

Town of Darrington

Shoreline Master Program

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Electronic versions of this document may not include all photos, maps and graphics to limit file size.

1. The Darrington Shoreline Master Program



The Darrington Shoreline Master Program includes an inventory of shoreline conditions of the Sauk River, goals, policies and regulations for development in the shoreline area, and plans for restoring shoreline resources. The Darrington Shoreline Master Program is adopted under the provisions of the Washington State Shoreline Management Act. The three fundamental goals of the Act are:

- Environmental protection, including no net loss of shoreline resources and ecological functions.
- Preserving opportunities for water-oriented uses.
- Providing public access to the shoreline.

The Darrington shoreline consists of a section of the Sauk River in northeastern Snohomish County. The river flows in a northwesterly direction and passes through Darrington on the east side of town. The majority of the properties within the town's jurisdiction along the Sauk are undeveloped. The Hampton Lumber Mill, on the north side of the Sauk Prairie Road Bridge, and the mill's wood waste facility on the south side of the bridge, are the only significant

developments in the Darrington shoreline. There is little public access to the shoreline in Darrington.

The Sauk River provides habitat for a number of salmon species, including Chinook salmon and bull trout. At the time of this writing, Chinook salmon and bull trout are listed as Threatened species under the federal Endangered Species Act.

Through regulatory policies and development standards, the Darrington Shoreline Master Plan (SMP) seeks to prevent and mitigate impacts from future development on the shoreline environment, including salmon habitat, while supporting appropriate shoreline uses and encouraging public access. The Darrington SMP also lists out opportunities and strategies for restoring environmental conditions of the Sauk River.

2. Requirements of the Shoreline Management Act

In November 1972, the people of the state of Washington enacted the Shoreline Management Act (RCW 90.58). The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. The law provides a two-tier planning effort by the state and local government. By law, the Town is responsible for the following:

1. *Development of an inventory and analysis of shoreline conditions.* This inventory begins with the compilation and evaluation of all pertinent and available data, reports, information, aerial photos, plans, studies, inventories and other information that is applicable to the shoreline. The analysis of the shoreline conditions estimates the future demand for shoreline space and potential use conflicts. It also characterizes current shoreline use patterns and projected trends to ensure appropriate uses.
2. *Preparation of a "Master Program".* This program will determine the future of the river's shoreline by defining goals and policies. These policy statements provide a bridge between the goals and the use activity regulations.
3. *Development of a permit system.* This shoreline permit system will work to further the goals and policies of both the Act and this Master Program.

Local governments have the prime responsibility for initiating the planning program and administering the regulatory requirements. The Town of Darrington Shoreline Master Program must be consistent with the guidance and intent provided in the Shoreline Management Act. The role of the Department of Ecology is to provide support and review of the Shoreline Master Program. Ecology also reviews shoreline development permit decisions and must approve, condition or deny shoreline variances and conditional use permits following their approval by local government.

Where does the Shoreline Management Act apply?

The Shoreline Management Act applies to more than 20,000 miles of shorelines in the state of Washington. This includes 2,300 miles of lake shores, 16,000 miles of streams, and 2,400 miles of marine shores. Shorelines are defined by the state as:

- All marine waters;
- Streams and rivers with a mean annual flow of 20 cubic feet per second or greater;
- Lakes 20 acres or larger;
- Upland areas called “shorelands” which are 200 feet landward from the edge of these waters (measured at the ordinary high water mark or floodway); and the following areas when they are associated with one of the above:
 - Wetlands and river deltas
 - Some or all of the 100 year floodplain, including all wetlands within the entire floodplain

The Sauk River is the town’s only water body that is regulated under the Shoreline Management Act.

Shoreline jurisdiction within the Town of Darrington includes the Sauk River and all of the adjacent land, including:

- **Land within 200 feet of the ordinary high water mark (OHWM),**
 - **The 100-year floodplain, and**
 - **Associated wetlands,**
- whichever is further landward.**

The Act states that a wetland is “associated” with the shoreline if all or a portion of the wetland falls within the area that is 200 feet from the ordinary high water mark (OHWM). A wetland outside of this area may also be “associated” if it is in proximity to the shoreline and there is a demonstrated influence between the wetland and the shoreline. This influence can include hydraulic continuity, such as a surface or groundwater connection.

In dynamic alluvial rivers such as the Sauk River, both the ordinary high water mark and the floodway location may shift during flood events. The result is that the actual jurisdiction of the shoreline master program may shift as the river moves over time. The location of the ordinary high water mark, floodway and associated wetlands should be verified for site specific developments whenever they occur in or near the shoreline jurisdiction.

Illustrations of the approximate area regulated by the SMP in Darrington are provided at the end of Chapter 7. At the time of permit application review, additional information may be required of the applicant to more precisely determine the location of the shoreline jurisdiction on the site.

Designation of “Shoreline of Statewide Significance”

The Shoreline Management Act designates certain shoreline areas as “shorelines of statewide significance.” West of the Cascade Mountains, the shorelines that are so designated are defined as “natural rivers or segments thereof” that have a mean annual flow of one thousand (1,000) cubic feet per second (cfs) or more and the shorelands associated with those waters. The state legislature identified and designated the waters possessing these levels of flow as shorelines of statewide significance in WAC 173-18. Under the Act, the Sauk River is designated as a “shoreline of statewide significance”. Policy direction for “shorelines of statewide significance” is provided in Chapter 5.

“Wild and Scenic River” Designation

In addition, the Sauk River gained protection under the federal Wild and Scenic Rivers Act in November of 1978. According to the Act, a river or segments of a river must be “free-flowing” meaning that the river flows in a natural condition “*without impoundment, diversion, straightening, rip-rapping, or other modification.*” This designation stipulates that the Sauk River is not only a “shoreline of statewide significance” to all Washington state residents, but that the Sauk River is significant to all American citizens including those who live in other parts of the country who visit the Pacific Northwest to witness its natural beauty.

Purposes of the Shoreline Master Program

The Shoreline Management Act defines a shoreline master program as a “comprehensive use plan for a described area.” State law, specifically the Revised Code of Washington, RCW 90.58.030(3)(b), defines a master program as:

“the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and

standards developed in accordance with the policies enunciated in RCW 90.58.020”

The purposes of the Darrington Shoreline Master Program are:

- To carry out the responsibilities imposed on the Town of Darrington by the State of Washington’s Shoreline Management Act (RCW 90.58).
- To promote the public health, safety, and general welfare by providing a guide and regulation for the future development of Town of Darrington’s shoreline resources.
- To further, by adoption, the policies of RCW 90.58, and the goals of this Master Program, both described in this document.

Legislative Findings

According to the Revised Code of Washington (RCW) 90.58.020, the Washington State Legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration and preservation. In addition, it finds that ever increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state.

The legislature further finds that much of the shoreline of the state are in private ownership and that unrestricted construction on the privately owned and publicly owned shorelines of the state is not in the best public interest. Therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.

It is the policy of the state of Washington 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 ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public, will promote and enhance the overall public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and their aquatic life, while generally protecting public rights of navigation and its associated activities.

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. To this end, shoreline uses that shall be preferred must be consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shorelines. In those limited instances when authorized, alteration of the natural condition of the shorelines of the state shall be given priority to single family residences, parks and shoreline public access areas for a substantial number of people to enjoy.

Darrington's Shoreline Master Plan (SMP)

The Snohomish County Shoreline Master Program has been in effect in Darrington since the shoreline areas were annexed and/or since the SMP was adopted by the county in 1974. Since that time, Chinook salmon and bull trout have been listed as Threatened under the Endangered Species Act, and in 2003 the state issued new shoreline management guidelines. A key thrust of the new guidelines is to ensure no net loss of shoreline ecological functions and resources.

In 2003, the Town received funding through the Coastal Zone Management program offered through the Washington State Department of Ecology to conduct the first phase of developing a local SMP. This first phase resulted in an inventory of shoreline conditions. A second phase was also funded through the Coastal Zone Management program offered through the Department of Ecology and began in the fall of 2004.

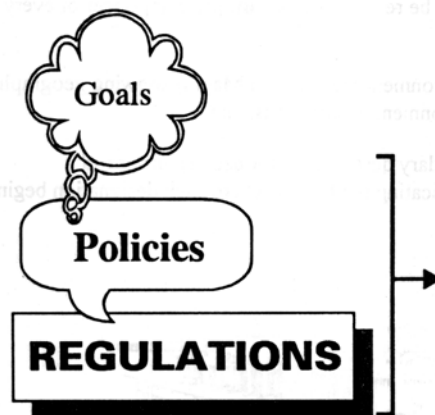
Through the first half of 2005, the Darrington Planning Commission worked with consultants to review an environmental analysis and draft goals, policies and regulations. All Planning Commission meetings were open to the public. A public meeting was held before the Planning Commission and Town Council on May 17, 2005. A public hearing was held before the Planning Commission and Town Council on November 30, 2005, where the Planning Commission recommendation approval of the draft Shoreline Master Program. The hearing before the Council was continued on December 14, 2005, and January 11, 2006, and was closed January 30, 2006. The Town Council approved the Shoreline Master Program by resolution on February 8, 2006.

Representatives of Hampton Lumber Mill, the largest property owner of shoreline in Darrington, were contacted throughout the process. Hampton Lumber Mill provided the project consultants with access to portions of the shoreline in March 2004 and in February and March 2005. (Additional information of the inventory and analysis process is provided in Attachment A.) Development of the SMP also included meeting with representatives of the USFS and discussions with the Sauk-Suiattle Tribe and Snohomish County Planning and Development Services.

3. How the Shoreline Master Plan is Used

The Darrington Shoreline Management Program (SMP) is a planning document that outlines goals and policies for the shorelines of the Town. The term “goals” mean the broadest expression of Darrington’s desires that are consistent with the Shoreline Management Act. A “policy” is a commitment to act in a prescribed manner in the administration of the master program. A “regulation” is an authoritative rule dealing with the specifics of a use or physical standard.

Policies and regulations are further discussed in more detail in Chapter 10: Specific Use Policies and Regulations. The hierarchical relationship between goals, policies and regulations is shown in the figure below:



Goals are the broadest value statements and recommendations organized into SMP “elements”

Policies are the bridge between goals and regulations, translating the general into the specific.

Regulations are specific, enforceable standards for shoreline development. They are organized into shoreline environments and land use (including activity) regulations.

The Organization of SMP Goals, Policies and Regulations

Source: SMP Handbook, 1994.

The SMP is also a regulatory ordinance. As a regulatory ordinance, this document contains regulations for development that are intended to implement the SMA goals and policies.

It is important that all development proposals relating to the shoreline area be evaluated in terms of the Town's Shoreline Master Program, and that the Town Shoreline Administrator be consulted in order to preserve and enhance the Sauk River shoreline. The Shoreline Master Program provides the regulatory parameters within which development may occur and it states what Darrington considers to be an unacceptable uses and activities within the Town’s Shoreline jurisdiction. It also states the types of uses or activities that may be considered (if a conditional review is applied for), but that the community should be able to

ensure that the development is carried out in such a way that the public's interest in protecting the shoreline is retained.

When is a Permit Required?

The Darrington Shoreline Master Program addresses a broad range of uses that could be proposed within the shoreline area. This thoroughness is intended to ensure that the Darrington shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, or cause the degradation of the aesthetic values of the shoreline that Darrington enjoys. Refer to Table 2 of Chapter 7, which further explains the range of uses that could be proposed within the Darrington shoreline jurisdiction.

Exemptions

Some developments may be exempt from the shoreline permit process, while others may need a shoreline substantial development application or may require a conditional use permit application or variance application. ALL proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program adopted by the Town of Darrington. Refer to the List of Exemptions in Chapter 11.

The Permit Process

The Shoreline Master Program regulates “development.” It also further defines what is considered “substantial development.” In general, a shoreline substantial development permit (SSDP) is required to be obtained in most cases for development within the shoreline area, unless exempt. Some development may require a conditional use permit or a variance from the provisions of the Master Program. Review under the State Environmental Policy Act (SEPA) and other regulations may also be required.

“**Development**,” as defined under the Shoreline Management Act of 1971 is:

A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d)).

This definition indicates that the “development” regulated by the Shoreline Management Act includes not only those activities that most people recognize as “development” (for example, improving a road surface, building a structure, etc.), but also those activities that citizens may do around their own home (for example, grading a hillside to enhance their personal view of the water). While the impact

of these potential “developments” may seem inconsequential at first glance, they may have unwanted and damaging affects on the shoreline ecology, the property of others, and the shoreline aesthetics.

“Substantial development” is any “development” of which the total cost or fair market value exceeds five thousand dollars (\$5,000), or any development that materially interferes with the normal public use of the water or shorelines of the state.

The Shoreline Administrator can help identify if a project is classified as a “development” or a “substantial development,” determine if a permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Administrator can also provide information on the permit application process and how the SMP process relates to, and can coordinate with the SEPA process.

4. Relationship to Other Plans and Regulations

In addition to compliance with the provisions of the Shoreline Management Act, the Darrington Shoreline Master Program must be consistent with local plans and policy documents, specifically, the Darrington Comprehensive Plan. The Master Program must be consistent with the regulations developed by the Town to implement its plans, such as the zoning code, subdivision code and critical areas regulations as well as regulations relating to building construction and safety.

An applicant applying for a permit with the Town is required to be in compliance with all other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use. Examples of activities that may require permits, review, or approval from other agencies are listed in the following table.

<i>Agency</i>	<i>Authority/Jurisdiction</i>	<i>Types of Activity Requiring Permit</i>	<i>Permit</i>
Federal Emergency Management Agency (FEMA)	CFR 44, Part 60 This Ordinance applies to the areas designated as flood zones on FEMA's Federal Insurance Rate Map.	All construction within and uses of the floodplain must meet the standards established in the Darrington Municipal Code, section 15.32 Articles I – IV.	Review for compliance with FEMA guidelines is conducted through enforcement of the Darrington Flood Hazard Protection Regulations.
U.S. Army Corps of Engineers	Section 404 of Clean Water Act Jurisdiction extends to Ordinary High Water Mark of all waters of the US and includes all adjacent wetlands	Discharge of dredged materials, fills, grading, ditch sidecasting, groins, breakwaters, road fills, beach nourishment, riprap, jetties, etc.	Section 404 Permit (some limited activities are covered by nationwide general permits)
Washington Department of Agriculture	Varies	Use of pesticides by any means other than hand pumped device - varied restrictions apply depending on the ownership of the property receiving the pesticide, the type of pesticide, etc.	Varies
Washington State Department of Fish and Wildlife (DFW)	RCW 75.20.100-160. All fresh or salt water in the state	Work, construction, development, or other activities that will change the natural flow or bed of any fresh or salt water in the state.	Hydraulic Project Approval (HPA)

<i>Agency</i>	<i>Authority/Jurisdiction</i>	<i>Types of Activity Requiring Permit</i>	<i>Permit</i>
Washington State Department of Natural Resources (DNR)	RCW 79.90. Navigable water bodies, including certain lakes, rivers, and streams. These waters are owned by the State of Washington.	Construction, filling, dredging, drilling, mining, road construction, utility installation, etc., within the beds or shorelines of these waters.	Aquatic Lands Lease and/or Authorization.
	RCW 76.09. Waterbodies near forest activities	Forest activities relating to growing, harvesting or processing timber, road construction and maintenance, brush clearing, slash disposal.	Forest Practice Approval
Washington State Department of Ecology (DOE)	Section 401, Clean Water Act	Any activity that might result in a discharge of dredge or fill material into water or wetlands, or excavation in water or wetlands that requires a federal permit.	Water Quality Certification
	RCW 90 (various chapters)	Withdrawal of surface or ground water.	Water Use Permit; Certificate of Water Right
	RCW 43.21C Determined by the scope of the project. See also: Town of Darrington, SEPA.	SEPA is a process that provides a way to analyze and address the environmental impacts of a project and is geared to mesh with already existing permits, approvals, and/or licenses.	State Environmental Policy Act (SEPA) Review
	Water Pollution Control Act (RCW 90.48)	Act prohibits discharges of polluting matter to any waters of the state, including wetlands. A permit is required for any project potentially impacting state waters.	Various permits, including NPDES, Municipal Wastewater, and Septic permits.
	Darrington Shoreline Master Program	Development within the shoreline jurisdiction of Darrington.	Shoreline Substantial Development Permit (Town approved permits submitted to Ecology)
			Shoreline Conditional Use Permit
Shoreline Variance			

<i>Agency</i>	<i>Authority/Jurisdiction</i>	<i>Types of Activity Requiring Permit</i>	<i>Permit</i>
Town of Darrington	Darrington Shoreline Master Program	Development within the shoreline jurisdiction of Darrington.	Shoreline Substantial Development Permit
			Shoreline Conditional Use Permit
			Shoreline Variance
	Darrington Municipal Code, Chapter 15.04 Building Code	Development exceeding 120 square feet. See Uniform Building Code	Building Permit
	Title17, Zoning Code	Development within the Town of Darrington	Zoning Variance
			Zoning Conditional Use
			Zoning Amendment
Darrington Municipal Code, Chapter 18.04 contains the State Environmental Policy Act (SEPA) Policies (This is the local ordinance intended to carry out the state SEPA requirements.)	All activity meeting the threshold identified in RCW 43.21C and WAC Chapter 197-11.	State Environmental Policy Act (SEPA) Review	
Darrington Municipal Code, Chapter 15.28 Drainage Plans Required for Certain Projects	All fill or grading activities in the Town limits	Filling/grading permit	

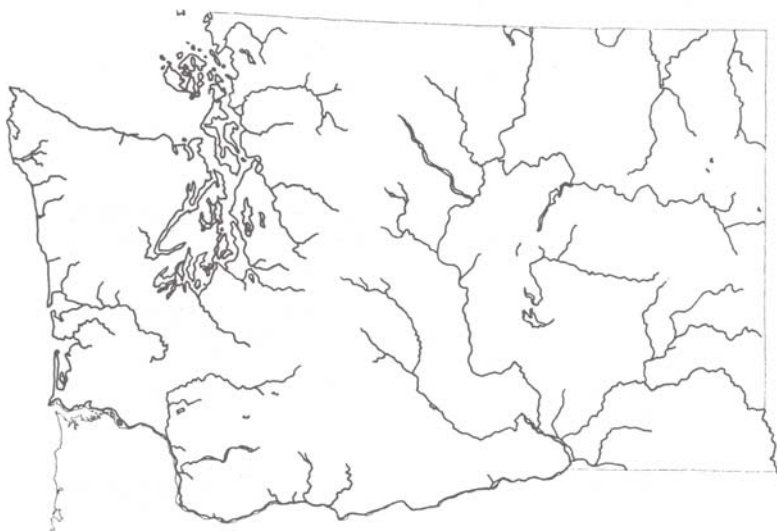
At the time of an initial inquiry or when a permit application is submitted, the Shoreline Administrator should inform an applicant of those regulations and statutes that may be also applicable to the proposed project to the best of the administrator's knowledge, PROVIDED, that the final responsibility for complying with such other statutes and regulations shall rest with the applicant.

