DATE: December 8, 2021

TO: Mayor Boudreau and City Council

FROM: Rebecca Lowell, Development Services

SUBJECT: PUBLIC HEARING ON ADOPTION OF AN UPDATED SHORELINE MASTER PROGRAM (SMP), AMENDMENTS TO THE COMPREHENSIVE PLAN AND CHAPTER 15.07 MVMC

RECOMMENDED ACTION:

Staff recommends that Council make a motion to authorize the Mayor to sign the accompanying Ordinance adopting an update SMP, amendments to the Comprehensive Plan and Chapter 15.07 of the Mount Vernon Municipal Code.

INTRODUCTION/BACKGROUND:

In 2003 the Shoreline Management Act (SMA) was amended to require jurisdictions to regularly update their Shoreline Master Programs (SMPs) with the adoption a timetable for all local governments to update their SMPs. For Mount Vernon, RCW 90.58.080(2) and (4) required an update to our SMP in 2012 (the City completed this update in 2011) and then once every eight (8) years following approval by the Department of Ecology (DOE). This means the City's update to our SMP was due in 2020; however, DOE has authorized a one-year extension for the City's SMP update which is now due in 2021.

Consistent with RCW 90.58.080(4) the City's scope of review for the SMP update includes:

- Making sure our SMP complies with applicable laws and guidelines in effect at the time of the review.
- Ensuring our SMP is consistent with our comprehensive plan and development regulations adopted under chapter 36.70A RCW, and other local requirements.
- Bringing our SMP into compliance with the requirements of the act that have been added or changed since the last review that occurred in 2011, and for responding to changes in guidelines adopted by DOE.
- Incorporating amendments to reflect changed circumstances, new information, and improved data.

FINDINGS/CONCLUSIONS:

The draft Ordinance provided for Council's consideration with its associated exhibits contains the findings of fact and conclusions of law staff is asking Council to adopt.

RECOMMENDATION:

Council move to authorize the Mayor to sign the accompanying Ordinance adopting an updated SMP, updates to the City'

ATTACHED:

- Proposed Ordinance and its associated Exhibits that include:
  - Exhibit 1, Planning Commission's Findings of Fact, Conclusions of Law and Recommendation to the City Council
  - Exhibit 2, Proposed Update to the SMP and the re-numbered Comprehensive Plan Goals
  - Exhibit 3, Planning Commission's Staff Report and its associated Exhibits
  - Exhibit 4, City Council Memo and other materials entered into the Record on 12/08/2021

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, ADOPTING AN UPDATED SHORELINE MASTER PROGRAM (SMP), ALONG WITH ASSOCIATED AMENDMENTS TO THE COMPREHENSIVE PLAN AND TO CHAPTER 15.07 OF THE MOUNT VERNON MUNICIPAL CODE

WHEREAS, RCW 90.58.080(2) and (4) required the City to update to its SMP in 2012 (the City completed this update in 2011) and then once every eight (8) years following approval by the Department of Ecology (DOE). This means the City's update to its SMP was due in 2020; however, DOE has authorized a one-year extension for the City's SMP update which is now due in 2021; and

WHEREAS, consistent with RCW 90.58.080(4) the City's scope of review for its SMP update included all of the following:

1. Ensuring the City's SMP complies with applicable laws and guidelines in effect at the time of the review;
2. Ensuring the City's SMP is consistent with our comprehensive plan and development regulations adopted under chapter 36.70A RCW, and other local requirements;
3. Bringing the City's SMP into compliance with the requirements of the Shoreline Management Act that have been added or changed since the last review that occurred in 2011, and for responding to changes in guidelines adopted by DOE;
4. Incorporating amendments to reflect changed circumstances, new information, and improved data; and

WHEREAS, the Shoreline Management Act (SMA) amendments adopted by the City in 2011, development and adoption of the Downtown and Waterfront Master Plan, on-going city-wide flood risk reduction planning activities, and the unique nature of Mount Vernon's natural and built shoreline environments, together demonstrated a need to develop a Shoreline Master Program (SMP) specific to the City's circumstances; and

WHEREAS, the SMA requires that local jurisdictions develop master programs that constitute use regulations for shorelines of statewide significance; and

WHEREAS, Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon maintain a Comprehensive Plan, which is a coordinated land use policy statement of the City, including policies directed at management of the City shorelines; and

WHEREAS, the City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments; and

WHEREAS, the GMA requires comprehensive plans and development regulations to be both internally and externally consistent; and

WHEREAS, on July 8, 2021, a Notice of Intent to Adopt the proposed amendments to the SMP, Comprehensive Plan and Municipal Code was duly transmitted to the Washington State Department of Commerce for their mandated sixty-day review, in compliance with RCW 36.70A.106(1). Commerce identified this submittal as (2021-S-2873) and noted that the City had met this procedural requirement; and

WHEREAS, in compliance with all the terms, conditions, and procedures of the State Environmental Policy Act (SEPA) and Chapter 15.06 Mount Vernon Municipal Code, an environmental assessment of the proposed updates to the SMP and the associated amendments to the Comprehensive Plan and Mount Vernon Municipal Code was conducted and, upon determination that no probable significant, potentially adverse environmental impacts would result from the amendment, a determination of non-significance was issued and published on July 16, 2021, with no appeals having been filed prior to the close of the appeal period on August 8, 2021; and

WHEREAS, on August 17, 2021 a public meeting was held before the Mount Vernon Planning Commission with the Department of Ecology (DOE) in attendance. This meeting satisfied a portion of the process required when using the 'optional joint review process' for SMP updates outlined in WAC 173-26-104. The notice for this meeting was issued and published on July 30, 2021, and was mailed and emailed on July 27, 2021 to all parties of record and property owners in and within 500 feet of the City identified shoreline jurisdiction; and

WHEREAS, on September 30, 2021 City staff contacted Lauren Bromley (the staff person at DOE who was managing the City's SMP update on behalf of DOE) asking when she thought DOE's initial determination (ID) would be sent to the City. Ms. Bromley's response was that DOE's ID would be out to the City the following week (this would have been the week of October 4, 2021 to October 8, 2021). Ms. Bromley also let City staff know that she would be stepping aside to work on other items and that to other staff member from DOE would be taking over for Ms. Bromley and that these new staff members were Stephanie Barney and Chad Younge; and

WHEREAS, on October 11, 2021 City staff sent an email to Stephanie Barney and Chad Younge at DOE asking if the City's previously scheduled public hearings on October 19, 2021 and October 27, 2021 should be moved in light of the fact that the City had yet to receive DOE initial determination on the City's draft SMP update; and

WHEREAS, on October 12, 2021 DOE staff member Stephanie Barney advised the City that "we believe it best to reschedule the hearing dates" (Mrs. Barney was referring to the October 19, 2021 and October 27, 2021 public hearings scheduled before the City's Planning Commission and City Council); and

WHEREAS, the City received DOE's draft Initial Determination via email on November 2, 2021 with a message from Stephanie Barney (DOE staff) stating that she was aiming to issue DOE's final determination by November 10, 2021 at the latest. On November 3, 2021 City staff sent an email back to DOE staff Ms. Barney with attachments containing City comments on the items DOE required or recommended be changed in the City's SMP update. City staff's email also contained copies of the City draft SMP with updates from DOE's draft initial comments; and

WHEREAS, the Department of Ecology (DOE) issued a formal written statement of initial concurrency with the City's proposed amendments to the SMP on November 9, 2021. This initial concurrence meant that DOE had determined the amendments to the City's SMP are largely consistent with applicable laws and rules, but that DOE has identified elements that appear inconsistent with applicable laws and rules. The intent of this initial review is to provide local elected officials an opportunity to consider Ecology's analysis before local adoption. The copy of the SMP before the Planning Commission and City Council include all of the required changes outlined by DOE in their statement of initial concurrency; and

WHEREAS, a notice of public hearings for the adoption of the updated SMP was issued on October 1, 2021 and published on October 2, 2021 advertising a Planning Commission public hearing on October 19, 2021 and a City Council public hearing on October 27, 2021. This notice of public hearing was mailed to all parties of record on September 30, 2021; and

WHEREAS, the public hearings scheduled for the Planning Commission on October 2, 2021 and before the City Council on October 19, 2021 were cancelled and re-scheduled because the Department of Ecology (DOE) had not yet provided their Initial Determination of the City's SMP. City staff contacted DOE to ascertain when DOE comments would be received, and then the previously scheduled Planning Commission and City Council hearings were rescheduled to November 16, 2021 (Planning Commission) and December 1, 2021 (City Council). The notice of public hearings advertising the November 16, 2021 and December 1, 2021 hearings was issued and published on October 20, 2021 and was mailed/emailed to all parties of record and property owners in and within 500 feet of the City identified shoreline jurisdiction on October 18, 2021; and

WHEREAS, on November 16, 2021 the City of Mount Vernon Planning Commission held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits; and

WHEREAS, the Planning Commission hearing on November 16, 2021 was preceded with appropriate notice, issued on October 20, 2021 distributed via mail/email on October 18, 2021, and published on October 20, 2021; and

WHEREAS, on December 8, 2021 the City of Mount Vernon City Council held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits; and

WHEREAS, the City Council's hearing on December 8, 2021 was preceded with appropriate notice issued on November 22, 2021, distributed via mail/email on November 22, 2021 and was published on November 24, 2021; and

WHEREAS, the City Council finds that all procedural requirements for adoption of the attached amendments of the SMP, Comprehensive Plan, and Mount Vernon Municipal Code as set forth in Chapter 35A.63 RCW (Planning and Zoning in Code Cities), Chapter 36.70A RCW (Growth Management Act), Chapter 90.58 RCW (Shoreline Management Act of 1971), and as set forth in the State Environmental Policy Act and Chapter 15.06 of the Mount Vernon Municipal Code have been complied with, and that adequate environmental review has been given; and

WHEREAS the City Council finds that the adoption of an updated SMP with its associated amendments to the Comprehensive Plan and Municipal Code Chapter 15.07 adopting a new Shoreline Master Program for the City as reviewed and approved at the hearing on December 8, 2021 reflects the best interests of the citizens of the City of Mount Vernon, Washington, and reflects the desires of the public; and

WHEREAS, The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum has discussed this Memorandum, including the "warning signals' identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION ONE. RECITALS INCORPORATED. That the City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein.

SECTION TWO. PLANNING COMMISSION RECOMMENDATIONS. The City Council adopts the Planning Commission's findings of fact, conclusions of law, and recommendation, described below, in their entirety.

A. Planning Commission's Findings of Fact and Conclusions of Law:

1. The Findings of Fact and Conclusions of Law contained from the Planning Commission are found in **Exhibit 1** to this Ordinance and by this reference are incorporated as if set forth fully herein.

B. Planning Commission Recommendation to the City Council:

1. At their public hearing on November 16, 2021 after review of the materials presented by City staff and holding a public hearing the Planning Commission made a unanimous motion to approve the updates to the City's SMP and the associated amendments to the Comprehensive Plan and Mount Vernon Municipal Code contained in **Exhibit 2** and of this Ordinance. The Planning Commission's Recommendation to City Council is contained in **Exhibit 1** of this Ordinance. By this reference **Exhibit 2** is incorporated as if set forth fully herein.

2. The Planning Commission disregarded and did not consider the quasi-judicial portion of comment #14 and its associated Exhibits A, B, and C that are contained in, and responded to, within Exhibit 7 of the Staff Report that is contained in **Exhibit 3** of this Ordinance.

3. **Exhibit 3** contains the Planning Commission's Staff Report, draft meeting minutes, PowerPoint Presentation given by staff at the public hearing held on November 16, 2021. By this reference Exhibit 3 is incorporated as if set forth fully herein.

SECTION THREE. **Exhibit 4** of this Ordinance contains a copy of the Staff Memo, PowerPoint Presentation, and the additional documents entered into the record at City Council's public hearing on December 8, 2021. By this reference **Exhibit 4** is incorporated as if set forth fully herein.

SECTION FOUR. Section 15.07.010, Adopted shoreline master program, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

> **15.07.010 Adopted shoreline master program**
> The city of Mount Vernon shoreline master program is set forth in **Exhibit 2** attached to Ordinance No. ~~3535~~ (new ordinance number to be inserted here). A copy of the city of Mount Vernon shoreline master program (and any amendments thereto) is available at the Mount Vernon ~~community and economic~~ development services department and on the city website.

SECTION FIVE. The Land Use Element Goals adopted with Ordinance 3535 into the Land Use Element of the Comprehensive Plan shall be renumbered and shall be re-incorporated into the Land Use Element of the Comprehensive Plan as shown in the accompanying **Exhibit 2** that by this reference is incorporated into and made part of this Ordinance.

SECTION SIX. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION SEVEN. City staff are hereby directed to complete preparation of the final ordinance, the SMP update document and its associated Appendices A - D, and the renumbering of the Comprehensive Plan Goals, including removal of all formatting used to track changes to these documents through the adoption process, re-formatting the documents to be consistent with already adopted Comprehensive Plan documents, verifying and updating all parcel numbers used in the descriptions of the environmental designations, and correction of any typographical or editorial edits.

SECTION EIGHT. This ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 8th day of December, 2021.

SIGNED AND APPROVED this ____ day of December, 2021.

_____
Doug Volesky, Finance Director

_____
Jill Boudreau, Mayor

Approved as to form:

_____
Kevin Rogerson, City Attorney

Published _____

EXHIBIT 1

PLANNING COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION TO THE CITY COUNCIL

PLANNING COMMISSION'S FINDINGS OF FACT:

A. Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon maintain a Comprehensive Plan, which is a coordinated land use policy statement of the City, including policies directed at management of the City shorelines.

B. The GMA requires comprehensive plans and development regulations to be consistent and that Comprehensive Plans be both internally and externally consistent.

C. The SMA requires that local jurisdictions develop master programs that constitute use regulations for shorelines of statewide significance.

D. Chapter 36.70A RCW, the Growth Management Act (GMA) mandates the City of Mount Vernon develop a Comprehensive Plan, which is a generalized, coordinated land use policy statement of the City.

E. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation.

F. The City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments.

G. On July 8, 2021, notice of the potential adoption of the proposed amendment to the Comprehensive Plan and Municipal Code was duly transmitted to the Washington State Department of Commerce for the mandated sixty-day review, in compliance with RCW 36.70A.106(1).

H. On August 17, 2021 a public meeting was held before the Mount Vernon Planning Commission with the Department of Ecology in attendance. This meeting satisfied a portion of the process required when using the 'optional joint review process' for SMP updates outlined in WAC 173-26-104. The notice for this meeting was issued and published on July 30, 2021, and was mailed and emailed on July 27, 2021 to all parties of record and property owners in and within 500 feet of the City identified shoreline jurisdiction.

I. A notice of public hearings for the adoption of the updated SMP was issued on October 1, 2021 and published on October 2, 2021 advertising a Planning Commission public hearing on October 19, 2021 and a City Council public hearing on October 27, 2021. This notice of public hearing was mailed to all parties of record on September 30, 2021.

J. The public hearings scheduled for the Planning Commission on October 2, 2021 and before the City Council on October 19, 2021 were cancelled and re-scheduled because the Department of Ecology (DOE) had not yet provided their review comments of the City's SMP. City staff contacted DOE to ascertain when DOE comments would be received, and then the previously scheduled Planning Commission and City Council hearings were rescheduled to November 16, 2021 (Planning Commission) and December 1, 2021 (City Council). The notice of public hearings advertising the November 16, 2021 and December 1, 2021 hearings was issued and published on October 20, 2021 and was mailed/emailed to all parties of record and property owners in and within 500 feet of the City identified shoreline jurisdiction on October 18, 2021.

K. On September 30, 2021 City staff contacted Lauren Bromley (the staff person at DOE who was managing the City's SMP update on behalf of DOE) asking when she thought DOE's initial determination (ID) would be sent to the City. Ms. Bromley's response was that DOE's ID would be out to the City the following week (this would have been the week of October 4, 2021 to October 8, 2021). Ms. Bromley also let City staff know that she would be stepping aside to work on other items and that to other staff member from DOE would be taking over for Ms. Bromley and that these new staff members were Stephanie Barney and Chad Younge.

L. On October 11, 2021 City staff sent an email to Stephanie Barney and Chad Younge at DOE asking if the City's previously scheduled public hearings on October 19, 2021 and October 27, 2021 should be moved in light of the fact that the City had yet to receive DOE initial determination on the City's draft SMP update.

M. On October 12, 2021 DOE staff member Stephanie Barney advised the City that "we believe it best to reschedule the hearing dates" (Mrs. Barney was referring to the October 19, 2021 and October 27, 2021 public hearings scheduled before the City's Planning Commission and City Council).

N. The City received DOE's draft Initial Determination via email on November 2, 2021 with a message from Stephanie Barney (DOE staff) stating that she was aiming to issue DOE's final determination by November 10, 2021 at the latest. On November 3, 2021 City staff sent an email back to DOE staff Ms. Barney with attachments containing City comments on the items DOE required or recommended be changed in the City's SMP update. City staff's email also contained copies of the City draft SMP with updates from DOE's draft initial comments.

O. On November 16, 2021 the City of Mount Vernon Planning Commission held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

P. On (insert date) the City of Mount Vernon City Council held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

Q. The Planning Commission hearing on November 16, 2021 was preceded with appropriate notice, issued on October 20, 2021 distributed via mail/email on October 18, 2021, and published on October 20, 2021.

R. The City Council's hearing on (insert date) was preceded with appropriate notice issued on (insert date), distributed via mail/email on (insert date) and was published on (insert date).

S. The amendments to the Comprehensive Plan and Municipal Code Chapter 15.07 with the adoption of an updated Shoreline Master Program reflects the best interests of the citizens of the City of Mount Vernon, Washington, and reflects the desires of the public.

T. The Department of Ecology (DOE) issued a formal written statement of initial concurrency with the City's proposed amendments to the SMP on November 9, 2021. This initial concurrence means that DOE has determined the amendments to the City's SMP are largely consistent with applicable laws and rules, but that DOE has identified elements that appear inconsistent with applicable laws and rules. The intent of this initial review is to provide local elected officials an opportunity to consider Ecology's analysis before local adoption. The copy of the SMP before the Planning Commission and City Council include all of the required changes outlined by DOE in their statement of initial concurrency.

PLANNING COMMISSION'S CONCLUSIONS OF LAW:

A. In compliance with all the terms, conditions, and procedures of the State Environmental Policy Act (SEPA) and Chapter 15.06 Mount Vernon Municipal Code, an environmental assessment of the proposed amendment to the Comprehensive Plan was conducted and, upon determination that no probable significant, potentially adverse environmental impacts would result from the amendment, a determination of non-significance was issued and published on July 16, 2021, with no appeals having been filed prior to the close of the appeal period on August 8, 2021.

B. The requirements for public participation in the development of this amendment as required by the GMA and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

C. All procedural requirements for adoption of the accompanying amendments of the Comprehensive Plan as set forth in Chapter 35A.63 RCW and Chapter 36.70A RCW, and as set forth in the State Environmental Policy Act and Chapter 15.06 of the Mount Vernon Municipal Code have been complied with, and that adequate environmental review has been given.

D. The proposed updates to the Shoreline Master Program are found to be in compliance with both the Washington State Growth Management Act and the Shoreline Management Act.

E. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

PLANNING COMMISSION'S RECOMMENDATION TO CITY COUNCIL:

A. The Planning Commission has reviewed, held a public hearing, and makes a recommendation to the City Council to adopt the accompanying updates to the City's SMP that includes mapping changes.

B. The Planning Commission adopts the Findings of Fact and Conclusion of Law contained in the our Staff Report as part of this recommendation to the City Council.

D. The Planning Commission disregards and did not consider the quasi-judicial portions of comment #14 and its associated Exhibits A, B, and C that are contained in and responded to within Exhibit 7 of our Staff Report.

EXHIBIT 2
SMP UPDATE AND RENUMBERED COMPREHENSIVE PLAN GOALS

CITY OF MOUNT VERNON

SHORELINE MASTER PROGRAM

Approved on November ____, 2021 via City Ordinance _____

Font in red underline represents new text. Font in ~~red strikethrough~~ represents text being removed.
Font in red underline highlighted in yellow represents new text from the last version of this document. Font in ~~red strikethrough highlighted in yellow~~ represents text being removed from the last version of this document.
Text moved to different locations in this document is not identified in this draft; however, previous versions of this document do identify text that was rearranged within this document.

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I. INTRODUCTION

The Shoreline Management Act (SMA) was adopted in 1971 and in the following year the Washington Department of Ecology (DOE) formally adopted a set of shoreline management guidelines. The SMA set out several overarching polices to guide the development and use of the State's shorelines. They are:

- **Encourage water-dependent uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."
- **Protect shoreline natural resources**, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."
- **Promote public access:** "To the greatest extent feasible, consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water." (WAC 173-26-221 (4)(b)(iii))

The Shoreline Master Program Guidelines are standards adopted by the DOE that local governments must follow in drafting their local Shoreline Master Programs (SMPs). These guidelines translate the broad and varied policies of the SMA into standards for locally regulating shoreline use. In 1995, the State Legislature directed the DOE to update the state's guidelines to ensure consistency with the SMA and the Washington State Growth Management Act (GMA). The guidelines had not been updated since their original adoption in 1972. In December 2003, DOE adopted revised Shoreline Master Program Guidelines.

The amended DOE guidelines provide a greater level of specificity in what local SMPs should include in the development of goals, policies, and regulations; they offer a broader range of possible shoreline designations for local jurisdictions to characterize local conditions; and identify specific issues to be included and reviewed in the SMP development. In addition to the overall goals articulated in the original SMA, local SMPs must now address a number of environmental considerations including, but not limited to the following:

1. Restoration of impaired ecological function through comprehensive planning and voluntary implementation
2. No net loss of ecological functions
3. Critical areas
4. Flood hazard reduction
5. Shoreline vegetation conservation
6. Water quality, stormwater, and nonpoint pollution

The Mount Vernon Shoreline Master Program (hereinafter "SMP" or "Master Program") consists of environmental designations for the shoreline segments and goals, policies, and regulations applicable to uses and modifications within the Shoreline Management Zone. Appendices to the SMP include an inventory of existing shoreline conditions; analysis and characterization of the shorelines of the City; a cumulative impacts report; a shorelines restoration planning report; shoreline wetland regulations; and a compilation of resources available.

Section IX includes ~~contains~~ definitions of terminology ~~words~~ used within the SMP. These definitions are used to describe in detail the meaning of key words used to implement the regulations found in this SMP. The ~~Community and Economic~~ Development Services Department Director (Director) shall provide an administrative determination of a key word's definition in the event that the word is not defined within Section IX or elsewhere in the SMP or the City's municipal code.

This SMP includes many references to State codes/regulations, i.e. the Revised Code of Washington (RCW) Washington Administrative Code (WAC). Unless stated otherwise, all of these references are intended to refer to the code/regulation as it is currently written and as it may be amended in the future.

Appendices A through F are hereby adopted by reference and are hereby made part of this document.

Abbreviations used throughout this document are listed below with their associated meanings:

Abbreviation	Meaning
Director	Development Services Department Director
MVMC	Mount Vernon Municipal Code
CAO	Critical Area Ordinance
City	City of Mount Vernon
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
OHWM	Ordinary High Water Mark
RCW	Revised Code of Washington
SMP	Shoreline Master Program
WAC	Washington Administrative Code
SMZ	Shoreline Management Zone
SED	Shoreline Environment Designation

II. SHORELINE MASTER PROGRAM GOALS

The following Shoreline Master Program goals are based on the requirements in RCW 90.58.100(2), the City of Mount Vernon's Comprehensive Plan, and Downtown and Waterfront Master Plan.

A. ECONOMIC DEVELOPMENT GOALS

1. Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in the Shoreline Management Zone (SMZ) that will be an asset to the community and local economy, are consistent with life safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.
2. Protect current economic activity and uses in the SMZ that are consistent with the objectives of the Comprehensive Plan and the City of Mount Vernon Downtown and Waterfront Master Plan, and provide environmentally sensitive redevelopment and new development.
3. Seek opportunities that use both economic and environmental analyses to reduce flood risk, support development within the SMZ, and where appropriate, provide improvement of environmental functions.
4. Ensure that economic activity in the SMZ does not harm the quality of the site's environment or adjacent shorelands.
5. Encourage mixed-use development with public access along Mount Vernon's downtown waterfront and in those areas adjacent to the downtown waterfront that are suitable for compatible future redevelopment, consistent with the City's Comprehensive Plan and the 2008 City of Mount Vernon Downtown and Waterfront Master Plan.

B. SHORELINE USE GOALS

1. Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.
2. Ensure that activities and facilities are located on shorelines in a manner so as to achieve flood damage reduction and support of flood risk management projects.
3. Encourage shoreline uses that maintain or improve and enhance the quality of the environment as it is designated for that area by employing innovative features for purposes consistent with this program.
4. Encourage joint-use activities in proposed shoreline developments.
5. Encourage mixed-use development with public access on Mount Vernon's downtown waterfront consistent with the 2008 City of Mount Vernon Downtown and Waterfront Master Plan and the City's Comprehensive Plan.

6. Ensure that planning, zoning, and other regulatory programs governing lands adjacent to areas of shoreline jurisdiction are consistent with Shoreline Management Act and Growth Management Act policies and regulations and the provisions of the SMP.
7. In determining use priorities in cases where (i) competing uses of the same property are possible, and (ii) such competing uses are consistent with the City's Comprehensive Plan, give preference to uses that protect and restore ecological functions (where such protection or restoration is technically and economically feasible) and to water-dependent and water-related uses where such new uses will not displace existing lawful, non-water-oriented uses.
8. Note that mixed-use projects combining two or more of the categories above are encouraged and should be evaluated with respect to the degree that they achieve a balance of the priorities above and the provisions of the Master Program.

C. PUBLIC ACCESS GOALS

1. To protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.
2. Base public access on demand projections that take into account the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.
3. Provide, protect, and enhance the public trail system that provides physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State's shorelines consistent with the natural shoreline character, private rights, and public safety.
4. To the extent feasible, construct a continuous pedestrian path along the Skagit River shoreline while providing protection of ecological functions.
5. Integrate public access to shorelines as a part of the City public trail system consistent with the adopted Park, Recreation & Open Space Plan.

D. CIRCULATION GOALS

1. Provide, protect, and enhance the existing public trail system that provides physical and visual access to shorelines, utilizing public lands as much as possible, and private lands only in those cases where public access requirements have not already been satisfied through the prior acquisition of private property for construction of flood risk management and related public access projects, all consistent with the character of the natural shoreline, protection of private property rights, and public safety.
2. To the extent feasible, site land circulation systems that are not shoreline dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses.

E. CONSERVATION GOALS

1. As a long-term goal, seek no further degradation of environmental functions.

2. Ensure that utilization of a natural resource takes place with minimum adverse impact to natural systems and quality of the shoreline environment.
3. Preserve the scenic quality of shoreline areas and vistas to the greatest extent feasible in areas outside of the urban core, within the Shoreline Residential, Urban Conservancy, Natural, and Aquatic environmental designations.
4. Minimize the loss of native vegetation and preserve tree cover in riparian areas by using conservation best management practices.
5. To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage owners of shoreline property to control populations of invasive or noxious plants and animals as identified by the State of Washington Invasive Species Council.

F. RESTORATION GOALS

1. Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.
2. Where appropriate, undertake the restoration of natural ecological functions within the SMZ and associated jurisdictional waters/wetlands.
3. Reclaim and restore areas that are biologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.
4. Support a comprehensive program of City-initiated ecological enhancements as identified in the Shoreline Restoration Report. (Appendix B)

G. RECREATION GOALS

1. Base recreational opportunities on demand projections consistent with the Mount Vernon Park, Recreation & Open Space Plan and the Countywide UGA Open Space Plan.
2. Increase opportunities in shoreline areas that can reasonably tolerate active or passive recreational uses without diminishing or degrading the integrity and character of the shoreline.
3. Coordinate with the City Department of Parks and Recreation to implement the goals of the Park, Recreation & Open Space Plan by optimizing opportunities for water-oriented recreation.
4. Integrate shoreline-related recreational elements into other regional trail systems and into federal, state, and local park and recreation planning.

H. HISTORIC AND CULTURAL GOALS

1. Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in the SMZ for educational and scientific purposes and enjoyment of the general public.

2. Encourage educational projects and programs that foster an appreciation of the importance of shoreline management, water-related activities, environmental conservation, and local history.

I. FLOOD RISK MANAGEMENT GOALS

1. Continue to work closely with the Dike Districts, Skagit County, and business and property owners in flood risk management planning.
2. Implement the flood risk management planning objectives and projects in the City of Mount Vernon Downtown and Waterfront Master Plan, approved Flood Protection Project, and approved engineering plans.
3. Participate in watershed-wide programs to reduce flood hazards and improve shoreline ecology.

III. SHORELINE MASTER PROGRAM ADMINISTRATIVE PROVISIONS

A. GENERAL

1. All proposed uses and development occurring within the shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and the provisions of this SMP, whether or not a permit is required.

2. The City will periodically review the cumulative effect of authorized development ~~actions taken~~ within ~~the~~ shoreline jurisdiction. ~~to ensure that the goal of no net loss of shoreline environmental functions~~. The City will conduct this review in preparation for periodic updates of this master program. This process may involve a joint effort by local governments, state resource agencies, affected Indian tribes, and/or other parties.

3. "The City," for the purposes of making administrative decisions and processing permits as may be required by the SMP, means the ~~Community and Economic~~ Development Services Department ~~and~~ its Director, and the Director's designee. ~~or Administrator.~~

4. The process of reviewing proposals shall be designed to assure that regulatory or administrative actions do not unconstitutionally infringe upon private property rights in accordance with WAC 173-26-186(5).

5. As per RCW 36.70B.110(11), the City of Mount Vernon has adopted procedures for administrative interpretation of its development regulations (MVMC 14.05.060 and MVMC 17.09.080). Such procedures shall include Shoreline Master Program regulations. Administrative interpretations are Type I processes.

6. Consistent with Chapter 14.05, Procedures, of the Mount Vernon Municipal Code (MVMC) following are the permit classification and approval processes for development subject to the SMP:

   a. Exemptions and revisions to substantial development permits are Type I permits (administrative decision without public notice).

   b. Shoreline substantial development permits are ~~subject to~~ Type II permits (administrative decision with public notice). Type II applications are those

applications where a final decision is made by the Director or the Director's designee after public notice, but without a public hearing. The decision may be appealed in an open record appeal hearing to the Hearing Examiner. (MVMC 14.05.180)

c. ~~review; shoreline exemptions and substantial development permit revisions are Type I permits; and~~ Shoreline conditional use permits and variances ~~require~~ are Type III permits (Hearing Examiner decision with public hearing). ~~review. The Hearing Examiner shall, following an open record public hearing, have the authority to make the final decision.~~ The Hearing Examiner decision may be appealed in a closed record appeal to the City Council.

7. All projects proposed within the SMZ require a Pre-Application Meeting in accordance with the requirements of MVMC 14.05.110. .

8. Applications for Shoreline Substantial Development Permits, Conditional Use Permits, and/or Variances shall be accompanied by the materials listed in MVMC 14.05.210~~(B),~~ unless waived by the ~~Community and Economic~~ Development Services Department ~~(CEDD)~~ according to the process outlined within MVMC 14.05.110~~(B)(6).~~

9. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.

   a. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

10. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:
    a. For projects that only require a Substantial Development Permit: the date that Ecology receives the City decision.
    b. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and City.

    For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

    The "effective date of a Substantial Development Permit" is the date of filing ~~receipt~~. The date of filing ~~receipt~~ is the date the Department of Ecology receives the City's final decision and all required documents. The date of filing ~~receipt~~ starts the two-year clock for beginning of construction and establishes the appeal period of the permit to the Shoreline Hearings Board. The effective date does not include periods of pendency for other related permits or legal actions.

~~11. The "effective date of variances and conditional use permits" is the date of the Department of Ecology's decision letter.~~

11. Upon the review of materials submitted by an applicant the Director can, at their discretion, require peer review be completed by a consultant chosen by the Director, at the sole expense of the applicant.

