
with the fill provisions in CCC Chapter 14.07. Fill shall consist only of clean
materials.

7. Soil, gravel or other substrate transported to the site for fill shall be screened and
documented that it is uncontaminated. Use of any contaminated materials as fill is
prohibited.

8. Fills shall be designed and placed to allow surface water penetration into
groundwater supplies where such conditions existed prior to filling.

9. Fills must protect shoreline ecological functions, including channel migration
processes.

10. Fill waterward of OHWM shall only be allowed as a conditional use and then
only when it is necessary:
   a. to support a water-dependent or public access use;
   b. for habitat creation or restoration projects;
   c. for remediation of contaminated sediments as part of an interagency
      environmental clean-up plan;
   d. for disposal of dredged material considered suitable under, and conducted in
      accordance with the dredged material management program of the department
      of natural resources;
   e. for expansion or alteration of transportation facilities of statewide significance
      currently located on the shoreline and then only upon a demonstration that
      alternatives to fill are not feasible;
   f. for a mitigation action;
   g. for environmental restoration; or
   h. for a beach nourishment or enhancement project.

In the Columbia River, fills shall be prohibited between the OHWM and minus
fifteen (-15) feet CRD, unless shallow water habitat will be created as mitigation.

11. Excavation below the OHWM is considered dredging and subject to provisions
under that section in Chapter 6.

12. Upon completion of construction, remaining cleared areas shall be replanted with
native species from the Clark County plant list (Standard Details Manual,
Appendix G). Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.

5.6.3 Building Design

1. Non-single family structures shall incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible.

2. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.

3. Façade treatments, mechanical equipment and windows in structures taller than two (2) stories, shall be designed and arranged to prevent bird collisions using the best available technology. Single-family residential structures are exempt from this provision.

4. Interior and exterior structure lighting shall be designed, shielded and operated to:
   a. avoid illuminating nearby properties or public areas;
   b. prevent glare on adjacent properties, public areas or roadways;
   c. prevent land and water traffic hazards; and
   d. reduce night sky effects to avoid impacts to fish and wildlife.

5. Accessory uses, including parking, shall be located as far landward as possible while still serving their intended purposes.

5.7 Vegetation Conservation

1. Existing vegetation within shoreline jurisdiction shall be retained in the riparian area closest to the waterbody but landward from the OHWM as follows:
   a. Type S waters in rural areas, one hundred, fifty (150) feet;
   b. Type S waters in urban growth areas, one hundred, fifteen (115) feet;
   c. Type F waters in rural areas, one hundred, fifteen (115) feet;
   d. Type F waters, in urban growth areas, one hundred (100) feet;
   e. Type Np waters, seventy-five (75) feet;
   f. Type Ns waters, fifty (50) feet;
   g. Lakes, one hundred (100) feet.

2. Removal of native vegetation shall be avoided to the extent possible. Where removal of native vegetation cannot be avoided, it shall be minimized to protect shoreline ecological functions.
3. If non-native vegetation is to be removed, then it shall be replaced with native vegetation within the shoreline jurisdiction.

4. If vegetation removal cannot be avoided, it shall be minimized and then mitigated at a minimum ratio of 1:1, and shall result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan.

5. Development shall be located to avoid clearing and grading impacts to more mature or multi-storied plant communities and to retain habitat connectivity.

6. Developments shall include provisions to ensure preservation of native vegetation and control erosion during construction.

7. Vegetation that cannot be replaced or restored within twenty (20) years shall be preserved.

8. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly re-established in the disturbed area.

9. Topping trees is prohibited.

10. Thinning of trees is limited, as follows:
    a. Removal of no more than twenty-five percent (25%) of the canopy of any tree or group of trees (calculated based on the area of the crown, or upper portion(s) comprised of branches and leaves or as determined by a certified arborist) in any given five- (5-) year period;
    b. Pruning of trees that does not affect shoreline ecological functions. No more than twenty percent (20%) of the limbs on any single tree may be removed and no more than twenty percent (20%) of the canopy cover in any single stand of trees may be removed in a given five-year period. Pruning shall comply with the National Arborist Association pruning standards, unless the tree is a hazard tree as defined in CCC Section 40.100.070.

11. Native plant materials which are equivalent to those which would typically occur with respect to size, structure, and diversity at maturation shall be used in restoration, rehabilitation, or enhancement projects.

12. Natural features such as snags, stumps, logs or uprooted trees, which support fish and other aquatic systems, and which do not intrude on the navigational channel or threaten agricultural land, existing structures and facilities, or public safety shall be left undisturbed.
13. Unless otherwise stated, the vegetation conservation regulations of this Program do not apply to commercial forest practices as defined by this Program when such activities are covered under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority, or with flood control levees required to be kept free of vegetation that damages their structural integrity. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, and shall be limited to the minimum necessary to accommodate an approved use.

14. 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 all other applicable laws and standards and shall be done by a qualified professional.

5.8 Views and Aesthetics

1. Visual access shall be maintained, enhanced, and preserved as appropriate on shoreline street-ends, public utility rights-of-way above and below the ordinary high water mark, and other view corridors.

2. Development on or over the water shall be constructed to avoid interference with views from surrounding properties to the adjoining shoreline and adjoining waters to the extent practical.

3. A new or expanded building or structure over thirty-five (35) feet in height above average grade level that obstructs the shoreline view of a substantial number of residents shall only be allowed when overriding considerations of the public interest will be served. The Shoreline Administrator shall require a view analysis including view corridors, view profiles, and vertical profiles from various locations to determine if shoreline views will be obstructed.

4. Clearing or pruning to preserve or create views shall be allowed as follows:
   a. When shoreline stability and shoreline ecological functions are maintained; and
   b. The applicable standards in Sections 5.6 and 5.7 are met.

5.9 Water Quality and Quantity

1. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and groundwater adjacent to the site.
2. All shoreline development shall comply with the applicable requirements of CCC Chapters 13.26A Water Quality, 40.385 Stormwater and Erosion Control, and 40.410 Critical Aquifer Recharge Areas.

3. Best management practices (BMPs) for control of erosion and sedimentation (CCC Chapter 40.385) and for meeting water quality standards (CCC Chapter 13.26A) shall be implemented for all shoreline development.

4. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land. Potentially harmful materials shall be maintained in safe and leak-proof containers.

5. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a waterbody, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.

6. Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.

7. Septic systems should be located as far landward of the shoreline and floodway as possible. Where permitted, new on-site septic systems shall be located, designed, operated, and maintained to meet all applicable water quality, utility, and health standards.