Other activities that could occur along the shoreline (such as, starting bonfires, disposing or spilling/releasing of regulated or hazardous waste products, use of pesticides, activities within wetlands) may require other permits, review, or approval not identified here.

5. Shorelines of Statewide Significance

The Shoreline Management Act designates certain shoreline areas as “shorelines of statewide significance” (RCW 90.58.030). Among western Washington shorelines designated were “natural rivers or segments” of rivers that are “downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second (cfs) or more” and “those shorelands associated with” these waters.

The legislature determined that the Sauk River met these criteria, and in RCW 90.58.030(2)(e), designated this river as waters having a “statewide significance.” All of the “shorelines of statewide significance” are illustrated in the figure below:



Shorelines of Statewide Significance

Source: SMP Handbook, 1994.

Statewide Interest

The Shoreline Management Act states that the interests of all of the people of the state shall be paramount in the management of “shorelines of statewide significance.” Accordingly, the Darrington Shoreline Master Program gives preference to shoreline uses and development that are consistent with the policies

outlined below, which favor long-range goals and support the overall public interest.

The Shoreline Management Act (RCW 90.58.020) provides a special set of policies for the generally larger and more regionally important water bodies identified as “shorelines of statewide significance,” such as the Sauk River. These seven policies give a greater specificity and priority to “shorelines of statewide significance”. All proposed activities within “shorelines of statewide significance” must first be consistent with these policies listed below before meeting the other provisions of this Master Program. ***Proposed uses which are found to be inconsistent with these policies are not permitted within the Sauk River shoreline jurisdiction.***

As directed by the Act, this Master Program gives preference to policies, in the following order of preference, that:

1. Recognize and protect the state-wide interest over local interests
2. Preserve the natural character of the shoreline
3. Result in long-term over short-term benefit
4. Protect the resources and ecology of shoreline
5. Increase public access to publicly owned areas of the shoreline
6. Increase recreational opportunities for the public on the shoreline
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary

Extensive portions of the Sauk River shoreline remain in a natural state. The physical and aesthetic qualities of this natural shoreline should be preserved to the greatest extent feasible to be consistent with these policies.

The Sauk River’s federal and state designations as a “wild and scenic river” and a “shoreline of statewide significance,” respectively, strictly limit the types of uses and development that should be planned for within the shoreline jurisdiction. Chapter 7 describes the “preferred uses” of the Sauk River shoreline. As stated in the seven policies listed above, these preferred uses are required to be consistent with public access and protection of the ecological functions of the river’s shoreline.

6. Goals

This chapter contains goals that form the foundation of the Shoreline Master Program and apply to all areas of Darrington shoreline jurisdiction, regardless of the designated shoreline environment. The Shoreline Management Act requires local governments to adopted goals, or “elements,” to guide and support major shoreline management issues. The elements required by the Shoreline Management Act,¹ when appropriate, are:

Shoreline Use – To consider the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land.

Economic Development – For the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

Public Access – To make provisions for public access to publicly owned areas.

Recreational – For the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas.

Circulation – To consist of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element.

Conservation – For the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.

Historical, Cultural, Scientific and Educational – For the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values.

Flood Damage Minimization – To give consideration to the statewide interest in the prevention and minimization of flood damages.

Below, are the appropriate Elements and goals of the Darrington Shoreline Master Program designed to implement this requirement of the Act.

¹ RCW 90.58.100(2)

Shoreline Use Element

1. Support future land uses that are consistent with the Comprehensive Plan and are compatible with the natural shoreline conditions.
2. Support existing manufacturing land uses north of the Sauk Prairie Road Bridge.
3. Support future land uses that are consistent with the Sauk River's federal designation as a "scenic" river under the Wild & Scenic Rivers Act.

Economic Development Element

4. Provide for uses that support and are compatible with the economic development strategy of the Town. Proposed shoreline land uses shall be particularly dependent on their shoreline location or use of the Sauk River
5. Allow for manufacturing uses to be located north of the Sauk Prairie Road Bridge along the shoreline. The existing Hampton Lumber Mill is an industry that is supportive of the economic development strategy of the Town.
6. Support outdoor-oriented tourism and recreation consistent with the Town's vision for future economic development activities.

Public Access Element

7. Increase public access opportunities to the Sauk River for the enjoyment of the community and that support the Recreational and Economic Development goals.



Recreational Element

8. Support recreational opportunities that are consistent with the Sauk River's federal designation as a "scenic" river under the Wild & Scenic Rivers Act.

9. Encourage public and private recreational opportunities along the shoreline, including but not limited to boat launches, viewpoint areas and other recreational activities, where appropriate.

Circulation Element

10. Maintain connectivity in shoreline areas including access across the Sauk River without degrading the environment or aesthetic values of Darrington's scenic landscape.



Conservation Element

11. Support environmental conservation efforts that are consistent with the Sauk River's federal designation as a "scenic" river under the Wild & Scenic Rivers Act.
12. Preserve, protect and restore the ecological functions and natural resources of the shoreline jurisdictional area within Darrington.

Historical, Cultural, Scientific and Educational Element

13. Identify, preserve, protect and restore shoreline areas and sites that have historic, cultural, scientific, or educational value.

Flood Damage Minimization

14. Prevent and minimize damage to private and public property associated with flood events.

7. Shoreline Environments

The intent of designating shoreline environments is to encourage development that will enhance the present or desired character of a shoreline. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, natural capabilities and limitations, and the aspirations of the Darrington community.

Shoreline environment designations are categories that reflect the type of development that has or should take place in a given area. The classification scheme represents a relative range of development, from low to high intensity land use.

Once a shoreline segment has been given an environment designation, management policies are developed. These management policies are used as the basis for determining uses and activities that can be permitted in each environment designation. Specific development standards are also established, which specify how and where permitted development can take place within each shoreline environment.

The Darrington classification system consists of three shoreline environments. These environment designations have been assigned consistent with the corresponding designation criteria provided for each environment. In delineating environment designations, Darrington aims to assure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development.

The three (3) Darrington shoreline environment designations are:

1. Aquatic
2. Manufacturing
3. Urban Conservancy

These shoreline environments are illustrated for the Town of Darrington in Figure 1, located at the end of this chapter, and described in the text below. Each shoreline description includes a definition and statement of purpose, followed by designation criteria, management policies, and development standards. Table 1 provides an overview of the shoreline environment designations.

Table 1. Shoreline Environment Designations.

Planning Segment	Darrington Environment Designation	Intent or Purpose	Rationale
A	Manufacturing	The purpose of the “manufacturing” environment is to provide for existing high-intensity manufacturing uses while protecting existing functions and restoring ecological functions in areas that have been previously degraded.	Segment A is located along the northeastern portion of the Town of Darrington has an existing lumber mill with extensive riprap placed along the shoreline.
B/C	Urban Conservancy	From Guidelines: The purpose of the “urban conservancy” environment 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.	Segments B and C are areas with limited development and have potential to be developed with uses that are compatible with environmental protection and enhanced public access.
UGA	Urban Conservancy (projected) ²	From Guidelines: The purpose of the “urban conservancy” environment 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.	The Urban Growth Area (UGA) consists of land with similar uses and intensity as found with Segments B and C.
Waterward of OHWM/ Floodway	Aquatic	From Guidelines: The purpose of the “aquatic” environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.	Waterward of OHWM/Floodway

² Refer to the current Snohomish County Shoreline Master Program for designations and regulations that apply in the urban growth area outside of the town limits. The Urban Conservancy designation is shown for the UGA to provide an indication of how the area would likely be designated at the time of annexation.

Aquatic Environment

Those portions of the Sauk River waterward of the ordinary high water mark (OHWM) or floodway, whichever is further landward, and within the Town of Darrington are appropriate to be designated Aquatic.

Purpose

The purpose of the Aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark and floodway.

Designation Criteria

Land waterward of the ordinary high water mark (OHWM) or floodway, whichever is further landward, is designated as the Aquatic environment.

Management Policies

Uses

1. With few exceptions, uses and activities with the Aquatic environment should be limited water-dependent uses, public access improvements designed to provide public access to the shoreline to a significant number of people, and ecological restoration projects.

Overwater Structures

2. New over-water structures should be allowed only for transportation or utility crossings for which there is no feasible alternative.
3. The Town should encourage the collocation of public and private utilities with the Sauk Prairie Road Bridge to minimize construction related disruptions to the ecological functions of the shoreline.

Environmental Protection

4. All developments and uses should be located and designed to consider impacts to public views and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on the river as a migration corridor.
5. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve objectives of the legislative findings, overarching policies, and shoreline use preferences that provide the foundation

for the Shoreline Management Act (RCW 90.58.020), and then only when their impacts are mitigated as necessary to assure no net loss of ecological functions.

6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
7. Structures placed in the Aquatic designation should be designed to be consistent with the rivers “scenic” designation under the Wild and Scenic Rivers Act.

Development Regulations

1. The following uses and developments and developments may be allowed by conditional use in the Aquatic Environment:
 - A. Ecological restoration
 - B. Public access and low-intensity water-oriented recreation, including boat launch ramps
 - C. Fill when necessary to support bridge structures or as part of ecological restoration
 - D. Transportation and transportation signage
 - E. Utilities
2. Shoreline modifications may be allowed by conditional only in accordance with Chapter 10.
3. Over-water structures may only be permitted for transportation, public access and utility projects.
4. Collocation of public and private utilities with the Sauk Prairie Road Bridge shall be required, where feasible. The Town shall encourage coordination of construction to minimize construction-related disruptions to the ecological functions of the shoreline.
5. Structures placed in the Aquatic designation shall be designed to blend into the surroundings to the greatest extent feasible utilizing appropriate color(s), texture, natural materials, and other design characteristics.
6. All developments and uses must be located and designed to consider impacts to public views and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

7. New uses and developments must demonstrate consistency with the Aquatic management policies.
8. Additional allowed, conditional and prohibited uses for shoreline environments are listed in the table at the end of this chapter.

Regulations and performance standards that apply to individual uses and developments are listed in Chapter 11.

Manufacturing Environment

An area of existing high intensity use that includes developments engaged in the mechanical or chemical transformation of materials or substances into new products including wood processing.

Purpose

The purpose of the Manufacturing environment is to provide for existing high-intensity/manufacturing uses while protecting existing ecological functions from impacts of future development and restoring ecological functions in areas that have been previously degraded.



Designation Criteria

The shoreline environment designated Manufacturing is that area upland of OHWM/floodway zoned High Industrial occupied by existing manufacturing uses, from the Sauk Prairie Road Bridge north

to the current Town limits. The bridge is included in the Manufacturing Environment. It should be noted that the Three Rivers Mill pond is not included within this shoreline environment because it is recognized by the state Department of Ecology as an artificial stormwater management pond that no longer provides ecological functions or connectivity to the Sauk River.

The Manufacturing Environment is divided into two zones: Manufacturing zone A is the portion of the environment from the bridge north along the edge of the hardened bank where the developed mill site nearly abuts the OHWM. Manufacturing zone B is the portion of the environment from the northern city limits south to where the river bend joins the straight hardened bank. This area has greater risk of channel migration. The purpose of dividing this shoreline environment into two zones is to allow greater development flexibility where high intensity uses are already established and the bank has been armored and to provide a higher degree of protection where there is less armoring and a greater risk of channel migration.

Management Policies

Uses

1. In regulating uses in the Manufacturing shoreline environment, first priority should be given to water dependent uses, ecological restoration projects and existing wood processing uses. Second

priority should be given to water-related and water-enjoyment uses. Non-water oriented uses should not be allowed except as part of mixed use developments.

2. Additional land uses that are permitted in the Manufacturing shoreline environment include:
 - A. Commercial development
 - B. Light industrial development
 - C. Accessory uses, such as residences for security and maintenance personnel
 - D. Public access
3. Uses that are incompatible with manufacturing and wood processing should be prohibited from this environment.

Environmental Protection and Restoration

4. Impacts from new development and substantial redevelopment should protect shoreline ecological functions with particular emphasis on protecting and enhancing salmon habitat. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with state and federal requirements.
5. Property owners and developers are encouraged to restore degraded shoreline areas beyond that required for project mitigation.
6. Conservation and/or restoration projects are encourage to occur with new development and expansion of existing uses, such as conserving and enhancing riparian forest and vegetation or re-creating off-channel habitat for salmonids, in those opportunity areas referenced in Attachments A and B.

Development Regulations

1. The following uses and development may be permitted in the Manufacturing shoreline environment (see also Table 2):
 - A. Commercial development
 - B. Light industrial/manufacturing development
 - C. Forest products processing
 - D. Accessory uses, such as residences for security and maintenance personnel
 - E. Public access

2. Priority for development is for water-dependent and water oriented uses. New nonwater oriented commercial or industrial development not associated with continued operation of the existing lumber mill shall only be allowed when development includes continuous public access, restoration of ecological functions, and increased setbacks. Restoration projects may include enhancing riparian forest and vegetation, re-creating off-channel habitat for salmonids, or other opportunities, including those referenced in Attachments A and B.
3. Shoreline modifications may be allowed by conditional only in accordance with Chapter 11.
4. Uses that are incompatible with manufacturing and wood processing and the SMP's goal of ecological preservation, shall be prohibited from this environment. Water-enjoyment commercial uses, boat launch ramps, dry boat storage and low-intensity water-oriented recreation may be permitted as a conditional uses only if they are consistent with this requirement.
5. New uses and developments must demonstrate consistency with the Manufacturing management policies.
6. When it is proposed to expand or redevelop existing manufacturing/wood processing uses, environmental restoration shall be encouraged by the Town. The Town shall encourage conservation and/or restoration projects, such as conserving and enhancing riparian forest and vegetation or re-creating off-channel habitat for salmonids, in those opportunity areas referenced in Attachments A and B.
7. Additional allowed, conditional and prohibited uses for the shoreline environments are listed in Table 2.

Height Limit

8. No new or expanded building or structure shall exceed a building height of thirty-five (35) feet, except for cupolas, water tanks, flagpoles, transmission lines and radio towers and other similar structures.

Setbacks

9. Permanent and temporary structures (including wheeled vehicles)³, storage, and hard surfaces associated with the continued use of the

³ Existing designated parking areas may continue within the setback as provided for legal nonconforming uses.

existing lumber mill shall be set back a minimum of twenty-five (25) feet from the floodway edge, OHWM, or channel migration zone (whichever is further landward) in Manufacturing zone A.

10. Permanent and temporary structures (including wheeled vehicles), storage, and hard surfaces shall be set back a minimum of one-hundred thirty-two (132) feet from the floodway edge, OHWM or channel migration zone (whichever is further landward) in Manufacturing zone B. (Note that the standard river buffer required for habitat protection is 132 feet.)
11. Permanent and temporary structures (including wheeled vehicles), storage, and hard surfaces in Manufacturing zone A that are associated with new non-lumber mill commercial or industrial development shall be set back a minimum of one-hundred thirty-two (132) feet from the floodway edge, OHWM, or channel migration zone (whichever is further landward). (Note that the standard river buffer required for habitat protection is 132 feet.)
12. Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
13. Developments associated with a water-dependent uses, ecological restoration, and public access are not required to meet the required setbacks. However, where such development can be approved within the setback, the placement of structures, storage, and impervious surfaces shall be limited to the minimum necessary for the successful operation of the use.