12. Notification of the public shall be as required by MVMC 14.05.150, "Notice Requirements."

13. Time requirements for Substantial Development Permits are as outlined within WAC 173-27-090. ~~are as follows (See WAC 173-27-090 for complete language.):~~

    ~~a. Construction activities shall commence, or where no construction activities are involved, the use or activity shall commence within two years of the effective date of a Substantial Development Permit.~~

    ~~b. The period for commencement of construction or use may be extended once for a one year period, if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record.~~

    ~~c. The authorization to conduct development activities shall terminate five years after the effective date of a Substantial Development Permit.~~

    ~~d. The authorization period to conduct development activities may be extended once for a one year period, if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record.~~

    ~~e. The time periods in sections (a) and (c), above, do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.~~

14. Permit Review Procedures shall be as follows:

    a. The ~~Community and Economic~~ Development Services Department maintains records of project review actions resulting in issuance of permits, including shoreline substantial development permits.

    b. Copies of Shoreline Management Act Permit Data Sheet and Transmittal Letters forwarded to the Department of Ecology, and other permit or exempt permit-related information shall be utilized for evaluation of the potential cumulative effects of ~~previous and proposed~~ authorized developments ~~actions~~ in shoreline areas as per Part III.A.2 of this Program.

15. Appeals to the Shorelines Hearings Board, as per MVMC 14.05.190.C, shall be consistent with RCW 90.58.140.

16. SMP amendments are effective 14-days from the Department of Ecology's written notice of final action.

17. The regulations of the SMP shall be used in conjunction with the regulations contained in the ~~Mount Vernon Municipal Code (~~MVMC~~)~~. Where there is a conflict between the MVMC and the SMP, the SMP shall control.

B. SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS

1. A shoreline substantial development permit shall be required for projects occurring within the City's shoreline jurisdiction pursuant to the requirements and procedures contained in Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures); except that:

   a. A substantial development permit is not required for developments listed in WAC 173-27-040(2). ~~as not requiring substantial developments permits in projects that are below the threshold levels established in ,"Developments Exempt from Substantial Development Permit Requirement," as follows:~~

   b. ~~A substantial development permit~~ Shoreline review is not required for those actions, developments and improvements listed in WAC 173-27-044. Developments not subject to the Shoreline Management Act are included in WAC 173-27-045. ~~and173-27-045.~~

      ~~i. Any development of which the total cost or fair market value, whichever is higher, does not exceed $5,718, if such development does not materially interfere with the normal public use of the water or shorelines of the state. [Note: The State of Washington requires that every five years the dollar threshold for this exemption be adjusted for inflation by the Washington Office of Financial Management (OFM). The adjustment is based upon changes in the Consumer Price Index during that time period. (see Section IX, Definitions) The OFM must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. WAC 173-27-040(2)(a)] 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 the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;~~

      ~~ii. 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, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as 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;~~

      ~~iii. 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 applicable chapter (Chapter 173-27 WAC);~~

~~iv. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to head gates, pumping facilities, and irrigation channels. Provided, that a feedlot of any size; all process plants; other activities of a commercial nature; alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities;~~

~~v. Construction or modification of navigational aids such as channel markers and anchor buoys;~~

~~vi. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW;~~

~~vii. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. This exception applies if the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;~~

~~viii. 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 from the irrigation of lands;~~

~~ix. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;~~

~~x. 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 a part of an agricultural drainage or diking system;~~

~~xi. Any project with a certification from the governor pursuant to Chapter 80.50 RCW;~~

~~xii. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization, 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;~~

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; and~~

e) ~~The activity is not subject to the permit requirements of RCW 90.58.550.~~

xiii. ~~The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW;~~

xiv. ~~Watershed restoration projects as defined within the SMP (Appendix B);~~

xv. ~~A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply;~~

a) ~~The project has been approved in writing by the Department of Fish and Wildlife;~~

b) ~~The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter 77.55 RCW; and~~

c) ~~The project has been determined to be substantially consistent with the Shoreline Master Program.~~

xvi. ~~Standard subdivisions and short plats; however, physical improvements being made as part of a plat's conditions of approval that meet the definition of substantial development, require a shoreline permit before any construction activities can occur.~~

c. ~~A substantial development permit is not required for those actions described in WAC 173-27-045 (Developments Not Subject to the Shoreline Management Act), as follows:~~

i. ~~Pursuant to RCW 90.58.485, regarding Environmental Excellence Program agreements, notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and pre-placed in accordance with the terms and provisions of an Environmental Excellence Program agreement, entered into under Chapter 43.21K RCW.~~

~~ii. Pursuant to RCW 90.58.355 regarding hazardous substance remedial actions, the procedural requirements of the SMA shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW.~~

~~iii. The holder of a certification from the governor pursuant to Chapter 80.50 RCW shall not be required to obtain a permit under Chapter 90.58 RCW.~~

~~2. A shoreline substantial development permit application is a Type II permit, as per MVMC 14.05.060, "Permit Classifications."~~

~~3. All projects proposed within the SMZ require a Pre-Application Meeting in accordance with the requirements of MVMC 14.05.110.~~

C. CONDITIONAL USE PERMITS

1. The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of the Master Program in a manner consistent with the policies of the SMA. Conditional use permits may also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA.

2. The application for a shoreline conditional use permit shall be processed pursuant to:

   a. The legislative policies stated in the Shoreline Management Act, RCW 90.58.020 (Legislative Findings—State Policy Enunciated—Use Preference) and

   b. The Shoreline Master Program of the City of Mount Vernon.

3. The criteria for approving conditional uses shall be consistent with WAC 173-27-160 (Review Criteria for Conditional Use Permits) and include the following:

   a. That the proposed use is consistent with the policies of RCW 90.58.020, the Master Program, and the MVMC;

   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 the SMP;

   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 suffers no substantial detrimental effect.

   f. Other uses that are not classified or set forth in the Master Program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in subsection 'a' of this section and RCW 90.58.020, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the permitted use regulations of the Master Program.

   g. When reviewing conditional use permit applications, consideration shall be given to the cumulative impact of 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.

h. Uses which are specifically prohibited or not allowed by the Master Program may not be authorized pursuant to either subsections 'a' or 'b' of this section.

4. To ensure compliance with the applicable criteria stated in the Mount Vernon Municipal Code, the Hearing Examiner shall have the authority to require and approve a specific plan for a proposed use, to impose performance standards in the form of conditions of approval that make the use compatible with other permitted uses in the area, and to expand the requirements set forth in the Mount Vernon Municipal Code, by means of conditions that are applicable to the proposed use. In no case shall the City have the authority to decrease the requirements of the City's municipal code when considering an application for a conditional shoreline development permit; any such decrease shall only be granted upon the issuance of a variance.

5. Where plans are required to be submitted and approved as part of the application for a shoreline conditional use permit, modifications of the original plans may be made only after a review has been conducted and approval granted by the Hearing Examiner.

D. VARIANCES

1. The purpose of a shoreline variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardship on the applicant or thwart the policies set forth in the SMA.

2. Variances from the use regulations of the Master Program are prohibited.

~~3. Shoreline variances are Type III permits, as per MVMC 14.05.060.~~

~~4. The Hearing Examiner shall, following an open record public hearing, have the authority to make the final decision. The Hearing Examiner decision may be appealed to the City Council.~~

3. The criteria for granting shoreline variances shall be consistent with WAC 173-27-170 (Review Criteria for Variance Permits) and include the following:

   a. Shoreline variances should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in the SMA. In all instances, extraordinary circumstances should be shown, and the public interest shall suffer no substantial detrimental effect.

   b. Variances for development that will be located landward of the ordinary high water mark may be authorized provided the applicant can demonstrate all of the following:

      i. That the strict application of the bulk, dimensional, or performance standards as set forth in the Master Program precludes or significantly interferes with a reasonable permitted use of the property.

ii. That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the Master Program and not, for example, from deed restrictions or the applicant's own actions.

iii. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environmental designation.

iv. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.

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

c. Variances for development that will be located waterward of the OHWM may be authorized, provided the applicant can satisfy all of the criteria specified in Subsection 'b' of this section. The applicant must also demonstrate that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance, and that the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property.

d. In granting of all shoreline variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

E. NONCONFORMING USE AND DEVELOPMENT

1. The following definitions and standards shall apply to nonconforming structures and uses regulated by this Master Program:

a. "Nonconforming use or development" means a shoreline use or development that was lawfully constructed or established prior to the effective date of the City of Mount Vernon Shoreline Master Program or amendments thereto, but does not conform to current regulations or standards of the program.

b. Structures that were legally established and are used for a conforming use, but are nonconforming with regard to shoreline setback requirements may be maintained and repaired and may be enlarged or expanded provided that any such enlargement or expansion:

i. will not extend the footprint of the structure any closer to the shoreline than the current design;

ii. will not interfere with, or obstruct dedicated public access routes to the shoreline, per applicable requirements set out herein;

iii. will meet any construction standards enacted by the City to protect adjacent flood risk management structures,

iv. will be consistent with the current, or another authorized, conforming use; and

v. will adhere to underlying Municipal Code and building regulations.

c. Uses and development that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal

nonconforming uses. Such uses shall not be enlarged or expanded unless otherwise permitted in Subsection E except that nonconforming single-family residences that are located landward of the OHWM may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g), "Developments Exempt from Substantial Development Permit Requirement, Single-family Residence," upon approval of a shoreline conditional use permit.

d. A use that is listed as a shoreline conditional use, but existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

e. A use that is listed as a shoreline conditional use, but 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.

f. 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.

g. A structure that is being used, or has been used for a nonconforming use, may be used for a different nonconforming use only upon the approval of a shoreline conditional use permit. A shoreline conditional use permit for any such new nonconforming use may be approved only upon a finding that:

    i. No reasonable alternative conforming use is practical; and

    ii. The proposed use will be at least as consistent with the policies and provisions of the SMA and the Master Program and as compatible with the uses in the area as the preexisting use.

    In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act, and to assure that the use will not become a nuisance or a hazard.

h. A nonconforming structure that is moved within the SMZ must be brought into conformance with the Master Program, unless such relocation has been expressly authorized through a previous shoreline permit.

i. If a nonconforming structure is damaged or destroyed by fire, explosion, act of God or act of the public enemy, it may be reconstructed to the extent of 100 percent of the replacement cost of the building. (MVMC 17.102.020) Such damaged or destroyed building may be reconstructed to a size not to exceed the existing footprint at the time of the damage or destruction and within the height at the time of the damage or destruction, and except for the shoreline setback provision in section (b) above, must conform to those specifications required by the current building code and applicable zoning requirements for reconstruction of non conforming structures, provided that:

    i. application is made for the permits necessary to restore the development within six months of the date the damage occurred,

    ii. all permits are obtained, and

iii. the restoration is completed within two years of permit issuance, excluding any period during which reconstruction activities are prevented by *force majeure* events beyond the control of the owner,

j. Excluding

i. the time necessary for acquisition of permits,
ii. the reconstruction of nonconforming structures pursuant to subsection (i) above, and
iii. any period during which continued use is prevented by *force majeure* events beyond the control of the owner, if a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the rights to such use shall expire and any subsequent use of such structure shall be conforming. A use authorized pursuant to subsection 'f' of this section shall be considered a legal nonconforming use for purposes of this section.

k. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that was established in accordance with local and state subdivision requirements prior to the effective date of the City of Mount Vernon Shoreline Master Program, but does not conform to the present lot size standards or is not configured to allow for reasonable use that would meet current shoreline setback requirements, may be developed if permitted by other land use regulations of the MVMC and so long as such development conforms to all other requirements of the Master Program and the SMA. In this case, a SMP variance shall be required.

F. REVISIONS TO PERMITS

1. When an applicant seeks to revise a shoreline substantial development permit, conditional use permit, or variance, whether such permit or variance was granted under this SMP, or under the Skagit County SMP in effect prior to adoption of the Mount Vernon SMP, the ~~Community and Economic~~ Development Services Department shall request from the applicant detailed plans and text describing the proposed changes to the project. If the staff determines that the proposed changes are within the general scope and intent of the original substantial development permit, conditional use permit or variance, as the case may be, the revision may be approved ~~by the CEDD Director~~ as a Type I administrative permit described in Section III.A (above), without the need for the applicant to file a new Substantial Development Permit application, provided the development is consistent with the SMA, WAC 173-27-100 (Revisions to Permits), and the Master Program.

2. "Within the scope and intent of the original permit" means the following:

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

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

c. Additional or revised landscaping is consistent with the conditions attached to the original permit and with the Shoreline Master Program.

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

e. No adverse environmental impact will be caused by the project revision.

f. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of the Master Program except as authorized under a variance granted as the original permit or a part thereof.

3. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the ~~Community and Economic~~ Development Services Department shall require the applicant to apply for a new shoreline substantial development or conditional use permit or variance, as appropriate, in the manner provided for herein.

4. If proposed revisions to the original permit involve a conditional use or variance, the City shall submit the proposed revision to the DOE for review. The DOE shall respond with its final decision on the proposed revision request within 15 days of the date of filing ~~receipt~~ by the DOE. WAC 173-27-100(6)

G. ENFORCEMENT

1. In the event of failure to comply with the plans approved by the City or with any conditions imposed upon the shoreline development permit, the permit shall immediately become void and any continuation of the use activity shall be construed as being in violation of Mount Vernon Municipal Code and subject to the provisions of Title 19 MVMC, "Code Enforcement."

2. Any person failing to conform to the terms of a permit issued in accordance with the SMP or who undertakes development on the shorelines of the state without first obtaining any permit required by the SMP shall be subject to a civil penalty as per RCW 90.58.210 and WAC 173-27-280.

IV. SHORELINE JURISDICTION, MAPPING & ENVIRONMENTAL DESIGNATIONS

A. Shoreline Jurisdiction & Mapping ~~Environment Applicability~~

1. Shorelines subject to this SMP are limited to areas within the city's corporate limits. The official Shoreline Map (hereinafter "Map") is located in Appendix E. For illustrative purposes portions of this map have been embedded into this document identified as Figures 2 - 5.

   Official copies of this map are available for public review at the Development Services Department. A copy of this Map is also available to view on the City's website.

   Appendix F includes maps of areas subject to shoreline jurisdiction with tax parcel numbers identified because these tax parcel numbers are used to describe areas subject to shoreline jurisdiction.

2. The primary purpose of the Map is to identify shoreline environmental designations. At current mapping scales, the Map does not identify or depict the aerial extent of shoreline jurisdiction because there are variables the City is not able to accurately identify and map until site specific activities/developments are proposed. The

variables the City is not able to accurately identify and map features such as: ~~include:~~ the location of the ordinary high water mark (OHWM), the physical characteristics of existing levees, ~~and~~ the existence, location, and characteristics of waters/wetlands, and whether or not wetlands are associated with shorelines of the state subject to RCW 90.58.030.

This means the Map is the City's best interpretation as to the aerial extent of shoreline jurisdiction and when site specific activities/developments are proposed the City will require submittal of technical information to enable accurate determinations of the extent of shoreline jurisdiction.

As stated above, the aerial extent of shoreline jurisdiction, or the Shoreline Management Zone (SMZ), will be determined on a case-by-case basis and will be established using the below-listed criteria that results in the maximum aerial extent of shoreline jurisdiction:

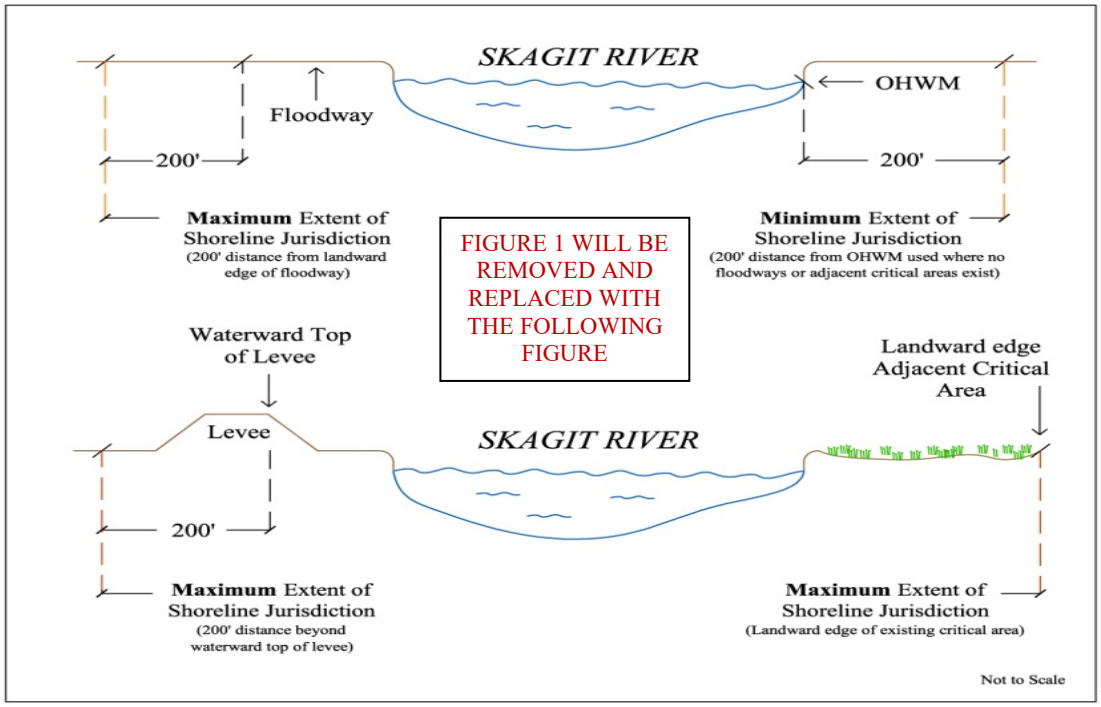
a. Those lands extending 200 feet upland in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM) or floodways and contiguous floodplain areas landward 200 feet from such floodways, whichever is greater ~~of the Skagit River; or,~~ and
b. ~~200 feet upland from the OHWM of the Skagit River plus~~ All ~~associated~~ wetlands associated with shorelines of the state subject to ~~(but not wetland buffers) and all floodways as defined in~~ RCW 90.58.030.
    i. The City will issue a determination regarding shoreline jurisdiction if wetlands associated with shorelines of the state are not identified on those properties with the overlay zone. The overlay zone identifies properties that could be subject to shoreline jurisdiction if the property contains wetlands associated with shorelines of the state.

See Figure 1, below, that illustrates how the aerial extent of shoreline jurisdiction will be determined. The illustrations below depict the most common sets of circumstances and are not intended to be the only circumstances that could exist.

~~Mount Vernon's shorelines under the Shoreline Master Program (SMP) [Figure 1] are limited to those portions of the Skagit River "Big Bend Reach" that occur within the City's corporate limits. This encompasses approximately seven miles of the River's shoreline.~~

~~The regulatory jurisdiction, the Shoreline Management Zone (SMZ), extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk management devices maintained by or maintained under license from~~

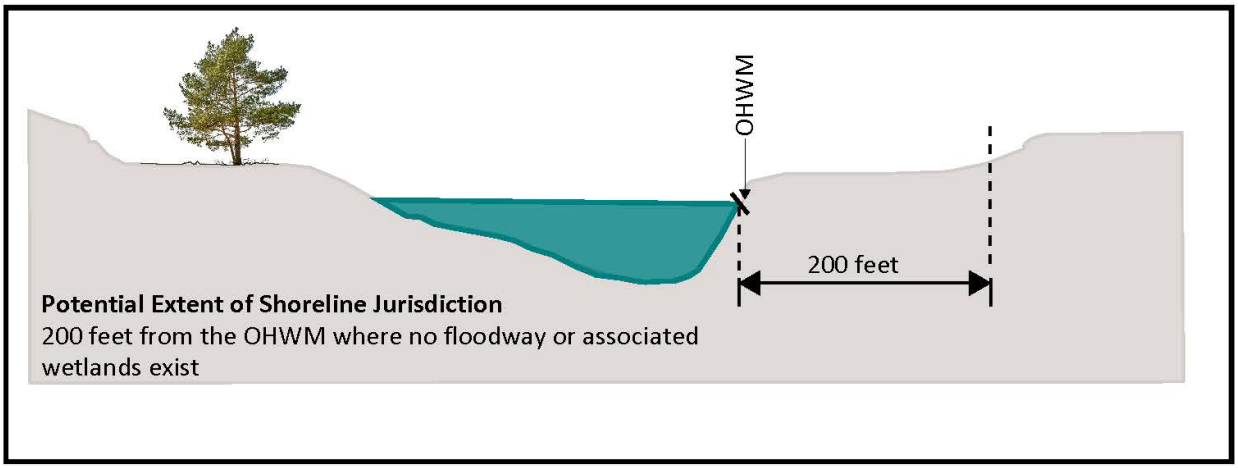
~~the federal government, the state, or a political subdivision of the state. (The SMZ is further identified in Section E.3, "Natural Environment," below.)~~

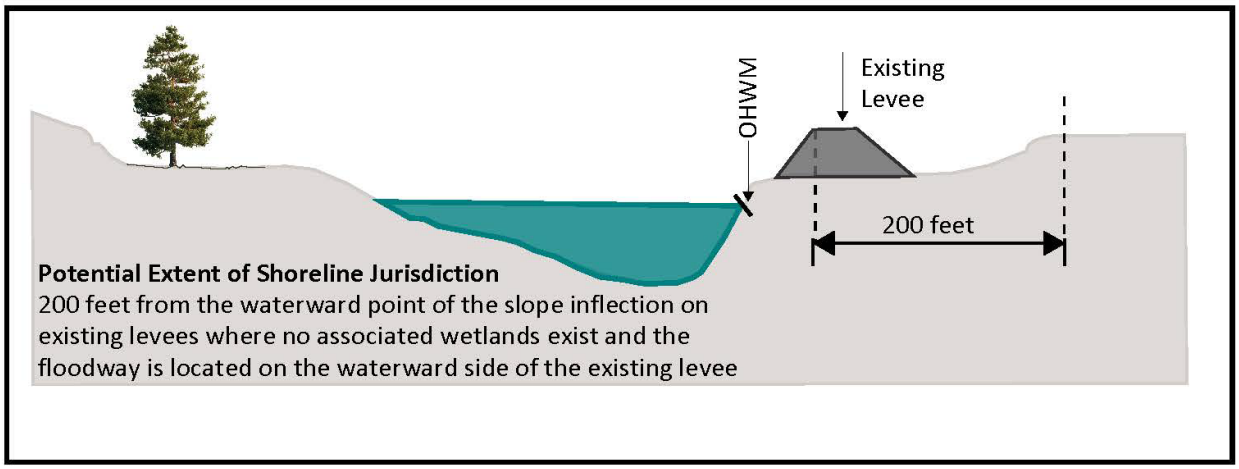


)

Figure 1 Shoreline Management Zone

Figure 1 consists of a series of conceptual diagrams illustrating the different variables that must be taken into account when determining the aerial extent of shoreline jurisdiction. Figure 1 is not a specific description of particular river locations. True floodway and jurisdictional extent will be determined at the time of permitting.





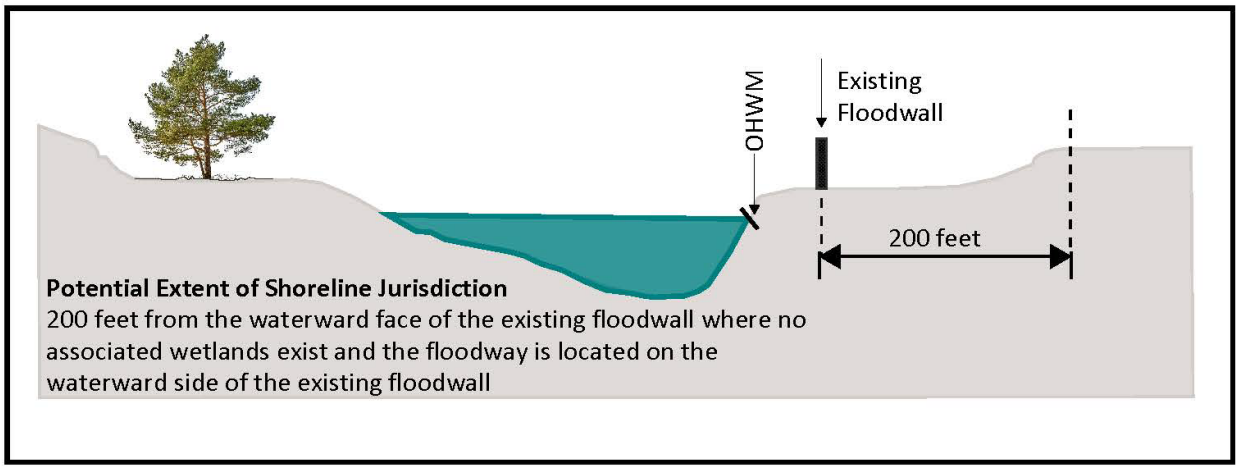
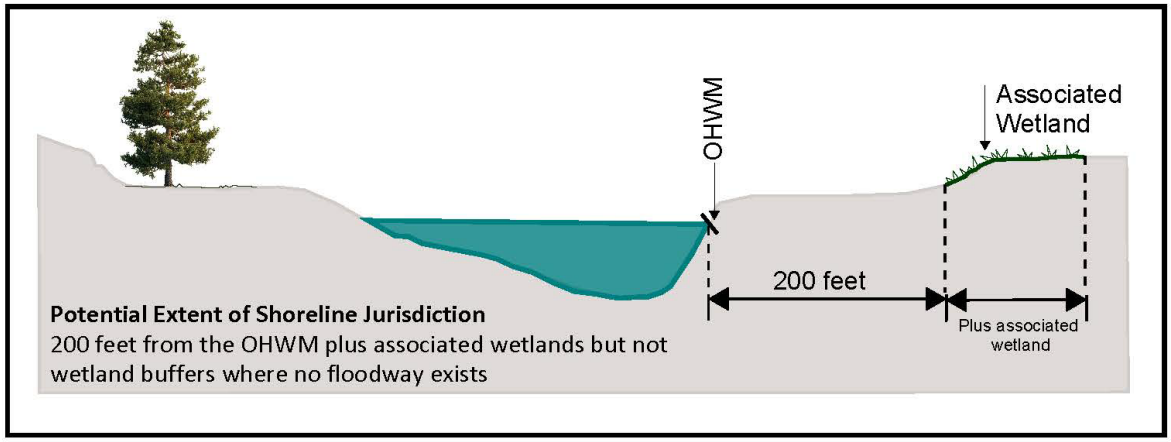
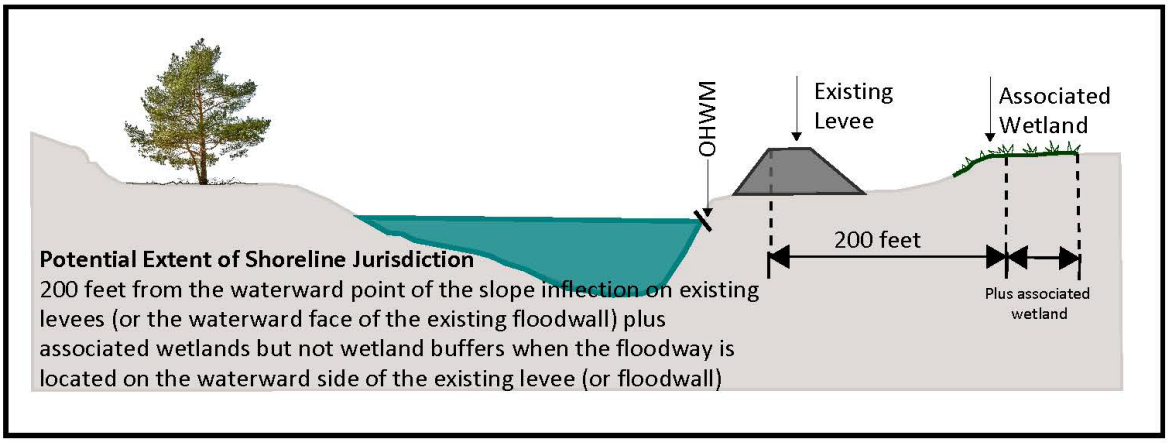


FIGURE 1 WILL BE REMOVED AND REPLACED WITH THE ILLUSTRATIONS ON THIS PAGE





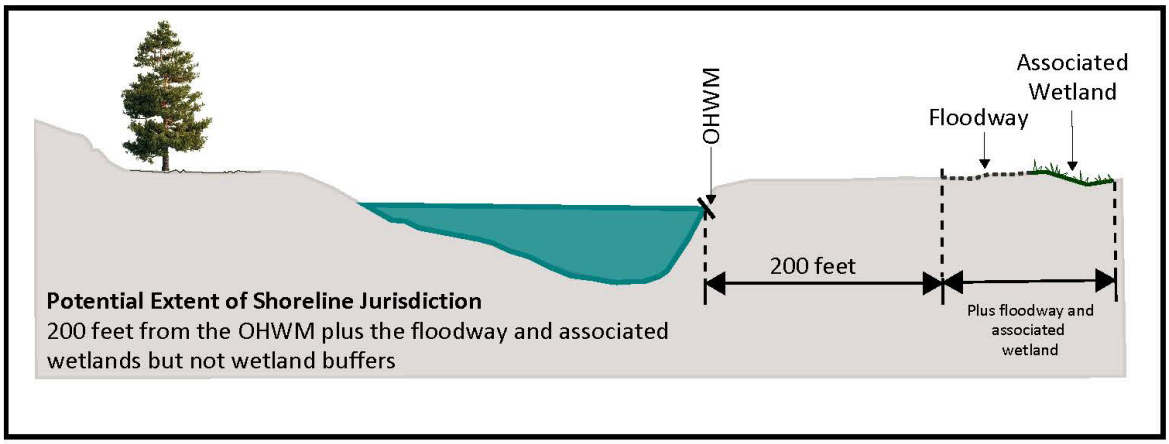
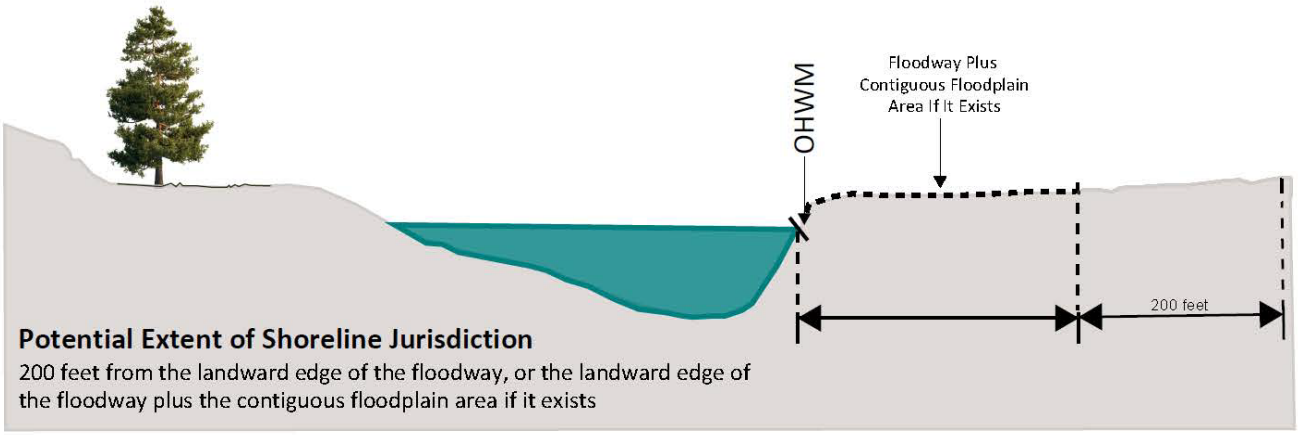


FIGURE 1 WILL BE REMOVED AND REPLACED WITH THE ILLUSTRATIONS ON THIS PAGE

The illustrative example below is a new addition to this version of the draft SMP



B. Environmental Designations

This SMP assigns environmental designations to the City's jurisdictional shorelines to regulate the use and development. The environmental designations are based on the below-listed factors. ~~The Shoreline Management Act requires that each identified shoreline environment be given a designation, based on its physical condition and development pattern.~~ The environmental designations provide a framework for implementing shoreline policies and regulations specific to each shoreline environment.

1. The ~~Mount Vernon Shoreline Master Program has~~ environmental designations of this SMP are based on the following:
   a. Ecosystem characteristics, structure, and ~~environmental~~ functioning
   b. Restoration potential
   c. Existing uses
   ~~d.~~ Development and redevelopment potential ~~and~~
   e. Existing Zoning and Comprehensive Plan Designations
   f. Public and private plans

C. Mapping

~~1. An up-to-date and accurate map of the shoreline area, delineating the environmental designations, is maintained at the Community and Economic Development Services Department.~~

~~2. A list of shoreline properties, identified by Skagit County Tax Assessor Parcel Number, with their environmental designations, is maintained at the Community and Economic Development Services Department.~~

1. Shorelines not found to be mapped or designated, such as through an annexation, will be assigned an Urban Conservancy environmental designation until such time that the SMP can be updated to include analysis and appropriate designation of those shorelines.
2. In the event of a mapping error, the designation criteria in conjunction with specific locational descriptions included ~~contained~~ in this Section shall prevail. The environmental designation boundaries, physical features, explicit criteria, or "common" boundary descriptions that define and distinguish the environments are included in subsections D through H of this Section.

D. Aquatic Environment

1. Purpose

   The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of the area waterward of the ordinary high water mark (OHWM).

2. Designation Criteria

   The Aquatic environment designation has been assigned to shoreline areas waterward of the OHWM.

3. Location of Environment

   a. In Mount Vernon the Aquatic Environment is applicable only to the main stem of the Skagit River waterward of the OHWM [Figures 2, ~~3, and~~ 4 and 5].

   b. The City's jurisdiction spans the River, except where the city limit line is coincident with the midpoint of the River [Figures 2 and 4].

   c. Where the city limit line is the midpoint of the river, the Shoreline Management Zone shall extend to that line [Figures 2 and 4].

   d. Where the city limit line is at the OHWM, per RCW 35.21.160, the City's jurisdiction shall extend to the midpoint of the river [Figures 2 and 4].

4. Management Guidelines

   a. New over-water structures should be prohibited except for water-dependent uses, recreation, public access, or ecological restoration.

   b. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

   c. Provisions for the Aquatic Environment should be directed towards maintaining and restoring habitat for priority aquatic species.

   d. Uses that cause significant ecological impacts to Skagit River habitats should be discouraged.

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

   f. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish whose life cycles are dependent on such migration.

E. Natural Environment

1. Purpose

   The purpose of the Natural Environment is to protect those shoreline areas that either currently provide intact ecological functions or represent opportunities where these functions can be largely restored.

2. Designation Criteria

   The Natural Environment has been assigned to those shoreline areas that meet the following criteria:

   a. The shoreline is primarily free of dikes, or is waterward of dikes

   b. The shoreline is relatively undeveloped with structures and roads

   c. The shoreline has not historically been in recreation or urban uses

   d. There is existing, or the potential for restoration of ecological functions and connectivity to the adjacent floodplain and associated waters/wetlands

3. Location of Environment

The Natural Environment applies to the following locations:

a. ~~At the~~ The Nookachamps Wetland Mitigation Bank consisting of the following parcels: P24186, P111844, P24135, P24133, P24368, P24366, P112375, P24132, P24123, P23532, P23501, P23499, P23513, and P112375 P~~between the north side of Lindegren Creek to the north City boundary~~ [Figure 2];

b. From the northwest corner of tax parcel P24970 east approximately 133 feet to the northeast corner of said tax parcel and then south approximately 140 feet [Figure 3].

c. At the intersection of the River Bend Road and the east City limit line east approximately 1,375 linear feet then south approximately 970 linear feet along the west side of Freeway Drive then northwest along the Skagit River approximately 1,920 linear feet to the east City limit line and then north approximately 135 feet. ~~At Lions Park on the east side of the Skagit River , from the City limit line to the boundary between the 15.4 acre undeveloped Lions Park North and 1.6 acre developed Lions Park South~~ [Figure ~~4~~ 5];

d. In West Mount Vernon, on the west side of the Skagit River in the vicinity of Young's Bar, east of the dike from the city limit line south to the north boundary of parcel P26432. [Figure ~~4~~ 5]; and

e. At the south portion of Edgewater Park, south and east of the dike to the OHWM and from the City limit line north to the south edge of the Edgewater Park boat launch area [Figure ~~4~~ 5].

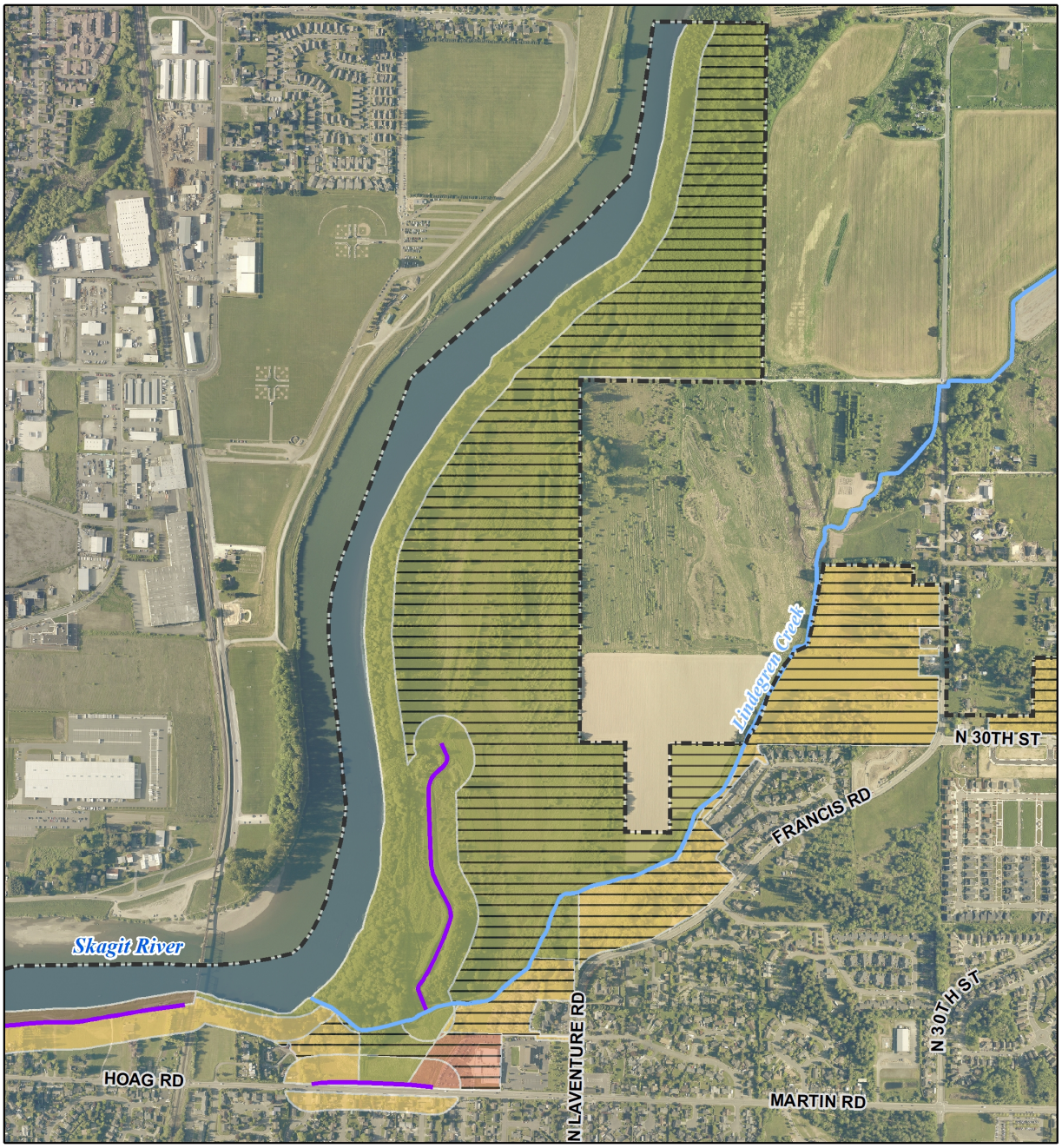
f. The property north of the levee abutting the City's Wastewater treatment plant north to the Skagit River and east to the point where the levee and the floodwall meet [Figure 5].

4. Management Guidelines

a. Residential, commercial, industrial, and active recreation (sport fields) uses should not be allowed.

b. Passive recreation uses such as trails and viewpoints and low-intensity water-dependent recreational access may be allowed where feasible and ecological impacts can be mitigated.

c. Scientific, historical, cultural, educational, and research uses may be allowed, provided that no significant ecological impact on the area would result.



Environmental Designations

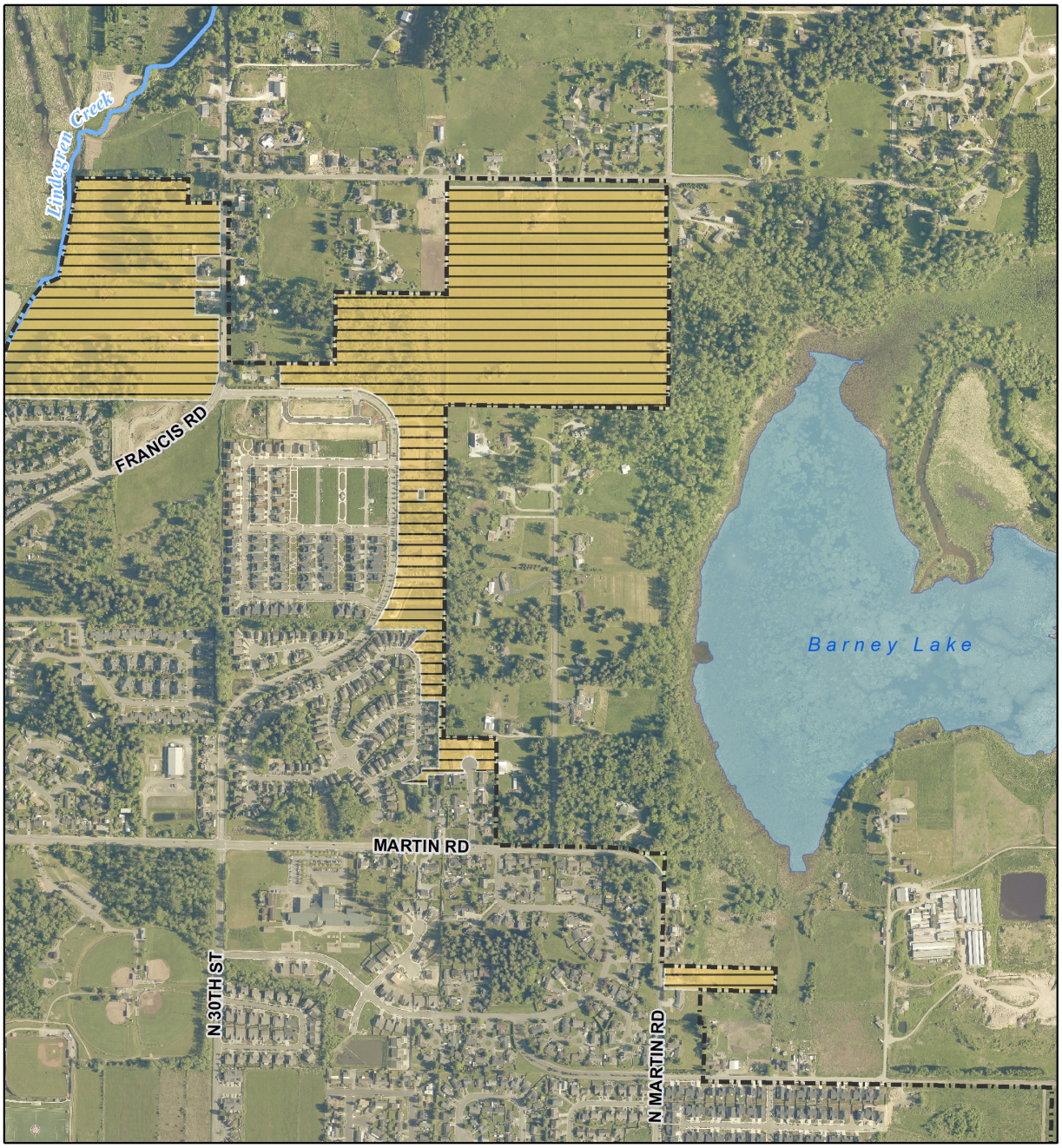
- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Figure 2 North Mount Vernon Environmental Designations

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Figure 3 Northeast Mount Vernon Environmental Designations

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

F. Urban Conservancy Environment

1. Purpose

   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 developed shoreline settings, while allowing for compatible uses and public access.

2. Designation Criteria

   The Urban Conservancy environmental designation has been assigned to those shorelines where the levees are set back significant distance upland from the river's edge, creating open space within the floodplain. The Urban Conservancy Environment has the following characteristics:

   a. Existing open space within the floodplain

   b. Existing and/or restored shoreline habitat

   c. Potential for additional restoration

   d. Existing or potential for water-related recreation and public access

3. Location of Environment

   The Urban Conservancy environmental designation applies to the following areas:

   a. Between the OHWM and the landward toe of the dike running approximately parallel to Stewart and Hoag Roads from the west side of the railroad bridge to the west city limit line [Figure ~~3~~ 4];

   ~~b. East of the dike at Lions Park North southward including Lions Park South [Figure 4];~~

   b. On the west side of the Skagit River, east of the levee ~~dike~~, south from the north boundary of parcel P26432 to the south edge of the Edgewater Park boat launch area, including the Edgewater Park sports fields; [Figure ~~4~~ 5] and

   ~~c. On the east side of the River, from the city limit line west of the wastewater treatment plant generally to the east boundary of tax parcel P28974, north of the intersection of South First Street and West Hazel Street. At the wastewater treatment plant the Urban Conservancy Environment is on both sides of the dike [Figure 4].~~

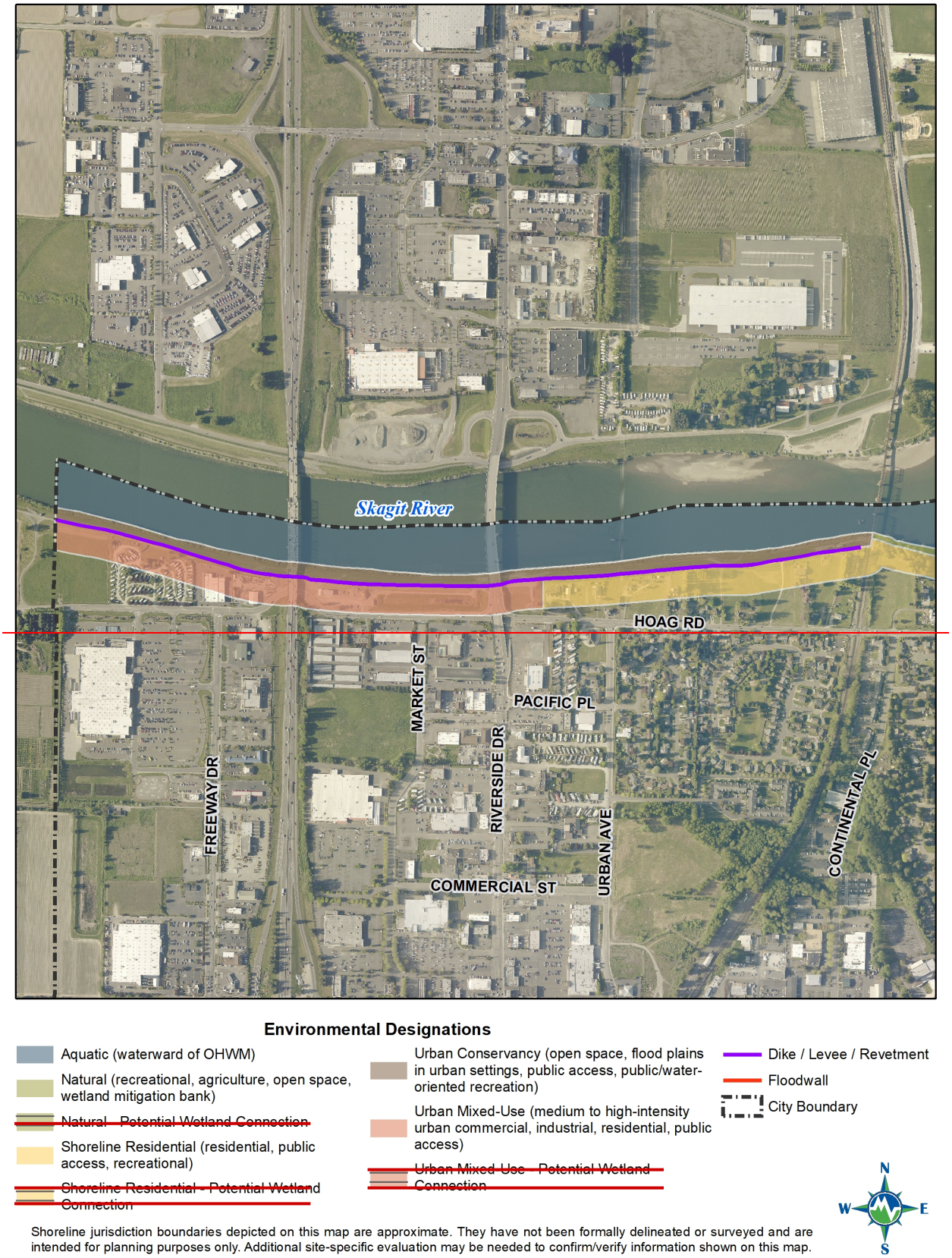


Figure 4 North Central Mount Vernon Environmental Designations

4. Management Guidelines

a. Uses that preserve the natural character of the area or promote preservation of open space, floodplain, or sensitive lands either directly or over the long term should be the primary allowed uses.

b. Public utilities, including the Mount Vernon Wastewater Treatment Plant, are allowed in the Urban Conservancy environmental designation.

c. Where dikes are located within the Urban Conservancy environmental designation, additional new flood risk reduction measures may be constructed.

d. New residential, commercial, or industrial uses should not be allowed in the Urban Conservancy environmental designation.

e. Public access and public recreation objectives should be implemented whenever feasible and where significant ecological impacts can be mitigated.

f. During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.

G. Shoreline Residential Environment

1. Purpose

The purpose of the Shoreline Residential environmental designation is to accommodate residential development and appurtenant structures that are consistent with this SMP.

2. Designation Criteria

The Shoreline Residential Environment has been assigned to those shoreline areas that are characterized by existing residential development or platted lots that are wholly or partially located within the Shoreline Management Zone.

3. Location of Environment

The Shoreline Residential environmental designation applies:

a. ~~Between the south side of Lindegren Creek west to~~ From the east ~~west~~ side of the railroad bridge where it abuts the Skagit River east approximately 900 linear feet across tax parcels P24191, P24188, P24189, P24222, and P24187; then south east approximately 345 linear feet, then south approximately 384 linear feet to Hoag Road [Figure~~s~~ 2 ~~and~~];

b. On the south side of Hoag Road extending from the east boundaries of tax parcels P80767 and P80768 west to the west boundaries of tax parcels P82041and P82042 [Figure 2].

c. From the northwest corner of tax parcel P24350 south approximately 4,660 feet to the southwest corner of tax parcel P111843 [Figure 2].

d. From the northeast corner of tax parcel P24340 south approximately 1,355 feet to the southeast corner of tax parcel P24340 then west approximately 1,320 feet to the southwest corner of tax parcel P24340 [Figure 3].

e. From the northwest corner of tax parcel P24826 east approximately 670 feet then south approximately 640 feet to encompass tax parcels P24826, P24829, and P24824 [Figure 3].

f. On the north and east side of N 30th Street including tax parcels P124125, P128006, P24341, P24340, and from the north property line of P127981 south approximately 1,650 linear feet to the south property line of tax parcel P121928.

g. Lots 5 - 8 of the Centennial Grove plat recorded in Volume 15 of Plats, Page 26, Records of Skagit County, Washington and tax parcel P24826 located on the east side of North Martin Road [Figure 3].

h. From the west side of the railroad bridge westward to the east property line of tax parcel P24206 (east of the Riverside Bridge) from the existing levee landward ~~landward toe of the dike~~ [Figure ~~3~~ 4].

i. On the west side of the SR 536 bridge over the Skagit River ~~In West Mount Vernon~~, landward of the dike from the northeast corner of tax parcel P26402 south to the southwest corner of tax parcel P26638 excluding the areas described below that are designated with an environmental designation of Urban Mixed-Use [Figure 5]. ~~from the north City limit line to Edgewater Park, except for the jurisdictional area landward of the dike on both sides of West Division Street, south of Cosgrove Street to the south side of P54832 [Figure 4]; and~~

j. ~~North of the Park, from the west boundary of parcel P26659, if extended north, to the City limit line [Figure 4].~~

4. Management Guidelines

a. Densities and other development standards not specified within this SMP shall be based on the development standards of the underlying zoning district.

b. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where feasible, restore ecological functions over time.

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

H. Urban Mixed-Use Environment

1. Purpose

The purpose of the Urban Mixed-use environmental designation is to both acknowledge the historical presence and allow for the continuation of retail, commercial, office, and industrial uses that currently exist on the City's shoreline. This designation also recognizes that Mount Vernon no longer has water-dependent commercial, industrial, or transportation uses, or the water-related uses that characterized its "working waterfront" during the nineteenth and early twentieth centuries. Although the Downtown has changed significantly, as have similar riverfront towns, there are existing uses of an industrial nature that remain important to the economic vitality of the City that will continue to operate at their current locations for the foreseeable future.

2. Designation Criteria

An Urban Mixed-use Environment has been assigned to areas that are characterized primarily by a mix of retail, commercial, office, and industrial development, and/or areas with the potential for redevelopment to similar uses in the future. In addition, the presence of dikes, a revetment, and shoreline stabilization essentially precludes, or makes it unlikely, that new water-dependent or water-related commercial, transportation, or industrial development will occur in the SMZ.

3. Location of Environment

The Urban Mixed-use environmental designation applies to the following shoreline:

a. From the northwest corner of tax parcel P116052 south approximately 515 feet to the right-of-way of Hoag Road [Figure 2].

b. From the southwest corner of tax parcel P26054 east to Interstate-5 and then south on the landward side of the existing levee and floodwall to the west City limits located near the west boundary of tax parcel P28805 [Figure 5].

c. The commercially zoned properties located west of South Ball Street consisting of tax parcels P54827, P54828, P54829, P54830, P54381, P54832, P54833, and P54834 [Figure 5].

d. The properties north of the existing levee where the Behrens-Millett Road trail exists that are owned by the Mount Vernon School District identified as tax parcels P26391 and P26397 [Figure 5].

~~e. Landward from the landward toe of the dike that parallels Stewart Road, between the east boundary of tax parcel P24206 (east of the Riverside Bridge) and the west city limit [Figure 3].~~

~~f. North of the dike at Lions Park North from the City limit line to the west side of Freeway Drive [Figure 4];~~

~~g. From the south end of Lions Park South generally to the east boundary of tax parcel P28974, north of the intersection of South First Street and West Hazel Street. [Figure 4]; and~~

~~h. In West Mount Vernon the area landward of the dike on both sides of West Division Street, south of Cosgrove Street to the south side of P54832.~~

4. Management Guidelines

   a. Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development.

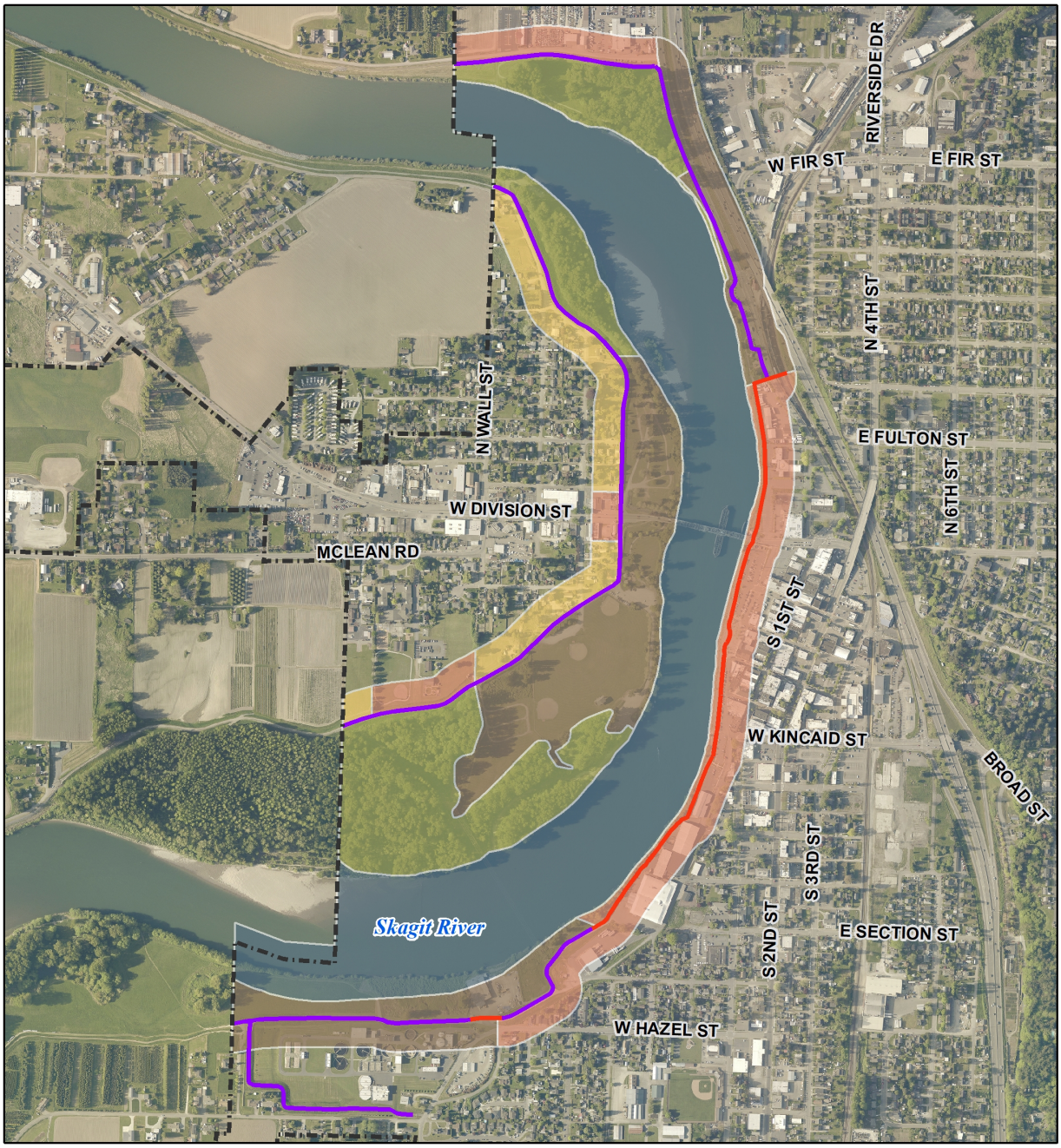
   b. Where applicable and feasible, development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

   c. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).

   d. Design objectives should be implemented by means such as sign regulations, appropriate scale and massing of buildings, architectural standards, landscaping, and maintenance of natural vegetative buffers.

   e. Development in the Urban Mixed-use Environment should be managed so that it enhances and maintains the shorelines for a variety of urban uses, with priority given to water-enjoyment uses and public access.

   f. New development and redevelopment within the area described in the City of Mount Vernon Downtown and Waterfront Master Plan shall be consistent with the objectives and implementation of the City of Mount Vernon Downtown and Waterfront Master Plan.



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Figure ~~4~~ 5 Central Mount Vernon Environmental Designations

V. SHORELINE USE, MODIFICATION, AND DEVELOPMENT STANDARDS TABLES

The following tables indicate the allowable shoreline uses, modifications, and development standards applicable to the environmental designations. Where there is a conflict between the tables and the written provisions of this Master Program, the written provisions shall apply. When determining if a use is allowed within an environmental designation, the permitted and prohibited uses of the underlying zoning of the property shall be considered.

The charts are coded according to the following legend:

P = May be permitted

C = May be permitted as a conditional use only

X = Prohibited; the use is not permitted nor is it eligible for a variance or conditional use permit

n/a = Not applicable

See also Notes to Tables following Table 3.

TABLE 1, SHORELINE USE:

SHORELINE USE ↓	Shoreline Designations:				
	Aquatic	Natural	Urban Conservancy	Shoreline Residential	Urban Mixed-use
Agriculture[17]	X	X	P	X	X
Aquaculture	X	X	X	X	X
Boating Facilities[7]	P[1]	X	C[3]	P[3]	P[3]
Commercial:					
Water-dependent	P	X	X	X	P
Water-related, Water-enjoyment	X	X	X	X	P
Non-water-oriented	X	X	X	X	P[2]
Flood Hazard Reduction	C	C[3]	P[3]	P	P
Industrial:					
Water-dependent	X	X	X	X	P[2]
Water-related, Water-enjoyment	X	X	X	X	P[2]
Non-water-oriented	X	X	X	X	P[2]
Mining	X	X	X	X	X
Recreation:					
Water-dependent	P[3]	P[3]	P[3]	P	P
Water-related, Water-enjoyment	P[3]	C	P[3]	P	P
Non-water-oriented	n/a	X	P	P	P

Residential:					
Single-family, Detached	X	X	X	P	X
Multi-family, Attached	X	X	X	X	P[2, 15]
Transportation facilities:					
Roads, highways, bikeways, and trails	n/a	X[20]	P[20]/C[4,]	P[4, 20]	P[4, 20]
Bridges, causeways, railroad related	C	C	C	P[4]	P[4]
Parking - Accessory use	X	X	P	P	P
Primary use, including commercial	X	X	X	X	X
Signs:					
On-premises	X	P[8]	P[8]	P	P
Off-premises	X[9]	X	X[9]	X[9]	X[9]
Utilities (primary)	C[4]	C[4]	C[4]	P[4]	P[4]

TABLE 2, SHORELINE MODIFICATIONS:

SHORELINE MODIFICATIONS ↓	Shoreline Designations:				
	Aquatic	**Natural**	**Urban Conservancy**	**Shoreline Residential**	**Urban Mixed-use**
Shoreline Stabilization:					
Bioengineering	C[5]	C[5]	C[5]	P[5]	P[5]
Revetment	X	X	C[5]	P	P
Dikes/Levees	C	P	P	P	P
Dredging	C[6]	n/a	n/a	n/a	n/a
Dredge material disposal	C[14]	C[14]	C[14]	P	P
Hazardous Waste Cleanup	P	P	P	P	P
Fill	C[5]	C[5]	C[5]	P	P
Piers and Docks	P[1]	X	C	P	P
Breakwaters, jetties, and weirs	P[13]/C[13]	X	X	X	X

TABLE 3, DEVELOPMENT STANDARDS:

DEVELOPMENT STANDARDS ↓	Shoreline Designations:				
	Aquatic	Natural	Urban Conservancy	Shoreline Residential	Urban Mixed-use
Boating Facilities:					
Water-dependent Setback	n/a	n/a	0	0	0
Water-related Building Setback	n/a	n/a	50 feet	See note 10	See note 11
Commercial Development:					
Water-dependent Setback	n/a	n/a	n/a	n/a	0[11, 20]
Water-related, Water-enjoyment Setback	n/a	n/a	n/a	n/a	See note 11
Non-water-oriented Setback	n/a	n/a	n/a	n/a	See note 11
Building Height	n/a	n/a	n/a	n/a	55 feet
Flood Risk Reduction Measures:					
Setback	n/a	See note 12	See note 12	See note 12	See note 12
Industrial Development:					
Water-dependent Setback	n/a	n/a	n/a	n/a	See note 11
Water-related, Water-enjoyment Setback	n/a	n/a	n/a	n/a	See note 11
Non-water-oriented Setback	n/a	n/a	n/a	n/a	See note 11
Building Height	n/a	n/a	n/a	n/a	35 feet
Parking – Accessory:					
Setback	n/a	n/a	See note 10	See note 10	See note 16
Recreation:					
Water-dependent setback	n/a	0	0	0	0
Water-related, water enjoyment setback	n/a	50 feet[20]	50 feet[20]	50 feet[20]	0
Non-water-oriented setback	n/a	n/a	50 feet	See note 10	See note 11
Height	n/a	15 feet	15 feet	35 feet	35 feet
Residential Development:					
Setback	n/a	n/a	n/a	See note 10	See note 11
Density (max. and min. determined by underlying zoning district ~~20~~ 19)	n/a	n/a	n/a	Max 1.24 to 7.26 du/a	See note 19
Building Height, single-family	n/a	n/a	n/a	35 feet	n/a
Building Height, multi-family	n/a	n/a	n/a	n/a	55 feet

NOTES TO TABLES:

1. The use or shoreline modification may be allowed in the Aquatic Environment if, and only if, permitted in the adjacent upland environment.
2. Public access, as approved by the City, is a condition of approval for development except (i) if such access requirement has already been satisfied pursuant to a prior transfer of property owned by the applicant (or applicant's predecessor in interest) where such property has been used by the City to provide public access as part of a flood risk reduction project or (ii) as provided in "Public Access" section of the SMP.
3. The use may be allowed provided it does not cause significant adverse ecological impacts.
4. Transportation facilities or utilities may be allowed providing there is no other feasible route or location.
5. The shoreline modification may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions. Consistency with "Flood Hazard Reduction" provisions is also required.
6. Dredging may be allowed only in support of a water-dependent use or restoration when the City finds that the need is demonstrated. Dredging to establish, expand, relocate or reconfigure navigation channels allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.
7. Piers or docks may be allowed if significant adverse ecological impacts are avoided. Boating facilities may not be used for extended moorage and/or live aboard vessels.
8. Interpretive signs allowed only as part of a park or public access facility.
9. Off-premise, free-standing signs for community identification, information, or directional (way-finding) purposes are allowed and other non-commercial, off-premises signs may be allowed if they are displayed according to the sign regulations, Chapter 17.87 MVMC.
10. Setback shall be no less than 50 feet landward of the landward toe of dikes and levees, with the following exceptions (MVMC 15.36.270):
    a. Minimum setback shall not apply to dikes and levees themselves, or improvements designed to aid in flood risk reduction;
    b. Facilities intended for or likely to be used primarily as residential care for the elderly or the disabled, or other persons with a limited ability to evacuate quickly in an emergency, shall be prohibited between the riverward toe of dikes and levees along the Skagit River and a line 1,000 feet landward of the landward toe of said dikes and levees; and
    c. Dike setbacks in the AO depth one-foot zone, as indicated on Flood Insurance Rate Maps (FIRM), shall be evaluated on an individual basis by the City of Mount Vernon building official and the city engineer. With their concurrence, zero dike setback may be allowed, however flood-fighting access must be provided.
11. For the Urban Mixed-use environmental designation at Stewart Road, at West Division Street in West Mount Vernon, and at parcels 26054, 26202, 26096, and 26095 abutting Riverbend Road, the setback shall be the same is in Note 10 (above). In the Urban Mixed-use environmental designation from parcel 26644 to parcel P26505, inclusively, where a new flood risk reduction measure is to be constructed subject to engineering plans approved by FEMA on August 24, 2010,

and utilized subject to filing ~~receipt~~ of a final Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA), the minimum setback shall be 10 feet from the landward side of the new flood risk reduction measure *except* in those cases where the design of the flood risk reduction measure, as approved by FEMA pursuant to the LOMR granted to the City, provides for a setback of less than ten feet from:

a. Existing structures, and/or
b. Any new, replacement structures that have been authorized pursuant to a separate agreement between the property owner and the City to facilitate completion of the flood risk reduction measure.
c. Subject to "Mount Vernon Levee/Floodwall Riverbank Slope Encroachment Area Restrictions," as follows:

A. Floodwall Riverbank Slope Encroachment Area Established. The provisions of this section shall apply to any land use application seeking approval of new structures, modifications to existing structures, the placement of fill, and/or new construction (collectively "improvements") that will encroach within **forty feet** of the floodwall. This area **shall extend from a line forty feet from the landward toe of identified levees or floodwalls as shown by official shoreline, zoning, or floodplain maps of the City**, except that this section shall not apply to improvements to the levees and floodwalls themselves, or improvements designed to aid in flood proofing. No floodplain permit, shoreline permit, or building permit shall be issued until plans filed with the City show full compliance with this section and are approved by the City.