Regulations and performance standards that apply to individual uses and developments are listed in Chapter 10.

Urban Conservancy Environment

An area of mixed land uses that include residential and light industrial developments, generally located within the floodplain with potential for ecological restoration.

Purpose

The purpose of the Urban Conservancy environment is to protect and restore ecological functions in urban and developed settings, while allowing a variety of water-oriented and low impact uses. This environment would apply to both privately owned land and publicly owned areas in the shoreline jurisdiction. Public lands may offer special conservation and/or restoration opportunities, such as the conservation and enhancement of riparian vegetation.

Designation Criteria

The Urban Conservancy shoreline environment designation is that area currently zoned Residential Single Family and Light Industrial in the Town of Darrington occupied by a mixture of land uses and that meet any of the following characteristics:

- They are suitable for a mix of water-oriented uses with other uses, such as parks and recreation facilities, that allow a substantial number of people to enjoy the shoreline;
- They are floodplains or other areas that should not be more intensively developed;
- They have potential for ecological restoration;
- They retain important ecological functions, even though partially developed; or
- They have the potential for development that incorporates ecological restoration.

The Urban Conservancy designation is the shoreline area south of the Sauk Prairie Road Bridge extending south toward to the Town limits. Urban Conservancy is also the recommended designation for areas within the Darrington urban growth area (UGA) that are zoned Rural Diversification by Snohomish County. Consistent with WAC 173-26-211(2)(e), all areas within the shoreline jurisdiction that are not mapped or designated are automatically assigned the Urban Conservancy designation.

Management Policies

Uses

1. In regulating uses in the Urban Conservancy shoreline environment, first priority should be given to water-oriented uses that support ecological conservation and restoration.
2. Uses that are incompatible with conserving, protecting and restoring ecological conditions of the shoreline should be prohibited.
3. All uses and developments in the Urban Conservancy environment should enhance physical and visual public access to the shoreline.

Environmental Protection and Restoration

4. New development and substantial redevelopment should protect and restore shoreline ecological functions with particular emphasis on protecting and enhancing salmon habitat.
5. During development or redevelopment activities, shoreline conservation and restoration shall be encouraged within the Urban Conservancy environment. The Town should encourage restoration projects, such as conserving and enhancing riparian forest and vegetation or re-creating off-channel habitat for salmonids in those opportunity areas referenced in the Attachments A and B.
6. Best management practices should be established or adopted for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the Urban Conservancy designation to ensure that new development or redevelopment maintains and contributes to the restoration of shoreline ecological functions.
7. The Town may require the use of Low Impact Development Techniques in the Urban Conservancy environment where necessary to avoid or reduce the impact of new impervious surfaces. Examples of Low Impact Development include:
 - A. Graded swales in amended soils to stormwater retention and infiltration.
 - B. Permeable pavement for parking lots, driveways and alleyways.
 - C. Grass-grid parking lots.
 - D. Rooftop rainwater harvesting.
 - E. Collection and reuse of residential stormwater runoff.

Development Regulations

1. Land uses that are permitted in the Urban Conservancy shoreline environment include:
 - A. Wood waste disposal, on sites with existing wood waste operations
 - B. Low intensity water-oriented recreation
 - C. Development of one residential dwelling unit per parcel and only where insufficient area for residential development exists outside of the shoreline jurisdiction
 - D. Accessory uses, such as residences for security and maintenance personnel
 - E. Scientific, historical, cultural and educational uses
 - F. Public access

2. The following may be permitted as conditional uses in the Urban Conservancy environment:
 - A. Boat launch ramps
 - B. Dry boat storage for non-motorized vessels for recreational rafting, kayaking, canoeing, and floating
 - C. Water-dependent and water-related commercial uses compatible with ecological conservation
 - D. Residential short plats that do not require shoreline modification or significant vegetation removal
 - E. Shoreline modifications
 - F. Signage
 - G. Transportation
 - H. Utilities, not including accessory utility extensions part of an allowed use

3. All new uses and developments, permitted or allowed as conditional, in the Urban Conservancy environment must be compatible with conserving, protecting and restoring ecological conditions of the shoreline.

4. The following are prohibited in the Urban Conservancy environment:
 - A. Agriculture
 - B. Dry boat storage for motorized vessels and those requiring trailer transportation
 - C. Commercial uses, except those water-dependent and water-related commercial uses compatible with ecological conservation as allowed above
 - D. Industrial uses

- E. Wood waste disposal, on sites with no existing wood waste operations
 - F. Non-water-oriented recreation
 - G. High-intensity recreation
 - H. Residential subdivisions, not including short plats
 - I. Roads, utilities and parking areas that can be located outside of the shoreline area
 - J. The subdivision of property to support additional residential, commercial, or industrial uses, that would require shoreline modification in the foreseeable future or significant vegetation removal
- 5. New uses and developments must demonstrate consistency with the Urban Conservancy management policies.
 - 6. Additional allowed, conditional and prohibited uses for the Urban Conservancy shoreline environment are listed in Table 2.

Height Limit

- 7. No new or expanded building or structure shall exceed a building height of thirty (30) feet, except for cupolas, water tanks, flagpoles, transmission lines and radio towers and other similar structures.

Setbacks

- 8. Permanent and temporary structures (including wheeled vehicles), storage, and hard surfaces shall be set back a minimum of one hundred and thirty two (132) feet from the floodway edge, ordinary high water mark or channel migration zone (whichever is further landward). Setbacks are measured landward, on a horizontal plane, perpendicular to the shoreline.
- 9. Developments associated with a water-dependent uses and public access are not required to meet the one hundred and thirty two (132) foot setback. However, where such development can be approved within the one hundred and thirty two (132) foot setback, the placement of structures, storage, and hard surfaces shall be limited to the minimum necessary for the successful operation of the use. In no case shall parking be allowed within the one hundred and thirty two (132) foot setback.

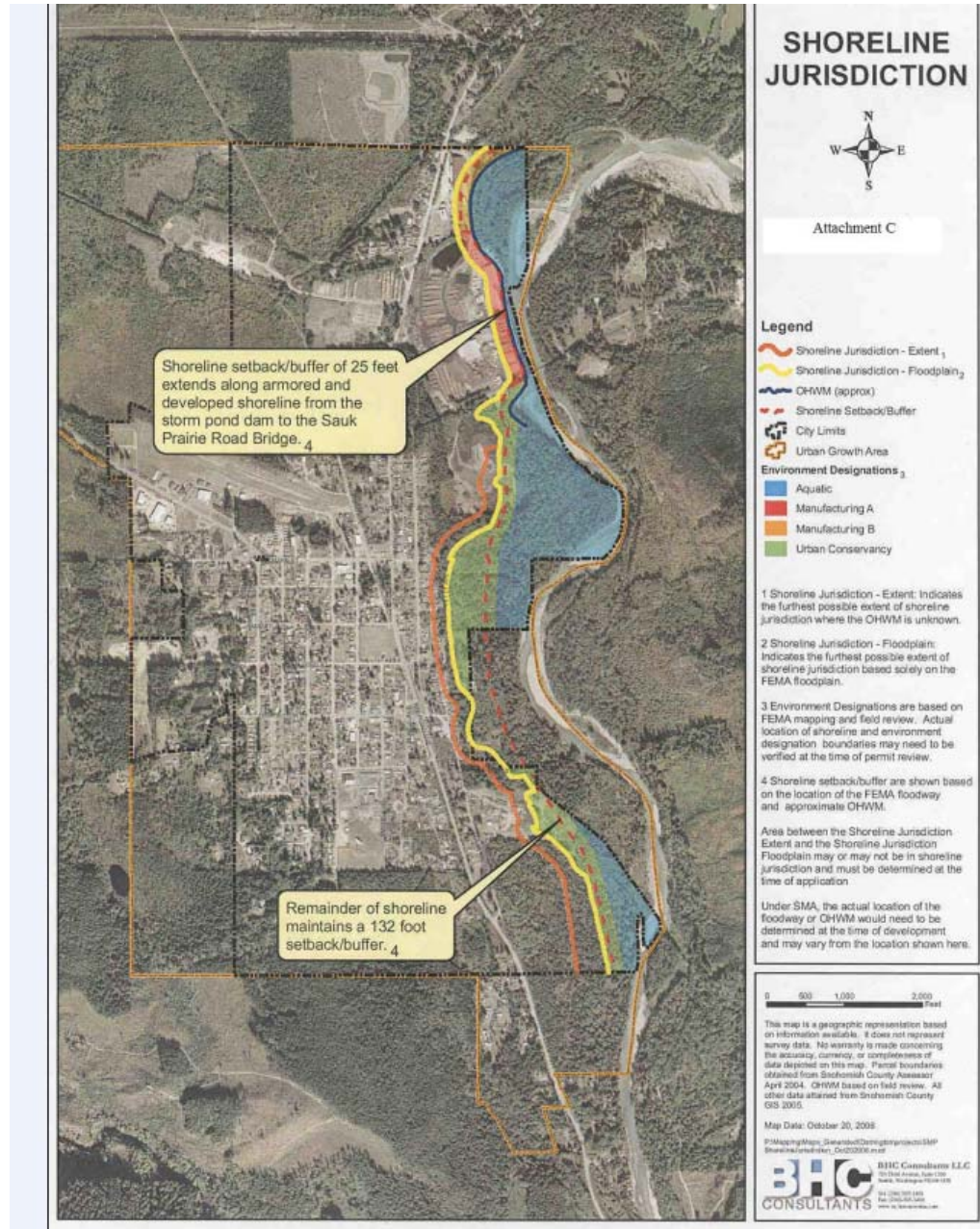
Regulations and performance standards that apply to individual uses and developments are listed in Chapter 10.

Darrington Shoreline Environment Map

Figure 1: *Darrington Shoreline Environments* depicts the physical boundaries under the jurisdiction of this Master Program and graphically portrays the boundaries of the Town's three (3) shoreline environment designations: Urban Conservancy, Manufacturing, and Aquatic.

The Administrator is responsible for keeping and maintaining Darrington's official copy of the *Darrington Shoreline Environment* map. This official copy shall be available for public inspection at all times during normal business hours. Unofficial copies shall be included as part of all distributed copies of this Shoreline Master Program.

Figure 1: Darrington Shoreline Environments



Shoreline Environments and Specific Shoreline Developments

Policies and regulations are established in this Shoreline Master Program for a range of selected types of shoreline developments and activities. For each of these developments or activities a determination is made on whether it can be permitted by a Substantial Development Permit, conditional use permit or if it is a prohibited use within the shoreline environment designation.

The following table summarizes the types of permits required for each land use or development proposal in Darrington. For specific development regulations applicable to each type of use, development or shoreline modification, see Chapter 10.

Table 2. Darrington Shoreline Development Regulations.

	SHORELINE ENVIRONMENT DESIGNATION			
SHORELINE REGULATIONS	URBAN CONSERVANCY	MANUFACTURING		AQUATIC
Height Limit	30 ft	35 ft		n/a
Riparian Setback/Buffer	132 ft	25 ft ²	132 ft ³	n/a
SHORELINE USE				
Boating Facilities <ul style="list-style-type: none"> ▪ Boat Launch Ramps ▪ Docks and Piers ▪ Dry Boat Storage ▪ Marinas 	<i>CU</i> <i>Prohibited</i> <i>CU/Prohibited⁴</i> <i>Prohibited</i>	<i>CU</i> <i>Prohibited</i> <i>CU</i> <i>Prohibited</i>	<i>CU</i> <i>Prohibited</i> <i>Prohibited</i> <i>Prohibited</i>	
Clearing and Grading	<i>P</i>	<i>P</i>		N/A
Commercial Development <ul style="list-style-type: none"> ▪ Water-dependent/related ▪ Water-enjoyment ▪ Nonwater-oriented 	<i>CU</i> <i>CU</i> <i>Prohibited</i>	<i>P</i> <i>CU</i> <i>P⁵</i>	<i>Prohibited</i> <i>Prohibited</i> <i>Prohibited</i>	
Dredging and Dredge Spoil Disposal	<i>Prohibited</i>	<i>Prohibited</i>		<i>Prohibited</i>
Fill	N/A	N/A		<i>CU</i>
Light Industrial/Manufacturing <ul style="list-style-type: none"> ▪ Wood processing ▪ Wood waste disposal 	<i>Prohibited</i> <i>Prohibited</i> <i>P⁸</i>	<i>P</i>		<i>Prohibited</i>
Mining	<i>Prohibited</i>	<i>Prohibited</i>		<i>Prohibited</i>
Parking (as a primary use)	<i>Prohibited</i>	<i>Prohibited⁶</i>		n/a
Recreational Facilities <ul style="list-style-type: none"> ▪ Water-oriented low-intensity ▪ High intensity and non-water-oriented 	<i>P</i> <i>Prohibited</i>	<i>CU</i> <i>Prohibited</i>	<i>CU</i> <i>Prohibited</i>	
Residential Development <ul style="list-style-type: none"> ▪ Single dwelling unit ▪ Short plats ▪ Subdivisions 	<i>P</i> <i>CU</i> <i>Prohibited</i>	<i>Prohibited⁷</i>		<i>Prohibited</i>
Scientific, Historical, Culture, or Education	<i>P</i>	<i>P</i>		<i>Prohibited</i>

Shoreline Modifications			
<ul style="list-style-type: none"> ▪ Bulkheads ▪ Dikes and Levees ▪ Revetments 	<i>Prohibited</i> <i>CU</i> <i>CU</i>	<i>Prohibited</i> <i>CU</i> <i>CU</i>	<i>Prohibited</i> <i>CU</i> <i>CU</i>
Signage	<i>CU</i>	<i>P</i>	<i>Prohibited</i> ⁸
Transportation	<i>CU</i>	<i>P</i>	<i>CU</i>
Utilities	<i>CU</i>	<i>CU</i>	<i>CU</i>
<p>P = May be permitted (i.e., allowed) subject to shoreline substantial development permit conditions as well as other provisions contained in the Shoreline Master Program.</p> <p>CU = May be permitted (i.e., allowed) as a conditional use.</p> <p>Prohibited = This is <u>not</u> an allowed use in the shoreline environment. (Refer to Table footnotes).</p>			

Table Footnotes:

- ¹ Lumber mill and wood processing uses in Manufacturing zone A (bridge to storm pond dam).
- ² Manufacturing zone B (north of storm pond dam), and other uses in Manufacturing zone A.
- ³ Dry boat storage in the shoreline jurisdiction shall be limited to storage of non-motorized recreation craft such as kayaks, canoes, rafts and floats.
- ⁴ New nonwater oriented commercial and industrial uses are not associated with continued operation of the existing lumber mill shall only be allowed when development includes continuous public access, restoration of ecological functions, and increased setbacks.
- ⁵ Parking may be permitted as an accessory use.
- ⁶ Accessory residences for security and maintenance personnel may be permitted.
- ⁷ Transportation signage may be permitted.
- ⁸ “P” under Urban Conservancy for wood waste is only allowed in existing areas of wood waste use as stated in the use regulations of the SMP.

8. Environmental Protection

The Shoreline Management Act (SMA) mandates the preservation of the ecological functions and resources of the shoreline by preventing impacts that would harm the fragile shorelines of the state. When impacts cannot be avoided, impacts must be mitigated to assure no net loss of ecological function.

Based upon the requirements of the SMA and the goals established in this Master Program (Chapter 6), the following environmental protection policies and regulations apply to uses, developments and activities in the shoreline area of Darrington. These policies and regulations apply to all uses, developments and activities that may occur within the shoreline jurisdiction regardless of the Shoreline Master Program environment designation. These regulations are intended to be used in conjunction with the specific use and activity policies and regulations in Chapter 10.

The environment protection policies and regulations address general environmental impacts and critical areas. General environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA) (WAC 197-11-600 and WAC 197-11-444). Critical areas include: Wetlands, critical aquifer recharge areas, geologically hazardous areas, frequently flooded areas, and fish and wildlife habitat conservation areas.



The regulations of this chapter are in addition to other adopted ordinances and rules. Where the regulations in this Shoreline Master Program conflict with other existing ordinances, the regulations that provide more protection to the shoreline area shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the Town's shorelines, and to protect the public's interest in the shoreline.

General Environmental Protection

Policies

1. The Town should protect the ecological integrity of the Sauk River. Ecological integrity is a term that refers to a system's overall health and wholeness, including the presence of all appropriate elements (physical and biological) and the occurrence of all processes (e.g. erosion and deposition) at appropriate rates. Integrity is the primary directive for water policy in the United States Clean Water Act.
2. The adverse impacts of shoreline developments and activities in any of the Darrington shoreline environments should be avoided, if feasible, and then minimized during all phases of development (i.e., design, construction, operation, and management).
3. Development and use within, and management of, the shoreline areas should result in no net loss of ecological functions.
4. Development should be located and designed to minimize risks to people, property and critical areas.
5. The level of protection afforded to critical areas in the shoreline area should be at least equal to the level of protection provided by the adopted Darrington critical areas regulations.
6. Shoreline developments or activities that serve to enhance ecological functions and/or values and those that protect and/or contribute to the long-term restoration of properly functioning conditions (PFCs) for proposed, threatened and endangered (PTE) species are consistent with the fundamental goals of this Master Program and should be encouraged.
7. The Town should seek regional solutions to environmental protection through coordinated planning and actions with state and federal agencies and the public.