B. Floodwall Riverbank Slope Encroachment Area Restrictions - Compliance with FEMA Standards. A land use application shall not be approved nor permit issued until it is demonstrated by the applicant that the proposed improvement, including any cumulative impacts resulting there from, within the **forty-foot floodwall riverbank slope encroachment area** (as shown conceptually in Figure 5, below, and as verified in the field at the time of application) complies with all certification standards required for the Mount Vernon levee/floodwall from FEMA's National Flood Insurance Program (NFIP) as set forth in Title 44 of the Federal Code of Regulations, "Emergency Management and Assistance," which is hereby adopted now, or as hereafter amended by reference, as if set forth in full as mandatory supplemental design criteria. Demonstration of compliance with FEMA standards shall include, but is not limited to, the following:

1. **Foundation, Embankment and Slope Stability.** The applicant must demonstrate through an engineering analysis by a licensed professional engineer evaluating levee embankment slope and foundation stability, that the proposed improvement will be designed and constructed in a manner that complies with FEMA's National Flood Insurance Program design criteria for embankment, slope, and foundation stability in effect at the time a legally sufficient

application is submitted. As of the date of adoption of this SMP, FEMA's embankment, slope, and foundation stability criteria is currently specified in Title 44 CFR Section 65.10 as follows:

> *"The analyses provided shall evaluate expected seepage during loading conditions associated with the base flood and shall demonstrate that seepage into or through the levee foundation and embankment will not jeopardize embankment or foundation stability. An alternative analysis demonstrating that the levee is designed and constructed for stability against loading conditions for Case IV, as defined in the U.S. Army Corps of Engineers (COE) manual, "Design and Construction of Levees" (EM 1110–2–1913, Chapter 6, Section II), may be used. The factors that shall be addressed in the analysis include: depth of flooding, duration of flooding, embankment geometry and length of seepage path at critical locations, embankment and foundation materials, embankment compaction, penetrations, other design factors affecting seepage (such as drainage layers), and other design factors affecting embankment and foundation stability (such as berms)."*

In addition to the required analysis set out above, a licensed professional engineer shall certify that any proposed improvement to be constructed within the forty-foot floodwall riverbank slope encroachment area will not compromise the foundation, slope, or embankment stability of the Mount Vernon levee/floodwall according to FEMA standards. Any reports or analysis completed by the City related to the Mount Vernon levee/floodwall embankment foundation or slope stability may be referenced or incorporated in the applicant's submittal. Unless otherwise prohibited or exempt by law, the City shall make those reports or analysis available to the applicant upon request.

2. **Structural Integrity.** The applicant must demonstrate through an engineering analysis by a licensed professional engineer evaluating the Mount Vernon levee/floodwall structural integrity, that any proposed improvement will be designed and constructed in a manner that complies with FEMA's National Flood Insurance Program design criteria for structural integrity in effect at the time a legally sufficient application is submitted. As of the date of adoption of this SMP, FEMA's structural requirements and design criteria are currently detailed in Title 44 Section CFR 65.10(b) paragraphs (1) through (7) of the NFIP regulations. Such demonstration shall

include, but not be limited to: a) certification by a licensed professional engineer that the proposed improvement will not compromise the structural integrity of the Mount Vernon levee/floodwall according to FEMA standards, and b) evidence of compliance with all other applicable development regulations of the City of Mount Vernon in effect at the time a legally sufficient application is submitted including all buildings codes adopted by the City of Mount Vernon that set forth standards for construction or improvements near foundations.

3. **Exceptions - *de minimis* structures/activities.** Unless the City determines additional review is required under Section C, hereof, or determines that the FEMA certification standards required for the Mount Vernon levee/floodwall in place on the date of adoption of this SMP have materially changed requiring the improvements to meet different standards, the following improvements are exempt from the provisions of Sections B1 and B2 above, and shall be approved if the applicant provides certification from a licensed professional engineer that: a) the Skagit River bank geometry within the project area has not changed significantly from the conditions described in the *Report on Mt. Vernon Flood Protection Project, Geotechnical Assessment, Mount Vernon, Washington,* prepared by Golder Associates, dated January 9, 2009; b) the prevailing FEMA regulations setting out design criteria for structural integrity and river bank stability assessments have not materially changed from those in place on the date this SMP was adopted; c) that all relevant soils data have been examined and are sufficient with respect to site investigation and requirements of applicable building codes and that additional investigations are unwarranted; and d) the proposed improvement will meet the following applicable design standards:

   i. Sidewalks, pedestrian walkways and other paved areas (a) located at least ten feet from the flood wall or levee that (b) do not require excavation of more than two feet below existing grade for their construction and (c) utilize no more than twelve inches of rock fill/paving materials above existing grade for their construction (overlaying existing pavements with new asphalt, or replacing existing on-grade sidewalks or walkways in kind may extend to the flood wall or levee);

   ii. Buildings and other structural improvements (a) located at least ten feet from the flood wall or levee, (b) that otherwise meet the requirements of the Mount Vernon City Code, and (c) are constructed on drilled shafts, auger cast piles (as opposed to driven piles), helical piles, or micro-piles. The installation of these deep foundation elements shall be completed with cranes and other construction equipment that can be positioned outside the setback area itself or which do not exceed the weight limits

set out in subsection (v) below, and which do not cause strong ground vibrations that could decrease the stability of the underlying soil;

iii. The excavation, installation and backfilling of utility lines and related structures (a) located at least ten feet from the flood wall or levee, (b) completed during low river flow periods, and (c) utilizing backfill material that is of low permeability and requiring little or no compaction (e.g. crushed rock or control density fill (CDF)). Excavation shoring shall be provided to prevent trench wall instability for excavations of more than three feet within no less than a 2:1 (horizontal:vertical) zone of the flood wall or levee;

iv. Improvements that are constructed on existing building foundations located within the applicable setback that were in place prior to issuance of the Conditional Letter of Map Revision by FEMA, dated August 24, 2010, for the City's flood risk reduction system, provided that the load placed on such foundations does not exceed the loads for which such foundations were originally designed and certified;

v. Other activities/structural improvements that are (a) located at least ten feet from the flood wall or levee, (b) will not require excavation of more than two feet below existing grade, (c) are constructed during low flow conditions, (d) do not exert more than 150 pounds per square foot of vertical load on the existing soil, and (e) do not require construction equipment within the forty-foot setback area weighing more than 26,000 pounds, which is the average weight of a medium-sized track hoe (PC120 or equivalent); and

vi. Improvements to existing or replacement structures located within ten feet of the flood risk reduction structure where the design of the flood risk reduction structure, as approved by FEMA through the Conditional Letter of Map Revision ("CLOMR") granted to the City, provides for a setback of less than ten feet from (a) the existing structures and/or (b) any new, replacement structures that have been authorized pursuant to a separate agreement between the property owner and the City to facilitate completion of the flood risk reduction structure.

C. Additional Engineering Review.

1. All improvements subject to review under this section may be subject to additional review, at the option of the City and at the cost of the applicant, by a registered engineering professional retained by the City who is familiar with FEMA regulations and standards for the certification of flood projects designated by the City of Mount Vernon. As a condition of approval, the registered engineering professional shall determine there is: a) compliance with FEMA standards involving structural integrity of the floodwall/levee so as not to result in decertification; b) compliance with FEMA standards for slope, foundation, and embankment stability so as not to result in decertification; and c) the project overall is designed and proposed to be constructed in a manner that complies with all applicable development regulations of the City of Mount Vernon in effect at the time a legally sufficient application is submitted including compliance with FEMA's National Flood Insurance Program so as not to result in decertification of the Mount Vernon levee/floodwall from FEMA's National Flood Insurance Program as set forth in Title 44 of the Federal Code of Regulations.

2. In lieu of the additional review determination set forth above for those improvements subject to review under Section B3, the City may, at the option of the City, and at the cost of the applicant, require as a condition for approval a determination from a registered professional engineer retained by the City who is familiar with FEMA regulations that there is: a) compliance with the standards set forth in Section B3; and b) that those standards satisfy FEMA standards in effect at the time a legally sufficient application is submitted.

3. Any decision by the City to require additional engineering review under this Section C shall be neither arbitrary nor capricious.

D. Certification Defined. Certifications by licensed engineers required under the provisions of this section shall be those required from FEMA's National Flood Insurance Program as set forth in Title 44 of the Federal Code of Regulations, as now or hereafter amended. As of the date of adoption of this SMP, certifications involving the identification and mapping of special hazard areas and the mapping of areas protected by levees are currently specified in Title 44 Section CFR 65.2 as follows:

> *"For the purpose of this part [Part 65], a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. 'Certification of data' is a statement that the data is accurate to the best of*

the certifier's knowledge. 'Certification of analyses' is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. 'Certification of structural works' is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. 'Certification of "as built" conditions' is a statement that the structure(s) has/have been built according to the plans being certified, is/are in place, and is/are fully functioning.

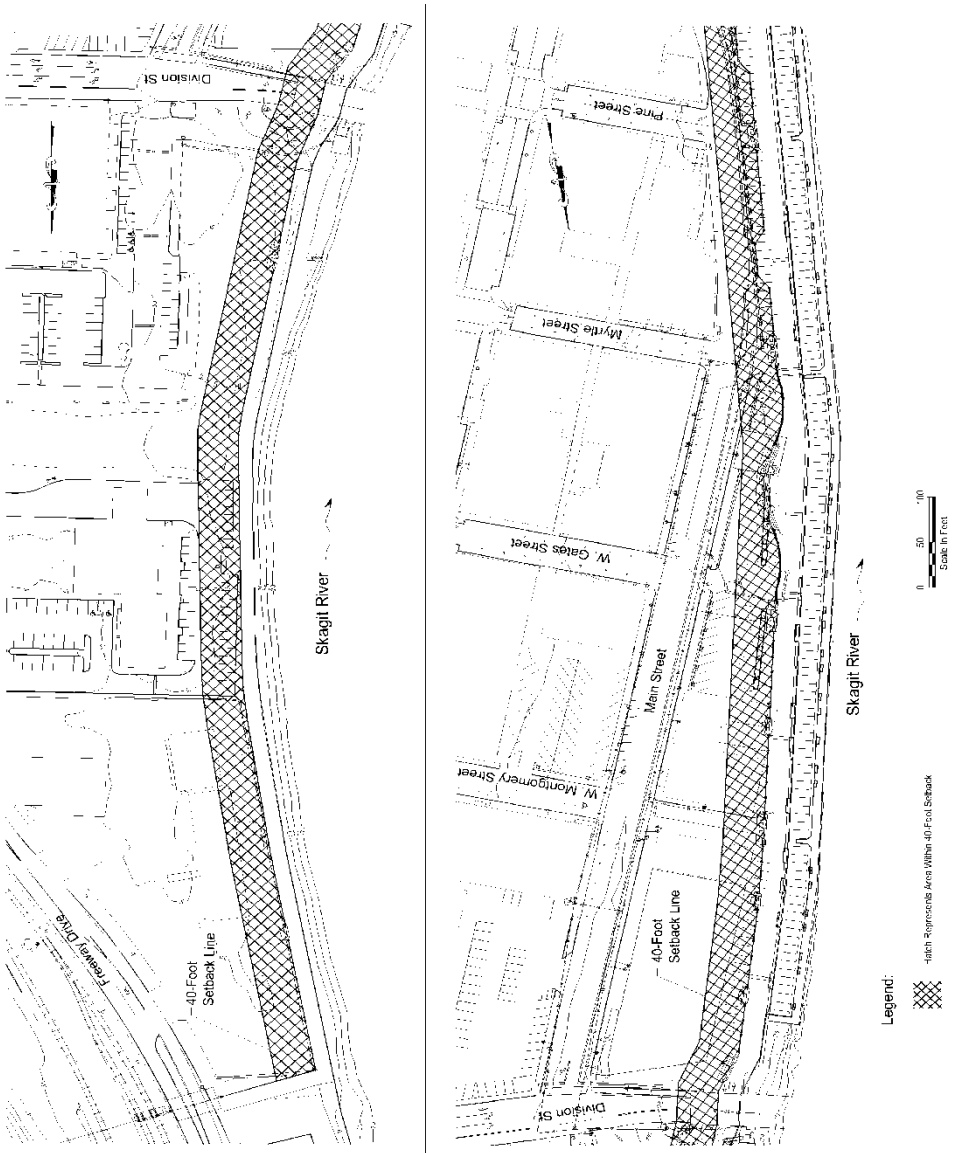
In the event the flood risk reduction measure is: i) not constructed or ii) does not receive a LOMR, the setback in this area shall be the same as in Note 10 (above). The setback at the Urban Mixed-use environmental designation at parcels P28950 and P28951 (approximately South First Street at Virginia Street) shall be the same is in Note 10 (above).

12. Determined by geotechnical analysis or Chapter 15.36 MVMC.
13. Breakwaters, jetties, groins, and weirs located waterward of the OHWM are allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose, such as fish and wildlife habitat enhancement. A conditional use permit shall be required, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in WAC 173-26-201(2)(e).
14. Use of dredge materials may be allowed only in conjunction with an approved habitat restoration project.
15. Residential, multi-family is only allowed in the Urban Mixed-use designation between parcel 26644 and parcel P26505, inclusively (Downtown Mount Vernon) and in the Urban Mixed-use designation located in West Mount Vernon.
16. If parking is within a structure, refer to Note 11, if surface parking without an associated structure, the setback is 0 feet from the toe of the landward side of the dike.

17. Established agricultural use may be maintained as a legal, non-conforming use. Development on agricultural land that does not meet the definition of agricultural activities, and the conversion of agricultural land to nonagricultural uses, shall be consistent with the environment designation, and the general and specific use regulations applicable to the proposed use and shall not result in a net loss of ecological functions associated with the shoreline.
18. Multi-family allowed above ground or at ground level, if not visible from the street, at 36 ~~76~~ or more units with a Conditional Use Permit (if in the C-1 District).
19. ~~Residential density,~~ The minimum and maximum residential density (as ~~if~~ applicable) is measured ~~per~~ in net dwelling units per acre (du/a), and in the Shoreline Residential environmental designations is as follows:

    R-A zone: 1.24 du/acre (minimum 35,000 sf lot ~~size~~)
    R-1, 3.0 zone: 3.23 du/acre (minimum 9,000 sf lot)
    R-1, 4.0 zone: 4.0 to 4.54 du/acre (minimum 7,500 sf lot)
    R-1, 5.0 zone: 4.0 to 5.73 du/acre (minimum 6,000 sf lot)
    R-1, 7.0 zone: 4.0 to 7.26 du/acre (minimum 4,500 sf lot)

    The above-listed minimum and maximum densities and minimum lot sizes can be deviated from when a development is permitted under Chapter 17.73 MVMC, Regulations to Encourage Affordable Housing.
20. Trails for pedestrians and non-motorized vehicles are permitted. There is no minimum setback for pedestrian and non-motorized vehicle trails.
21. For water-dependent commercial use in the Aquatic Environmental Designation, if an element of the project, i.e. pedestrian access, connects landward of the OHWM, Note 11 shall apply.



A BETTER, CLEARER COPY OF THIS MAP WILL BE INSERTED HERE IF IT CAN BE DIGITIZED

Figure ~~5~~ 6
Forty-foot Setback Area from Floodwall (north)
A full size version of this map is available at the ~~Community and Economic~~ Development Services Department.

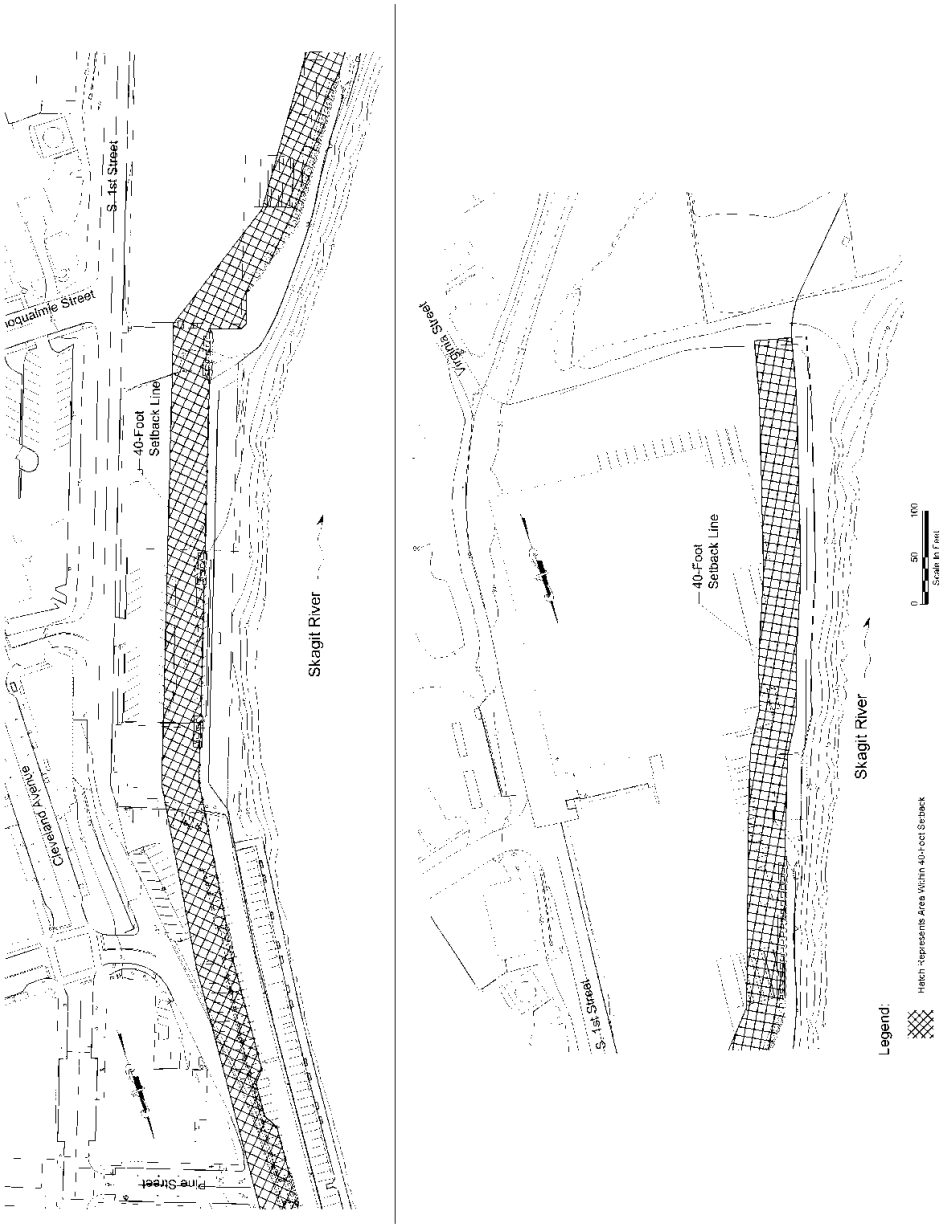


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Figure ~~6~~ 7
Forty-foot Setback Area from Floodwall (south)
A full size version of this map is available at the ~~Community & Economic~~ Development Services Department.

VI. GENERAL PROVISIONS

A. Policies and Regulations Applicable to all Shorelines

1. Applicability

   a. The goals listed in Section II of this Master Program provide broad guidance and direction and have been used by the City in developing the SMP policies.

   b. The goals and policies, taken together, constitute the Shoreline Element of the Mount Vernon Comprehensive Plan.

   c. The SMP policies are implemented by the regulations. The regulations describe the standards required for all shoreline uses and modifications in all environmental designations and are part of the Mount Vernon Municipal Code.

2. Policies

   ~~a. The Director of the Community and Economic Development~~ Services ~~Department will periodically initiate review of conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:~~

   ~~i. Water quality;~~

   ~~ii. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions);~~

   ~~iii. Upland vegetation;~~

   ~~iv. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices; and~~

   ~~v. Shoreline stabilization and modifications.~~

   a. Where appropriate, the ~~Community and Economic~~ Development Services Department will implement the policies of this Master Program in all land use activities, such as development permitting, public construction, and public health and safety. Specifically, such activities include, but are not limited to:

      i. Water quality and storm water management activities, including those outside shoreline jurisdiction, but affecting the shorelines of statewide significance;

      ii. Aquatic vegetation management;

      iii. Health and safety activities; and

      iv. Public works and utilities development.

   b. The ~~Community and Economic~~ Development Services Department will notify affected federal, state, county, and tribal governments through the Notice of Application process codified in MVMC Chapter 14.05 when shoreline permit

~~development~~ applications are processed that are not administrative (Type I) permits.. ~~submitted~~.

3. Regulations

   a. All proposed shoreline uses and developments, including those uses and developments that do not require a shoreline permit, shall conform to the provisions of the Shoreline Management Act, Chapter 90.58 RCW, as such provisions are implemented by the specific regulations of the Master Program applicable to such uses, as more fully described herein.

   b. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of the Master Program. Except as otherwise noted herein, all proposed shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.

   c. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or for a shoreline conditional use permit.

   d. Where regulations included in this Master Program appear to produce conflicting requirements, the shoreline regulations that are most consistent with the City's existing zoning requirements and its Comprehensive Plan shall be applied, absent clear and convincing evidence that application of such regulations would violate the provisions of the Shoreline Management Act, as expressed in RCW 90.58.020.

   e. See Administrative Provisions (Section III, above) for regulations pertaining to shoreline exemptions, variances, conditional uses, and nonconforming uses.

B. Archaeological and Historic Resources

1. Applicability

   The following provisions apply to archaeological and historic resources that are either recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP) or are revealed during the course of development or modification activity within the SMZ.

2. Policies

   Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

3. Regulations

   a. Archaeological sites located in the SMZ are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit), as well as the provisions of the Master Program.

b. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the ~~Community and Economic~~ Development Services Department if any sites or items of possible archaeological value are uncovered during excavation. In such cases, the developer shall be required to provide a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.

c. All shoreline permits and exemptions issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected tribes.

d. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office, and the DAHP of such a waiver.

e. Archaeological excavations may be permitted, subject to the provisions of this program.

C. Critical Areas

1. Applicability

a. Wetlands occurring in the City's shoreline jurisdiction, [Note: The City is not opting for the expansion of the shoreline jurisdiction to include critical area buffers, as provided for in RCW 90.58.030(2)(d)(ii)];

b. Delineated fish and wildlife habitat conservation areas are regulated by MVMC 15.40.080, "Fish and Wildlife Habitat Conservation Areas," has been incorporated into Appendix C – "Shoreline Critical Areas Regulations" ~~[Note: MVMC 15.40.080, "Fish and Wildlife Habitat Conservation Areas," adopted by Ord. 3444 Critical Areas Ordinance, as codified August 4, 2010.]~~ Within the Shoreline Management Zone, Lindegren Creek and Kulshan Creek, which are Type F streams; and,

c. The main stem of the Skagit River, which is designated an Aquatic Environment in section IV.D of this SMP, and provides the critical ecological function of fish passage to upstream spawning and rearing habitats.

d. The language adopted as part of this SMP has been reviewed and determined to meet the standard of no net loss of ecological functions.

2. Policies

In addition to the requirements of the General Provisions section, above, the following policies and regulations apply to all uses and development in areas of shoreline jurisdiction:

a. In implementing this Master Program, the ~~Community and Economic~~ Development Services Department will take necessary steps to ensure compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.

b. All significant adverse impacts to the shoreline should follow recommended mitigation sequencing provided for in the portion of Chapter 15.40 MVMC that is adopted by reference in Appendix C. ~~Appendix C – III. (G).~~

c. Applicable sections of the Critical Area Ordinance (CAO) pertaining to wetlands have been incorporated into the SMP and have been included as Appendix C, Shoreline Wetland Regulations.

d. If provisions of the Shoreline Wetland Regulations (Appendix C), and other parts of the Master Program seem to conflict, the regulations most directly implementing the objectives of the Shoreline Management Act, as determined by the ~~Community and Economic~~ Development Services Department, shall apply unless specifically stated otherwise.

e. In as much as the main stem of the Skagit River serves the critical function of fish passage, the SMP shall be applicable for the purposes of protection of this function by minimizing and avoiding any adverse impacts waterward of the ordinary high water mark.

3. Regulations

a. All project proposals that occur within the Shoreline Management Zone (see Figure 1), shall comply with Chapter 15.36 MVMC, Floodplain Management Standards and the provisions of this SMP.

b. All project proposals that involve alteration of wetlands within the SMZ must comply with Appendix C of the SMP, "Shoreline Wetland Regulations."

c. All project proposals that may alter fish and wildlife conservation areas shall comply with MVMC 15.40.080, Fish and Wildlife Habitat Conservation Areas, the complete text of which is contained in Appendix C ~~[Note: Ord. 3444 as codified August 4, 2010],~~ and the provisions of this SMP.

d. All project proposals shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.

D. Flood Hazard Reduction

1. Applicability

a. The provisions in this section apply to those areas within the SMZ lying along the Skagit River floodplain corridor and as identified on Federal Emergency Management Agency (FEMA) floodplain maps. The provisions in this section are intended to address two concerns especially relevant to river shorelines:

i. Protecting human safety and minimizing flood hazard to human activities and property; and

ii. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin.

2. Policies

   a. Implement a comprehensive program to manage the City's floodplain corridor that integrates the following City ordinances and activities:

      i. Regulations of the Master Program as codified in the MVMC;

      ii. The Floodplain Management Standards, Chapter 15.36 MVMC;

      iii. The development standards of the underlying zoning district;

      iv. The City stormwater management plan and implementing regulations;

      v. The City of Mount Vernon Downtown and Waterfront Master Plan;

      vi. City, County, and Dike District approved flood risk reduction measures; and

      vii. The City's participation in flood risk management programs, including the Federal Emergency Management Act and the Washington State Flood Control Assistance Account Program.

   b. In regulating development on shorelines within SMA jurisdiction, endeavor to achieve the following:

      i. Maintenance of human safety;

      ii. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes;

      iii. Protection of water quality and natural groundwater movement;

      iv. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain;

      v. Protection of existing legal uses unless the City determines, in the exercise of its reasonable discretion, that relocation of an existing, non-conforming use or structure is the only feasible option based on a written determination of the State Department of Ecology that such use presents a substantial and imminent hazard to the shoreline, and violates the requirements of the Shoreline Management Act; and

      vi. Protection of recreational resources and scenic values.

   c. Continue to undertake flood risk management planning in a coordinated manner with affected property owners, dike districts, and public agencies.

   d. In designing publicly financed or subsidized works, give consideration to providing public pedestrian access to the shoreline, particularly along the City's downtown waterfront.

3. Regulations

   a. New, structural, public flood risk management projects that are continuous in nature, such as dikes or levees, shall provide public access to the shoreline unless such access is not feasible or desirable according to the criteria in the Public Access section of the SMP.

b. Designs for flood hazard management and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers, geologists, and/or hydrologists who have expertise in local riverine processes.

c. Existing hydrological connections to the floodplain and associated wetlands shall be maintained where feasible.

d. Removal of gravel from the Skagit River for purposes of flood risk reduction is not allowed.

e. Uses that may be appropriate and/or necessarily located in the channel migration zone or floodway include uses delineated in WAC 173-26-221(3)(c)(i) when consistent with language elsewhere in the SMP.

E. Public Access

1. Applicability

a. Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing platforms, boat launches, and improved street ends.

b. The City has prepared the City of Mount Vernon Downtown and Waterfront Master Plan that, in part, is intended to increase public access to the shoreline. Existing and proposed trails and public access points are also shown on the trail network maps in the Mount Vernon Park, Recreation & Open Space Plan.

2. Policies

a. Public access should be considered in the review of all private and public developments with the exception of the following:

i. Residential developments of four or fewer lots;

ii. Accessory use to a primary permitted use in the Urban Mixed-use Designation; or

iii. Where deemed inappropriate due to health, safety, and environmental concerns.

b. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's right to access the water or the rights of navigation.

c. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.

d. Opportunities for public access should be identified on publicly-owned shorelines.

e. Public access should be designed to provide for public safety and comfort and to ensure no adverse impacts on adjoining private property and the individual privacy of such property owners. Where public access is provided, a physical barrier or other means of separation should be utilized that clearly delineates

public and private space, and which will discourage trespass onto adjoining private property.

f. Views from the upland areas adjacent to the shoreline should be enhanced and preserved to the extent practical and where they do not conflict with other goals and provisions of the Master Program. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.

g. Development projects should demonstrate that views from public properties, public streets, and/or a significant number of residences are not adversely impacted.

h. Public access and interpretive displays should be provided as part of publicly-funded restoration projects where significant adverse ecological impacts can be avoided.

i. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible, except in those cases where such access has already been provided due to the prior acquisition by the City of property from the applicant (or the applicant's predecessor) to provide public access as part of the City's flood risk reduction project.

j. The acquisition of suitable upland properties to provide access to publicly-owned shorelands should be encouraged where feasible and practical.