Regulations

General

1. The Town shall protect the ecological integrity of the Sauk River as a river of "Statewide significance."
2. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates adverse impacts to the environment.

3. In approving shoreline developments, the Town of Darrington shall ensure that shoreline development, use, and/or activities will result in no net loss of ecological functions and values, including loss that may result from the cumulative impacts of similar developments over time. To this end, the Town may require modifications to the site plan, adjust and/or prescribe project dimensions, intensity of use, and screening as deemed appropriate. If impacts cannot be avoided through design modifications, the Town shall require mitigation commensurate with the project's adverse impacts.
4. Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.
5. Where provisions of this Master Program conflict with each other, the critical areas regulations, or with other laws, ordinances or programs, the more restrictive of the provisions shall apply.

Earth

6. Gravel and sand bars and other accretion shoreforms may provide habitat. Therefore, developments that could disrupt these shoreforms shall be carefully evaluated and only allowed when the impacts of such disruption can be adequately mitigated, and where there is a demonstrated public benefit.
7. An erosion and sedimentation control program shall be submitted with a permit application for activities that involve the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion or siltation. Said program shall conform to the Town of Darrington's Engineering Design Standards and shall at a minimum, utilize Best Management Practices (BMPs) to prevent shoreline erosion and siltation.

Air

8. Emissions, including any compounds, chemicals, pollutants, odors, fugitive dust, or vehicle exhaust shall not adversely affect the legal use of adjoining properties and shall adhere to the guidelines, policies, standards and regulations of applicable air quality management programs and related regulatory agencies.

Water

9. All shoreline development, use and activities shall protect the quality and quantity of surface and ground water and shall adhere to the guidelines, policies, standards and regulations of applicable

water quality management programs and related regulatory agencies.

10. The release of oil, chemicals, or hazardous materials onto land or into the water is prohibited within the shoreline jurisdiction. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition.
11. No new bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or a permanent basis, shall be permitted within the shoreline, provided that limited use of oil, fuel, chemicals, or hazardous materials that are directly associated with operation of an allowed use (for example, a boiler) may be permitted. When such materials are allowed, storage within the shoreline area shall not exceed 1,000 gallons, tanks and connections shall be secured against flooding, and the site shall include spill containment and response provisions.

Noise

12. Noise emanating from a shoreline use or activity shall be muffled so as to not to interfere with the designated use of adjoining properties. This determination shall take into consideration ambient noise levels, intermittent beat, frequency, and shrillness.
13. Ambient noise levels shall be a factor in evaluating a shoreline permit application. Shoreline developments that would increase noise levels to the extent that the designated use of the shoreline would be disrupted shall be prohibited.

Public Health

14. All shoreline developments shall be located, constructed, and operated so as not to be a hazard to public health and safety.

Historical/Cultural Impacts

15. Public or private developments shall be prevented from destroying or destructively altering potential or recognizable sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.
16. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the Town of Darrington, the state office of archaeology and historic preservation, and the Sauk-Suiattle Tribe if any items of archaeological interest are uncovered during excavation. In such cases, the developer shall be required to allow site inspection and

evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged.

17. Where archaeological or historic sites have been identified, any new permit shall require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes. In addition, public access shall be required, provided the development is consistent with the provisions for public access and provided further it is determined that public access to the site will not damage or reduce the cultural value of the site.

Reports and Analysis

18. When a critical areas report is required, or when detail environmental information is necessary to review potential impacts of a proposal, a critical areas report shall be required that is prepared consistent with the report requirements provided in the Darrington critical areas ordinance.

Mitigation Requirements

19. The preferred mitigation sequence (avoid, minimize, mitigate, compensate) shall follow that listed in WAC 173-26-201(2)(e) (see "Mitigation," listed in the Definitions section of this Master Program).
20. When compensatory mitigation is required, on-site measures shall be the preferred option, except where off-site compensatory mitigation can be demonstrated to be more beneficial to fish and wildlife resources.
21. Off-site compensatory mitigation within the same drainage basin will be preferred to on-site measures when the results can achieve greater benefits or functions than on-site compensatory mitigation, or would restore or enhance functions that are limiting or important to the health of the watershed.
22. Where mitigation is required, a mitigation plan shall be prepared by a professional wildlife biologist or fisheries biologist as determined appropriate by the Administrator. The mitigation plan shall contain at a minimum:
 - A. A discussion of the project's impacts and their effect on the function and value of the resource;
 - B. A discussion of any federal, state, or local special management recommendations which have been developed for wetlands or species or habitats located on the site;

- C. A discussion of measures to preserve existing habitats and opportunities to restore habitats which were degraded prior to the proposed land use activity.
 - D. A discussion of planting and soil specifications, success standards, and contingency plans;
 - E. A discussion of proposed measures which mitigate the impacts of the project;
 - F. An evaluation of the anticipated effectiveness of the proposed mitigation measures
 - G. A discussion of proposed management practices which will protect fish and wildlife habitat after the project site has been fully developed, including proposed monitoring and maintenance programs;
 - H. Any additional information necessary to determine the impacts of a proposal and mitigation of the impacts.
23. Mitigation plans shall be forwarded to the appropriate state and/or federal resource agencies for review and comment.

Signs and Fencing

24. Temporary markers. The outer perimeter of a required 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 inspected by the Town 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.
25. Permanent signs. As a condition of any permit or authorization issued pursuant to this Chapter, the Town may require the applicant to install permanent signs along the boundary of a required buffer.
26. 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 50 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 Area”
Do Not Disturb
Contact [local contact information]
Regarding Uses and Restriction”

27. Fencing

A. The Town shall condition any permit or authorization to require the applicant to install a permanent fence at the edge of the buffer, when fencing will prevent future impacts to the protected area.

B. Fencing installed as part of a proposed activity or as required shall be design so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to riparian and wetland areas.

Performance Bond

28. Performance or maintenance bonds or other security may be required by the Town to assure that work is completed, monitored and maintained.

Monitoring

29. As a condition of approval of a proposal requiring mitigation, the Town may require periodic monitoring for up to ten years from the date of completed development to ensure the success of required mitigation.

Wetlands

Wetlands are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. Wetland ecosystems serve many important ecological and environmental functions, which are beneficial to the public welfare. Such functions include surface water storage and conveyance, erosion control, sediment control, fish and wildlife habitat, recreation, water quality protection, water supply, education, and scientific research. These areas must have all of the following attributes:

- Presence of a hydrophytic plant community [those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen (anaerobic) as a result of excessive water content];
- Presence of hydric soil (determined by examination of color and other indicators); and

- Presence of soil inundation or saturation in a major portion of the root zone consecutively for at least five percent of the growing season.

Wetland Policies

1. Wetland ecosystems should be preserved and protected, and unavoidable impacts should be mitigated, so that there is no net loss of wetland acreage and functions. Where feasible, wetland quality should be improved.
2. All activities that could potentially affect wetland ecosystems should occur outside of the wetland and the buffer zone in a manner that prevents adverse impacts to the wetland functions.
3. In-kind replacement of functional wetland values is preferred. Where in kind replacement is not feasible or practical due to the characteristics of the existing wetland, ecological resources of equal or greater value should be provided.
4. Proposals for mitigation, creation, or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with state and federal regulatory requirements.

Wetland Regulations

1. **Designating wetlands.** Wetlands are those areas, designated in accordance with the Washington State Wetland Identification and Delineation Manual, 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 Town meeting the wetland designation criteria in the Identification and Delineation Manual, regardless of any formal identification, are designated wetlands.
2. **Wetland ratings.** Wetlands shall be rated according to the Department of Ecology wetland rating system found in the Washington State Wetland Rating System (Ecology Publication #04-06-025) or as revised by Ecology. This system contains the definitions and methods for determining the category of wetland. Wetland rating categories shall not change due to illegal modifications.
3. Shoreline development proposed within 300 feet of a shoreline jurisdictional wetland shall prepare a wetland analysis. The analysis shall include the wetland rating (using Ecology's rating

system), a functional assessment of potential buffers (based on Ecology's best available science for wetlands), and notes of any water features and other critical areas and their related buffers in the proximity of the wetland. This requirement may be waived or modified by the Town when, in consultation with Ecology, the Town determines that the activity will have no impact on adjacent wetlands.

4. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this Master Program. 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, or when the impacts to wetland and buffer functions are mitigated to achieve no net loss of wetland function or acreage according to an approved mitigation plan prepared consistent with this Master Program.
5. Wetland buffers.

A. **Standard buffer widths.** The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land use intensity, are as follows:

- a. Category I 100 feet
- b. Category II 50 feet
- c. Category III 25 feet
- d. Category IV 25 feet

B. The required buffer width may vary across the site to best protect wetland functions and values based on site-specific characteristics, including slope, soils, vegetation, and the intensity of the adjacent land use.

C. The Town may require long-term monitoring of the buffer and wetland to ensure adequate protection. Subsequent corrective actions may be required if adverse impacts to wetlands are discovered during the monitoring period.

D. Except as otherwise specified or allowed in accordance with this Master Program, wetland buffers shall be retained in an undisturbed condition.

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

F. **Increased wetland buffer widths.** The Town may require increased buffer widths in accordance with the recommendations of a qualified professional biologist and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics.

G. **Wetland buffer width averaging.** The Town may allow modification of the standard wetland buffer width in accordance with an approved critical area report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified wetlands professional demonstrates that:

- a. It will not reduce wetland functions or values;
- b. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- d. The buffer width is not reduced to less than fifty percent (50%) of the standard width or fifty (50) feet, whichever is greater, except for buffers between Category IV wetlands and low or moderate intensity land uses.

H. Reduction of wetland buffer widths.

- a. The Town may allow the standard wetland buffer width to be reduced in accordance with an approved critical area report on a case-by-case basis when it is determined that a smaller area is adequate to protect the wetland functions and values based on site-specific characteristics.
- b. This determination shall be supported by documentation showing that a reduced buffer is adequate based on all of the following criteria:
 - i. The critical area report provides a sound rationale for a reduced buffer based on the best available science;
 - ii. The existing buffer area is well-vegetated with native species and has less than ten percent (10%) slopes; and
 - iii. No direct or indirect, short-term or long-term, adverse impacts to wetlands will result from the proposed activity.

6. Wetland mitigation.

A. Mitigation requirements. Mitigation plans shall be consistent with the Department of Ecology *Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals*, 1994, as revised.

B. Mitigation ratios

1. **Acreage replacement ratios.** The following ratios shall apply to creation or restoration that is in-kind, on-site, the same category, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.⁴

Category I 6-to-1

⁴ Wetland mitigation ratios from “Wetland Mitigation Replacement Ratios: Defining Equivalency,” Department of Ecology, 1992, Publication #92-08.

Category II	3-to-1
Category III	2-to-1
Category IV	1.5-to-1

2. **Increased replacement ratio.** The Town may increase the ratios under the following circumstances:
 - a. Uncertainty exists as to the probable success of the proposed restoration or creation; or
 - b. A significant period of time will elapse between impact and replication of wetland functions; or
 - c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - d. The impact was an unauthorized impact.

3. **Decreased replacement ratio.** The Town may decrease these ratios under the following circumstances:
 - a. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;
 - b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or
 - c. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful over the course of at least one full year.

4. **Minimum replacement ratio.** In all cases, a minimum acreage replacement ratio of 1-to-1 shall be required.

C. Wetlands enhancement as mitigation.

1. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands only after a one-to-one minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and

function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

2. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration.

Flood Hazard and Channel Migration Zones

The following policies and regulations must be factored into decisions regarding all flood management planning and development within that portion of the 100-year floodplain that falls within Darrington's shoreline jurisdiction.

Floodplain management involves actions taken with the primary purpose of preventing or mitigating damage due to flooding. Floodplain management can involve planning and zoning to control development, either to reduce risks to human life and property or to prevent development from contributing to the severity of flooding. Floodplain management can also address the design of developments to reduce flood damage and the construction of flood controls.

The channel migration zone is the area where the active channel of a river or stream is prone to movement over time. Effective management of ecological functions in channel migration zones is critical to reduce flood hazards, prevent property and habitat loss, and to avoid the need for future shoreline stabilization.

River channel migration zones must be managed to ensure:

- Future river channel movement is not restricted in ways that negatively impact adjacent properties or habitat.
- New development is located so as to avoid the need for future shoreline stabilization.

Flood Hazard and Channel Migration Policies

1. The Town encourages restoration of natural floodplain functions that will have multiple benefits: reduction of flood damage to life and property and improvement to water quality and fish and wildlife habitat.
2. The Town supports the protection and preservation of the Sauk River's shoreline environments and the habitats it provides, and advocates balancing these interests with the Town's intention to ensure protection of life and property from damage caused by flooding.

3. Flood management planning should be undertaken in a coordinated manner among affected property owners and public agencies and should consider the entire river system. This planning should consider off-site impacts such as erosion, accretion, and/or flood damage that might occur if shore protection structures are constructed.
4. New development in the floodway should be prohibited and development in the floodplain and channel migration zone should be avoided.
5. Non-structural control solutions are preferred over structural flood control devices, and should be used wherever possible. Non-structural controls include such actions as prohibiting or limiting development in areas that are historically flooded or limiting increases in peak flow runoff from new upland development. Structural solutions to reduce shoreline damage should be allowed only after it is demonstrated that non-structural solutions would not be able to reduce the damage.
6. Channel modification, realignment, and straightening should be discouraged as a means of flood protection.
7. Where possible, public access should be integrated into the design of publicly financed flood management facilities.

Flood Hazard and Channel Migration Regulations

1. Development and uses proposed within the 100-year floodplain shall be consistent with the Darrington Flood Hazard Prevention Regulations.
2. The Town shall encourage restoration of natural floodplain functions that will have multiple benefits: reduction of flood damage to life and property and improvement to water quality and fish and wildlife habitat.
3. The Town shall require and utilize the following information as appropriate during its review of shoreline flood management projects and programs.
 - A. River channel hydraulics and floodway characteristics up and downstream from the project area;
 - B. Existing shoreline stabilization and flood protection works within the area;

C. Physical, geological, and soil characteristics of the area, including information on the river's sediment transport regime and erosion;

D. Biological resources and predicted impact to riverine ecology, including fish, vegetation, and animal habitat;

E. Areas of past channel migration and predicted future migration patterns;

F. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses; and,

G. Analysis of alternative flood protection measures, both non-structural and structural.

4. The Town shall require engineered design of flood protection works where such projects may cause interference with normal river geohydraulic processes, off-site impacts, or adverse effects to shoreline resources and uses. Non-structural methods of flood protection shall be preferred over structural solutions when the relocation of existing shoreline development is not feasible.
5. Flood protection measures shall be planned and constructed based on a state approved flood hazard management plan, , provided the plan was adopted after 1994, and in accordance with the National Flood Insurance Program.
6. Projects proposed in the floodplain or channel migration zones must address the potential impacts on channel migration. A geotechnical report is required when development is proposed in the floodplain or channel migration zone. (See the requirements found in Geologically Hazardous Areas Regulations #2 – Geotechnical Report Requirement).
7. Structures shall be located to avoid the need for future protection due to channel migration.
8. New public flood protection measures and expansion of existing ones may be permitted, subject to the Town's review and approval of a critical area report meeting the report requirements of the Darrington Critical Areas Ordinance and the approval of a Federal Biological Assessment by the federal agency responsible for reviewing actions related to a federally listed species.

9. Development in floodplains shall not significantly or cumulatively increase flood hazards or be inconsistent with a state approved flood hazard management plan, provided the plan was adopted after 1994.
10. New development and new uses in the shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway. The following uses and activities may be appropriate and or necessary within the channel migration zone or floodway:
 - A. Actions that protect or restore the ecosystem-wide processes or ecological functions. Actions that protect or restore the ecosystem-wide processes or ecological functions.
 - B. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.
 - C. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.
 - D. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
 - E. Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 - F. Modifications or additions to an existing legal use, provided that the new development includes appropriate protection of ecological functions.
 - G. 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 measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river.

Geologically Hazardous Areas

Geologically hazardous areas are areas susceptible to severe erosion, slide activity, volcanic events, earthquakes, or other geologic events. In Darrington, the following types of geological hazards exist:

Erosion Hazards. Within the Darrington shoreline jurisdiction, the erosion hazard areas include locations along the river's shoreline where erosion or avulsion is likely to occur and may result in damage to or loss of property and infrastructure. The channel migration zone is an area with high potential erosion.