3. Regulations

a. Except as provided in regulations 'b' and 'c' below, shoreline substantial developments and/or shoreline conditional uses shall provide public access where any of the following conditions are present:

i. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact;

ii. Where a development or use will interfere with existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses;

iii. Where a use that is not a priority shoreline use under the Shoreline Management Act locates on a shoreline of statewide significance, the use or development shall provide public access to mitigate this impact;

iv. Where a use or development will interfere with a public use of lands or waters subject to the Public Trust Doctrine, the development shall provide public access to mitigate this impact; or

v. Where the development is proposed by a public entity or on public lands.

b. An applicant need not provide public access where the ~~Community and Economic~~ Development Services Department determines that one or more of the following conditions apply:

i. Residential developments of four or fewer lots;

ii. The new use is accessory to an existing primary permitted use

iii. The City's adopted Park, Recreation & Open Space Plan indicates that public access is not required;

iv. If access were provided, unavoidable health or safety hazards to the public would exist that cannot be prevented by any practical means;

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

vi. The cost, as determined by the ~~Community and Economic~~ Development Services Department, of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;

vii. Significant ecological impacts would result from the public access that cannot be mitigated;

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

ix. Public access requirements have already been satisfied via prior transfer of property rights to the City by the applicant, or the applicant's predecessor in interest, which property rights have been or will be used, to provide public access to the Skagit River as part of the City's flood risk reduction project.

c. ~~In order to~~ To meet any of the conditions 'i' through 'ix' above, the applicant must first demonstrate, and the ~~Community and Economic~~ Development Services Department determine in its findings, that all reasonable alternatives have been exhausted, including, but not limited to:

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

ii. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and

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

d. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished.

e. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.

f. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition of approval of the authorized land use, in perpetuity.

g. Minimum width of public access easements shall be 20 feet, unless the City determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.

h. Approved signs that indicate the public's right of access and hours of access shall be installed, and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.

i. Future actions by the successors in interest or other parties shall not diminish the usefulness or value of the public access provided.

j. Public access shall be required for all shoreline development by public entities, including the City of Mount Vernon, Port District, county and state agencies, and public utility districts, unless the public access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

k. Public access improvements shall be designed to prevent interference with the Dike Districts' ability to prevent flooding.

F. Signage

1. Applicability

The following provisions apply to any commercial advertising or non-commercial information sign within the SMZ directing attention to a place, business, professional service, or community event to be held, conducted, or sold either on- or off-premises.

2. Policies

a. Signs should be designed and placed so that they are compatible with the scenic quality of the existing shoreline and adjacent land and water uses.

b. Signs should not block or otherwise interfere with visual access to the water or shore lands.

3. Regulations

a. Regulations are to be used in conjunction with Chapter 17.87 MVMC, "Signs," however, the regulations outlined below shall control in the case of a conflict between the two.

b. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline.

c. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.

d. Light from signs shall be directed to prevent light spillage onto water surfaces.

e. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height, from existing average grade. When feasible, signs shall be flush-mounted against existing buildings.

f. Temporary or obsolete signs shall be removed within 10 days of elections, closures of business, or termination of any other function.

g. No signs shall be placed in a required view corridor.

h. Allowable Signs: The following types of signs may be allowed in all shoreline environments and view corridors:

   i. Water navigational signs and highway and railroad signs necessary for operation, safety, and direction.

   ii. Public information signs directly relating to a shoreline use or activity.

   iii. Off-premise, free-standing signs for community identification, information, or directional purposes.

   iv. National, site, and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.

   v. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.

i. Prohibited Signs: The following types of signs are prohibited:

   i. Commercial signs for products, services, or facilities located off-site, except way-finding signs as authorized by the City or state.

   ii. Signs placed on trees or other natural features.

   iii. Signs placed on utility poles or light standards, except as may be allowed under "h" above.

   iv. Over-water signs and signs on floats or pilings, except those providing navigational information/safety, directional, and/or public information.

G. Accessory Utilities

1. Applicability

   Accessory utilities that provide small-scale distribution services connected directly to uses along the shoreline. Accessory utilities concern all types of development and have the potential to impact the quality of the shoreline and its waters.

2. Policies

   a. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation.

   b. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible.

   c. When utility lines require a shoreline location, they should be placed underground.

   d. Accessory utility facilities should be designed and located in a manner that preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

3. Regulations

   a. In shoreline areas, accessory utility transmission lines, pipelines, and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing or alternate routes.

   b. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple use of sites and rights-of-way. Such uses include shoreline access points and trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.

   c. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.

   d. Utility discharges and outfalls should be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.

H. Vegetation Conservation

1. Applicability

   a. The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit, except as noted herein. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities.

   b. Management of vegetation as a function of flood risk reduction structure maintenance shall comply with standards of the Rehabilitation and Inspection Program for non-federal levees conducted by the U.S. Army Corps of Engineers or other agencies with jurisdiction over such structures.

2. Policies

   a. Vegetation within the City shoreline areas, waterward of dikes and levees or where no such structures exist, should be restored or enhanced over time to provide a greater level of ecological functioning, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of the Master Program, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in the Shoreline Inventory and Characterization Report of the SMP (Appendix A).

   b. The Master Program, in conjunction with other City of Mount Vernon development regulations, should establish a coordinated and effective set of provisions and programs to protect and restore functions provided by shoreline vegetation.

c. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weeds.

3. Regulations

a. All development, including clearing and grading, shall minimize vegetation removal in areas of shoreline jurisdiction to that necessary to accommodate the proposed development. ~~In order to~~ To implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within areas of shoreline jurisdiction waterward of dikes and levees must provide, as a part of a Substantial Development Permit application or a shoreline exemption certificate application, a site plan drawn to scale, indicating existing and proposed land contours, dimensions and locations of all existing and proposed structures and improvements, a general indication of the character of vegetation found on the site, and the extent of proposed clearing and/or grading. (WAC173-27-180(9)) The City may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions. Note that this provision does not apply to the removal of noxious and invasive plant species.

b. Vegetation restoration of disturbed shorelines waterward of dikes and levees shall use diverse native plant material similar to, or better than that which originally occurred on-site, unless the City finds that such material is not appropriate.

c. A condition of all development shall be that those shorelands on the site not occupied by structures, landscaping, accessory uses, or other areas dedicated to human activities shall be revegetated with native vegetation, to the extent reasonably practicable given the applicable shoreline conditions and the likelihood of long term survival of such vegetation if it is reintroduced; except that such revegetation is not required landward of a flood risk reduction structure.

d. The enhancement of vegetation shall be a condition of all development in the shoreline environments, except where the City finds that:

i. Vegetation enhancement is not feasible on the project site or necessary, due to location landward of dikes and levees.

ii. The restoration of ecological processes and functions can be better achieved through other measures.

iii. Sufficient native vegetation already exists

e. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable federal, state and City laws and standards.

f. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens shall be considered normal maintenance and repair

and, therefore, exempt from the requirement to obtain a shoreline substantial development permit.

g. Use of U.S. EPA approved herbicides to control aquatic weeds shall be prohibited, except where no reasonable alternative exists and weed control is demonstrated to be in the public interest. A conditional use permit shall be required in such case.

h. Selective pruning of trees for purposes of safety and protection of public views of the river is allowed, provided such pruning is the minimum necessary.

I. Water Quality

1. Applicability

The following section applies to all development and uses in areas of shoreline jurisdiction that may affect water quality.

2. Policies

~~a.~~ All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of the chemical, physical, and/or biological characteristics of waters/wetland systems. ~~water quality, quantity, or hydrologic conditions. y.~~

b. The City should require reasonable setbacks, buffers, stormwater storage and, where appropriate, encourage low impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.

c. All measures for controlling erosion, stream flow rates, or flood waters through the use of flood risk reduction works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade existing water quality.

d. As a general policy, the City should seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within the SMZ.

e. The City should implement the most recently adopted Washington Department of Ecology Stormwater Design Manual.

f. All measures for the treatment of runoff for the purpose of maintaining and/or enhancing water quality should be completed on-site before shoreline development impacts waters off-site.

3. Regulations

a. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that the receiving water quality and shoreline properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, and planted buffers.

b. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with the Master Program.

VII. SHORELINE USE POLICIES AND REGULATIONS

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they may occur within the SMZ. All uses and development must be consistent with the provisions of the environmental designation in which they are located and the general regulations of the Master Program.

B. General Use Policies

1. The ~~Community and Economic~~ Development Services Department will give preference to those uses that control pollution and prevent damage to the natural environment, or are unique to or dependent upon uses of the state's shorelines.
2. The ~~Community and Economic~~ Development Services Department will ensure that all proposed shoreline development will not diminish the public health, safety, and welfare, as well as the land or its vegetation and wildlife, and will endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
3. The City will reduce use conflicts by prohibiting or applying special conditions to those uses that are not consistent with the control of pollution and prevention of damage to the existing natural environment. In implementing this provision, preference will be given first to water-dependent uses then to water-related uses and water-enjoyment uses.
4. At the time of adoption of the SMP, there are no water-dependent or water-related commercial, transportation, or industrial land uses on the City's shorelines and the extensive nature of flood risk reduction structures, their location relative to the shoreline, and the limited navigability of the Skagit River essentially preclude the development of such uses. It is the City's policy to continue to allow non-water-oriented uses landward of flood risk reduction structures within the Shoreline Residential and Urban Mixed-use environmental designation consistent with the Mount Vernon Comprehensive Plan, Downtown and Waterfront Master Plan, and the provisions of this SMP.

C. Mixed-Use Development

1. Applicability

   For the purposes of this Master Program, mixed-use development means the combining of more than one use that might otherwise be separated by different zoning classifications, into a single development.

2. Policies

   a. Mixed-use commercial projects that include two or more business or residential uses, public access, open space, and recreation should be encouraged in the Urban Mixed-use Environment consistent with the City of Mount Vernon Comprehensive Plan and Downtown and Waterfront Master Plan.

b. Public access, open space, and recreation should be encouraged in the Urban Mixed-use Environment consistent with the City of Mount Vernon Comprehensive Plan and Downtown and Waterfront Master Plan.

c. Although direct physical access to the water may be limited in the Urban Mixed-use developments, water enjoyment in the form of views should be encouraged.

3. Regulations

a. Uses may include retail and other commercial businesses, professional offices, hotels, restaurants, personal services, recreational uses, cultural resources, open space, and above ground level residential uses.

b. Shared parking facilities are encouraged and parking may be off-site, as per Chapter 17.84 MVMC. Parking should be in multi-level structures as accessory uses.

c. Circulation, outdoor storage, waste and recycling collection areas, and loading areas should be properly sized, located, and designed so that public safety and scenic values are not negatively impacted.

D. Commercial Development

1. Applicability

a. Commercial development means those uses that are involved in business trade including, but are not limited to occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, and privately operated recreational uses.

b. Privately operated water-dependent uses for recreation or entertainment, such as sight-seeing boats or other passenger-carrying water craft, are considered commercial uses for the purposes of the SMP.

c. At the time of adoption of the SMP, existing commercial uses in the SMZ consist of non-water-oriented uses.

d. Piers and docks, bulkheads, shoreline stabilization, flood risk management measures, and other shoreline modifications are sometimes associated with commercial development and are subject to shoreline modification regulations, in addition to the standards for commercial development established herein.

2. Policies

a. New commercial development on shorelines should be encouraged to locate in those areas with existing commercial uses and in a manner that will minimize sprawl and the inefficient use of shoreline areas.

b. Commercial development should be encouraged to utilize existing transportation corridors and minimize the number of ingress/egress points. Ingress/egress should be designed to minimize potential conflicts with and impact on regular corridor traffic.

c. Multiple use concepts, which include open space and recreation, should be encouraged in commercial developments.

d. Commercial development should be visually compatible with the surrounding area.

e. Structures should not significantly impact existing views of the aquatic zone from upland properties or from public roadways and other public areas.

3. Regulations

a. The ~~Community and Economic~~ Development Services Department shall require and utilize the following information in its review of commercial development proposals:

i. The nature of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented), including an accounting of specific shoreline use components;

ii. The economic and land use justification for a shoreline location;

iii. Design measures to take advantage of the proposed location;

iv. Provisions for public visual and/or physical access to the shoreline;

v. Provisions to ensure that the development will not cause significant adverse environmental impacts;

vi. Layout, size, height, materials, colors, and general appearance, including massing, bulk, and relative scale of all proposed structures;

vii. Pedestrian and vehicular circulation, public access, site furniture and other features, pavement, landscaping, view corridors; and

viii. For mixed-use proposals, the mix of water-oriented and non-water-oriented uses and activities, structure locations, site design, massing and bulk considerations, enhancements for physical and/or visual public access to the shoreline (both public and private space), and other design measures that address the goals and policies of the Master Program.

b. Non-water-oriented commercial developments shall be permitted in accordance with the provisions of the Master Program, where at least two of the following three criteria are satisfied:

i. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, applicable zoning code restrictions, incompatible surrounding land uses, physical features, or the site's separation from the water (such as separation by the City's proposed flood wall along the Skagit River);

ii. The proposed development does not displace existing, authorized water-oriented uses;

iii. The proposed development will be of appreciable public benefit by improving or providing public use, enjoyment, or access to the shoreline.

c. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the area's visual qualities. To this end, the ~~Community and Economic~~ Development Services Department may adjust the

project dimensions and/or prescribe operation intensity and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

d. Non-water-dependent commercial development shall be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.

e. All new commercial development and redevelopment proposals will be reviewed by the ~~Community and Economic~~ Development Services Department for ecological restoration and public access opportunities where practical and feasible. When restoration and/or public access plans indicate opportunities exist, the ~~Community and Economic~~ Development Services Department may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

f. All commercial loading and service areas shall be located on the upland side of the commercial activities, or provisions must be made to set back and screen the loading and service area from the shoreline and water body.

g. New commercial development is prohibited in all shoreline environments, except in the Urban Mixed-use environment and water-dependent uses in the Aquatic environment.

E. Industrial Development

1. Applicability

a. The City believes that future industrial development is unlikely along the Skagit River shoreline and encourages the redevelopment of existing industrial sites to mixed-uses compatible with its Comprehensive Plan., The City acknowledges, however, that some non-water-oriented, limited light industrial-type reprocessing activities currently exist, and are likely to continue, and new water-dependent and/or water-oriented industrial uses may be proposed in the future.

b. Industrial uses include facilities for processing, manufacturing and storing finished or semi-finished goods.

2. Policies

a. Expansion, replacement, or redevelopment of existing legally established industrial uses, facilities, and services should be encouraged over the addition of new industrial facilities.

b. Joint use of parking and other accessory facilities among private or public entities should be required or strongly encouraged in waterfront industrial areas.

c. Ecological restoration should be a condition of redevelopment of existing industrial uses where practical.

3. Regulations

a. Existing non-water-oriented industrial uses may be repaired, reconstructed, or expanded, provided the ~~Community and Economic~~ Development Services Department determines that there will be no material further reduction in

existing on-site ecological functions directly caused by such use. In the event the Development Services Department ~~CEDD~~ determines that (i) a material reduction in existing ecological functions may occur from the repair, reconstruction or expansion of existing industrial uses, and (ii) that it is not technically or economically feasible for the property owner to mitigate such losses, the property owner shall be given the opportunity to provide roughly commensurate, off-setting ecological function benefits at an alternate site along the affected shoreline, and thereby retain its existing industrial use rights.

b. The amount of impervious surface shall be the minimum necessary to provide for the intended use.

c. Water-oriented industry, should such use locate on the shoreline in the future, shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and channel maintenance activities.

d. Storage and/or disposal of industrial wastes are prohibited within the SMZ.

e. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water and optimum means shall be employed for prompt and effective cleanup of those spills that do occur.

f. Display and other exterior lighting shall be designed, shielded, and operated to minimize glare, avoid illuminating nearby properties, prevent light spillage onto water surfaces, and prevent hazards for public traffic.

g. Stormwater BMPs shall be followed (see the City's stormwater management ordinance).

h. New industrial development is prohibited in all shoreline environments except Urban Mixed-use.

i. Where industrial development is allowed, it shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions such that it does not have significant adverse impacts to other shoreline resources and values.

j. New and redeveloped industrial uses shall provide for shoreline public access, unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property

k. New non-water-oriented industrial development shall be prohibited within shoreline jurisdiction except when:

   i. The use is located in the Urban Mixed-use environment, and

   ii. The use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and ecological restoration.

F. Recreational Development

1. Applicability

a. Recreational development includes public and private (commercial) facilities for passive recreational activities such as hiking, fishing, photography, viewing, and bird-watching. It also includes facilities for active or more intensive uses, such as parks with sports facilities, and other outdoor recreation areas.

b. This section applies to both public and privately-owned shoreline facilities intended for use by the public or private club, group, association or individual.

2. Policies

a. Shoreline recreational development should be given priority and should be primarily related to access, enjoyment, and use of the water and shorelines.

b. The coordination of local, state, and federal recreation planning should meet projected demand by anticipating future levels of service. Shoreline recreational developments should be consistent with the City's Park, Recreation & Open Space Plan.

c. Recreational developments and plans should promote the primacy of preserving the natural character, resources, and ecological functions and processes of shoreline environments.

d. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.

e. Water-dependent recreational uses, such as fishing, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking. Water-enjoyment uses should have priority over non-water-oriented recreational uses, such as baseball or soccer.

f. The linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking trails, bicycle paths, and easements should be encouraged.

g. Recreational facilities should be integrated with public access systems.

3. Regulations

a. Non-water-oriented recreational developments may be permitted only where it can be demonstrated that:

i. A water-oriented use is not reasonably expected to locate on the proposed site due to topography and/or other physical features, surrounding land uses, or the site's separation from the water.

ii. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.

iii. The proposed use will be of appreciable public benefit by increasing ecological functions together with public use, enjoyment, or access to the shoreline.

b. Accessory structures and parking associated with recreational uses shall not be located in the SMZ unless the City determines there is no other feasible option.

c. All new recreational development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or

public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

d. All new non-water-oriented recreational development, where allowed, shall be conditioned with the requirement to provide public access and ecological restoration where practical.

e. Recreation facilities shall demonstrate that they are located, designed and operated in a manner consistent with the purpose of the environmental designation in which they are located and will result in no net loss of shoreline ecological functions or ecosystem-wide processes.

G. Residential Development

1. Applicability

a. The Shoreline Management Act identifies single-family residences as a priority use when (and only when) developed in a manner consistent with the control of pollution and prevention of damage to the natural environment. Although some owner-occupied, single-family residences are exempt from the substantial development permit process, they still must comply with all of the provisions of the Master Program. Subdivisions and short subdivisions must also comply with all of the provisions of this section and the Master Program. All development is subject to the variance and conditional use requirements and permit processes, when indicated.

b. Existing single-family residential development along the shoreline is limited in extent and is primarily located ~~only~~ at the City's north end between the Riverside Bridge and Lindegren Creek. The majority of these residential lots, those between the Riverside and railroad bridges, are separated from the river by dikes.

2. Policies

a. Recognizing the single-purpose, irreversible, and space-consumptive nature of single-family, detached residential development in the SMZ, new development of this type should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, to protect and restore ecological functions and ecosystem-wide processes where feasible, to preserve views, and to minimize use conflicts.

b. New residential development should be designed so as to not cause significant ecological impacts or significant adverse impacts to shoreline characteristics, public access and views, and to improve public use of the shoreline and the water.

c. Multi-family and single-family attached residential development should be designed to take advantage of public access opportunities to the shoreline, including joint use for community recreation facilities, provided such access does not conflict with residential privacy, and does not present a life safety or security issue.

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

3. Regulations

a. Over-water residences and floating homes are prohibited.

b. Multi-family and single-family attached residential are allowed where identified as permitted uses in the underlying zoning district, providing public access shall be a requirement for new multi-family residential development and for subdivision of land for more than four parcels, except when there are demonstrated security and/or life safety issues consistent with the Public Access section of this Master Program.

c. The creation of new lots shall be prohibited unless all of the following can be demonstrated.

i. A primary residence can be built on each new lot without any of the following being necessary:

a) New structural shoreline stabilization;

b) New structures in the required shoreline setback, geologically hazardous areas, wetland, required wetland buffer, critical habitat, or critical habitat buffer;

c) Causing significant erosion or reduction in slope stability; and

d) Causing increased flood risk or erosion in the new development or to other properties.

ii. Adequate sewer, water, access, and utilities can be provided.

iii. The intensity and type of development is consistent with the Comprehensive Plan and development regulations.

iv. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions.

H. Utilities

1. Applicability

a. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, natural gas, water, sewage, solid waste, telecommunications, etc.

b. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities, and wireless telecommunications.

2. Policies

a. New utility facilities should be located so as not to require extensive shoreline protection works.

b. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.

c. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

3. Regulations

a. Applications for new or expanded utility facility development in areas of shoreline jurisdiction shall include the following:

i. Demonstration of the need for the facility;

ii. An analysis of alternative alignments or routes including, where feasible, alignments or routes outside the SMZ;

iii. An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes or locations;

iv. Description of construction, including location, construction type, and materials;

v. Location of other utility facilities in the vicinity of the proposed project and plans to include the facilities of other types of utilities in the project;

vi. Plans for reclamation of areas disturbed during construction;

vii. Plans for control of erosion and turbidity during construction and operation; and

viii. Identification of potential for locating the proposed facility at an existing utility facility site or within an existing utility right-of-way.

b. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The ~~Community and Economic~~ Development Services Department may require the relocation or redesign of proposed utility development ~~in order~~ to ensure no net loss of ecological functions.

c. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the SMZ where feasible.

d. Utilities should be located in existing rights-of-way and corridors whenever possible.

e. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.

f. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility

operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

g. Existing above-ground lines shall be moved underground during normal replacement processes.

h. 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.

i. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition or better.

j. Wireless telecommunication towers, such as radio and cell phone towers, are specifically prohibited in the SMZ.

I. In-Stream Structures

1. Applicability

a. In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment, ~~or~~ diversion or deflection, obstruction, or modification of water flow.

b. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood risk reduction, transportation, utility service transmission, fish habitat enhancement, or other purpose. (WAC 173-26-241(3)(g))

c. This section is applicable to both the structures themselves and their support facilities and applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.

2. Policies

a. In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, hydrologic ~~geologic~~ processes, and natural scenic vistas.

b. ~~Within the City of Mount Vernon,~~ In-stream structures should be allowed only for the purposes of environmental restoration and maintaining the existing bridges crossing the Skagit River. Stormwater management facilities, such as flood gates and culverts, can be permitted in cases where the City finds these facilities are necessary, essential, and there are no other less impactful means, methods or facilities that can be used/installed.

3. Regulations

a. Unless specifically allowed elsewhere in the SMP, in-stream structures are permitted only for the purposes of environmental restoration and bridge maintenance.

b. In-stream structures may be required to provide public access, if public access improvements do not create significant ecological impacts or other adverse

environmental impacts to and along the affected shoreline or create a safety hazard to the public.

c. Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities.

d. In-stream structures shall be designed and constructed to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, hydrogeologic processes, and natural scenic vistas.

J. Agriculture

1. Applicability

a. Agriculture includes, but is not limited to, the production of horticultural, vinicultural, floricultural, livestock, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees; the operation and maintenance of farm and stock ponds, drainage ditches, or irrigation systems; normal crop rotation and crop change; and the normal maintenance and repair of existing structures, facilities, and lands currently under production or cultivation. Excluded are agricultural processing facilities. ~~industries.~~

b. Uses and shoreline modifications associated with agriculture that are identified as separate use activities in this program, such as industry, shoreline stabilization, and flood risk management, are subject to the regulations established for those uses in addition to the standards established in this section.

2. Policies

a. ~~A~~ ~~The minimum~~ Vegetative buffers ~~allowed under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C~~ should be maintained between agricultural lands and water bodies or wetlands ~~in order~~ to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood risk, and maintain habitat for fish and wildlife.

b. Animal feeding operations, retention and storage ponds associated with agricultural activities, and feedlot waste and manure storage should be located out of the SMZ and constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.

c. Appropriate farm management techniques and new development construction should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.

d. Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration as required under MVMC 15.40.080(D)(4), 15.40.090(E)(3), and 15.40.110(E)(2)(b) and (c) the complete text of which is contained in Appendix C.

3. Regulations

a. Agricultural uses are allowed in the Urban Conservancy environment as a permitted use.

b. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this Master Program.

c. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within the SMZ.

d. A buffer of natural or planted native vegetation shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The City will determine the extent and composition of the buffer when the application for a permit or letter of exemption is submitted. The minimum vegetative buffer allowed is defined under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C.

e. Stream banks and water bodies shall be protected from damage due to concentration and overgrazing of livestock by providing the following:

   i. Suitable bridges, culverts, or ramps for stock crossing.

   ii. Ample supplies of clean fresh water in tanks on dry land for stock watering.

   iii. Fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation.

f. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

g. Agricultural chemicals shall be applied in a manner that prevents the direct runoff of chemical-laden waters into water bodies or aquifer recharge areas.

h. The creation of new agricultural lands by diking, draining, or filling channel migration zones and associated wetlands shall be prohibited.

K. Transportation

1. Applicability

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

   b. The policies and regulations identified in this section pertain to any project, within any environment, that proposes to change existing transportation facilities or introduce new such facilities.

2. Policies

   a. Circulation routes to and on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate.

   b. Circulation systems should support existing and proposed shoreline uses that are consistent with the Master Program.

c. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.

d. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

e. Abandoned or unused road or railroad rights-of-way that offer opportunities for public access to the water should be acquired and/or retained for such use.

3. Regulations

a. Applications for redevelopment of transportation facilities in the SMZ shall include the following information:

i. Demonstration of the need for the facility.

ii. An analysis of alternative alignments or routes including, where feasible, alignments or routes outside the SMZ.

iii. An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes.

iv. Description of construction, including location, construction type, and materials.

v. If needed, description of mitigation and restoration measures.

b. All new and expanded transportation facilities development shall be conditioned with the requirement to mitigate significant adverse impacts consistent with this Master Program.

c. All redeveloped transportation facilities in the SMZ shall be consistent with the Comprehensive Plan and applicable Capital Improvement Plans.

d. Redeveloped transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the City.

e. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the Master Program.

f. Redeveloped transportation facilities shall not diminish, but may modify public access to the shoreline.

g. Parking is only allowed in support of an allowed use.

VIII. SHORELINE MODIFICATION PROVISIONS

A. Introduction

1. Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet.

2. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, docks, and floats. Actions such as clearing, grading,

land filling, and dredging are also considered shoreline modifications. Generally, shoreline modification activities are undertaken for the following reasons:

a. To prepare a site for a shoreline use

b. To provide shoreline stabilization or shoreline protection

c. To support developed upland areas.

3. The policies and regulations in this section are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. This chapter provides policies and regulations for shoreline modification features including shoreline stabilization measures, flood hazard reduction, piers and docks, dredging, fill, and shoreline restoration.

B. General Policies and Regulations

1. Applicability

   The following provisions apply to all shoreline modification activities, whether such proposals address a single property or multiple properties.

2. Policies

   a. Structural shoreline modifications should be limited in number and extent and allowed only where they are demonstrated to be necessary to support or protect existing development and uses that are in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

   b. The ~~Community and Economic~~ Development Services Department should ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and by requiring mitigation of identified impacts resulting from shoreline modifications.

   c. Where applicable, the ~~Community and Economic~~ Development Services Department should require provisions be based on "best available science," scientific and technical information, and a comprehensive analysis of site specific conditions for river and stream systems.

   d. Ecological functions impaired by development activities should be enhanced and/or restored where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, the ~~Community and Economic~~ Development Services Department should incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

   e. When shoreline modifications are necessary, they should be as compatible as possible with ecological shoreline processes and functions.

3. Regulations

a. In reviewing shoreline permits, the ~~Community and Economic~~ Development Services Department shall require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e) (Environmental Impact Mitigation).

b. In areas where the river system is not constrained by existing flood risk reduction structures, structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose. Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation, and vegetation enhancement.

c. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.

d. In addition to the permit information required by WAC 173-27-190 (Permits for Substantial Development, Conditional Use, or Variance), the City shall require and consider the following information when reviewing shoreline modification proposals:

   i. Construction materials and methods;

   ii. Project location relative to the ordinary high water mark;

   iii. General direction and speed of prevailing winds;

   iv. Profile rendition of beach and uplands;

   v. Upland soil type, slope, and material;

   vi. Physical or geologic stability of uplands; and

   vii. Potential impact to natural shoreline processes, adjacent properties, and upland stability.

e. Shoreline modification materials shall be only those approved by applicable state agencies. No toxic (e.g. creosote) or quickly degradable materials, or those that deteriorate under ultraviolet exposure (plastic or fiberglass) shall be used.

f. Only shoreline activities that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed shall be allowed.

C. Shoreline Stabilization (Including Flood Hazard Reduction)

1. Applicability

a. Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures caused by natural processes, such as current, flood, wind, or wave action. These include both nonstructural and structural methods.

b. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.

c. In Mount Vernon dikes and levees are the primary form of structural shoreline stabilization. The dike system has been in place since the nineteenth century and will continue to be a permanent feature of the City's shoreline areas. These

flood risk management structures are necessary for the protection of developed areas of the City and to further the goals and polices of the Mount Vernon Downtown and Waterfront Master Plan and the Comprehensive Plan.

d. WAC 173-27-040(2)(b) (Developments Exempt from Substantial Development Permit Requirement) defines normal replacement and repair of existing structures and notes that normal maintenance and repair actions are not exempt from substantial development permits if they are anticipated to "cause substantial adverse effects to shoreline resources or the environment."

2. Policies

a. Shoreline stabilization and flood risk management measures would be allowed only when adequate evidence is presented that one of the following conditions exist:

i. High water or erosion threatens public works and properties, including roads, bridges, railroads, and utility systems.

ii. High water or significant erosion damages or threatens existing homes and residential areas.

iii. High water or significant erosion damages or threatens to damage existing commercial and industrial uses and developments.

b. Dikes, levees, revetments and other flood risk reduction structures should be designed and constructed primarily as a means to minimize damage to existing development. [Note: To effectively protect urban areas, a levee system must be far-reaching in its design and location. It is also important to protect major transportation corridors, i.e. railroad lines and the interstate highway system.]

c. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

3. Regulations

a. New or replacement structural shoreline stabilization measures are allowed when part of approved flood risk management measures.

b. Shoreline stabilization measures along the shoreline that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed.

c. Repair of existing shoreline stabilization measures is allowed.

d. No work may commence without the responsible person or agency having obtained either a shoreline permit or statement of exemption from the ~~Community and Economic~~ Development Services Department.

e. Flood risk reduction structures shall conform to all City, state, and federal policies and regulations including the U.S. Army Corps of Engineers criteria for design.

f. The City may require and utilize the following information, in addition to the standard permit information required by WAC 173-27 (Shoreline Management

Permit and Enforcement Procedures), in its review of all bioengineering projects:

i. Proposed construction timing;

ii. Hydrologic analysis, including predicted flood flows;

iii. Site vegetation, soil types, and slope stability analysis;

iv. Proposed project materials, including rock size, shape, and quantity; plant types; and soil preparation;

v. Existing and proposed slope profiles, including location of OHWM;

vi. Proposed designs for transition areas between the project site and adjacent properties; and

vii. Documentation (including photographs) of existing (preconstruction) shoreline characteristics.

g. Bioengineering projects shall use native trees, shrubs, and/or grasses, unless such an approach is infeasible. The City will review and approve all proposed changes from native plantings on a case-by-case basis.

h. Cleared areas shall be replanted within 30 days following completion of construction. Vegetation shall be fully reestablished within three years. The CEDD shall monitor such areas twice yearly in the early Spring and in Autumn at the end of the growing season. Areas that fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.

i. All bioengineering projects shall include a program for monitoring and maintenance.

j. All stabilization projects must comply with the Clean Water Act and the Endangered Species Act.

k. No structures will be permitted or constructed without consulting with all local flood agencies (i.e. City of Mount Vernon, Dike Districts, and Skagit County).

l. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need, although the structure shall be the minimum size necessary.

D. Boating Facilities - Piers and Docks

1. Applicability

a. At the time of adoption of the SMP, boating facilities in Mount Vernon consist of piers and docks that abut the shoreline and are used as a landing or moorage place for small water craft. Piers are built on fixed platforms above the water, while docks float upon the water. In Mount Vernon, the few existing multiple slip piers and docks are utilized for recreational purposes (e.g. private angling club facilities).

b. The beds and shores (aquatic lands) of all navigable waters in the state, except those sold according to law, are under the ownership of the State of Washington. Prior authorization for their use must be obtained from the Department of Natural Resources.

2. Policies

   a. Pier and dock construction should be restricted to the minimum size necessary to meet the needs of the proposed use.

   b. Multiple-use and expansion of legally existing piers, wharves, and docks should be encouraged over the addition of new facilities. Joint-use facilities are preferred over new single-use piers, docks, and floats.

   c. Piers and docks should be sited and designed to avoid or minimize potentially significant ecological impacts, including impacts on sediment movement, water circulation and quality, and fish and wildlife habitat.

   d. The proposed size of the structure and intensity of use or uses of any pier or dock should be compatible with the surrounding environment and land and water uses.

   e. Signage in the Aquatic Designation should be limited non-commercial, directional type signs.

3. Regulations

   a. Proposals for piers or docks shall include, at a minimum, the following information:

      i. Description of the proposed structure, including its size, location, design, and any shoreline stabilization or other modification required by the project;

      ii. Ownership of shorelands and/or bedlands;

      iii. Proposed location of piers or docks relative to property lines and the OHWM; and

      iv. Location, width, height, and length of piers or docks on adjacent properties within 300 feet.

   b. Piers and docks shall not be allowed in critical freshwater aquatic habitats, unless it can be established that the dock or pier project, including auxiliary impacts and established mitigation measures, will not be detrimental to the natural habitat or species of concern, and will not result in loss of ecological function.

   c. Piers and docks shall not significantly interfere with use of navigable waters.

   d. Boating facilities may not be used for extended moorage and/or live aboard vessels.

   e. The length of piers and docks shall be limited in constricted water bodies to assure navigability and protect public use of the river. The ~~Community and Economic~~ Development Services Department may require reconfiguration of pier and dock proposals, where necessary, to protect navigation, public use, or ecological functions.

   f. New piers and docks shall be allowed only for water-dependent uses or public access. Water-related and water-enjoyment uses may be allowed as part of

mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated. New pier or dock construction shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.

g. New residential development of more than two dwellings shall provide joint use or community docks, rather than individual docks.

h. Piers and docks shall use construction techniques and be constructed of materials and use coatings that conform to best management practices for the situation as recommended by the appropriate state and federal agencies, as well as conform to City of Mount Vernon building codes.

i. All piers and docks shall be maintained in a safe and sound condition so as to not constitute a hazard to the public.

j. Abandoned or unsafe piers and docks shall be removed or repaired promptly by the owner. No over-water field applications of paint, preservative treatment, or other chemical compounds shall be permitted, except in accordance with best management practices set forth by applicable state agencies.

j. Pilings employed shall be installed so that the top elevation is at least one foot above extreme high water.

k. When potentially toxic or hazardous materials are used in pier or dock construction, precautions shall be taken to ensure their containment.

l. Overhead wiring or plumbing is not permitted on piers or docks.

m. Signs on piers or docks shall be limited to water craft navigation information and directional and/or public safety information.

n. Lighting shall be the minimum necessary to locate the dock at night. Lights shall be directed to prevent light spillage onto water surfaces.

o. Other than safety railings and safety equipment and lighting, no structures are allowed on over-water portions of piers and docks.

p. No piers or docks shall be designed or constructed without consulting with all local flood risk reduction authorities (City of Mount Vernon, Dike Districts, and Skagit County).

q. Permit applications for new piers or docks shall demonstrate that no increase in potential flood damage would result from construction, use, or maintenance of the proposed structures, including during seasonal changes in stream flow.

r. No piers or docks proposed on beds or shores owned by the State of Washington shall be designed or constructed without prior authorization of the Department of Natural Resources, which is the leasing authority. (RCW 79.105.210)

s. All piers and docks must comply with the Clean Water Act and the Endangered Species Act.

E. Dredging

1. Applicability

   Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a river, stream, or associated water or wetland.

2. Policies

   a. Dredging operations should be planned and conducted to so as to avoid adverse impacts to other shoreline uses, properties, and values.

   b. When allowed, dredging and dredge material disposal within the SMZ should be limited to the minimum amount necessary.

   c. Dredging usually involves obtaining a series or permits from federal, state, and City regulatory agencies.

3. Regulations

   a. Dredging will only be permitted in the following situations:

      i. In conjunction with a water-dependent use of water bodies or adjacent shorelands; and

      ii. For projects associated with MTCA, RCRA, or CERCLA habitat restoration, or

      iii. Any other significant restoration effort approved by a shoreline CUP.

   b. Dredging in wetlands is prohibited unless it is part of an approved habitat restoration or enhancement project.

   c. Dredged materials must be deposited on an approved upland site outside of the shoreline jurisdiction.

   d. Dredging and dredge disposal within the SMZ shall be permitted only where it is demonstrated that the proposed actions will not:

      i. Result in significant and/or ongoing damage to water quality, fish, and other essential aquatic biological elements;

      ii. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities; or

      iii. Cause other significant adverse ecological impacts.

   e. Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material.

   f. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use and unavoidable impacts shall be mitigated.

   g. Permit applications for shoreline dredging and dredge material disposal may be required to include the following information:

      i. Physical, chemical, and biological assessment of the proposed dredged material applicable to the particular dredging site.

      ii. Specific data to be considered include:

a) Physical - Grain size, clay, silt, sand, or gravel as determined by sieve analysis;
b) Chemical - Including conventional parameters, metals, and organics;
c) Biological - Bioassays to determine the suitability of dredged material for a selected disposal option;
d) Dredging volumes, methods, schedule, frequency, hours of operation and procedures;
e) Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;
f) Stability of bedlands adjacent to proposed dredging area;
g) Hydraulic analyses, including tidal fluctuation, current flows, direction and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects, in order to identify existing hydrological and geological patterns and probable effects of dredging;
h) Assessment of water quality impacts; and
i) Biological assessment including migratory, seasonal, and spawning use areas for aquatic and semi-aquatic faunal species.

h. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.

i. Maintenance dredging of established navigation channels, public access facilities, and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

j. Dredging of beds or shores of navigable waters owned by the State of Washington shall require prior authorization of the Washington Department of Natural Resources.

F. Fill

1. Applicability

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

b. Any fill activity conducted within the SMZ must comply with the provisions herein.

2. Policies

a. Fills waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses, cleanup and disposal of contaminated sediments, consistent with this Master Program.

b. Filling activities in waters/wetlands and shorelines may require permitting at federal, state, and City levels of jurisdiction.

3. Regulations

a. Applications for fill permits shall include the following:

i. Proposed use of the fill area;

ii. Physical, chemical and biological characteristics of the fill material;

iii. Source of fill material;

iv. Method of placement and compaction;

v. Location of fill relative to natural and/or existing drainage patterns and waters/wetlands;

vi. Location of the fill perimeter relative to the OHWM;

vii. Perimeter erosion control or stabilization means; and

viii. Type of surfacing and runoff control devices.

b. Fill waterward of OHWM may be permitted only when:

i. In conjunction with a water-dependent use or public access permitted by this Master Program;

ii. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or

iii. As part of an approved shoreline restoration project.

c. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.

d. Fills are prohibited in floodways, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use, specified in regulation 'b' above.

e. Fills landward of the OHWM should be allowed as part of the construction and reconstruction of dikes, levees, revetments and other flood risk reduction structures consistent with Dike District plans, the City of Mount Vernon Downtown and Waterfront Master Plan, and the City's Flood Protection Project.

f. Fills landward of flood risk reduction measures may be permitted, subject to Section V, Notes 10 and 11, above.

g. Shoreline fill shall be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters that would result in a hazard to adjacent life, property, and natural resource systems.

h. Environmental cleanup action involving excavation/fill, as part of an interagency environmental clean-up plan, as authorized by the ~~Community and Economic~~ Development Services Department, may be permitted.

i. Sanitary fills shall not be located in areas of shoreline jurisdiction.

j. A shoreline conditional use permit is required for fill in the Aquatic, Natural, and Urban Conservancy shoreline environments.

k. Proposed fills on beds and/or shores of navigable waters owned by the State of Washington shall require prior authorization of the Washington Department of Natural Resources.

G. Shoreline Restoration and Ecological Restoration and/or Enhancement

1. Applicability

   a. Shoreline restoration and/or enhancement consists of projects or activities that are designed and executed with the overall intent of ~~is the~~ improvement of the natural character and ecological functioning ~~s~~ of the shoreline.

   b. Where appropriate, using native vegetation is encouraged. The materials used are dependent on the intended use of the restored or enhanced shoreline area.

   c. The Shoreline Restoration/Engancement Report (Appendix B) identifies ecological restoration or enhancement measures. It notes that the type and scope of ~~significant~~ restoration or enhancement activities that have taken place within ~~has recently occurred on~~ the shoreline and in adjacent/abutting uplands. ~~of Edgewater Park and that the Nookachamps Wetlands Mitigation Bank is under construction. It also notes that opportunities for additional significant restoration actions are limited. The extensive flood risk reduction system and existing urban development will constrain both the type and extent of restoration and enhancement projects~~

2. Policies

   a. Shoreline enhancement and/or restoration using bioengineering and soft shoreline design approaches should be considered as the preferred ~~an~~ alternative to structural shoreline stabilization and protection measures. ~~where feasible.~~

   b. All shoreline restoration and/or enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.

   c. Where possible, shoreline restoration and/or enhancement should use maintenance-free or low-maintenance designs.

   d. The recommendations of the Shoreline Restoration Report, prepared as part of the SMP, should be promoted wherever feasible.

   e. Shoreline restoration and/or enhancement should not extend waterward more than necessary to achieve the intended results.

3. Regulations

   a. Shoreline restoration and enhancement may be permitted if the project proponent demonstrates that no significant change to sediment transport or river current will result that would adversely affect ecological processes, properties, or faunal habitat conditions and functioning.

   b. Shoreline restoration and/or enhancement projects shall use best available science and best management practices.

   c. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:

      i. The project's purpose is the restoration of natural character and ecological functions of the shoreline, and

ii. It is consistent with the implementation of an approved comprehensive restoration plan, or the project will provide a proven ecological benefit and is consistent with this Master Program.

d. Shoreline restoration and ecological enhancement must meet the U.S. Army Corps of Engineers PL8499 flood structure maintenance regulations.

e. The relief provided for shoreline restoration projects within WAC 173-27-215 is hereby adopted by reference.

IX. DEFINITIONS

Accessory Use is any structure or use incidental and subordinate to a primary use or development.

Accessory Utility (see Utility, Accessory).

Agricultural activities means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow (plowed and tilled, but left unseeded); allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

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

Agricultural equipment and **agricultural facilities** includes, but is not limited to:

a. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains;

b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

c. Farm residences and associated equipment, lands, and facilities; and

d. Roadside stands and on-farm markets for marketing fruit or vegetables.

Agricultural land means those specific land areas on which agriculture activities are conducted.

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

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Potential locations for aquaculture are relatively restricted within the SMZ of Mount Vernon due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, and commercial navigation. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, or significantly conflict with navigation and other water-dependent uses. Aquaculture facilities should be designed and located so as not to cause significant ecological impacts, or significantly impact the scenic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.

Associated jurisdictional wetlands **or Associated wetlands** are those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State and are, therefore, subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by, ~~the Skagit River, Barney Lake, or~~ any ~~other~~ waterbody defined as a shoreline of the State within Chapter 90.58 RCW. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. Hydraulic continuity is defined in WAC 173-545-030(9) as "the interrelation between groundwater (water beneath land surfaces or surface water bodies) and surface water (water above ground, such as lakes and streams)." For example, hydraulic continuity can consist of surface or shallow subsurface water connection(s) that may be permanent, or which occur seasonally (e.g., during the wet winter/spring season) with intermittent flow characteristics.

Average grade level (see the definition of 'Grade' below).

Batture means the alluvial land between a river at low-water stage and a levee. ~~elevation of the bed of a river under the surface of the water; sometimes used to signify the same elevation when it has risen above the surface.~~

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

Boating facilities for the purposes of this master program, boating facilities means publicly accessible launch sites for hand-carried watercraft (kayak, canoe, etc.) or boats hauled by trailers; piers and docks suitable for temporary moorage of small watercraft; boat storage or rental facilities; vehicle and trailer parking areas; accessory structures such as maintenance buildings and public restrooms. Such facilities may include auxiliary, related functions such as swimming, fishing, and observation of wildlife. May also include commercially run facilities for larger vessels, such as tour boats, cruise ships, ferries, and special-interest watercraft. Excludes docks serving four or fewer single-family, residential dwellings.

Buffer means an area adjacent to a wetland, river, or stream that, generally, functions to protect the public from loss suffered when the functions ~~and values~~ of the wetland, river, or stream are degraded. Specifically, a buffer may:

a. Physically isolate the wetland, river, or stream from surrounding areas using distance, height, visual and/or sound barriers;

b. Act to minimize risk to the public from loss of life, well-being or property damage resulting from natural disasters associated with the wetland, river, or stream;

c. Protect the functions and values of the wetland, river, or stream from adverse impacts of adjacent activities;

d. Provide shading, input of organic debris, and coarse sediments, room for variation and changes in natural wetland, river, or stream characteristics,

e. Provide habitat for wildlife, and/or

f. Provide protection from harmful intrusion.

Building is a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of any use or occupancy.

Building height means the vertical distance between grade (see "Grade") and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building. See also "Height," below.

Bulkhead is a solid or open pile wall, usually constructed of poured-in-place concrete and located parallel to the shore, which has as its primary purpose to contain and prevent the loss of soil by erosion, wave, or current action.

~~**CEDD** means the Community and Economic Development Department of the City of Mount Vernon.~~

Channel Migration Zone (CMZ) means the area within which a river channel is likely to move over a period of time.

Commercial development means those uses that are involved in wholesale, retail, personal service, and business trade. Examples include hotels, motels, banking and other financial services, grocery stores, restaurants, shops, professional offices, and private or public indoor recreation facilities.

Conditional use is a use, development, or substantial development that is classified as a conditional use or is not classified within the Master Program.

Consumer Price Index means for any calendar year, that year's annual average consumer price index, Seattle Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor.

County is Skagit County outside the city limits of Mount Vernon.

Critical areas, for the purposes of the SMP, are wetlands within the SMZ, delineated Fish and Wildlife Habitat Conservation Areas [as per MVMC 15.40.080 contained in Appendix C~~, Ord.~~

~~3444 as codified on August 4, 2010~~]; Lindegren and Kulshan Creeks within the SMZ, and the main stem of the Skagit River.

Cumulative impacts are the results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed significant, even though they may be comprised of individual actions having relatively minor impacts. Examples of cumulative impacts include fragmentation (nibbling), time or space crowded perturbations, or synergistic impacts where the combination of impacts is greater than each measured separately.

Date of filing ~~receipt~~ of a final decision involving approval or denial of a Substantial Development Permit is the date of actual receipt by the Department of Ecology ~~the applicant receives written notice of filing the receipt by the Department of Ecology~~ of the City's final decision on the permit. Filing is not complete until all the required documents have been received by the Department of Ecology.

Date of filing ~~receipt~~ involving approval or denial of a variance or conditional use permit or substantial development permit transmitted simultaneously with a shoreline conditional use permit or variance, or both is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant. ~~is the date the applicant and the City both receive the Department of Ecology's final written decision on the applicant's request for a variance or conditional use permit, as the case may be.~~

Development is a use requiring the construction or exterior alteration of structures; dredging, drilling, dumping, filling, removal of sand, gravel, or minerals; placement of bulkheads, revetments, or similar in-water, over-water, or near-water containment systems; obstructions or any other project of a permanent or temporary nature. Development does not include dismantling or removing structure when such activity is not associated with other development or re-development.

Development regulations means the controls placed on development or land uses by the City, 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 Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Dredging is the removal of earth, sand, gravel, silt, or debris from the bottom of a river, stream, wetland, or other water body.

Dwelling is any building or portion thereof designed or used primarily for residential occupancy, including single-family units, duplex, triplex, and fourplex units, and multi-family units, but not including hotels or motels (see also "Multi-family" and "Single-family").

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

Ecosystem-wide processes means the suite of naturally occurring hydrologic, biogeochemical, plant community, and faunal support/habitat functions that occur ~~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.~~

Emergency is an unanticipated and/or imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with the Master Program. Emergency construction is defined as that necessary to protect property and facilities from the elements. All emergency construction shall be consistent with the SMA and the Master Program (see RCW 90.58.030(3eiii)).

Environmental Excellence Program [agreement]: An environmental excellence program agreement (entered into under Chapter 43.21K RCW) must achieve more effective or efficient environmental results than the results that would be otherwise achieved.

Exempt development is development listed in WAC 173-27-040 as exempt from the definition of "substantial development," and, 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 SMA and the Master Program. Conditional use and/or variance permits may still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e)).

Exemption Certificate is a letter issued by the ~~Community and Economic~~ Development Services Department verifying that a project has been deemed exempt from the substantial development permit requirements in accordance with the SMA and the Master Program.

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.

Feasible means, for the purpose of this chapter, that an action, such as a development project, mitigation, or restoration requirement, meets all of the following conditions:

a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

b. The action provides a reasonable likelihood of achieving its intended purpose; and

c. The action does not physically preclude achieving the project's primary intended legal use.

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

Fill means the addition or redistribution of soil, sand, rock, gravel, sediment, concrete, earth retaining structure, or other material to an area: (a) waterward of the OHWM or an approved

flood risk reduction structure (if applicable), (b) ~~o~~in wetlands, or ~~o~~in shorelands in a manner that raises the bottom elevation of the water/wetlands or shoreline or creates dry land.

Final Decision means an order or ruling on a Substantial Development Permit by the City of Mount Vernon, whether it is an approval or denial, established after all local administrative appeals related to the Substantial Development Permit have concluded or the opportunity to initiate such appeals has lapsed.

Flood Risk Management is a program intended to provide protection from encroachment by floodwaters by means of conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream/river overflow.

Flood Hazard Reduction is an action taken to reduce flood damage or hazard to uses, development, and shoreline modifications. Flood hazard reduction measures may consist of nonstructural measures such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs. Structural measures may include dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Floodplain is the hundred-year floodplain, meaning that land area susceptible to being inundated by stream or river-derived waters 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, detailed analyses of pertinent hydrographs and USGS (or equivalent) gauge date or ~~a~~ other reasonable methods that meets the objectives of the SMA.

Floodway means ~~the area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps; or (ii) consists of~~ those portions of a river valley lying waterward 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 conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. In the event that the Federal Emergency Management Agency (FEMA) completes floodway mapping throughout all or portions of the City, such maps will be used for those mapped portions of the Skagit River.

Force Majeure means events or circumstances that prevent or delay compliance with the provisions of the Shoreline Master Program, where such events were (i) beyond that party's control, (ii) reasonably unforeseeable, and (iii) occurred without the fault or negligence of the affected person, including, but not necessarily limited to, acts of God, earthquakes, fires, lightning, floods and similar natural disasters.

Geotechnical report or geotechnical analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, estimates of rate of erosion, urgency (damage within three years) for proposed project,

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.

Grade means an elevation determined by averaging the finished ground elevations within 6 feet of points situated every 10 feet along an imaginary line located between the building and the lot line; or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building, this is also known as "Average Grade".

Grading or **Graded** means 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.

Height (as per WAC 173-27-030) is measured from average grade level to the highest point of a structure: provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: provided further, that temporary construction equipment is excluded in this calculation.

Hyporheic zone is the area beneath and lateral to, or otherwise adjacent to a stream or river bed, where shallow groundwater and surface water are mixed. The flow dynamics and behavior in this zone (termed hyporheic flow) are recognized to be important for surface water and groundwater interactions, as well as fish and macroinvertebrate spawning and growth.

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow.

Marinas is defined as commercial or private docks or piers serving five or more vessels.

Master Program means the City of Mount Vernon Shoreline Master Program.

May means the action is acceptable, provided it conforms to the provisions of the SMP.

Multi-family attached residential is a building containing two or more residential units attached at common walls and located above or below similar units or other uses in a mixed-use development or in a stand-alone residential building without other uses.

Must means a mandate; the action is required.

Non-water-oriented use means those uses that are not water-dependent, water-related, or water-enjoyment.

Ordinary High Water Mark (OHWM) is that mark along the river or other bodies of water that can 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 the City of Mount Vernon, Skagit County, or the Washington State Department of Ecology; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water.

Permit means any form of permission required under the SMA prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions.

Priority Shoreline Use is a use given preference by the Shoreline Management Act and the Master Program. These uses are water-dependent or water-related, and provide public access and recreational use of the shoreline. Priority shoreline use includes single-family residential and other uses that provide an opportunity for substantial numbers of people to enjoy the shoreline.

Priority species means 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 Washington 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 proposed, threatened, or endangered.

Provisions mean policies, regulations, standards, guideline criteria, or environment designations.

Public access is a means of physical and/or visual approach to and along the shoreline available to the general public.

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

Public Trust Doctrine is the principle 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. Protection of the trust is a duty of the State, and the Shoreline Management Act is one of the primary means by which that duty is carried out. The doctrine requires a careful evaluation of the public interest served by any action proposed. This requirement is fulfilled in major part by the planning and permitting requirements of the Shoreline Management Act.

Recreational development means commercial and public facilities designed and used to provide recreational opportunities to the public.

Replacement stabilization measure 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.

Residential development means one or more buildings, structures, lots, parcels or portions thereof that are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, other detached dwellings, multi-family residences, apartments, townhouses, mobile home parks, other similar attached dwellings, condominiums, subdivisions and short subdivisions, together with accessory uses and structures normally applicable to residential uses including, but not limited to garages, sheds, parking areas, fences, and guest cottages, Residential development does not include hotels, motels or any other type of overnight or transient housing, recreational vehicle parks, or camping facilities.

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

SMA is the Shoreline Management Act of 1971.

SMP is the City of Mount Vernon Shoreline Master Program.

SMZ is the Shoreline Management Zone and is the same as **Shorelands or shoreland areas**..

Setback means a measured distance from the ordinary high water mark (OHWM) of Shorelines of the State ~~the Skagit River~~, the waterward inflection point of an existing levee, or the waterward face of an existing floodwall and shall include floodways and associated wetlands. See Figure 1 for an illustration of how these setbacks are required to be measured. ~~unless specifically indicated otherwise, i.e. a setback measured from the toe of the landward side of a dike or top of the waterward side of a dike.~~

Shall means a mandate; the action must be done.

Shorelands or **shoreland areas** means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of RCW 90.58.030; the same as to location by the Department of Ecology.

Shoreline areas mean all "shorelines of the state" and "shorelands."

Shoreline Management Act of 1971 (SMA) is the state law codified as Chapter 90.58 RCW.

~~**Shoreline Management Zone (SMZ)** extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.~~

Shoreline Master Program or **Master Program** means the comprehensive use plan for a described area (see Shorelands), 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 approved under Chapter 90.58 RCW shall be considered an element of the city's comprehensive plan (City of Mount Vernon Comprehensive Plan). All other portions of the shoreline master program adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the city's development regulations (Mount Vernon Municipal Code).

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

Shoreline Setback Line is the line that establishes the limits of all buildings, structures, and fencing along the shoreline.

Shorelines of statewide significance with respect to the City of Mount Vernon are identified as the Skagit River within the city limits, shorelands, and wetlands associated with the Skagit River (see RCW 90.58.030(2)(e)).

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 chapter, against taking the action. The Director, in consultation with the DOE, shall make the determination about whether or not an applicant has demonstrated that there is a compelling reason against taking an action.

Sign is a device of any material or medium, including structural component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs and signs advertising a sale or promotional event.

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

Single-family attached residential units are townhouses, attached at a common wall, but not above or below another unit (see Multi-family attached residential units).

Single-family detached residential unit, when considering shoreline exemptions, is a structure designed for and occupied exclusively by one family and the household employees of that family.

State Master Program means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

Stormwater BMPs are science-based "best management practices" for controlling surface water runoff.

Structure means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Substantial Development means any development where/that:

a. The total cost or fair market value exceeds the amount specified in WAC 173-27-040(2)(a); or
b. Materially interferes with the normal public use of the water or shorelines of the state.

See Section III(B)(1) for a list of activities not considered substantial development.

Transmit means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of filing ~~receipt~~ at the destination.

Upland is the area above and landward of the ordinary high water mark.

Utility means a public or private agency which provides a service that is utilized or available to the general public (or a location-specific population thereof) such services may include, but are not limited to, storm water detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utility, Accessory means utilities that are small-scale distribution services connected directly to the uses along the shoreline and are not carrying significant capacity to serve other users that are not located in the shoreline jurisdiction.

Variance is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

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

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

Water-enjoyment use means 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 enjoyment or recreational use 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 visual and physical qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

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

Water Quality means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, esthetic, recreation-related, and biological characteristics. Where used in this master program, 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 master program, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use means 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.

Wetlands see of definition found in Chapter 15.40 MVMC that is found in Appendix C. ~~mean areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those~~

~~artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetland~~

APPENDIX A

SHORELINE INVENTORY, CHARACTERIZATION, & CUMULATIVE IMPACTS REPORT

Font in red underline highlighted in yellow represents new text from the last version of this document. Font in ~~red strikethrough highlighted in yellow~~ represents text being removed from the last version of this document.

City of MOUNT VERNON DEVELOPMENT SERVICES

MEMORANDUM

DATE: June 15, 2021

FROM: Lyndon C. Lee, Ph.D., PWS, City's Consulting Biologist
Rebecca Lowell, Principal Planner

SUBJECT: SMP, Appendix A Update

BACKGROUND:
The City's Shoreline Master Program (SMP) is required by State law to include goals, policies, and regulations designed to direct development activities and uses in a manner that will prevent degradation of ecological functions compared to existing conditions. It must address adverse cumulative impacts, and fairly allocate the burden of addressing these impacts among development opportunities. These requirements are found in the Revised Code of Washington (RCW) 90.58.020, the Washington Administrative Code (WAC) Chapter 173-26-176, WAC 173-26-201(2)(c).

The City's 2011 SMP includes the accompanying Appendix A that met the above-identified requirements related to preventing the degradation of ecological functions, addressing adverse cumulative impacts, and allocating the burden of these impacts.

The current update to the City's 2011 SMP is required to include the analyses in this memo. In completing the 2021 update, we have ensured that the updates/changes made in 2021 do not result in substantive changes to the analyses included in Appendix A (accompanying this memo) that was completed in 2011.

CHANGES/UPDATES TO THE 2011 SMP:
Following is a summary of the changes/updates made in 2021 to the previously adopted 2011 SMP. This summary is provided because the analyses included in this memo are limited to the changes made in 2021 to the 2011 SMP:

- References to the Community and Economic Development Department or Director have been changed to the Development Services Department or Director.

- The procedural requirements for the different types of shoreline permits are organized into one section (versus several) and clarified. No changes were made to the way shoreline permits are processed.

- The type of development not requiring a shoreline permit is cross-referenced to State law (WAC 173-27-044 and 173-37-045) and the text of the State law is removed from the SMP.

- The description of how shoreline jurisdiction is determined is elaborated upon to ensure jurisdictional areas are properly and consistently identified.

- Existing zoning and comprehensive plan designations were added to the list of factors that determine environmental designations.

- Figures 2 and 3 within the 2021 SMP map several areas being subject to shoreline jurisdiction that were not identified in the 2011 SMP. Importantly, these areas would have been subject to shoreline jurisdiction under the 2011 plan; however, they were not mapped as potentially being subject to the SMP. These areas are potentially subject to shoreline jurisdiction due to wetlands, that if present, could be associated with, influence, or be influenced by, either the Skagit River or Barney Lake.

  In the 2021 update, the City has identified these parcels that could be subject to shoreline jurisdiction due to the presence of associated wetlands by using cartographically distinct hatching patterns on the revised maps to differentiate these areas from other mapped environmental designations.

  Staff analyzed these areas and assigned environmental designations based on the following factors that are listed under sub-section III(B) of the SMP: ecosystem characteristics, environmental functions, restoration potential, existing uses, development and redevelopment potential, existing Zoning and Comprehensive Plan Designations, and public and private plans.

- There are four (4) general areas where the environmental designations were updated or changed to ensure the designations were consistent with the factors listed in sub-section III(B) of the SMP (these factors are also listed in the paragraph immediately above). Descriptions of these areas and the reasons why their designations were changed are provided below. These areas are described in much greater detail in the parcel-by-parcel SMP Mapping Update Summary that is attached to this memo.

  <u>Area 1</u> (mapped on Figures 2 and 3) is located at the far north and northeast portions of the City. Following adoption of the 2011 SMP a new levee was completed along the north side of Hoag Road, east of the Burlington Northern Santa Fe railroad tracts. This new levee is identified on the SMP maps along with areas waterward of the levee, and areas 200 feet landward of the levee as subject to SMP jurisdiction. See the Mapping Update Summary attached to this memo for the justification for the shoreline environmental designations assigned in this location.

  Other areas are identified on Figures 2 and 3 as potentially being subject to shoreline jurisdiction, but only if wetlands are found on these areas that influence, or are influenced by, the Skagit River or Barney Lake. These areas were identified following a site-specific review where wetlands were found on a site that were influenced by the Skagit River; and this site was not shown as

being subject to shoreline jurisdiction in the City's 2011 SMP. The accompanying Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell, contains a detailed background and analysis of this site. Once one site was identified staff had Dr. Lee complete an exercise of all nearby properties to see whether or not wetlands on these properties could influence, or be influenced by, the Skagit River or Barney Lake. These properties are shown on Figures 2 and 3 with horizontal lines through them. The justification for the environmental designations for these properties is detailed in the accompanying Mapping Update Summary. Importantly, these areas would have been subject to shoreline jurisdiction under the City's 2011 SMP; but they would have been assigned an environmental designation of Urban Conservancy until the City could update the shoreline map. This 2021 update eliminates the potential for multiple piecemeal map amendments by completing a comprehensive review and update of these areas.

Area 2 (mapped on Figure 5) consists of areas on the east and south side of the Skagit River. Following the adoption of the 2011 SMP the City completed additional portions of a floodwall and levee system that are updated on Figure 5. The newly constructed portions of the floodwall and levee slightly changed the areas subject to shoreline jurisdiction because this jurisdiction is identified as extending 200 feet landward from these areas. The environmental designations in these areas remained as Urban Conservancy on the properties owned by the City on and near the wastewater treatment plant and was kept as Urban Mixed Use on the landward side of the new floodwall and levee of the properties not owned by the City.

Area 3 (mapped on Figure 5) consists of areas waterward of the existing levee within and surrounding the City's Edgewater Park. The 2021 update modified the boundary between the Shoreline Natural and Shoreline Urban Conservancy Environmental Designations such that the Urban Conservancy designation encompasses the portions of Edgewater Park that are used by the public and actively maintained (i.e. mowed and trimmed) by the City's Park and Recreation Department. The Shoreline Urban Conservancy Environmental Designation in this area was also updated such that it extends between the Ordinary High Water Mark (OHWM) of the Skagit River to the existing levee – in the existing SMP this shoreline area is identified as extending from the OHWM but does not extend to the existing levee. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

Area 4 (mapped on Figure 5) consists of two tax parcels owned by the Mount Vernon School District that are developed as part of Washington Elementary School. The parcel numbers are P26397 and P26391. The 2011 SMP identified the area of these parcels 200 feet landward of the existing levee designated as Shoreline Residential. Because these two parcels are developed as part of an elementary school their designation has been changed to Urban Mixed Use. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

- The following General policy has been removed from the SMP because it mirrors requirements in existing State law thereby making it unnecessary to have in the City's SMP. This policy is as follows:

    a. The Director of the Community Development Services Department will periodically initiate review of conditions on the shoreline and conduct appropriate analyses to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:
        i. Water quality
        ii. Conservation of aquatic vegetation (e.g. control of noxious weeds and enhancement of vegetation that supports more desirable ecological functions and recreational conditions)
        iii. Upland vegetation
        iv. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices
        v. Shoreline stabilization and modifications

- The currently adopted version of the City's critical areas ordinance is adopted into Appendix C sans the provisions DOE requires be removed.

- The relief for shoreline restoration projects from WAC 173-27-215 is adopted by reference into the updated SMP.