Seismic and Volcanic Hazards. Recent data from the Department of Natural Resources (DNR) shows that the Darrington area has soil type "E" which is defined as a "soft soil". Ground shaking during an earthquake is strongest in areas of soft soils, such as in river valleys or along the shorelines of rivers and lakes. The least amount of ground shaking during an earthquake is on bedrock or very stiff soils.

The entire town of Darrington has been mapped by the United States Department of the Interior USGS (2001) to be in a "lahar hazard area." The term "lahar" means mudflows or debris flows composed mostly of volcanic materials on the flanks of a volcano. These flows of mud, rock, and water can rush down valleys and stream channels at speeds of 20 to 40 miles per hour and can travel more than 50 miles.

Some lahars contain so much rock debris (60 to 90% by weight) that they look like fast-moving rivers of wet concrete. Lahars are one of the deadliest volcano hazards since they can occur both during an eruption and also when the volcano is quiet. The water that creates lahars can come from melting snow and ice, intense rainfall, or the breakout of a summit crater lake.

Historically, lahars churned down the Sauk River inundating valley floors near Darrington. About 13,100 years ago, lahars flowed down both the North Fork Stillaguamish (then an outlet of the upper Sauk River) and Skagit Rivers to the Puget Sound. In the Stillaguamish River valley at Arlington, more than 60 miles downstream from Glacier Peak, lahars deposited more than seven feet of sediment. Shortly after the eruptions ended, the upper Sauk's course via the Stillaguamish was abandoned and the Sauk River began to drain only into the Skagit River, as it does today.

Landslide Hazards. No known landslide hazard areas were found to exist within the Darrington shoreline jurisdiction. The topography is nearly flat along the river and through most of the town with little elevation change. Steep slopes exist on the east side of the Sauk River

outside of Darrington, as well as throughout the mountainous areas of the watershed, where it is presumed that there are areas of potential landslide hazards.

Geologically Hazardous Areas Policies

1. New development or the creation of new lots should not cause any foreseeable risk from geological conditions to people or improvements during the life of the development.
2. Construction activity should not increase or result in soil instability or erosion of the Sauk River's shoreline.
3. When no alternatives, including relocation or reconstruction of existing structures, are found to be feasible and less expensive than the proposed stabilization measure, stabilization structures or measures to protect existing primary residential structures may be allowed in strict conformance with WAC 173-26-231 shoreline modification requirements and then only if no net loss of ecological functions will result.

Geologically Hazardous Areas Regulations

1. Designation of geologically hazardous areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:
 - A. **Erosion hazard areas.** Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "moderate to severe," "severe," or "very severe" rill and inter-rill erosion hazard.
 - B. **Landslide hazard areas.** Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Example of these may include, but are not limited to the following:

1. Areas of historic failures, such as:
 - a. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development;
 - b. Those areas mapped by the Department of Ecology (Coastal Zone Atlas) or the Department of Natural Resources (slope stability mapping) as unstable ("U" or class 3), unstable old slides ("UOS" or class 4), or unstable recent slides ("URS" or class 5); or
 - c. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;

2. Areas with all three of the following characteristics:
 - a. Slopes steeper than fifteen percent (15%); and
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or ground water seepage;

3. Areas that have shown movement during the Holocene epoch (from ten thousand years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;

4. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

5. Slopes having gradients steeper than eighty percent (80%) subject to rock fall during seismic shaking;

6. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;

7. Areas that show evidence of, or are at risk from snow avalanches;

8. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and

9. Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten (10) feet of vertical relief.

C. **Seismic hazard areas.** Seismic hazard areas are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless, loose, or soft-saturated soils of low density, typically in association with a shallow ground water table.

D. **Volcanic hazard areas.** Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity.

F. **Other hazard areas.** Geologically hazardous areas shall also include areas determined by the Town to be susceptible to other geological events including mass wasting, debris flows, rock falls, and differential settlement.

2. Geotechnical report requirement.

A. A geotechnical report that is consistent with the critical area report requirements of the Darrington Critical Areas Ordinance shall be required when a development is proposed:

1. In a geologic hazard area;
2. In the channel migration zone; or
3. In the floodplain.

B. Geotechnical reports shall be prepared by a qualified geotechnical engineer or licensed engineering geologist, licensed in the State of Washington, and shall be based on the best available science, existing and proposed uses, risks of slope failure, and shoreline erosion rates. C. In addition to the critical area report requirements of the Darrington Critical Areas Ordinance, the geotechnical report shall contain:

1. Erosion rates;
2. Analysis of site drainage characteristics;
3. Vegetation management options;
4. Recommended buffers and setbacks to avoid need for building any bulkheads or other shoreline stabilization measures during life of project;
5. Evaluation and statement on stability and safety of structure; and
6. Evaluation and statement on stability of the hazard area.

3. Geologic hazardous area performance standards

A. Development, planned uses and construction activity shall not increase or result in soil instability or erosion of the Sauk River's shoreline. New development is not allowed that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.

B. The Town shall restrict development based on the conclusions and recommendations of the geotechnical report, including requiring buffers from hazard areas. Buffer shall be the distance where the geotechnical report determines no increase in risk to people or property or impact to environment processes. Shoreline erosion rates measured over the long-term (using a 40 year or longer period) shall be evaluated in a geotechnical report to determine the appropriate buffer distance.

C. Critical facilities shall not be sited within geologically hazardous areas unless there is no other practical alternative.

D. Limited development for public access, such as public trails or view points, may be permitted in geologic hazard areas, provided that the Town may require (or waive) geotechnical

review depending on the severity of the impact, and may require conditions to ensure that the proposed development does not increase the risk of the hazard.

E. When development is allowed within erosion or landslide hazard areas or their buffers it 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. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

1. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;
2. Development shall be designed to minimize impervious lot coverage;
3. Areas of native vegetation shall be retained;
4. Septic systems shall not be allowed.

F. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a hazards analysis is submitted and certifies that:

1. The development will not decrease slope stability onsite or on adjacent properties; and
2. Such alterations will not adversely impact other critical areas;
3. The proposed development will not result in greater risk or a need for increased buffers on neighboring properties.
4. The development will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions.

G. **Seasonal restriction.** Clearing shall be allowed only from May 1st to October 1st of each year provided that the Town may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be

allowed pursuant to an approved forest practice permit issued by the Town or the Department of Natural Resources.

4. The Town may waive the requirement for a geotechnical review for modifications to existing nonconforming structures that do not impact the hazard through ground alteration. Additions to nonconforming structures shall not be located in required buffer areas.

Fish and Wildlife Habitat Conservation Areas

Fish and wildlife habitat conservation areas are areas that provide habitat for designated critical species. In Darrington, salmonid species, including Chinook salmon and bull trout, are known to inhabit shoreline areas. Other species may also inhabit the Sauk River or the adjacent riparian areas and require protection. The Washington State Priority Habitat and Species (or PHS) mapping available from the Department of Fish and Wildlife is a good source for identifying habitat areas.

Fish and Wildlife Habitat Conservation Areas Policies

1. Lands that provide critical species habitat or that are essential for their survival should be preserved and protected.
2. Activities that could potentially impact critical species should be designed, located and timed to avoid, minimize and mitigate adverse impacts so that there is no net loss of overall habitat value.
3. Where feasible, habitat areas should be preserved in perpetuity and restored to improve overall habitat conditions and long-term survival of critical species.
4. Proposals for mitigation, restoration, or enhancement should be coordinated with appropriate resource agencies to ensure adequate design and consistency with state and federal regulatory requirements.

Fish and Wildlife Habitat Conservation Areas Regulations

1. Designation of fish and wildlife habitat conservation areas. All of the following habitat areas are designated critical areas:

A. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.

B. Habitats and species of local importance. Habitats and species of local importance are those designated by the Town, including those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection through possible retention or recovery of connectivity of habitat features.

C. Waters of the state. Waters of the state includes 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.

2. Habitat report requirement.

A habitat assessment report that is consistent with the critical area report requirements of the Darrington Critical Areas Ordinance shall be required when a development is proposed in or adjacent to a designated habitat area.

3. Habitat performance standards

A. Alterations prohibited. Land development and use shall be prohibited from habitat conservation areas and their buffers, except in accordance with this Chapter.

B. Approvals of activities may be conditioned. The Town 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 may include, but are not limited to, the following:

1. Establishment of buffer zones;
2. Preservation of critically important vegetation;
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.

C. Mitigation shall result in contiguous corridors. When mitigation is required to offset impacts, mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors 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. Buffers

1. **Riparian habitat buffers.** The required shoreline setback shall be treated as an undisturbed buffer of native vegetation for the protection of salmonids and other aquatic species.
2. **Additional species.** To protect designated habitat conservation areas, other than those for salmonids or other aquatic species, the Town shall require the establishment of buffer areas when needed to protect the habitat conservation area. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby.
3. The Town may allow the required setback and/or buffer width to be reduced through the shoreline variance process.

E.. 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.

4. Performance standards for aquatic habitat

- A. Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;
- B. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. If a variance is granted

to this regulation, 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.

C. Fills, when authorized by this Master Program, shall not adversely impact anadromous fish or their habitat and all unavoidable impacts shall be mitigated.

D. Instream structures, such as, but not limited to, high flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs, shall be allowed only as part of an approved watershed basin restoration project approved by the Town and upon acquisition of any required state or federal permits. The structure shall be designed to avoid modifying flows and water quality in ways that may adversely affect habitat conservation areas.

9. Public Access

Despite the Town's connection to and location adjacent to the Sauk River, there is very little public access to the Sauk. The river can be viewed at the Sauk Prairie Road Bridge crossing and Hampton Lumber Mill provides an unofficial sand boat ramp on the north side of the bridge. When the bridge is rebuilt by Snohomish County Public Works it is expected that the pedestrian access across the bridge and a rebuilt boat ramp will be included. Elsewhere, access is limited to private properties and campgrounds located outside of Darrington. Attractive access locations to the Sauk River in Darrington would enhance the identity of the Town and provide the community with opportunities for recreation, fishing, and relaxation. Enhanced access could also support the Town's efforts to increase recreation-related tourism by providing put-ins and take-outs for river rafting/kayaking operations. A river access park near the center of town could connect to and enhance the atmosphere of the Darrington commercial areas.

Shoreline public access is the physical ability of the general public to reach and touch the water's edge or the ability to have a view of the water and the shoreline from upland locations. There are a variety of types of public access, including boat launches, pathways and trails, promenades, street ends, picnic areas, view points and others.

In the areas south of the Sauk Prairie Road Bridge, where much of the shoreline is undeveloped, there is a wide range of possibilities to provide access. North of the bridge, efforts to provide access should carefully consider how to best balance the need to provide access with the manufacturing operations of the existing lumber mill. In that situation, creative solutions may be necessary to avoid conflicts that could result in hazards to public safety.

Legal Framework for Public Access

An important goal of the Shoreline Management Act is to protect and enhance public access to the state's shorelines. Specifically, the SMA states:

RCW 90.58.020:

"[T]he 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.

"Alterations of the natural conditions of the shorelines of the state, in those limited instances when authorized, shall be given priority

for...development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.”

Public access and use of the shoreline is supported, in part, by the Public Trust Doctrine. The essence of the doctrine is 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 and that this trust is not invalidated by private ownership of the underlying land. The doctrine limits public and private use of tidelands and other shorelands to protect the public's right to use the waters of the state. The Public Trust Doctrine does not allow the public to trespass over privately owned uplands to access the tidelands. It does, however, protect public use of navigable water bodies below the ordinary high water mark.

Requiring public access on privately owned property as a condition of development has been the subject of considerable legal review. The Constitution of Washington state and the U.S. Constitution provide both the authority for conducting the activities necessary to carry out the Shoreline Management Act and significant limitations on that authority. While the SMA stresses the need for public access, the U.S. Constitution provides for protection of certain private property rights. Where public access is required as a permit condition, the courts have stated that there must be a rational connection between the project's impact on public access and the public access requirement.

Public Access Policies

1. Public access to the Darrington shorelines does not include the right to enter upon or cross private property, except for dedicated public easements.
2. Public access provisions should be incorporated into all private and public developments, except for individual single family residences.
3. Development uses and activities on or near the shoreline should not impair or detract from the public's visual or physical access to the water.
4. Public access to the shoreline should be sensitive to the unique characteristics of the shoreline and should preserve the natural character and quality of the environment and adjacent critical areas.
5. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive environment.

6. Shoreline areas that hold unique value for public enjoyment should be purchased for public use, and public access areas should be of sufficient size to allow appropriate access, passage and enjoyment of the water.
7. Public access should be designed to provide for public safety and to minimize potential conflicts with private property, manufacturing uses and individual privacy. This may include providing a physical separation to reinforce the distinction between public and private space, achieved by providing adequate space, through screening with landscape planting or fences, or other means.
8. Public views of the shoreline should be enhanced and preserved. Enhancement of views should not be construed to mean excess removal of vegetation.
9. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever financially feasible and possible.
10. Public access facilities should be maintained to provide a clean and safe experience and protect the environment.

Public Access Regulations

1. Public access required. Public access shall be required for all shoreline development and uses, except for a single family residence or residential projects containing three (3) or fewer dwelling units.
2. A shoreline development or use that does not provide public access may be authorized provided it is demonstrated by the applicant and determined by the City that one or more of the following provisions apply.
 - A. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - B. Inherent security requirements of the proposed development or 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. Unacceptable environmental harm such as damage to fish spawning areas will result from the public access which cannot be mitigated; or

E. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

Provided further, that the applicant has first demonstrated and the Town has determined that all reasonable alternatives have been exhausted, including but not limited to:

F. Regulating access by such means as limiting hours of use to daylight hours.

G. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.

H. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.

Where the above conditions cannot be met, a payment in lieu of providing public access shall be required in accordance with RCW 82.02.020 (relating to fees associated with development).

3. Developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.
4. Public access sites shall be connected directly to the nearest public street.
5. Public access sites shall be made barrier free for the physically disabled where feasible.
6. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
7. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running in perpetuity with the land. Said recording with the Auditor's office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval or disapproval).

8. The standard state approved logo and other approved signs that indicate the public's right of access and hour of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. In accordance with Public Access regulation #2 in this section, signs controlling or restricting public access may be approved as a condition of permit approval.
9. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
10. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.
11. Whenever financially feasible and practical, the City shall require the use of environmentally friendly materials and technology in such things as building materials, paved surfaces, porous pavement, etc., when developing public access to the shoreline.
12. Where public access trails are to be provided the trail shall be no wider than 8, plus 1 foot gravel shoulders, for a maximum width of 10 feet. Trails shall be located to avoid and minimize environmental impacts. Trails shall be made of pervious surfaces to the extent reasonably feasible.

10. Specific Policies and Regulations

This chapter establishes policies and regulations for specific types of development, uses and shoreline modifications that may be proposed along the Sauk River shoreline in Darrington.

By law, all shoreline development and uses are required to comply with these policies and standards when located within the geographical jurisdiction of this Master Program whether or not a substantial development permit is required. In addition, this chapter, through the town's administration of shoreline permit applications, implements the goals and policies of the Shoreline Management Act and this Master Program.

In Darrington, each development proposal must be consistent with the policies and regulations listed in this chapter. This means that all proposals must be thoroughly reviewed by the Shoreline Administrator with the applicant to verify consistency with this Master Program. For example, an applicant who wishes to propose a new type of commercial development would be required to review the section titled "Commercial Development" to determine whether or not the proposal is in compliance with the policies and regulations outlined in that particular section of this Master Program. If the proposal includes other aspects, such as a dock or a road associated with the development proposal, then these parts of the project must also be reviewed for consistency.

This section provides the town's policies and regulations for the following types of specific shoreline development:

1. Boating Facilities
2. Clearing and Grading
3. Commercial Development
4. Dredging
5. Dredge Spoil Disposal
6. Fill
7. Industrial
8. Mining

9. Parking
10. Recreational Facilities
11. Residential Development
12. Shoreline Modifications
13. Signs
14. Transportation
15. Utilities

Boating Facilities

The term boating facilities includes marinas, boat launch ramps (public and private), wet and dry boat storage, related sales and service for pleasure and commercial watercraft, and docks (piers). Boat launches are slabs, pads, rails, cranes or graded slopes used for launching boats by means of a trailer, hand, or mechanical device.

Policies

1. Boating facilities can have a significant impact on riverine habitat and a river's ecological functions; for this reason, the impacts of boat facilities should be reviewed thoroughly before boating facilities can be permitted in the Darrington shoreline jurisdiction.
2. Boat launch ramps should be installed, maintained and rebuilt in such a manner as to avoid and minimize adverse impacts to the Sauk River shoreline and should provide public access to the shoreline.
3. Public and community boat launch ramps that provide public access to the shoreline should be preferred over private individual facilities.
4. Docks, piers, dry boat storage and marinas should be prohibited in the Darrington shoreline jurisdiction.
5. Boating facilities should be located and designed so that the structure and the operation of these facilities will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views.

Regulations

Boat Launch Ramps:

1. Boat launch ramps shall be permitted as a conditional use in the Darrington shoreline. If permitted, ramps shall be designed to accommodate public access and enjoyment of the shoreline. Depending on the scale of the facility, public access shall include walkways, viewpoints and other recreational uses.
2. Boat launch ramps shall be located on stable shorelines where water depths are adequate to eliminate or minimize the need for channel maintenance activities.
3. Boat launch ramps shall be permitted on accretion shoreforms, provided any necessary grading is not harmful to the shoreline and all accessory facilities are located outside of the Sauk River's floodway.
4. Parking and shuttle areas shall not be located on scarce accretion shoreforms which have a high value for general shoreline recreation.
5. Boat launch ramps shall be permitted on stable non-erosional banks where the need for shore stabilization structures is minimized.
6. Ramp structures shall be placed near flush with the foreshore slope to minimize the interruption of geohydraulic processes. "Soft" forms, such as sand and gravel shall be preferred.
7. Use of treated wood products for boat launch ramps is prohibited. Use of natural nonreflective materials in boat ramp construction shall be encouraged. When plastics and other non-biodegradable materials are used, precautions shall be taken to ensure their containment.

Docks, Dry Boat Storage, and Marinas:

8. Docks and piers shall not be allowed in the Darrington shoreline jurisdiction and are prohibited uses along the Sauk River.
9. Dry boat storage in the shoreline jurisdiction shall be limited to storage of non-motorized recreation craft such as kayaks, canoes, rafts and floats.
10. Marinas shall not be permitted in the Darrington shoreline jurisdiction.

Clearing and Grading

Clearing and grading are the activities associated with the development of property for commercial, industrial, residential or public use. Clearing land is the removal of vegetation ground cover, shrubs and trees including but not limited to, root material removal and/or topsoil removal. Grading activities involve 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.

Policies

1. Clearing and grading activities should only be allowed in association with a shoreline development that has been permitted by the Town.
2. Clearing and grading should be limited to the minimum necessary to accommodate the shoreline development.
3. Best management practices should be used during clearing and grading to control erosion.
4. For extensive clearing and grading proposals, a detailed plan addressing species protection, revegetation, irrigation, erosion and sedimentation control and other methods of riparian corridor protection should be required.

Regulations

1. Clearing and grading activities shall only be allowed for development proposals that have received permit approval from the Town of Darrington.
2. All clearing and grading activities shall be limited to the minimum necessary for the intended development. Any part of the site that has been cleared of vegetation and not developed must be replanted with native vegetation prior to the first growing season. The vegetative cover must be reestablished within two (2) years from the time of development.
3. Clearing and grading shall not be permitted in the critical area buffer of the river or associated wetlands, except when necessary to provide public access, or as part of an approved transportation or utility crossing, or for ecological restoration.
4. The developer shall whenever feasible, utilize soil bioengineering techniques to stabilize any exposed erosional surfaces along the Sauk River shoreline.

5. All shoreline development and activities shall use effective measures to minimize increases in surface water runoff that may result from clearing and grading. The developer must submit a detailed plan to the Town officials for review that specifies the methods that will be used to control, treat and release runoff so that receiving water quality and shoreline properties shall not be adversely affected. Such measures may include but are not limited to berms, catch basins or settling ponds, the installation and maintenance of oil/water separators, grassy swales and landscaped buffers.

Commercial Development

Commercial development is a use that is involved in wholesale, retail, service and business trade.

Policies

1. Priority of any commercial development should be given first to water-dependent uses, then to water-oriented uses. New non-water oriented commercial uses are prohibited unless they are part of a mixed-use project or navigation is severely limited, and the use provides a significant public benefit with respect to the Shoreline Management Act such as providing public access and ecological restoration.
2. New commercial development should provide physical or visual access to the shoreline or other opportunities for the public to enjoy “shorelines of statewide significance.”
3. Site plans for commercial development should include multiple use concepts such as open space and recreation.
4. Commercial development in the shoreline jurisdiction should include riparian landscaping to enhance the shoreline area for the restoration and protection of fish and wildlife habitat.

Regulations

1. Over-the-water commercial development is prohibited.
2. All commercial development within the shoreline jurisdiction shall provide for public visual and physical access to the shoreline. Where on-site public access is appropriate, commercial development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for the public. Public access easements shall be a minimum of twenty five (25) feet in width.

3. Off-site public access to the Sauk River shoreline shall be required if on-site public access would pose an unacceptable risk to the public health, safety and welfare. Off-site public access must meet the same standards and requirements as on-site public access. Off-site public access could be provided either through a payment in lieu agreement with the Town of Darrington or through the purchase of land or an easement at a more appropriate location to provide the access deemed necessary.
4. All commercial loading and service areas shall be located on the upland side of the commercial activity or provisions shall be made to screen the loading and service areas from the shoreline.
5. Commercial development shall be designed and maintained in a neat and orderly manner that is consistent with the character and features of the surrounding area.

Dredging and Disposal of Dredge Spoils

Dredging is the removal or displacement of earth as gravel, sand, mud or silt from lands covered by water. Lands covered by water include stream beds and wetlands. Dredging is normally done for specific purposes or uses such as for the construction of bridge footings or for the placement of underwater pipelines or cable.

Dredge spoil is the material removed by dredging. Dredge spoil disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional land area or for disposing of the material in an acceptable manner.

Policies

1. Dredging and dredge spoil disposal should be prohibited in the Darrington shoreline jurisdiction.

Regulations

1. Dredging and dredge spoil disposal is prohibited in the Darrington shoreline jurisdiction except for the following:
 - A. In conjunction with restoration activities, or
 - B. For the construction of bridges.
2. When dredging is allowed for bridge construction, the developer shall employ best engineering and management practices to avoid impacts during juvenile salmonid migration. Where avoidance is

not fully possible, area and timing guidelines should be established in consultation with local, state, tribal and federal fish biologists. The developer shall mitigate all unavoidable adverse effects and monitor mitigation effectiveness.

Fill

Fill, or “landfill,” is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land..

Policies

1. Fill (in a river or wetland) should be prohibited and only allowed when necessary to support the design and construction of a shoreline restoration or environmental enhancement project that is beneficial to the Sauk River.

Regulations

1. Fill (in a river or wetland) shall be permitted as a conditional use only if the following would apply:
 - A. In conjunction with the construction and installation of bridges or utilities for which there is a demonstrated public need and where no feasible upland sites, routes or design solutions exist;
 - B. As part of an approved environmental restoration or enhancement project, such as a fisheries or habitat enhancement project; or
 - C. In conjunction with an approved road development provided that pile supports are proven structurally infeasible; pile supports shall be utilized in preference to fills.
2. Speculative, sanitary and solid waste landfills are prohibited.
3. Mitigation for wetland impacts must be implemented pursuant to wetland policies and regulations contained in this Shoreline Master Program and the Town of Darrington’s Critical Areas Ordinance.
4. If the project proposal is permitted as a conditional use, then the land use application shall include the following information:
 - A. Proposed use of the fill area;

- B. Physical, chemical and biological characteristics of the fill material
 - C. Source of fill material
 - D. Method of placement and compaction
 - E. Location of fill relative to natural and/or existing drainage patterns
 - F. Location of the fill perimeter relative to the floodway
 - G. Perimeter erosion control or stabilization means
 - H. Type of surfacing and runoff control devices, and
 - I. Location of wetlands or other critical areas
5. Fill materials shall be clean sand, gravel, soil, rock or similar material. Use of polluted soils is prohibited. The developer shall provide evidence that the material has been obtained from a clean source prior to fill placement.
 6. Landfills, including disposal of hazardous or dangerous waste, municipal solid waste, special waste, inert and demolition waste, and new woodwaste landfills are prohibited in the shoreline area. This does not prohibit the continued operation of the existing woodwaste facility, provided that existing woodwaste facility shall not expand waterward or beyond the current site.

Industrial and Manufacturing

Industrial developments are facilities for processing, manufacturing, and storage of finished or semi-finished goods. Wood processing is considered an industrial use.

Policies

1. Existing manufacturing and wood processing areas should be reserved for these uses.
2. Preference for new industrial uses should be given first to water-dependent uses, then to water-oriented uses. New non-water-oriented industrial development are prohibited unless they are part of a mixed-use project or navigability is severely limited and the use provides a significant public benefit with respect to the Shoreline Management Act such as providing public access and ecological restoration.
3. Industrial development should avoid sensitive and ecologically valuable shorelines, such as wildlife habitats, wetlands or flood-prone areas.

Regulations

1. Public access requirement.
 - A. Where on-site public access is appropriate, industrial development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to the public.
 - B. Off-site public access to the Sauk River shoreline shall be required if on-site public access would pose an unacceptable risk to the public health, safety and welfare. Off-site public access must meet the same standards and requirements as on-site public access. Off-site public access could be provided either through a payment in lieu agreement with the Town of Darrington or through the purchase of land or an easement at a more appropriate location to provide the access deemed necessary.
2. **Industrial waste.** Disposal and/or long-term storage of industrial wastes is prohibited within the shoreline jurisdiction. This does not include disposal of non-chemically treated wood waste when part of an existing wood waste disposal facility. Short-term storage of industrial wastes associated with an approved and ongoing use shall not exceed 1,000 gallons, tanks and connections shall be secured against flooding, and the site shall include spill containment and response provisions.
3. **Wood treatment facilities.** Wood treatment facilities shall be limited to impermeable areas designed to prevent soil and groundwater contamination.
4. Sewage treatment and water reclamation may only be permitted by conditional use and shall be located where they do not interfere with and are compatible with recreational, residential, or other public uses of the water and shorelines.
5. Critical area buffers shall not be used for storage of industrial equipment or materials or for waste disposal.
6. Display and other exterior lighting shall be designed, shielded and operated to minimize glare in the shoreline area, to avoid illuminating nearby properties, and to prevent hazards for public traffic.

7. Unpaved storage areas underlain by permeable soils shall have at least a four (4) foot separation between the ground surface and the highest seasonal water table.
8. Berms, grassy swales, vegetated buffers, retention ponds or other acceptable means shall be used to ensure that surface runoff is collected and discharged from the storage area at one point, if possible. It shall be demonstrated that water quality standards will not be violated by such runoff under any conditions of flow, leaving the site and entering into nearby watercourses.
9. Regional industrial projects that are determined to be particularly dependent on a location on or requiring use of the “shorelines of statewide significance” in Darrington shall be reviewed per the Town’s goals and policies contained within the Town’s Comprehensive Plan and shall be consistent with the provisions of this Shoreline Master Program.

Mining

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For the purposes of this Master Program, “processing” includes screening, crushing and stockpiling of materials removed from the site. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as concrete manufacturing.

Policies

1. All mining activities should be prohibited in the Darrington shoreline jurisdiction in order to prevent negative impacts to the environment.
2. Shoreline enhancement and restoration projects shall be encouraged for areas that have been subjected to mining activities.

Regulations

1. Mining operations shall be prohibited in the Darrington shoreline jurisdiction.
2. Excavation of sand, gravel and other materials from the Sauk River is prohibited.

Parking

Parking is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers. Land used for this purpose is leveled, cleared and often covered with an impermeable surface.

Policies

1. Parking in shoreline areas should be avoided and minimized.
2. Parking within shoreline jurisdiction should directly serve a permitted use on the property and should be sensitive to the adjacent shorelines and properties.
3. Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, critical areas, water quality, visual qualities, public access, and vegetation and habitat maintenance.
4. The use of pervious materials in parking facilities should be encouraged.

Regulations

1. Parking as a primary use shall be prohibited within the shoreline jurisdiction.
2. The location of parking areas in or near critical areas shall be avoided.
3. Parking and storage of recreational vehicles or travel trailers as a primary use shall be prohibited.
4. Parking in shoreline areas must directly serve an approved shoreline use.
5. Parking areas within the Darrington shoreline jurisdiction shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. The landscaping shall consist of native vegetation, to be planted within one (1) year after completion of construction and provide an effective screening three (3) years after planting. Adequate screening or landscaping for parking lots shall consist of the following:
 - A. A strip of land fifteen (15) feet wide landscaped with trees, shrubs, and groundcover
 - B. A building or enclosed structure

C. A strip of land not less than five (5) feet in width that is occupied by a continuous wall, fence, plant material, or combination of both; which shall be at least six (6) feet high at time of installation. The plant material shall be an evergreen species and the spacing shall be between three (3) feet to five (5) feet between each tree or shrub depending on the species.

6. All landscaping shall be designed to provide biofiltration functions for runoff from the parking area.
7. Alternatives to conventional stormwater treatment, such as the use of pervious surfaces, shall be considered in order to minimize impacts due to runoff and the need for stormwater treatment.
8. All landscaping must be maintained and in no case shall such landscaping areas be used for the storage of materials or parking of vehicles.
9. Parking facilities shall not be permitted over the water.
10. Where there is no available land area on the landward side of the development, parking stalls shall extend no closer to the shoreline than a permitted building or structure.

Recreational Facilities

Recreational development provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement, or contemplation. It includes facilities for passive recreational activities, such as hiking, photography, viewing and fishing. It also includes facilities for active or more intensive uses such as parks, campgrounds and golf courses. This section applies to both publicly- and privately-owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Policies

1. The coordination of local, state, and federal recreation planning should be encouraged so as to mutually satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation and open space plans.
2. Shoreline areas with a potential for providing recreation or public access opportunities should be identified for this use and acquired by lease or purchased and incorporated into the public park and open space system.

3. The linkage of shoreline parks, recreation areas and public access points in a linear system, such as hiking paths, bicycle paths and scenic drives should be encouraged.
4. Recreational developments should be located and designed to preserve, enhance or create scenic views and vistas.
5. Recreational activities should only be allowed where no conflict exists with other uses and wildlife habitat.
6. New commercial recreational facilities should be consistent with the provisions for general commercial development located in this shoreline master program.
7. All recreational developments should make adequate provisions for:
 - A. Vehicular and pedestrian access, both onsite and offsite
 - B. Proper water, solid waste and sewage disposal methods
 - C. Security and fire protection for the use itself and for any use-related impacts to adjacent private property
 - D. The prevention of overflow and trespass onto adjacent properties
 - E. Buffering of such development from adjacent private property or natural area

Regulations

1. Areas that provide valuable shoreline ecological functions and fragile or unique areas, such as wetlands and accretion shore forms, shall be used only for non-intensive and nonstructural recreation activities.
2. Recreation developments such as golf courses and playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high intensity activities, such as sporting events, shall be located outside of the shoreline jurisdiction.
3. Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal.

Residential Development

Residential development refers to one or more buildings, structures, lots, parcels or portions of parcels that are used or intended to be used to provide a place of abode for human beings. Residential development includes single family residences, duplexes, multifamily residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions and planned unit developments. Residential development also includes accessory uses and structures such as garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

Note: A Substantial Development Permit may not be required for construction of a single family residence by an owner, lessee, or contract purchaser for his own use or the use of his family. However such construction and all normal appurtenant structures must otherwise conform to this Master Program. In addition, when applicable, all residential development is subject to the variance and conditional use requirements of this Master Program. For example, a variance will be required for any residential development that proposes to locate within the shoreline environment setbacks established in Chapter 7 of this Master Program.

Uses that are associated with residential development, such as clearing, grading and fill are subject to the regulations established for those uses in this section. Clearing and grading can be exempted from the shoreline substantial development permit requirement, provided it is associated with an exempted single family residence and the following conditions are met:

- The clearing and grading activity is confined to the construction site.
- Grading does not exceed 250 cubic yards.

Policies

1. Residential development should preserve natural features, minimize physical impacts and provide for public access to the shoreline.
2. Accessory development should be designed and located to blend into the site as much as possible. Accessory uses and structures should be located landward of the primary residence.
3. Residential development should apply best management practices in developing surface and stormwater facilities.

Regulations

1. Residential development shall not be approved by Town staff if flood control or shoreline protection measures are necessary to create a residential lot or site area. Residential development shall be located and designed to avoid the need for structural shoreline modifications and flood protection measures in the foreseeable future.
2. The subdivision and short subdivision of land is subject to the following:
 - A. Land that is located wholly within the Aquatic designation, a wetland or its buffer, or the shoreline setback may not be subdivided or short platted.
 - B. Land that is located partially within the Aquatic designation, a wetland or its buffer, and/or the shoreline setback may be subdivided provided that an accessible and contiguous portion of each new lot that meets the minimum lot size requirements is located outside of the Aquatic designation, wetland, setback and buffer.
 - C. Access roads and utilities serving the proposed subdivision may be permitted within the shoreline setback, wetland and associated buffers only if the Town determines that no other feasible alternative exists and when consistent with this Master Program.
3. If wetlands or other critical areas, such as habitat conservation areas are located on the development site, clustering of residential units shall be required in order to avoid these areas.
4. Storm drainage and treatment facilities shall be required by the Town officials for proposals of five (5) or more dwellings. Drainage facilities shall be separate from sewage disposal facilities. Drainage systems shall include provisions to prevent the direct entry of uncontrolled and untreated surface water runoff into receiving waters. Such provisions may include retention ponds, vegetated swales, and artificial wetlands.
5. Residential development and accessory uses are prohibited to be constructed over the water. Docks and piers may not be constructed in the Sauk River in order to protect the ecology of the river in Darrington.