- The definition of associated jurisdictional wetlands is expanded to include the definition of such found in WAC 173-22-040.

- The date of receipt of the final decision is updated to the date of filing of a final decision throughout the plan.

- A definition for Substantial Development is added to the SMP.

ANALYSIS OF SMP UPDATES/CHANGES TO APPENDIX A OF 2011 SMP:
The City's 2021 SMP updates/changes to Appendix A focused on refinement of Environmental Designations and associated mapping protocols to ensure City-wide consistency of designations and mapping results. Areas of interest are highlighted for edited designations in the 2021 revised and edited Shoreline Master Program document. They include the Natural Environment, Urban Conservancy, and Urban Mixed-Use environments. For example, the SMP updates offers edits for the Natural Environment Designation to include specific properties such as areas:

a. Within the City limits near Lions Park

b. Near the Nookachamps Wetland Mitigation Bank and the intersection of Lindegren Creek with the Skagit River

c. North of the levee abutting the City's Wastewater treatment plant north to the Skagit River and east to the point where the levee and the floodwall meet

d. At the intersection of the River Bend Road and the east City limit line east approximately 1,375 linear feet then south approximately 970 linear feet along the west side of Freeway Drive then northwest along the Skagit River approximately 1,920 linear feet to the east City limit line and then north approximately 135 feet

e. Due west of Barney Lake. Note: Barney Lake is approximately 147 acres in size, has a shoreline length of approximately 4.3 miles, and is located northeast of the city limits within unincorporated Skagit County.

The Barney Lake shoreline area is largely undeveloped on its east and south sides and has dispersed single-family residential development on its north and west sides. Between 1995 and 2016 the Skagit Land Trust acquired nearly 370 acres around the west and south sides of Barney Lake. [Barney Lake Property - Skagit Land Trust]

Since Barney Lake is not located within the incorporated portions of the city an analysis was not completed by the City. However, the City did review Skagit County's Draft Shoreline Analysis Report dated September 1, 2011.

In the 2021 SMP update, the City also focused on interpretations of "Associated jurisdictional wetlands or Associated wetlands"**,** defining them as those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State. These wetlands are subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by the Skagit River, Barney Lake, or any other waterbody defined as a shoreline of the State within Chapter 90.58 RCW. Within the City, this influence includes but is not limited to one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. Hydraulic continuity is generally defined in WAC 173-545-030(9) as "the interrelation between groundwater (water beneath land surfaces or surface water bodies) and surface water (water above ground, such as lakes and streams)." For example, hydraulic continuity can consist of surface or shallow subsurface water connection(s) that may be permanent, or which occur seasonally (e.g., during the wet winter/spring season) with intermittent flow characteristics.

The City's biologist, Dr. Lyndon Lee, has reviewed all the proposed changes to the 2021 SMP update and finds with these changes the City's SMP remains consistent with the requirements RCW 90.58.020, the WAC Chapter 173-26-176, and WAC 173-26-201(2)(c) because it remains a regulatory document that prevents degradation of ecological functions compared to existing conditions, it addresses adverse cumulative impacts, and it fairly allocates the burden of addressing these impacts among development opportunities.

ATTACHMENTS:

- Appendix A of City's 2011 SMP
- Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell
- Dr. Lyndon Lee's CV
- SMP Mapping Updates

Appendix A of City's 2011 SMP

When this document is finalized this document will be incorporated here – while in its draft form this document is separate.

SHORELINE INVENTORY, CHARACTERIZATION, AND CUMULATIVE IMPACTS REPORT

I. INTRODUCTION

The Skagit River drains an area of 3,140 square miles and flows for 162 miles from its headwaters in the Cascade Mountains, through low-lying valleys, and finally through the broad Skagit Delta to Puget Sound. The Skagit River is the largest in the Puget Sound basin and possesses the most abundant and diverse populations of salmon, steelhead trout, and bull trout in the region. It is the sixth largest drainage on the west coast of the continental United States.

A. EXTENT OF CITY SHORELINES

Mount Vernon's shorelines regulated by the Shoreline Master Program (SMP) are limited to those portions of the Skagit River "Big Bend Reach" that occur within the City's corporate limits. This encompasses approximately seven miles of the river's shoreline. Shoreline regulatory jurisdiction within Mount Vernon varies in width as shown in Figure A-1 dependent upon the proximity of wetlands within and adjacent to the Shoreline Management Act-mandated 200-foot jurisdiction area and flood-prone areas between the ordinary high water mark (OHWM) and topographic or manmade features that mark the landward edges of the 100-year floodplain.

Mount Vernon and the Skagit River are located on a large alluvial plain that was created by geological forces including glacial advance and retreat, hydrology, and periodic vulcanization. As such, the portions of the Skagit River within the City's jurisdiction are adjacent to floodplains. A comprehensive summary of flooding and flood history in the Mount Vernon area is provided on pages 9 through 13 of the Skagit River Big Bend Reach Habitat Restoration Feasibility Study, December 2004, prepared by the Skagit River System Cooperative. [Note: Information on current FEMA floodplain mapping is available from the Mount Vernon Community and Economic Development Department]

B. SCIENTIFIC AND TECHNICAL INFORMATION

In preparing the SMP, the City identified and assembled the most current, accurate, and complete scientific and technical information available. Information was collected from a variety of sources including City plans and studies, Skagit River watershed plans and studies from the Washington Department of Ecology and local planning groups, Dike Districts, private plans, and aerial photographs. Prior to incorporation into the shoreline inventory, the context, scope, magnitude, significance, and potential limitations of the information was considered. For a complete list of resources, see Appendix D of the SMP.

During the public participation process, additional information was provided by property owners and the several Dike Districts having jurisdiction over shorelines within Mount Vernon (Dike Districts 1, 3, and 17).

Due to the amount of information available, the consistency of the data, and the contained nature of the shorelines within the City, it is assumed that the SMP provisions are based on analyses of accurate information that can be readily verified on a case-by-case basis at the time a land use action is proposed.

Figure A-1

Mount Vernon Shoreline Jurisdiction

II. SHORELINE MASTER PROGRAM INFORMATION SOURCES

This Shoreline Master Program relies substantially on existing information that has been developed since the year 2000. Following is a list of the primary sources used in this Report. A complete list of the resources used in the SMP, with a description of the information provided, is provided in Appendix D.

- River Basin Analysis of the Skagit and Samish Basins: Tools for Salmon Habitat Restoration and Protection, February 2000
- Skagit River Shoreline Inventory & Restoration Plan, June 2003
- Edgewater Park Restoration Project – Phase I, September 2003
- Skagit River Big Bend Reach Habitat Restoration Feasibility Study, December 2004
- Mount Vernon Downtown Flood Protection Alternatives, Draft EIS, January 2007
- Final EIS: Mount Vernon Downtown Flood Protection Alternatives, July 2007
- Mount Vernon Downtown Flood Protection Biological Assessment, December 2007
- Downtown and Waterfront Master Plan, July 15, 2008
- City of Mount Vernon 2005 Comprehensive Plan (as amended)
- City of Mount Vernon 2008 Parks, Recreation & Open Space Plan
- Aerial Photographs, 2003, 2007, and 2009

There has been little change in the conditions of the Skagit River shoreline or in the level of development and land use mix in adjacent upland areas during the time these sources of information were being developed. This has been confirmed by a comparative review of the aerial photographs and discussions with staff and consultants familiar with the City's development. As a result, the assumption in this SMP is that these information sources remain valid for shoreline planning purposes.

In addition, the Big Bend Reach of the Skagit River has undergone extensive environmental study over the last decade by both public and private organizations, assessing existing conditions, restoration potential, and impacts from known plans and projects. At this time, there are no identified information gaps that would affect the development of SMP goals, policies, and regulations. Site specific information would be provided during the normal permitting of individual projects.

III. SHORELINE INVENTORY SUMMARY

The City's Skagit River shoreline has been divided into four geographic units for purposes of the shoreline inventory and characterization of conditions. The units represent locations where landscape processes, land use, river function, and habitat exhibit more or less similar attributes. These units are generally based on the six inventory areas defined in the 2003 Skagit River Shoreline Inventory & Restoration Plan (Inventory), prepared by Graham Bunting & Associates. Adjustments have been made in the width of the units of the inventory to include adjacent upland areas. While not necessarily part of the City's Shoreline Management Zone (SMZ), activities on adjacent uplands have potential for affecting shoreline conditions and functions.

Most of the information summarized below is from the Inventory. The Inventory was organized around three groups of categories: physical, biological, and man-made. Environmental baselines were determined for each category in each inventory unit. These, in turn, are based on an assessment of individual features that either provide or impact ecological functions within those categories. Individual features are discussed further in the Characterization of Ecological Functions section of this SMP.

What follows is a descriptive summary of the physical conditions found on and adjacent to the City's shorelines organized by inventory unit.

A. INVENTORY UNIT #1:

Location: East bank of the Skagit River from river mile (RM) 18 downstream to RM 16.25, from Mount Vernon's northerly limit south to the east edge of the railroad right-of-way at the railroad bridge. Included is the adjacent floodplain and upland between the river and Hoag Road. [Figure A-2]

Description: This is the most significant section of the Skagit River shoreline within Mount Vernon where there is a direct connection between the river and adjacent floodplain (see also discussion of Lions Park North in Unit #4, below). There is a relatively intact band of trees and riparian vegetation at the shoreline that extends the entire length of this reach, widening at the north end, to form a significant stand of floodplain forest at the area known as Ten Dollar Bar. Several existing wetlands are located at the south end of this unit. Historically, this area had a more extensive complex of wetlands and back channels providing freshwater fish habitat. Lindegren Creek enters the Skagit at the south end of this inventory unit.

There has been little development within this unit. At the south end, immediately east of the railroad bridge between Hoag Road and the river, there are several single-family homes. Historic uses within the floodplain have been primarily agriculture and the seasonal flooding has discouraged conversion to other types of land uses. As a result, less than 5 percent of this unit is encumbered with impervious surfaces. There is an approximately 1,900 foot long segment of levee between the shoreline and Hoag Road.

The majority of the properties in this unit have been purchased by Nookachamps LLC, which has established a wetland mitigation bank (the Nookachamps Wetland Mitigation Bank) and is implementing a restoration plan at the site. This is discussed in more detail in the Appendix B of the SMP, "Shoreline Restoration Planning."

B. INVENTORY UNIT #2:

Location: Along the south bank of the river from RM 16.24 to RM 15.25, starting at the west edge of the railroad right-of-way at the railroad bridge and proceeding downstream to approximately 1,200 feet west of the Interstate 5 bridge. The inventory area includes the properties between the shoreline and Stewart/Hoag Road. [Figure A-2]

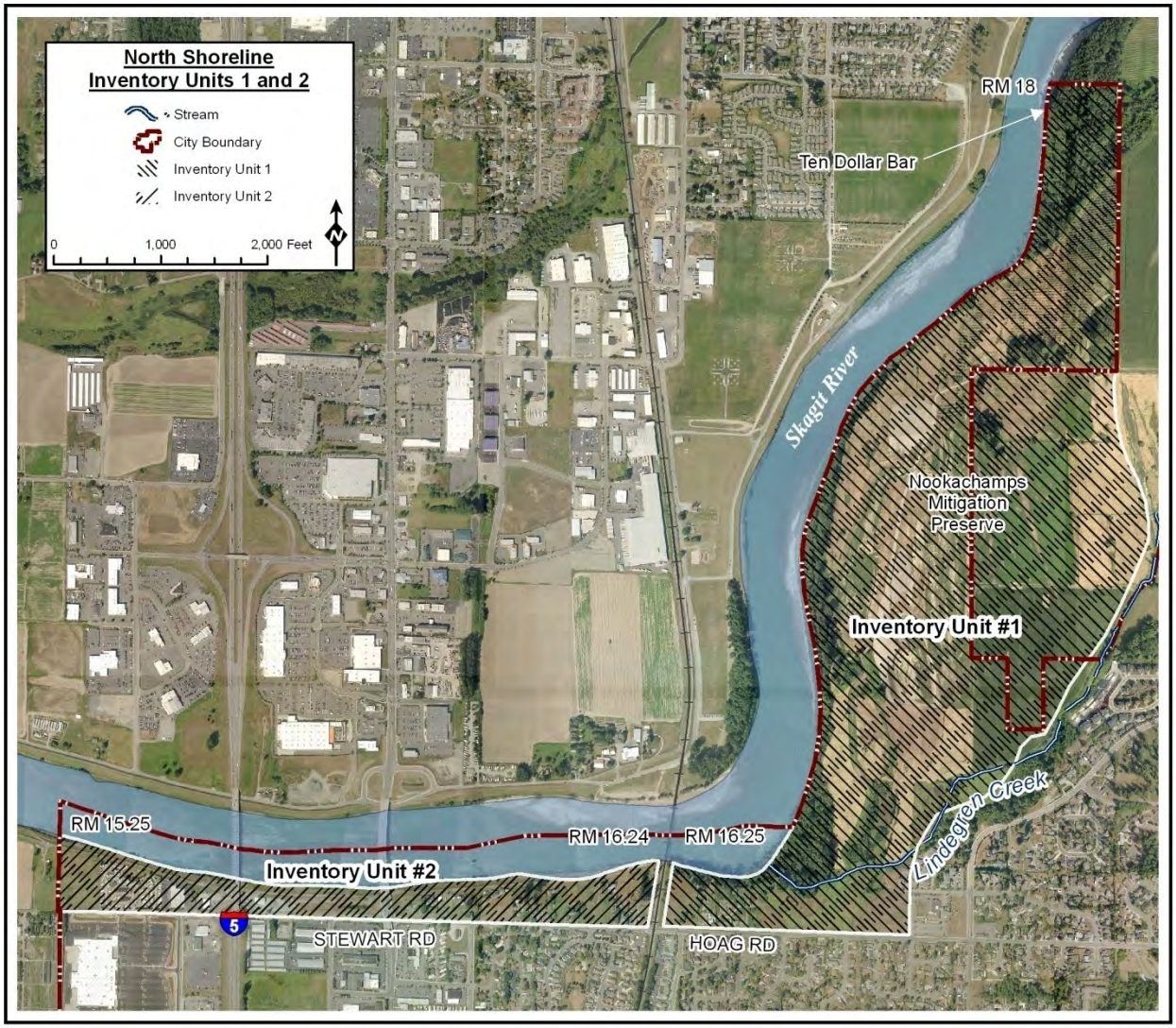


Figure A-2
Inventory Units 1 and 2

Description: The bank of the Skagit River within Inventory Unit #2 is armored with riprap its entire length. A levee that prevents direct connection to the historic floodplain is located immediately adjacent to the shoreline. There are no tributaries or wetlands that connect to the river within this unit and no intact riparian vegetation.

The land between the levee and Stewart/Hoag Road has historically been an area of development. Ownership is private, Dike District, and City. There are three river crossings: at the railroad, at Riverside Drive, and at Interstate 5. Between the railroad and Riverside Drive, development consists primarily of single-family structures on large lots. There are, however, undeveloped lots between the developed parcels.

West of Riverside Drive, the City owns a large parcel of land that is used for stormwater control, a storage garage, and has paved surfaces for parking and access. West of I-5 to the City limit, development consists of an existing recreational vehicle park and a commercial establishment, which is surrounded by parking. Impervious surfaces within this unit currently account for approximately 50 percent of the land area.

C. INVENTORY UNIT #3:

Location: West bank of the river from approximately RM 12 to RM 10.5, starting at the City boundary at Dunbar Road and proceeding downstream past the Division Street bridge to the westerly City boundary at Edgewater Park. [Figure A-3]

Description: This unit contains a natural shoreline area known as Young's Bar, which is privately-owned land, and the City's Edgewater Park. The levee in this unit has been set back from the shoreline from 150 feet at the north end of the unit to approximately 1,000 feet at the south end of Edgewater Park at the City's west boundary. The levee setback in the vicinity of the Division Street Bridge ranges from 300 to 400 feet. During high flows, connectivity to the floodplain is restricted to the area waterward of the levee. There are no tributaries entering the river in this unit.

This unit offers a variety of habitats. There is large woody debris (LWD) at the upstream end of the unit adjacent to Young's Bar and accumulations of it south of the Division Street Bridge along the Edgewater Park shoreline. A large stand of trees is located at the north end of the unit and a well-established riparian zone extends south into Edgewater Park just north of the bridge. Approximately 800 feet south of the bridge another riparian zone begins that extends to the south end of the park and west beyond the City limits into the adjacent Goodrich Bar. A floodplain forest exists between the levee and the shoreline on Goodrich Bar and the southern portion of Edgewater Park.

A significant amount of the development in West Mount Vernon occurs immediately adjacent to and landward of the levees on either side of West Division Street. Land uses are retail and other commercial establishments along West Division Street, with residential uses located north and south of the commercial core.

Recreational use within this unit consists of both active and passive activities associated with Young's Bar and the Park. Young's Bar is an extensive sand bar located just north of the park along the shoreline. Although this is private property, it is regularly used by the community for fishing, sunbathing, and shoreline access.

Edgewater Park has been developed to provide both active recreational use and conservation of on-site riparian habitat. The active use portion of the park is approximately 28 acres and includes a playground, picnic area, covered stage, three multi-use ballfields, restrooms, and 150 parking spaces. A boat launch with 14 boat trailer parking stalls is located at the south end of the active use area. Primitive campsites that are used seasonally, usually in conjunction with special events, are also located at the south end of the Park. The park includes about 38 acres of wetland and woodland conservation area at the south end along the river. This area has been restored to include re-establishment of a historic back channel for salmon habitat enhancement.

The Mount Vernon 2008 Parks, Recreation & Open Space Plan notes that both Young's Bar and Goodrich Bar would be logical extensions of Edgewater Park. Both are characterized by having forested riparian habitat, natural shoreline, and sand bar accretion that could support additional off-channel salmon refuge and rearing habitat.

Figure A-3
Inventory Units 3 and 4

D. INVENTORY UNIT #4:

Location: East bank of the river from RM 12.3 to RM 10.4, starting at the north end of Lions Park North and proceeding downstream past the Division Street Bridge to the City boundary just west of Riverview Lane. This unit includes the adjacent Downtown located between the river and Interstate 5 to the east and the areas waterward of Britt Road and Dike Road at the south end of the unit. [Figure A-3]

Description: North of Division Street this unit has a range of shoreline types. The portion just north of the Division Street Bridge is low in plant diversity and high in adjacent development. The upstream portion has a greater diversity of plants and includes a remnant of floodplain forest within the batture at Lions Park North. Kulshan Creek enters the Skagit River at Lions Park.

Immediately north of Division Street, there is a mixture of auto-oriented retail and office uses with on-site surface parking. Between these commercial uses and Lions Park South are auto-oriented businesses that have surface parking adjacent to the river, an armored riverbank, levee, and trail. The 1.6 acre Lions Park South is located on a high bank shoreline overlooking the river and Downtown. It has been developed with a kiosk, picnic shelters and tables, a multipurpose trail, playground and restrooms, RV dump station, and 33 parking spaces. The 15.4 acre triangular-shaped portion of the park, Lions Park North, has a low bank shoreline as one leg of the triangle, a levee along the north, and I-5 along the third side to the east. The site is dominated by a remnant floodplain forest within the batture. Old pilings and similar structural remnants, which date from when the Park was a site for loading goods and moorage, are visible along the riverfront. Lions Park North has been improved with dirt trails and a 2.5 acre open space, but sees relatively light use, except by day hikers.

South of Division Street, the area within the Shoreline Management Zone (SMZ) is dominated by a revetment, built over an armored, sloped bank that provides flood risk reduction to the City's Downtown and surface parking for 350 vehicles.

Moving south beyond the Downtown, the shoreline is protected by riprap and a levee from Kincaid Street south and west to the city limit. The levee setback from the river varies from approximately 150 feet at the north to between 300 and 400 feet at the south end of this unit.

The area south of Downtown is a mix of industrial and commercial uses, surface parking, and residential. South to Section Street is a neighborhood in transition that has a mix of auto-oriented commercial, institutions, residences converted to businesses, vacant land, surface parking, government offices, and multi-family and single-family residences. Between Section Street and Hazel Street, immediately east of First Street, land uses are primarily residential. South of Kincaid Street, a large cold storage facility is located between the river and the levee and farther south, the wastewater treatment plant is immediately landward of the levee.

IV. CHARACTERIZATION OF ECOLOGICAL FUNCTIONS

The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical, and biological components that are interdependent to varying degrees and scales and that produce the landscape and habitats as they exist at any given time. Ecological functions are the work performed or role played individually or collectively within ecosystems by these individual components. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- **Ecosystem-wide processes,** such as those associated with the flow and movement of water, sediment and organic materials, the presence and movement of fish and wildlife, and the maintenance of water quality.
- **Localized individual components and processes,** such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface, and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes and localized individual components and processes can significantly impact shoreline natural resources and may also adversely impact human health and safety. Shoreline master programs are required to address ecological functions associated with applicable ecosystem-wide processes, and localized individual components and processes identified in the ecological systems analysis described in WAC 173-26-201(3)(d)(i).

Most shoreline areas, even substantially developed or degraded ones, still retain some level or type of ecological function. For example, even though there is little off-channel habitat or spawning and rearing habitat along the City's shorelines, the Skagit main-stem is a critical fish migration corridor. Ecosystems are also interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species depend on the health of both terrestrial and aquatic environments. Therefore, the SMA policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.

A. BIG BEND REACH ECOSYSTEM CHARACTERISTICS

The Skagit River Big Bend Reach Habitat Restoration Feasibility Study was completed for the City in December 2004. The study examines the conditions and potential for restoring fish habitat from between the confluence of Nookachamps Creek downstream to the Skagit Forks. It includes characterizations of the Big Bend Reach as a whole and discussions of historical conditions, which provide information for examination of past/future shoreline cumulative impacts, discussed in this SMP. The Big Bend Reach is used here as the relevant geographic area for discussion of ecosystem-wide conditions and functions.

B. REACH MORPHOLOGY

Within this reach, the river occupies a single channel, with levees framing the shorelines. The reach has a sinuosity that has been maintained in place by the presence of levees for at least the last 60 years and, more likely, for the last 100. The right bank is lined continuously with riprap that forms the toe of the levees for the entire length of the study reach. The left bank is lined almost continuously downstream with riprap beginning just east of the railroad bridge.

The Skagit in this reach is in transition from a meandering river to a deltaic system. The river retains features of both systems in the study reach. The meandering river upstream is gravel-bedded, highly sinuous, and steep, while the river downstream is very low-gradient, distributary in nature, with mid-channel bars common, and with sand the predominant sediment size.

The area adjacent to the river channel has characteristics typical of two very different landforms. At the large bend in the river above downtown Mount Vernon, "ridge and swale" topography can be seen. This landform is characterized by numerous low ridges, which parallel meander bends. It represents previous locations of point bars and shows the lateral growth and accretion of the bars. This feature is part of a meandering stream system. The extent of the ridge and swale topography indicates a sustained pattern of point-bar accretion. The feature is approximately 1 mile wide, while in the direction of accretion it is at least 1.5 miles long.

Downstream at approximately Edgewater Park, the features of a delta become more evident. Multiple distributary channels are evident on topographic maps of the area, starting at about RM 12.5. Irregular topography immediately west of the study reach is indicative of overflow channels and former distributary channels. This topography consists of discontinuous depressions that both parallel the main channel and radiate away from it. These features have been highly modified by past agricultural activities.

Portions of the project reach are also tidally influenced. While the effect of tides has been reported to reach to Downtown Mount Vernon, the tidal influence in this reach is minimal, and probably only happens during extreme high-tide events. Tides have a much greater effect downstream from where the river splits into the North and South Forks.

C. LARGE WOOD

Large woody debris and logjams, once extremely common in the Lower Skagit River, had a significant effect on river morphology, flow conveyance, and flood inundation. Large wood fall into the river would have provided areas of refuge and rearing habitat. However, clearing and development has basically eliminated these structural habitat components from the river within this reach.

Due to the size of the river main-stem and force of the flows experienced through this section of the river, wood must be of extremely large diameter and length to be considered stable. It is estimated that any given tree would need to be at least 28 inches or greater in diameter to have any chance of remaining stable through this reach. Currently the reach has no significant accumulations of large woody debris. Individual pieces found at Young's Bar could be considered potential key members. Additionally, there are some accumulations of imbedded LWD in the vicinity of Goodrich Bar. These accumulations can be seen during low water conditions and may be remnants of the historic log jambs once located at these sites.

Large woody debris does not play a significant role in the existing channel dynamics. It has not been present in quantities sufficient to affect channel formation since the early 20th century. Generally, LWD is only found piled against bridge abutments and buried in sediment on the few point bars present in the reach. There are only two small areas with recruitable LWD, both near Downtown Mount Vernon. However, the river channel averages about 500 feet wide in this reach and LWD is not expected to affect river processes significantly unless large logjams form.

D. FLOODPLAIN FOREST

Floodplain forests used to be present throughout the reach, but due to over a century of agriculture and other development they now exist only in patches between the levees and the river's edge. Floodplain forests in the study area are generally very similar and have an age range of 40 to 52 years, and are comprised of predominantly black cottonwood. The number of live overstory trees ranges from 130-160 stems per acre with a tree area of 200-250 square feet per acre, which is typical of a moderately aged forest. One notable exception was a mixed stand of conifer and hardwoods in the vicinity of Britt Slough. This mature stand had approximately 100 trees per acre, with a tree area of around 600 square feet per acre. In this case, a grove of mature red cedars contributed a significant portion of the tree volume. At the other end of the scale, the lowest density data was retrieved from a former clear-cut area at Goodrich Bar. Here the forest is less than 20 years old, has 775 trees per acre, and a tree area of only 103 square feet per acre.

There are no floodplain forest lands of long-term significance within the city boundaries of Mount Vernon. In determining whether forest land is primarily devoted to growing trees for long-term, commercial timber production on land that can be economically and practically managed for such production, the following factors are considered: (a) the proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

E. EDGE CONDITIONS

Of the almost 125,000 feet of edge habitat along the Skagit River in the Big Bend Reach study area, six condition classes are identified. Most of the edge habitat, over 78,000 ft, falls within a "modified edge" type. A "hardened bank" condition, which includes features such as large riprap, rubble, bridge pilings, and piers occurs on both sides of the river, with greater occurrence on the right bank. An additional modified feature, identified as "bar/riprap," stretches 390 ft between two bar features on the left bank. "Bar" conditions along this stretch of the river compose about 24,300 ft with approximately half occurring on each bank. "Non-hardened bank" conditions cover 21,500 ft, most of which occurs on the left bank (14,500 ft). Lastly, "backwater" conditions are found in two locations along the right bank and cover approximately 550 ft of edge habitat.

F. FLOODPLAIN

It is estimated there are a total of 1,340 acres of available floodplain throughout the entire study area located between the river and existing levees. The study designates the floodplain by categories based on elevation above mean water level (MWL). Approximately 80 acres are Category One (0-5 feet relative to MWL, largely exposed bars), 475 acres are Category Two (5-10 feet relative to MWL), 125 acres are Category Three (10-15 feet relative to MWL), and 660 are Category Four (15-20 feet relative to MWL). The strongest relationship to off-channel habitat is found in Category Two.

G. SHORELINE WETLANDS

Wetlands associated with the floodway are limited to areas within the batture. Wetlands associated with the non-diked floodplain are within the Natural environmental designation at the Nookachamps Mitigation Bank.

H. SUMMARY OF ECOSYSTEM CONDITIONS

Natural functions on the Skagit Delta below Mount Vernon are estimated to be 69 percent degraded from historic levels. The Skagit Basin has also been identified as being limited for Coho winter habitat, with winter rearing habitat concentrated in the few remaining side-channel sloughs on the river floodplain. The largest loss in habitat area and juvenile production for Coho salmon has occurred in side channel and distributary sloughs, resulting in winter and summer production losses of up to 52 percent from historic levels. Many of these habitat areas were once located in the Big Bend Reach area, including at Mount Vernon.

Levee construction and upland habitat conversion have resulted in the loss of almost all floodplain wetlands in the Mount Vernon jurisdiction. Levees confine the river and have eliminated the majority of backwater and off-channel sloughs that provided key habitat for salmonids, cavity nesting ducks, dabbling ducks, swans, beavers, and other riparian fauna. In Mount Vernon nearly all of the agricultural uplands have been converted to housing and other urban land uses.

Modification of the Skagit River shoreline began in the1860s and by the early 1900s nearly all of the river's shoreline from Sedro-Woolley downstream to Skagit Bay had been confined and stream banks hardened in some fashion, typically with levees and/or rip-rap. Consequently, at Mount Vernon, the river occupies a single channel, with levees framing the majority of the shorelines. The river channel has remained relatively stable since the turn of the last century. While the river does continue to occasionally flood adjacent lands, the presence of the levee system constrains any actual migration of the main-stem itself. For planning and policy purposes it is assumed that the river's main stem will continue to be confined within the limits of the existing levee system.

I. CITY SHORELINE ECOLOGICAL FUNCTIONS

The Shoreline Inventory and Restoration Plan completed in 2003, provides a snapshot of the condition of ecological functions provided along the City's shorelines. As noted earlier, there has been little change in shoreline and near upland development since the inventory was prepared, so the results of the inventory are considered current for planning purposes.

As a whole, the portion of the Skagit River flowing through Mount Vernon serves an important function, acting as a migration corridor between the river estuary and up-river spawning habitats. Every salmonid must pass through the City twice over the course of its life, as a juvenile and as an adult. Along these lower reaches of the river there is only a limited amount of potential habitat, which is evident from looking at City maps and aerials. These small areas are disproportionately significant as refuge places and are particularly valuable because of the overall habitat scarcity within this reach.

Table A-1 summarizes the ecological functional conditions of the City's shorelines by inventory unit. Ten features are presented in the table as being representative of the functions evaluated in the inventory. They are summarized below:

- **Stream bank:** refers to the relative stability of the shoreline, erosion potential, and whether it is hardened or natural.
- **Flood Plain Connectivity:** the degree to which the river has connectivity to adjacent floodplains.
- **Over-Wintering Habitat:** refers to features that allow juvenile salmon refuge from high river flows. Physical features include riparian zone vegetation, large angular riprap, and woody debris.
- **Large Woody Debris (LWD):** any large piece of relatively stable woody material having a diameter of over a foot and a length of about 10 feet that intrudes into the river channel.
- **Side Channel Restoration:** presence of a side channel and/or the degree to which there is potential for re-establishing off-channel rearing habitat and refuge.

- **Plant Diversity:** based on the relative mix and abundance of herbs, shrubs, and mixed deciduous and evergreen trees. Shoreline plant communities provide a variety of functions including input of organic material into the river, bank stability and erosion control, and recruitment of LWD.
- **Wetlands:** presence or absence of wetlands.
- **Open Space:** presence or absence of significant open space along the river, including parks, preserves, and private properties.
- **Physical Barriers:** refers to barriers to upstream migration into Skagit tributaries.
- **Riparian Reserve:** refers to the presence or absence of an intact riparian and adjacent upland plant community.