Shoreline Modifications

Shoreline modifications are defined as:

“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.”

To be consistent with the Wild and Scenic Rivers Act, shoreline modifications are generally not allowed for the Darrington shoreline and may only be permitted in very limited circumstances. The purpose of shoreline modifications are to reduce adverse impacts to property caused by natural river processes, such as currents or flooding. In many cases, adverse impacts from the river can be avoided by non-structural means, such as building setbacks, relocating threatened structures, groundwater and runoff management, and the use of planning and regulatory measures.

If structural stabilization is necessary on a site, then there are two types of structural stabilization measures that can be used: “hard” structural stabilization measures and “soft” structural stabilization measures.

“Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads or rip-rap blankets. “Soft” structural stabilization measures rely primarily on deformable materials and techniques, such as “bioengineering” where a combination of organic and inorganic materials are used to improve stability and erosion resistance. Such soft methods usually emulate conditions and processes found on naturally-occurring shorelines.

“Hard” structural stabilization measures have greater impacts on shoreline processes, including sediment transport, geomorphology, and the river’s biological functions. Because they emulate natural processes, “soft” measures tend to be less intrusive, less damaging to habitat, and often provide better long-term stabilization. However, the “soft” techniques are not suitable in all situations, since they tend to take up more space and often need more time to become fully effective.

Bulkheads and revetments are examples of “hard” structural stabilization measure. Bulkheads are typically constructed of poured-in-place concrete, steel or aluminum sheet piling, wood, wood and structural steel combinations, or large rock. Bulkheads are walls that are usually constructed parallel to the shoreline whose primary purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect river banks by retaining soil at the toe of the slope or by protecting the toe of the bank from erosion and undercutting.

A revetment is a sloped shoreline structure built to protect an existing eroding shoreline or newly placed fill against river currents. Revetments are most commonly built of randomly placed boulders (rip rap) but may also be built of cement bags, paving, building blocks, gabions (rock filled wire baskets) or other systems and materials. The principal features of a revetment, regardless of type, is a heavy armor layer, a filter layer, and toe protection.

Policies

1. The Sauk River is designated as “scenic” under the Wild and Scenic Rivers Act. All shoreline modification activities on the Sauk River should be consistent with the Wild and Scenic Rivers Act.
2. In Darrington, parts of the Sauk River function in its natural state and are not presently influenced by urban growth and channelization. These sections of the river should be preserved in their natural state.
3. Rip-rap and other bank stabilization measures should be limited to primarily to prevent damage to existing development. All new development should be located and designed to prevent or minimize the need for flood protection and shoreline stabilization measures. New development requiring shoreline stabilization in the foreseeable future should not be permitted.
4. Stabilization and protection measures which are more natural in appearance, more compatible with on-going shoreline processes, and more flexible for long term floodplain management such as vegetative stabilization are preferred over structural means such as river dikes or extensive revetments..
5. Bulkheads should be prohibited in the Darrington shoreline jurisdiction. Other hard structural solutions such as dikes, levees and revetments should be allowed as a conditional use only after it is demonstrated that soft structural solutions, including the use of large woody debris, vegetation, and other “bioengineering” techniques, would not be feasible.
6. Shoreline modifications should be located, designed, constructed, and maintained so that the resultant effects on the river processes will protect life and property and not cause significant damage to adjacent properties or valuable resources.
7. All flood protection measures should be placed landward of the natural floodway boundary, including associated wetlands that are directly interrelated and inter-dependent with the river.

8. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principles uses or structures from erosion.
9. The design of river bank stabilization projects should provide for the long term multiple use of river resources and public access to the shoreline. In the design of publicly financed or subsidized projects, consideration should be given to providing pedestrian access to the shoreline for low intensity outdoor recreation.

Regulations

1. All shoreline modification on the Sauk River shall be consistent with the Wild and Scenic Rivers Act. Shoreline modifications that are inconsistent with the act shall be prohibited.
2. Shoreline stabilization and flood protection works are prohibited in wetlands and on bars. They are also prohibited in salmon or trout spawning areas.
3. If permitted, all new shoreline modification activity shall be located and designed to prevent or minimize environmental impacts and the need for bank stabilization and flood protection measures. Shoreline modifications and flood protection measures shall result in no net loss of ecological functions associated with the river.
4. Use of car bodies, scrap building materials, scrap concrete and concrete block, asphalt from street work, or any discarded piles of equipment or appliances for the stabilization of shorelines shall be prohibited.
5. Flood control diking shall be landward of the floodway, including any wetlands directly interrelated and interdependent with the Sauk River.
6. Shoreline modification shall to the greatest extent possible, be planned, designed, and constructed to allow for channel migration. These developments shall not reduce the volume and storage capacity of the river and adjacent wetlands and/or flood plains and shall not result in a cumulative increase of the flood hazard.
7. River and stream channel direction modification, and realignment are prohibited unless they are essential to uses that are consistent with this Master Program.
8. New structural flood hazard reduction measures may be allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not

feasible, that impacts ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with WAC 173-26-221(5).

Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the department that evaluates cumulative impacts to the watershed system.

9. The removal of gravel for flood management purposes shall be consistent with the adopted flood hazard reduction plan and with this Master Program and 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.

Bulkheads, Dikes, Levees and Revetments:

10. Bulkheads shall be prohibited in the Darrington shoreline jurisdiction.
11. Nonconforming bulkheads (this includes all existing bulkheads located along the Sauk River) shall be replaced with a less rigid and more ecological shoreline stabilization measure, such as the planting of trees, using large woody debris, and native vegetation enhancement.
12. Dikes and levees and revetments shall only be authorized by conditional use permit and shall be consistent with all flood control management plans and regulations adopted by the Town of Darrington.
13. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands consistent with FEMA certification.
14. Dikes, levees and revetments shall be placed landward of the floodway, OHWM, or channel migration zone (whichever is further landward) except as current deflectors necessary for protection of bridges and roads, provided that flood hazard reduction projects may be authorized if it is determined that no other alternative to reduce flood hazards to existing development is feasible.

15. If an armored revetment is proposed, the siting and design of revetments shall be performed using appropriate engineering principals, including the usage of guidelines from both the Natural Resources Conservation Service and the U.S. Army Corps of Engineers and the following design criteria shall be met:
 - A. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 - B. Filter cloth must be used to aid drainage and help prevent settling;
 - C. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action; and
 - D. Fish habitat components, such as large boulders, logs, and stumps must be considered in the design subject to Hydraulic Project Approval by the Washington Department of Fish and Wildlife, NOAA Fisheries, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.
16. Design of public works shall include and provide improved access to public shorelines whenever possible.
17. Proposals for dikes, levees and revetments shall contain geotechnical report prepared by a qualified professional and a detailed evaluation of potential losses to floodplain values. These reports shall address the following:
 - A. Justification for the need for stabilization
 - B. Groundwater discharge
 - C. Associated wetlands
 - D. Water quality
 - E. Erosion/sedimentation including estimates of rate of erosion and urgency (the potential for damage within 3 years should be demonstrated prior to approval)
 - F. An evaluation of alternate solutions (including non-structural)
18. Additional information to be submitted with proposals for dikes, levees and revetments shall include:
 - A. Purpose of the project;
 - B. Hydraulic characteristics of the river within at least one-half mile on each side of the proposed project;

- C. Existing shoreline stabilization and flood protection devices within one-half mile on each side of the proposed project;
 - D. Construction material and methods;
 - E. Physical, geological, and/or soil characteristics of the area; and
 - F. Predicted impact upon area shore and hydraulic processes, adjacent properties, and shoreline and water uses.
19. Replacement shoreline modification structures that demonstrate a need to protect principle uses or structures from erosion that are not covered by regulation #11 of this section, shall meet the following criteria:
- A. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - B. Replacement structures shall not encroach waterward of the ordinary high-water mark or existing structure unless protecting a residence occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
 - C. Where a net loss of ecological functions associated with critical habitats would occur by leaving the existing structure, remove it as part of the replacement measure.
 - D. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.
 - E. For purposes of this section standards on shoreline stabilization measures, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
20. Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with appropriate vegetation. All losses in riparian vegetation or wildlife habitat shall be mitigated at a ratio of at least 1:1.25 (habitat lost to habitat replaced).

Signs

A public display whose purpose is to provide information, direction or advertising.

Policies

1. Signs should be designed and placed so that they are compatible with the natural quality of the shoreline environment, adjacent land and water uses.

Regulations

1. The following types of signs are permitted in all upland shoreline environments (i.e. excluding the Aquatic environment):
 - A. Water navigational signs, highway and railroad signs necessary for operation, safety and direction.
 - B. Public information signs directly relating to an allowed local shoreline activity.
 - C. Off-premise, free standing signs for community identification, information, or directional purposes.
 - D. Signs with "changing messages," as long as the information is limited to time-temperature-date or public messages.
 - E. National, site, and institutional flags for temporary decorations customary for special holidays and similar events of a public nature.
 - F. Temporary directional signs to public or quasi-public events, provided these signs are removed within ten (10) days following the event.
 - G. Signs identifying developments approved in compliance with the provisions of this Master Program.
2. The following types of signs are prohibited in all shoreline environments:
 - A. No signs shall be permitted in view corridors which impair visual access from public viewpoints.
 - B. Off-premise, detached outdoor advertising signs.
 - C. Spinners, streamers, pennants, flashing lights, and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
 - D. Signs placed on trees or other natural features.
 - E. Roof mounted signs.
 - F. Billboards and portable signs.
3. Where freestanding on-premise signs are approved, the sign shall not exceed six (6) feet in height.

4. All public and private enterprises, development, and services located in shoreline areas shall have no more than two (2) on-premise signs.
5. Temporary or obsolete signs shall be removed within ten (10) days of elections, closures of business, or termination of any other function. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, and construction signs.
6. Permanent signs shall be constructed of durable, weather-resistant materials.
7. When feasible, signs shall be flush mounted against existing buildings. Freestanding, on-premise signs must demonstrate that it is unfeasible to mount the sign on an exterior wall of the permitted development. Failure to satisfactorily comply with this requirement shall be sufficient grounds for denial of the application.

Transportation

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads, highways, bridges, bikeways and recreational trails.

Policies

1. New roads and railroads within shoreline jurisdiction should be minimized.
2. Roads and railroad locations should be planned to fit the topographical characteristics of the shoreline such that minimum alternation of natural conditions result. The number of river crossings should be minimized to the maximum extent possible.
3. Trails that provide public access to the Sauk River should be encouraged to the maximum extent feasible in the shoreline jurisdiction.
4. When existing transportation corridors are abandoned they should be reused for water-dependent use or public access.
5. Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities, and motorized forms of transportation should be encouraged.

Regulations

1. Transportation facilities and services shall utilize existing transportation corridors wherever possible, provided the shoreline is not adversely impacted and the development is otherwise consistent with this Master Program.
2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate river crossings.
3. Fills for transportation facility development are prohibited in water bodies and wetlands and on accretion shorelines, except when all structural and upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this program.
4. New major highways and railways shall be located outside shoreline jurisdiction, except where a river crossing is required. These roads shall cross shoreline areas and the Sauk River by the shortest, most direct route, unless this route would cause more damage to the environment. The extent of other roadways into the shoreline area shall be limited to the minimum necessary to served allowed uses.
5. New transportation facilities shall be located and designed to minimize or prevent the need for shoreline modification.
6. All bridges must be built high enough to allow the passage of debris and provide eight (8) feet of clearance above the FEMA 100-year flood plain.
7. Shoreline transportation facilities shall be sited and designed to avoid steep or unstable areas and to fit the existing topography in order to minimize cuts and fills.
8. Cut and fill slopes shall be designed at the normal angle of repose or less.
9. Cut, fill and sidecast slopes shall be protected from erosion by mulching, seeding, compacting, rip-rapping, benching or other suitable means.
10. Bridge abutments and necessary approach fills shall be located landward of wetlands or the floodway, except bridge piers may be permitted in the water body as a conditional use.

Utilities

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, oil, gas, water, sewage, communications and the like.

Policies

1. Utilities should utilize existing transportation and utility sites, rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.
2. Unless no other feasible alternative exists, utilities should be prohibited in wetlands and other critical areas.
3. New utility facilities should be located so as not to require extensive shoreline protection works.
4. Whenever possible, utilities should be designed to be placed underground or alongside or under bridges.
5. Solid waste disposal activities and facilities should be prohibited in shoreline areas.

Regulations

1. New solid waste disposal sites and facilities are prohibited.
2. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other alternative exists. In those instances where no other alternative exists, the use can be permitted as a conditional use. Automatic shut-off valves shall be provided on both sides of the river or associated water body.
3. The following utility facilities, which are not essentially water-dependent, can be permitted as a conditional use if it can be shown that no reasonable alternative exists:
 - A. Water system treatment plants;
 - B. Sewage system line, interceptors, pump stations, and treatment plants;
 - C. Electrical energy generating plants, substations, lines, and cables;
 - D. Petroleum and gas pipelines

4. The design, construction, and operation of permitted utilities in the “shorelines of statewide significance” shall minimize, insofar as practical, interference with the public's use of the water.
5. Utility lines shall not be placed in such a way that they would cause obstruction to the public’s views of the Sauk River shoreline.
6. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way.
7. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety and welfare, or create a significant and disproportionate liability for the owner.
8. Construction of utilities in water, underwater or in adjacent wetlands shall be designed to avoid habitat impacts to the maximum extent feasible, including being timed to avoid fish and wildlife migratory and spawning periods. Utilities shall not be located such that they would substantially interfere with critical species migration.
9. Where such structures are allowed, such as the replacement of the Sauk Prairie Road Bridge, mitigation shall address impacted functions and processes in the affected section of the Sauk River shoreline.
10. Proposals for new utility corridors or river crossings shall fully substantiate the infeasibility of existing routes.
11. Repair and maintenance of an existing legal use shall be allowed, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.
12. New utility lines including electricity, communications, and fuel lines shall be located underground, and existing above ground lines shall be moved underground during normal replacement processes, except:
 - A. Where the presence of bedrock or other obstructions make such placement infeasible; or .
 - B. Where the line or pipe is in a geologic hazard area, in which case it 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.

13. When utilities are installed underground, installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the channel, where feasible.
14. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest most direct route feasible, unless such route would cause significant environmental damage.
15. Utility facilities requiring withdrawal of water from a river or stream shall be located only where minimum flows as established by the Washington State Department of Fisheries can be maintained.
16. Utility developments shall be located and designed to avoid the usage of structural or artificial shoreline modifications.
17. Water lines shall be completely buried under the river bed in all river crossings except where such lines may be affixed to a bridge structure and except for appropriate water or sewage treatment plant intake pipes or outfalls.
18. Applications for the installation of utility facilities shall include the following:
 - A. Description of the proposed facilities;
 - B. Reasons why the utility facility requires a shoreline location;
 - C. Alternative locations considered and reasons for their elimination;
 - D. Location of other utility facilities in the vicinity of the proposed project and any plans to include the other types of utilities in the project;
 - E. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the utility;
 - F. Plans for control of erosion and turbidity during construction and operation; and
 - G. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.
19. Stormwater conveyance facilities.
 - A. Stormwater conveyance may only be permitted in shoreline setback areas or critical areas or their buffers subject to the following:

1. When no other feasible alternative with less impact exists;
2. Mitigation for impacts is provided;
3. Stormwater conveyance facilities should incorporate fish habitat features; and
4. Vegetation is maintained and enhanced along open channels to retard erosion, filter sediments and pollution, and shade the water.

B. Point discharges from surface water facilities and roof drains shall be:

1. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge;
2. Discharged at flow durations matching predevelopment conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state; or
3. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff.

11. Administration

Shoreline Permit Requirements

Any person wishing to undertake a substantial development within shoreline jurisdiction shall apply to the Administrator for a shoreline permit. Based on the provisions of this Master Program, the Administrator shall determine if a substantial development permit, a shoreline conditional use permit, and/or a shoreline variance is required.

Exempt developments, which are outlined below, shall not require a Substantial Development Permit. However, an exempt development may require a conditional use permit, and/or variance from the Darrington Shoreline Master Program provisions. All exempt projects must obtain a "Statement of Exemption" from the Town's Administrator.

Exemptions from Substantial Development Permit Requirements

An exemption from the Substantial Development Permit requirement does not constitute an exemption from the policies and use regulations of the Shoreline Management Act, the provisions of this Master Program, or other applicable town, state, or federal permit requirements. Please refer to WAC 173-27-040(2) as amended for the state of Washington, for a complete listing of exemptions from substantial development requirements.

The following list outlines eleven (11) exemptions that shall not be considered substantial developments for the purpose of this Master Program:

1. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand (\$5,000) dollars, if such development does not materially interfere with the normal public use of the water or "shorelines of statewide significance." For purposes 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 statewide significance." The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period

after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as 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;

3. Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" is constructed at or landward of the ordinary high water mark or floodway, whichever is further landward, to protect a single family residence and is for protecting land from erosion, not for the purpose of creating dry land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;
4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Act or this Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;
5. Construction by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not have a building height that exceeds of thirty (30) feet and meets all requirements of the state agency or local government having jurisdiction thereof;
6. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
7. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;
8. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were

created, developed or utilized primarily as part of an agricultural drainage or diking system.

9. Any project with certification from the Governor pursuant to Chapter 80.50 RCW.
10. Watershed restoration projects as defined in WAC 173-27-040. Local government shall review the projects for consistency with the Shoreline Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration.
11. Site exploration and investigation activities are prerequisite to preparation of an application for development authorization under this chapter, if:
 - A. The activity does not interfere with the normal public use of the surface waters;
 - B. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - C. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - D. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

Unclassified Uses

Uses that are not classified in Chapter 7 may be authorized as a conditional use provided the applicant can demonstrate compliance with the shoreline permit procedures, conditional use criteria and all other applicable policies and regulations of this Master Program.

Variance and Conditional Use Permit Criteria

The Shoreline Management Act states that Master Programs shall contain provisions covering conditional uses and variances that are consistent with WAC 173-27. These provisions should be applied in a manner, which while protecting the environment, will assure that a

person will be able to use his/her property in a fair and equitable manner.

Variations

1. **Purpose.** The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program. A variance is also appropriate where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant.

Construction pursuant to this Permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

2. **Application.** An application for a shoreline variance shall be submitted on a form with accompanying material as required by the Administrator.

An applicant for a Substantial Development Permit who wishes to request a variance shall submit the variance application and the Permit simultaneously.

3. **Criteria for Granting Variations.**

A. Variance permits for development that will be located landward of the ordinary high water mark and landward of any wetland, may be authorized provided the applicant can demonstrate consistency with the variance criteria listed in WAC 173-27-170:

1. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes, or significantly interferes with reasonable use of the property.
2. That the hardship described above 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 Master Program, 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 Master Program 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. The variance requested is the minimum necessary to afford relief.

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

B. Variance permits for development or uses that will be located waterward of the ordinary high water mark or within any wetland, may be authorized provided the applicant can demonstrate all of the following:

1. That the strict requirements application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property.

2. That the proposal is consistent with the criteria established under subsection (3)(A)(1) through (3)(A)(6) of this section.

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

C. In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment.

D. Variances from the use of a shoreline are prohibited.

Conditional Use

1. **Purpose.** The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the Master Program in a manner consistent with the policies of RCW 90.58.020; provided that conditional use permits should

also be granted in a circumstance where denial of the permit would result in a thwarting of State policy enumerated in RCW 90.58.020. In authorizing a conditional use special conditions may be attached to the permit by the Town of Darrington or by the Department of Ecology to prevent undesirable effects of the proposed use. Uses that are specifically prohibited by the Master Program may not be authorized with the approval of a conditional use permit.

2. **Application.** An application for a conditional use permit shall be submitted on a form provided by the Administrator and accompanying material as required by Darrington Code ____.

An applicant for a shoreline substantial development permit which requires a conditional use permit shall submit applications for both permits simultaneously.

3. **Criteria for Granting Shoreline Conditional Use Permits.** Uses classified as a conditional use may be authorized provided that the applicant can demonstrate consistency with all of the conditional use criteria listed in WAC 173-27-160:

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Master Program;

B. That the proposed use will not interfere with the normal public use of public shorelines;

C. 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 this Master Program;

D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

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

4. 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.

5. Other uses that are not classified or set forth in the Master Program 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 the Master Program.
6. Uses that are specifically prohibited by this Master Program may not be authorized pursuant to this section.

Time Requirements and Revisions

Time Requirements For Shoreline Permits

The Town of Darrington may issue shoreline permits with termination dates that are consistent with WAC 173-27-090. The following requirements apply for shoreline permits in Darrington:

1. **Time Limit for Substantial Progress.** Construction, or substantial progress toward completion, must begin within two (2) years after approval of the permits.

The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval.

2. **Extension for Substantial Progress.** The Town of Darrington may at its discretion, with prior notice to parties of record and the Department of Ecology, extend the two-year time period for the substantial progress for a reasonable time up to one year based on reasonable factors.
3. **Five-Year Permit Authorization.** If construction has not been completed within five (5) years of approval by the Town of Darrington, the Town will review the permit and, upon showing of good cause, either extend the permit for one year, or terminate the permit. Prior to the Town authorizing any permit extensions, it shall notify any parties of record and the Department of Ecology. Note: Only one (1) single extension is allowed.

Revision of Permits

4. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program or the policies and provisions of chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision.
5. An application for a revision must include detailed plans and text describing the proposed changes.
6. Applications for revisions shall be reviewed and authorized in accordance with WAC 173-27-100.

Nonconforming Development, Development & Building Permits and Unclassified Uses

Nonconforming Development

Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Act or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply:

1. Nonconforming development may be continued provided that it is not enlarged or expanded and said enlargement does not increase the extent of nonconformity and by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses;
2. A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;
3. If a nonconforming structure is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred

(100) percent replaced if restoration is completed within three years of the date of damage;

4. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;
5. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed.
6. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the Act and the Master Program, but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and the Act.
7. A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a conditional use permit has not been obtained shall be considered a nonconforming use. A use which is listed as a conditional use but which existed prior to the applicability of the Master Program to the site and for which a conditional use permit has not been obtained shall be considered a nonconforming use.
8. 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 preexisting nonconformities.

Development and Building Permits

No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Master Program. All purchasers or transferees of property shall comply with provisions of the Act and this Master Program and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or this Master Program including any amount reasonable spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or this Master Program as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to conforming their property to these

requirements, may rescind the sale, transfer, or lease and recover cost of investigation, and reasonable attorney's fees occasioned thereby from the violator.

Unclassified Uses

Uses that are not classified in Chapter 7 may be authorized as conditional uses provided the applicant can demonstrate compliance with the criteria listed in this chapter and all other applicable policies and regulations of this Master Program.

Enforcement and Penalties

Enforcement

1. The provisions of the Darrington Municipal Code relating to zoning enforcement shall apply to this Master Program.
2. All provisions of the Master Program shall be enforced by the Shoreline Administrator and/or a designated representative.
3. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

Penalty

4. Any person found to have willfully engaged in activities on the town's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the town's Master Program, rules or regulations adopted pursuant thereto shall be subject to the penalty provisions of Darrington Municipal Code (civil citation penalties and criminal penalties).

Public and Private Redress

5. Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or the provisions of a Permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The town's attorney may bring suit for damages under this section on behalf of the town. Private persons shall have the right to bring suit for damages under this section on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the court shall make provisions to assure that

restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.

Delinquent Permit Penalty

6. A person applying a Permit after commencement of the use or activity may, at the discretion of the Town be required, in addition, to pay a delinquent Permit penalty not to exceed three (3) times the appropriate Permit fee: Provided, that a person who has caused, aided or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation or penalty by the department or the Town against said person may be subject to a delinquent Permit penalty not to exceed ten (10) times the appropriate Permit fee. Delinquent Permit penalties shall be paid in full prior to resuming the use or activity.

Master Program – Review, Amendments and Adoption

Master Program Review

This Master Program shall be periodically reviewed and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

Amendments to Master Program

Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.

Proposals for shoreline environment re-designation (i.e., amendments to the shoreline maps and descriptions), must demonstrate consistency with the criteria set forth in WAC 173-26.

Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, is held invalid, the remainder of the

Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

12. Definitions and Acronyms

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

Act

The Washington State Shoreline Management Act, chapter 90.58 RCW.

Activity

An occurrence associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include but are not limited to fishing, swimming, boating, dredging, fish spawning, wildlife nesting, or discharging of materials.

Adjacent

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 a distance equal to or less than the required critical area buffer width and building setback.

Adjacent Lands

Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). The SMA directs local governments to develop land use controls (i.e., zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules and the local shoreline master program (Refer to RCW 90.58.340).

Administrator

The responsible official for implementing and enforcing the Shoreline Master Program, in this case, the Planning Director.

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.

Anadromous Fish

Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to spawn.

Approval

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

Associated Wetlands

Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Best available science

Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925.

Best Management Practices (BMPs)

Conservation practices or systems of practices and management measures that:

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

Riverbank erosion control BMPs are designed to protect river ecosystems from erosion and sedimentation. Examples include Infiltration BMPs which reduce or eliminate the discharge of runoff to receiving waters and can also recharge the groundwater table. Detention BMPs control peak flows by detaining runoff and releasing it back to the stream system at reduced flow rates, thereby reducing downstream erosion and flooding. Detention BMPs include wet and dry ponds, vaults or tanks, and constructed wetlands. Riverbank Stabilization BMPs are vegetative, bioengineered, and structural controls for stabilizing, strengthening and protecting riverbanks from channel erosion and bank failure. The Town shall monitor the application of best management practices to ensure that the standards and policies of this Master Program are adhered to.

Boat Launch or Ramp

Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Buffer Area

A parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access.

Building Setback Line

Unless otherwise indicated within this Master Program, the line which establishes the limits of all buildings, fencing and impervious surfaces along the shoreline.

Bulkheads

Walls usually constructed parallel to the shore whose primary purpose is to contain and prevent the loss of soil by erosion, wave, or current action. Bulkheads are used to protect riverbanks by retaining soil at the toe of the slope or by protecting the toe of the bank from erosion and undercutting.

Channel

An open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels.

Channel Migration Zone (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.

Comprehensive Plan

Comprehensive plan means the document, including maps adopted by the town council, that outlines the Town's goals and policies relating to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

Conditional Use

A use, development, or substantial development that is classified as a conditional use or is not classified within the applicable master program. Refer to WAC 173-27-030(4).

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 areas

Critical areas include any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands.

Critical facility

A facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use or store hazardous materials or hazardous waste.

Critical species

All animal and plant species listed by the state or federal government as threatened or endangered and all those for which habitat is a designated critical area.

Department

Means the Washington State Department of Ecology.

Development Regulations

The controls placed on development or land uses by a county, city or town, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

DNS

Determination of Nonsignificance, under the State Environmental Policy Act (SEPA.).

Document of Record

The most current shoreline master program officially approved or adopted by rule by the department for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

Ecological Functions or Shoreline Functions

The 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.

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.

EIS

Environmental Impact Statement.

Endangered Species Act (ESA)

A federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

Enhancement

Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Environmental Impacts

The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA). Refer to WAC 197-11-600 and WAC 197-11-444.

Erosion

Erosion is the wearing away of land by the action of natural forces.

Erosion Hazard Areas

At least those areas identified by the United State Department of Agriculture National Resources Conservation Service as have a “severe” rill and inter-rill erosion hazard.

Exemption

Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e)). Refer to Chapter 11 for a list of projects and development proposals that are exempt from the substantial development permit requirement.

Fair Market Value

"Fair market value" of a development 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.

Fill

The placement of soil, rock, existing sediment or other material (excluding solid waste) to create new land, tideland or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation.

Fish and Wildlife Habitat Conservation Areas

Areas necessary for maintaining fish and wildlife species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5).

Fish Habitat

Habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat.

Flood Control

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

Floodplain

A term that is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.

Floodway

Floodway means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. (RCW 90.58.030) The floodway as defined under the Shoreline Management Act may be different from the floodway defined by FEMA.

Frequently Flooded Areas

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 Town in accordance with WAC 365-190-080(3). 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.

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, 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.

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.

Grassy Swale

A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Guidelines

Those standards adopted by the department to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the department in developing and amending master programs.

Habitat

The place or type of site where a plant or animal naturally or normally lives and grows.

Habitat Conservation Areas

Areas designated as fish and wildlife habitat conservation areas.

Hazard Areas

Areas designated as frequently flooded areas or geologically hazardous areas due to potential for flooding, erosion, landslide, seismic activity, 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.

Hydric Soil

Hydric soil means soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper soil horizon(s), thereby influencing the growth of plants.

Hyporheic Zone

The saturated zone located beneath and adjacent to streams that contains some portion of surface waters, serves as a filter for nutrients, and maintains water quality.

Impervious Surface

A hard surface area that either prevents or retards the entry of water into the soil mantle as 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, roof tops, 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.

In-kind Replacement

To replace wetlands, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

In-Stream Structure

A structure that is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

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.

Landfill

See “fill.”

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 large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

Limited Public Access (Physical or Visual)

Restrictions on access that are deemed necessary for the health, safety, or welfare of the public or for the protection and maintenance of the particular site.

Local Government

Any county, incorporated city or town which contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.

May

“May” means the action is acceptable, provided it conforms to the provisions of this chapter.

Mitigation

The steps necessary to avoid, minimize, or compensate for environmental impacts.

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.

Must

“Must” means a mandate; the action is required.

Native Growth Protection Area (NGPA)

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 Plants or Native Vegetation

These are plants that occur naturally, and that distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

Nonwater-oriented Uses

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

One-hundred-year Flood

The maximum flood expected to occur during a one-hundred-year period.

Ordinary High Water Mark (OHWM)

"Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks 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 or as it may naturally change thereafter or as it may change thereafter; in accordance with permits issued by a local government or the department.

WAC 173-22-030(11) specifically states that for rivers/streams where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided rivers and streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

Permit (or Shoreline Permit)

Any substantial development, variance or conditional use permit, or revision, or any combination thereof, authorized by the Act. Refer to WAC 173-27-030(13).

Physical Public Access

Unobstructed access with public use improvements that are available to the general public and that extend from the land to the ordinary high water mark or to the wetland directly abutting the ordinary high water mark.

Primary Association Area

The area used on a regular basis by, or is in close association with, or is necessary 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

A habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;

- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

Project Area

All areas within fifty (50) feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures. When the action binds the land, such as a subdivision, short subdivision, binding site plan, planned unit development, or rezone, the project area shall include the entire parcel, at a minimum.

Priority Species

Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Proposed, Threatened, and Endangered (PTE) Species

Those native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

Public Access

Public access is 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. Refer to WAC 173-26-221(4).

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 such as an effect on public property or on health, safety, or general welfare resulting from a use or development. Refer to WAC 173-27-030(14).

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 critical area subject in accordance with WAC 365-195-905(4). 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 a minimum of two years of related work experience.

A. A qualified professional for habitats or wetlands must have a degree in biology and professional experience related to the subject species.

B. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.

C. A qualified professional for critical aquifer recharge areas must be a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.

RCW

Revised Code of Washington.

Reasonable Alternative

In determining what is a "reasonable alternative" to a proposed development, alteration or activity, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal. Reasonable alternatives are those that are capable of being carried out, taking into consideration the overall project purposes, needs and objectives.

Restoration

The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including but not limited to revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to pre-European settlement conditions.

Revetment

Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves of currents. The principal features of a revetment are: 1) heavy armor layer, 2) filter layer, and 3) toe protection.

Riparian

Of, on, or pertaining to the banks of a river.

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; also, the stone so used.

Riverbank

The upland areas immediately adjacent to the floodway, which confine and conduct flowing water during non-flooding event. The riverbank, together with the floodway, represent the river channel capacity at any given point along the river.

River Channel

A natural or artificial watercourse with definite bed and banks to confine and conduct flowing water.

Sediment

The fine-grained material deposited by water or wind.

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.

SEPA

State Environmental Policy Act.

SEPA Checklist

A checklist is required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment. The checklist will also help to reduce or avoid impacts from a proposal, and help the responsible governmental agency decide whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

Shall

“Shall” means a mandate; the action must be done.

Shoreland Areas or Shorelands

In Darrington, shorelands are 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; and all wetlands associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

Shoreline Master Program or Master Program

The comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master

program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

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.

Shorelines of Statewide Significance

“Shorelines of the State” that meet the criteria for “Shorelines of Statewide Significance” contained in RCW 90.58.030(2)(e). Within Darrington, the Sauk River is the only water body that is designated as “shorelines of statewide significance.”

Shorelines of the State

This term includes both “shorelines” and “shorelines of statewide significance.”

Should

“Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Master Program, against taking the action.

Unavoidable

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

Visual Access

Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

Volcanic Hazard Areas

Areas that are subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, mudflows, or related flooding resulting from volcanic activity.

Water-dependent Use

A use or portion of a use which cannot exist in a location that is not adjacent to the water but is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses include ship cargo terminal loading areas, fishing, ferry and passenger terminals, barge loading facilities, ship building and dry docking, aquaculture, float plane facilities and marinas.

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.

Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water;
- Piers and other improvements that facilitate public access to shorelines of the state;
- Restaurants with water views and public access improvements;
- Museums with an orientation to shoreline topics;
- Aquariums;
- Scientific/ecological reserves;
- Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

Water-oriented Use

A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

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 RCW 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:

- (a) 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
- (b) 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-related uses include manufacturing of ship parts large enough that transportation becomes a significant factor in the product's cost, professional services serving primarily water-dependent uses, and storage of water-transported foods.

Other examples of water-related uses include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and upland log storage for water-borne transportation.

Watercourse

Any portion of a channel, bed, bank, or bottom waterward of the ordinary high water mark or within the floodway, whichever is greater, 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 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, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse that has been altered by humans. In Darrington, the Sauk River is the only identified watercourse.

Wetlands

Those areas 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. 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. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the Washington State Wetland Identification and Delineation Manual.