All of these features were rated into four categories:

- **Properly Functioning (PF):** indicates that, in general, the feature is providing acceptable levels of functions.
- **Function at Risk (FAR):** indicates the feature is degraded within the inventory unit and that restoration could improve functioning.
- **Not Properly Functioning (NPF):** typically indicates the feature is absent or that other features are negatively impacting the functional attributes.
- **Not Applicable (N/A):** Does not apply in the situation

These ratings are presented in the following **Table A-1.**

Table A-1 Summary of City Shoreline Ecological Features and Functions

	INVENTORY UNIT			
FEATURE	**#1**	**#2**	**#3**	**#4**
Stream Bank	**PF** – stable natural	**PF** – riprap bank is stable	**PF** – stable riprap and natural	**PF** – mostly stable riprap
Floodplain Connectivity	**PF**	**NPF**	**PF** – limited to within levee setbacks	**NPF**
Refuge	**FAR → PF** - currently poor access from river , but will become functional with restoration of Nookachamps Preserve.	**FAR** – minimal, only refuge is found in large riprap and vegetation zone	**FAR/PF** – only Edgewater Park has a functioning side channel, the result of restoration.	**NPF** – restoration constrained by presence of revetments; potential exists at Lions Park
Over-wintering Habitat	**FAR** – limited due to lack of access for fish	**NPF** – no habitat available for fish or terrestrial species	**FAR** – opportunities for habitat exist on Young's and Goodrich Bars	**NPF** - restoration constrained by presence of revetments; potential exists at Lions Park
Large Woody Debris (LWD)	**FAR → PF** – current lack of LWD, but will be installed as part river bank restoration.	**FAR** – LWD accumulation is associated with two of the bridges located in the flow channel	**FAR** – accumulations not very complex	**NPF** – limited riparian zone
Side Channel Restoration	**FAR** for current conditions; high potential for side channel restoration	**NPF** – no potential for restoration	**FAR** – could be improved on Young's and Goodrich Bars	**NPF** – no opportunity available due to adjacent development; limited potential at Lions Park.
Plant Diversity	**PF –** shoreline contains a significant strip of mature trees. Floodplain forest to be restored**.**	**NPF** – riparian zone is narrow and not complex	**PF –** Young's Bar and Edgewater Park contain a mix of riparian vegetation.	**FAR** – north at Lions Park and south of the revetments may have potential
Wetlands	**PF**	**NPF** – no wetlands	**FAR** – wetland restoration potential exists near shore	**NPF** – no wetlands
Open Space	**PF**	None	**PF**	**FAR**
Physical Barriers	**PF** – restoration of historic back-channel fish habitat part of Nookachamps Wetland Mitigation Bank	**N/A** - no tributary	**N/A** – no tributary	**PF** – barrier removed at Kulshan Creek in Lions Park
Riparian Reserve	**PF**	**NPF** – no riparian reserve for LWD or trees on waterward side of levee	**PF**	**NPF**
Sand Bar Accretion	None	None	**PF** – Young's Bar and a portion of Goodrich Bar.	None

V. CUMULATIVE IMPACTS REVIEW

The discussions below provide an overview and summary of historic shoreline conditions and activities that have impacted the shoreline over time, and the likely cumulative effects of SMP goals and regulations, along with known plans and development activities.

A. PRE-EUROPEAN SETTLEMENT

Information regarding conditions in the lower Skagit Basin prior to European settlement comes from land surveys conducted by the Government Land Office. Early mapping of the lower river indicates that it was considerably more complex than it is today, consisting of numerous channels, immense accumulations of wood debris, and vast wetlands across its extensive floodplain. The 90,000+ acre floodplain was comprised primarily of forested floodplain and scrub-shrub wetlands and, along the lower reaches of the river, estuarine habitat. Prior to European settlement, the river frequently crested its banks and inundated the large wetlands that extended across the Skagit / Samish Valley.

Prior to European settlement, large wood debris and logjams were common in the Lower Skagit River and in the near vicinity of Mount Vernon. Logjams had a significant effect on river morphology, flow conveyance, and flood inundation. Logjams diverted flows and raised water elevations to create and sustain side channels and large areas of surrounding forested floodplain and wetlands. Snags, logjams, and beaver activity formed pools and provided complex cover and hydraulic refugia for the runs of Skagit River salmon.

B. EUROPEAN SETTLEMENT

Large scale European settlement of the Skagit started in the mid 19th century with the arrival of permanent settlers on Fidalgo Island. The late 1800s brought homesteaders to the upper reaches of the Skagit with the first settlement at Mount Vernon in 1870 and in Burlington in 1890.

Logjam clearance by settlers began in about 1871. The removal of the logjams was said to have increased flows and flood heights in the Fir Island area while flood heights west of Mount Vernon were decreased with the removal of the logjams. With the opening of the river, large-scale steamboat navigation began on the Skagit . Piers were constructed at numerous locations on the river downstream from Sedro Woolley, remnants of which are still visible today. By the 1890s the river had been mostly cleared of wood debris and partially diked. Gold-seekers pushed up river in the 1890s and large-scale logging started at about the same time.

Up until the mid-1960s, federal “snag boats” were used on a regular basis to remove accumulated logs that got hung up on bridge pilings. More than 35,000 snags were removed from the Skagit River between 1881 and 1910. In addition, over 5,000 trees were cut from the river banks by 1910. The rate of snag removal and tree-cutting decreased dramatically after about 1910.

Channel and floodplain modifications have dramatically changed the land use pattern in the valley. Over several decades during the late 19th and early 20th centuries, a system of levees and drainage systems continued to be constructed to make the cleared and drained land suitable for crop production. The rich soil has fostered an agricultural community of family farms known for flower bulbs, crop and dairy production, and vegetable seed.

C. CURRENT ECOSYSTEM CONDITIONS

The city's shorelines reflect the legacy of substantial modification over a period of more than a hundred years. The current landscape setting of the Mount Vernon shoreline is a result of the interaction of natural landscape processes and human interventions that have occurred in the Skagit River system as a whole. Anthropogenic changes to the river system such as land clearing and draining of the floodplain for agriculture and settlement, the removal of wood and large log jams, and regulation of water flow in the river have led to the need for local infrastructure such as levees, revetments, and other hydromodifications, to support and protect urbanization and other development.

In addition to modification by levees and similar structures, the Skagit shoreline at several locations in Mount Vernon is armored with rip-rap. To accommodate the levees and land-side development most, if not all, of the shoreline vegetation has been removed. Therefore most riverine shoreline ecological functions are either degraded from historic conditions or are absent altogether, resulting in the loss and isolation of large segments of riparian and wetland habitat critical to the various life stages of salmon.

D. LEVEES AND REVETMENTS

The dominant feature of the Skagit River shoreline in Mount Vernon is the presence of the extensive and nearly continuous system of dikes/levees and revetments. Flood risk reduction systems are a permanent feature of the City's shoreline and adjacent upland environments. Where they separate the upland portion of the SMZ from the river, development is typically backed up to the dike on its landward side. However, this condition only accounts for 24 percent of the City's total shoreline, and will be further reduced when the levee at the north end of the City is relocated inland.

There are three dike districts within Mount Vernon and their collective long-term goal is to rebuild and reconfigure the dike system such that much of the area within the City historically impacted by flooding will be protected. This will allow recertification of the affected areas and their removal from the FEMA 100-year floodplain maps.

Lands that are isolated between the river's edge and the levees/dikes or revetments are collectively called the "batture". A majority of the City's shorelines occur within the batture, as well a majority of the shoreline jurisdiction. In the three bridges area at the north end of the City and along the downtown waterfront, levees and revetments are located within the SMZ.

E. CRITICAL AREAS

The City conducted three critical area inventories during the development and subsequent implementation of its Critical Areas Ordinance (CAO). These studies have been used to identify the type and location of critical areas within the shoreline environment. They include:

- "*Wetland and Stream Inventory*", Shannon & Wilson, January 2000.
- "*Assessment of Waters/Wetland Ecosystem Conditions and Functions*" L.C. Lee et al, January, 2007.
- "*Mount Vernon Stream Study*", WSP, 2008.

The result is that statutory critical areas on the City's shorelines are limited by type, extent, and previous development. Within the SMP jurisdiction, critical areas consist of the main stem of the Skagit River, associated wetlands, and fish and wildlife habitat conservation areas. There are no known non-aquatic resource lands, geologically hazardous areas, or designated aquifer recharge areas. Floodplains are regulated under Chapter 15.36 MVMC, "Floodplain Management Standards."

The Skagit River is designated as having shorelines of statewide significance and, as such, is a Type S stream under the Department of Natural Resources waters typing system. The river reaches that flow through the City provide fish passage as the primary ecological function.

The shoreline critical areas identified in the referenced studies all occur within the batture, or within the active floodplain at the north end of the City where there is no levee. No critical areas were identified within areas of the SMP jurisdiction landward of a levee or revetment. This is due to those lands having been developed with uses that back up to and abut the levees or revetments.

One wetland, at the south end of Edgewater Park, was part of the restoration of that segment of shoreline and adjacent upland. The restoration included re-establishment of an historic side-channel as a refuge for migrating fish. Other potential jurisdictional wetland areas are located outside of the SMZ within the river's active floodplain. Of note is the Nookachamps Wetland Mitigation Preserve, the construction of which will result in restoration of historic wetlands and their hydrologic connection to the river. Wetlands are regulated under the provisions found in Appendix 'C' of the Shoreline Master Program.

Other locations identified as potential critical areas included the confluence of both Lindegren and Kulshan Creeks with the Skagit River, Young's Bar north of Edgewater Park, and the recently restored side-channel fish habitat at the south end of Edgewater Park. These areas have been identified, respectively, on Figures B-7, B-3, B-4, and B-5 of Appendix B of the SMP.

F. SHORELINE ACCESS AND VIEWS

As noted above, the levees/dikes and revetments separate upland uses from the shoreline. This impacts both the ability to provide physical access to and views of the shoreline. In the three bridges area at the north end of the City the levee runs parallel to the shoreline and splits the SMZ between the batture and adjacent uplands. As a result, there is no direct physical access to the shoreline and because of the height of the levee there are no views from the adjacent upland uses.

In West Mount Vernon, the levee is setback considerable distances from the shoreline, with intense development occurring landward. The levee height eliminates views from these upland uses, but both access and views are provided for at Edgewater Park.

Along the downtown shoreline, the revetment parallel to the river and elevated above both the river and the downtown core along First Street, effectively blocks views from both the street and downtown buildings, with a few exceptions where there may be views available from taller buildings. Visual access, but not direct physical access, is available from the top of the revetment. During 2009, the City conducted a series of Downtown Design Guidelines workshops, which included a study of downtown views and the impacts of a range of building heights. Given the overall lack of existing views it was determined that the fifty-five foot height limit identified for downtown redevelopment would not adversely affect views of the shoreline. The redevelopment of the downtown shoreline will result in improved public visual access to the river, including removing the existing parking atop the revetments and developing a waterfront pedestrian promenade, a public plaza, open spaces at street ends and other public amenities. Private redevelopment will be required to modulate structures to reduce impacts of massing and provide for water-enjoyment via pedestrian access, where practical.

G. SHORELINE USE ANALYSIS

Future new shoreline development potential is extremely limited since there are few vacant parcels within the Shoreline Management Zone. These consist of parcels, primarily zoned for residential or commercial use, located between Lindegren Creek and the I-5 Bridge along Hoag and Stewart Roads. Virtually every other shoreline parcel has been developed to an urban or recreational use, with the exception of the shoreline north of Lindegren Creek adjacent to the Nookachamps Wetland Mitigation Bank. This means that the majority of future development activities will be in the form of redevelopment of existing lots and structures. Streets and roads have been constructed and major utilities installed, limiting future infrastructure-related activities in the shoreline to primarily maintenance and upgrade.

There are approximately 29,850 lineal feet of Skagit River shoreline within the City's corporate boundaries. Uses on the shoreline can be grouped into four general categories and are briefly described below.

1. Areas where there is no dike/levee or revetment on or near the shoreline or in the adjacent upland and where there are no significant structures, roads and other infrastructure: This condition is found in north Mount Vernon, where there is an approximately 7,300 foot reach of shoreline adjacent to the active floodplain that comprises the Nookachamps Wetland Mitigation Bank. This reach accounts for 24 percent of the City's shorelines. This area will be kept in preserve and will allow for limited passive recreation use and public access to the shoreline.

2. Areas of significant open space within the batture: These include the entire shoreline on the west side of the river across from Downtown; Lions Park North; and the vacant/undeveloped properties south of the Dairy Valley plant to the City boundary. Uses include both active and passive recreation consistent with a shoreline location (e.g. small craft launch) in Edgewater Park, Lions Park, and informal use of Young's Bar, which is private ownership. The Washington Department of Fish and Wildlife has land and a boat launch immediately north of Young's Bar and additional property south of Edgewater Park. The properties south of Dairy Valley are vacant and unlikely to develop to an intense use since they are in the floodplain between the river and levee. Taken together, these areas account for 40 percent of the City's shorelines.

3. Area of single-family residential development: This is found only in north Mount Vernon, between Lindegren Creek and the Riverside Drive Bridge. This 3,450 foot reach accounts for 12 percent of the City's shorelines. Between the railroad bridge and Riverside Drive bridge all but a few of the residences are separated from the river by a levee. About half of these properties have been acquired by Dike District #17, which is pursuing a long term plan to acquire the rest of these residential properties, so the levee can be relocated upland closer to the Hoag/Stewart Roads right-of-way.

4. Areas of more intense urban development, characterized by a mix of uses including residential, retail, commercial, office, and industrial: These areas are found from the Riverside Drive Bridge west to the City limits in north Mount Vernon, and the shoreline adjacent to Downtown from Lions Park south to the Dairy Valley property. In the Downtown area, dikes and levees are typically located near the river's edge, with development backed up to them. As noted above, the levee along Stewart/Hoag Roads will probably be relocated, but at present it separates existing uses from the shoreline. Urban mixed-use accounts for approximately 24 percent of the City's shoreline.

As noted above, large segments of the shoreline are in some type of open space use, characterized by having connectivity to at least part of the adjacent floodplain. They account for approximately 76 percent of existing shoreline land use. The nature of the ownerships (much of it public) and uses on these shorelines, their connectivity to the floodplain, underlying zoning restrictions, and restoration potential preclude intense urban uses from developing in these shoreline areas.

When Dike District #17 is able to acquire the land to relocate the levee farther from the river along Stewart/Hoag Roads, open space uses would account for a higher percentage of the City's shorelines. This would also result in a corresponding reduction of both residential uses and more intense urban uses along the City's shorelines.

There are no water-dependent or water-related businesses or transportation facilities located on the City's shoreline. In addition, there is no viable potential for such uses to develop in Mount Vernon. This is due to the following factors:

1. Currently, 76 percent of the City's shorelines are areas where commercial, industrial, and transportation facilities would be prohibited from development, due to the underlying zoning. That figure will increase to 82 percent in the future when the levee at the north end of the City is relocated further upland.
2. In those areas of the shoreline where water-dependent commercial, industrial, and transportation uses would be allowed, dikes, levees, and revetments separate such uses from the shoreline. These flood risk reduction structures have been in place for much of the City's history, and current plans for the downtown and waterfront include removing revetments and relocating portions of levees closer to the shoreline to protect downtown properties. Flood risk reduction measures represent a significant investment and will continue to be a permanent feature of the City's shorelines.

Since water-dependent and water-related commercial, industrial, and transportation uses are unlikely to develop in the future, the City is pursuing policies and regulations that provide for non-water oriented uses to remain and encourage redevelopment in the shoreline areas where such uses are allowed. Development or redevelopment will be required to provide facilities for water-enjoyment such as boardwalks and viewpoints.

Given decades of conversion and use along much of the City's shoreline and the substantial investments made over time to those uses, particularly Downtown, the development pattern, general mix of land uses, and infrastructure are essentially established and in place. While this has had significant cumulative impacts to the City's shoreline functions up to this point, the limited new development potential that remains suggests there is, in general, a reduced potential for future significant impacts.

H. ENSURING NO NET LOSS

SMP goals, policies, and regulations have been developed to ensure a no net loss goal. Public and private restoration projects have and will continue to improve the ecological functions along significant sections of the Skagit shoreline. Provisions for restoration, improved stormwater controls, and enhancement during development and redevelopment should, over time, provide an incremental lift in shoreline functions. Below is a brief description of the environmental designations and general statements about SMP goals and regulations contributing to the goal of "no net loss." (For a complete discussion about environmental designations and designation maps, see the Shoreline Master Program Section IV, "Shoreline Environmental Designations.")

1. **Natural Environment**

   This designation is primarily located between Lindegren Creek and the north City/County boundary, adjacent to the Nookachamps Wetland Mitigation Bank. The Wetland Bank construction will restore historic back-channels and wetlands in the floodplain and restore hydraulic connectivity to the river. Although a trail for public access is planned, SMP goals, polices, and regulations prohibit higher intensity development or use in this area. Restoration of this area will provide a significant lift in ecosystem-wide shoreline functions.

   Areas at Young's Bar, the Kulshan Creek confluence at Lions Park North, the Lindegren Creek confluence, and the south shoreline edge of Edgewater Park are also designated Natural Environment. Past and future restoration of the riparian environment and ecological functions in these areas, including re-establishing an historic forested wetland and associated back-channel at Edgewater Park, will increase ecosystem-wide shoreline functions.

2. **Urban Conservancy**

   This designation includes portions of Lions Park South, Edgewater Park and adjacent parcels on the west side, those shoreline areas located between the ordinary high water mark and the levee in the three bridges area to the north, and those parcels that are south of the Dairy Valley plant to the City boundary in the southwest. All these locations exist between a levee and the river. SMP goals, policies, and regulations prohibit higher intensity uses within this designation. Active recreation is allowed provided that shoreline impacts are mitigated and/or provide for restoration/enhancement of ecological functions.

3. **Shoreline Residential**

   Residential development on the City's shoreline is limited to a stretch of the river less than ¾ mile in length, between Lindegren Creek and the Riverside Drive Bridge. Between the railroad bridge and Riverside Drive Bridge residential lots are functionally separated from the river's edge by levees. East of the railroad bridge, residential development is at a higher elevation and not at risk from flooding. Land west of the railroad bridge may be acquired by the Dike District in the future, for levee relocation. SMP goals, policies, and regulations limit more intense uses.

4. **Urban Mixed-use**

   At the north end of the City this designation occurs between the Riverside Drive Bridge and the City boundary to the west. Uses in this area are functionally separated from the river by a levee. It is intent of Dike District #17 to also acquire these properties for future levee relocation.

This designation also occurs north of the levee at Lions Park North, from Lions Park South along the Downtown waterfront to south of the Dairy Valley plant and City-owned land immediately to the south. In these locations ecological functions are severely limited due to past development. The designation also reflects the existing conditions and built nature of this shoreline area and is consistent with the Comprehensive Plan and Downtown and Waterfront Master Plan.

Existing and allowed uses include residential, retail, commercial, and industrial. SMP goals, policies, and regulations allow for the continuation of these uses. These properties may redevelop to mixed-use in the future and provide for water-enjoyment use (e.g. boardwalk, trail) to increase public access. Redevelopment may require upgrades to on-site stormwater facilities.

I. CUMULATIVE IMPACTS CONCLUSION

The Skagit River shorelines located within the City's corporate boundaries are characterized by significant modifications that have occurred since European settlement in the area began in the late-1800s. Most of the adjacent floodplain that historically contained complex waters/wetland systems and habitats was drained and filled for agricultural purposes early in the City's history and later converted to urban uses. A system of levees/dikes and revetments has been constructed to protect adjacent properties from seasonal flooding. This flood risk reduction system is a dominant physical feature effecting shoreline functions, visual and physical access, restoration potential, and planning.

Historic activities along the City's shorelines have resulted in cumulative impacts that have significantly impacted ecological functions. Most of these functions have been degraded to varying degrees, with many absent altogether along certain segments of the City's shoreline. The existing development pattern and land uses are unlikely to change significantly, but controlling how redevelopment occurs on the shorelines will reduce the potential for continued impact to shoreline functions.

As noted, over 76 percent of the City's shoreline environments are in some form of open space, and are designated as either Natural or Urban Conservancy. Intense urban development and uses are prohibited within these designations, and there is additional restoration potential within these environments (see Appendix B).

The remaining 24 percent of the shorelines contain a mix of urban uses and are essentially fully developed. Future relocation of the levee along Stewart/Hoag Roads will reduce that down to approximately 12 percent, and add more lands to the batture and Urban Conservancy designation, with potential for additional restoration of some shoreline functions.

As with many cities founded during the nineteenth century along rivers, Mount Vernon's downtown does not focus on its waterfront. The redevelopment of the waterfront, anticipated to occur in tandem with the introduction of more effective flood risk reduction measures, provides the opportunity to rectify this situation by expanding public accessibility to the shoreline. The Downtown and Waterfront Master Plan will improve public access to the river the full length of Downtown Mount Vernon. The shoreline, from north of the Division Street bridge south beyond the Commercial Cold Storage industrial area, will eventually be accessible to the community by means of a public walkway between the floodwall and the Skagit River.

The facilities that will make this feasible and the amenities that will make it attractive to the public will be provided during the course of waterfront and downtown redevelopment. Although the flood risk reduction element will be financed with public funds, private investment will make the vision of a "public waterfront" a reality.

The Downtown and Waterfront Master Plan, the Shoreline Master Program and its associated development standards, and the Downtown Design Guidelines each serve a purpose with the underlying single goal of ensuring that future development enhances the quality of life for the Mount Vernon community.

Based on the analyses and discussions above it is anticipated that the cumulative impacts of implementation of the SMP will result in an improved shoreline environment, both from the standpoint of providing greater public access and enjoyment, and achieving the goal of no net loss of ecological functions.

Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell

When this document is finalized this document will be incorporated here – while in its draft form this document is separate.

Technical Memorandum
April 30, 2021

To: Rebecca Lowell & Chris Phillips
Development Services
City of Mount Vernon

From: Lyndon C. Lee, Ph.D., PWS
L.C. Lee & Associates, Inc.

CC: LCLA/cf

Ref. Mr. Dan Mitzel – Swan View Plat – Shorelines

I. Introduction

This Technical Memorandum has been developed to clarify the logic I used to determine that three Category IV depressional wetlands (A, B, and D on Figure 1) on Mr. Dan Mitzell's Swan View plat in the City of Mount Vernon (City) are "Associated" with the Shoreline Areas of the Skagit River and Lindgren Creek. The Mitzell Property Skagit County Assessor parcel number is P24350. The general configuration of the property is shown in Figure 1. Latitude/longitude coordinates for the approximate centroid of the property are 48.45295 N/-122.305011 W.

To summarize, my recommendation that the wetland A, B, and D ecosystems are "Associated" is founded on the fact that their structure and functioning in the landscape are influenced by their immediate proximity and physical and functional connections to the Skagit River and Lindgren Creek floodplains and "Shoreline" ecosystems. These connections include the facts that –

(a) Within the Skagit River/Lindgren Creek landscape-scale habitat mosaic that exists in the vicinity of the Mitzell Property, Wetlands A, B, and D contribute multiple food and cover resources, including travel and dispersal pathways and hiding, resting thermal and escape cover for a range of native faunal species that use all elements of the habitat mosaic.

(b) Wetlands A, B, and D are likely at least seasonally and intermittently connected hydrologically via shallow subsurface water flows and circulation processes that occur between Wetlands A, B, and D and the abutting wetlands C and E and floodplains of the Skagit River and its perennial tributary, Lindgren Creek. They are part of a seasonally expanding and contracting network of hydrologically active (or variable) source areas that contribute water flows to the Skagit River/Lindgren Creek floodplain system. The rate at which these water flows travel and the volume of flows that move downgradient from Wetlands A, B, and D to the Skagit River/Lindgren floodplains are governed in part by antecedent wetness conditions in the Skagit River/Lindgren Creek floodplains.

II. Physical Setting – Overview

The Mitzell Property is located near the western edge of a late Pleistocene/early Holocene Skagit River terrace feature that exists on the eastern (river left) side of the current active Skagit River channel (Figure 2). The modal soil mapped by the Natural Resources Conservation Service (NRCS) in the vicinity of wetlands A, B, and D is the Tokul gravelly medial loam (Tokul soils) (Figure 3). Within the boundaries of wetlands A, B, and D depressions, hydric soil inclusions in the NRCS mapped Tokul soils unit are present. This is typical at scale within NRCS mapped soil units. Table 1 lists characteristics of the Tokul soils unit. These soils are moderately well drained. They developed in volcanic ash mixed with loess over recessional glacial till layers. As is typical throughout the Puget Sound lowlands, Tokul soils and recessional till layers like it are incompletely draped over the Skagit River terrace feature shown in Figure 2. They overlay highly compacted and relatively impermeable advance glacial till layers that occur at depth in the soil profile (33-62 inches – Table 1).

The dominant slope gradient on the Mitzell Property is to the west and towards the steeper portions of the old Skagit River terrace hillslope (Figures 1and 2). The seasonal surface and shallow subsurface water storage and exchange processes that occur in depressional wetlands A, B, and C interact with surrounding Tokul soils, especially during winter wet seasons. Combined with the locally steep westerly hillslope gradient, this means that subsurface water from wetlands A, B, and D can and most likely does exfiltrate to the west and downhill past (or through) wetlands C and E (Figure 1) and then further west to the Skagit River/Lindgren Creek floodplains.

Along the entire western boundary of the Mitzell Property, the Lindgren Creek ecosystem is inset and flows within the mapped Federal Emergency Management Agency (FEMA) floodplain of the Skagit River (Figure 4). The flow direction of Lindgren Creek is generally south and west along the toe slope of the old Skagit River terrace (Figure 2 – Blue Arrow). Along the reach where the Mitzell Property abuts it, Lindgren Creek is a perennial, fish bearing stream that has direct surface and subsurface water connections to the Skagit River. As such, it is a tributary to the Skagit River. Along this same Mitzell Property reach, the Lindgren Creek ecosystem includes relatively narrow and continuous bands of riparian wetlands that directly abut the main Lindgren Creek channel and which occur at and slightly above its Ordinary High Water Mark (OHWM) and salong the toeslope of the old Skagit River Terrace.

Especially during winter wet seasons when the wetland depressions A, B, and D are full of water and when the soil water storage capacity in the surrounding Tokul soils is saturated or nearly so, water from wetlands A, B, and D will combine with precipitation that infiltrates the surface of the Tokul soils on the Mitzell Property. If antecedant wetness and storm event timing and magnitude allow, these combined shallow subsurface flows will move downward (near vertically) on gravity in the Tokul soil profile until they contact the cemented and relatively impermeable advance till layers at approximately 33 – 62 inches in depth. Not being able to move further downward (vertically), this subsurface water then will move west and down the hillslope gradient, in the Tokul soils and along the contact of the advance and recessional till layers. Especially when antecedent moisture conditions are at or nearly saturated (e.g. winter wet seasons, during long duration or back to back storms) shallow subsurface flows from the Mitzell Property, including wetlands A, B, and D will eventually connect with the Skagit River and Lindgren Creek floodplains along the colluvial toeslope seep/wetland features that occur in the

transition areas from the old Skagit River terrace to the active floodplains of the Skagit River/Lindgren Creek ecosystem. This toeslope seepage of shallow subsurface water from upslope waters/wetlands and contributing areas is a natural process that occurs throughout the Skagit River Valley and throughout the Puget Sound Lowlands. It is evidenced locally by toeslope seep wetlands that do occur on the river left toeslope and bank features that occur in the Lindgren Creek system from the vicinity of the Mitzell property south towards the so-called "Hoag" wetlands that occur just upstream of the junction of Lindgren Creek with the main channel of the Skagit River.

III. Opinions

A. Overview

The January 15, 2021 Email from Rebecca Lowell (City of Mount Vernon) to Lauren Bromley (Washington State Department of Ecology) includes the following section:

> "I've spoken with our City Biologist (Dr. Lyndon Lee) about the criteria you outlined for us in your email below and Dr. Lee confirmed for us that:
>
> 1. The eastern three wetlands not located in the floodplain do not influence the Skagit River.
>
> 2. The eastern three wetlands not located in the floodplain are influenced by the Skagit River.
>
> 3. The eastern three wetlands not located in the floodplain would have subsurface hydraulic connection(s) to the abutting floodplain and the Skagit River."

In developing the three opinions listed immediately above, I used standard definitions and criteria listed in WAC 173-22 Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State (Table 2).

B. Opinion 1

Mitzell Property wetlands A, B, and D (Figure 1) are not located in the Skagit River floodplain. They are located due east if it on an old Skagit River terrace feature. Because of their relatively small size and landscape position, they do not significantly influence the hydrologic, biogeochemical, or plant community structure and functioning of the Skagit River ecosystem. However, given their landscape position that is immediately proximate to the Skagit River and Lindgren Creek ecosystems, they are important as components of relatively intact mosaic of wetland and floodplain habitat patches and food and cover resources in the vicinity of the Mitzell Property. Several classes of faunal species depend upon these types of wetland and floodplain landscape mosaics to complete critical portions of their life cycles such as growth and reproduction.

C. Opinion 2

Mitzell Property wetlands are not located in the Skagit River floodplain but their faunal support/habitat functions at site-specific and landscape scales are connected to and significantly influenced by the structure and functioning of the Skagit River and Lindgren Creek ecosystems, the eastern (river left) boundaries of which are located immediately west of the Mitzell Property.

Specifically, on the Mitzell property, it is my opinion that wetlands A, B, and D are captured within Shoreline jurisdiction because they are "Associated wetlands." This means that they are–

> "…in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act." (Table 2. Showing WAC 173-22 definitions and criteria)

In laying out Shoreland Area Designation Criteria, the Table 2 WAC also states -

> "The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:
>
> (c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes ***but is not limited to*** one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity" (emphasis added)

For the sake of clarity, the Washington State term "Associated" and the criteria used to determine whether a wetland is "associated" (as cited immediately above) are different from current U.S. Federal definitions of "Adjacent." In the current U.S. Federal regulations [PART 120—DEFINITION OF WATERS OF THE UNITED STATES, Sec. 120.1 Purpose and scope, 120.2 Definitions. Authority: 33 U.S.C. 1251 *et seq.*] an adjacent wetland is defined as follows:

> "(i) *Adjacent wetlands.* The term *adjacent wetlands* means wetlands that:
>
> (A) Abut, meaning to touch at least at one point or side of, a water identified in paragraph (1)(i), (ii), or (iii) of this definition;
>
> (B) Are inundated by flooding from a water identified in paragraph (1)(i), (ii), or (iii) of this definition in a typical year;
>
> (C) Are physically separated from a water identified in paragraph (1)(i), (ii),or (iii) of this definition only by a natural berm, bank, dune, or similar natural feature; or
>
> (D) Are physically separated from a water identified in paragraph (1)(i), (ii), or (iii) of this definition only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and the water identified in paragraph (1)(i), (ii), or (iii) of this definition in a typical year, such as through a culvert, flood or tide gate, pump, or similar artificial feature. An adjacent wetland is jurisdictional in its entirety when a road or similar artificial structure divides the wetland, as long as the structure allows for a direct hydrologic surface connection through or over that structure in a typical year."

The major "stream" and Shoreland Area in question here is the Skagit River. It is the dominant geomorphic feature that drives landscape-scale ecosystem structure and functioning in the vicinity of the Mitzell Property. While the main channel of the Skagit River is approximately 3,350 ft west of the Mitzell Property, the mapped Federal Emergency Management Agency (FEMA) floodplain ("Zone A1") boundary abuts the western boundary of the Mitzell Property (Figure 4). The Zone A1 designation means that FEMA has determined that the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.[1]

Given the immediate proximity of wetlands A, B, and D to the Skagit River and Lindgren Creek ecosystems, it is my opinion that there are no doubt important movement and dispersal pathways and habitat connections that are used by several classes of faunal species that either seasonally migrate to or reside wholly within wetlands A, B, and D and other waters/wetland elements of the Skagit River/Lindgren Creek landscape. The fact is that resident and migratory native faunal species rely upon the size and connectivity of intact habitat patches and intact landscape connections among the Skagit River ecosystem and its associated tributary streams and wetlands to complete important parts of their life cycles such as reproduction and growth. Examples of species that would use the transitions from the Mitzell Property wetlands to the Skagit River and Lindgren Creek floodplain include (a) resident and migratory waterfowl, (b) resident and migratory birds including raptors such as eagles, owls and hawks, (c) semi-aquatic vertebrates such as frogs and salamanders, and (d) mid-sized mammals such as racoons, coyotes and bobcats who would use and depend upon food and cover resources in the Mitzell – Skagit River/Lindgren Creek floodplain transitional areas.

C. Opinion 3

Given the geomorphologic and physical conditions at the Mitzell Property summarized in Section II in this Technical Memorandum, it is my opinion that the eastern three wetlands (A, B, and D) that are not located in the Skagit River floodplain would most likely have at least seasonal, intermittently flowing subsurface hydraulic connection(s) to the abutting floodplains of the Skagit River and Lindgren Creek. This would be especially true when antecedent wetness conditions in the soils that dominate the old Skagit River terrace feature are wet due to long duration, intense or back to back winter/wet season storm events. These types of landscape-scale hydrologic connections are important in maintaining the suite of hydrologic, biogeochemical, plant community, and faunal support/habitat functions that are performed by the Skagit River and Lindgren Creek ecosystems and their associated wetlands.

[1] The Skagit River reach in the vicinity of the Mitzell Property is also designated as (a) a Traditional Navigable Water (TNW) of the U.S. by the Seattle District of the U.S. Army Corps of Engineers, and (b) critical habitat for Puget Sound Chinook Salmon (*Oncorynchus tshawytscha*), which is listed as threatened in the Skagit River.

Figure 1. Swan View Site in the City of Mount Vernon

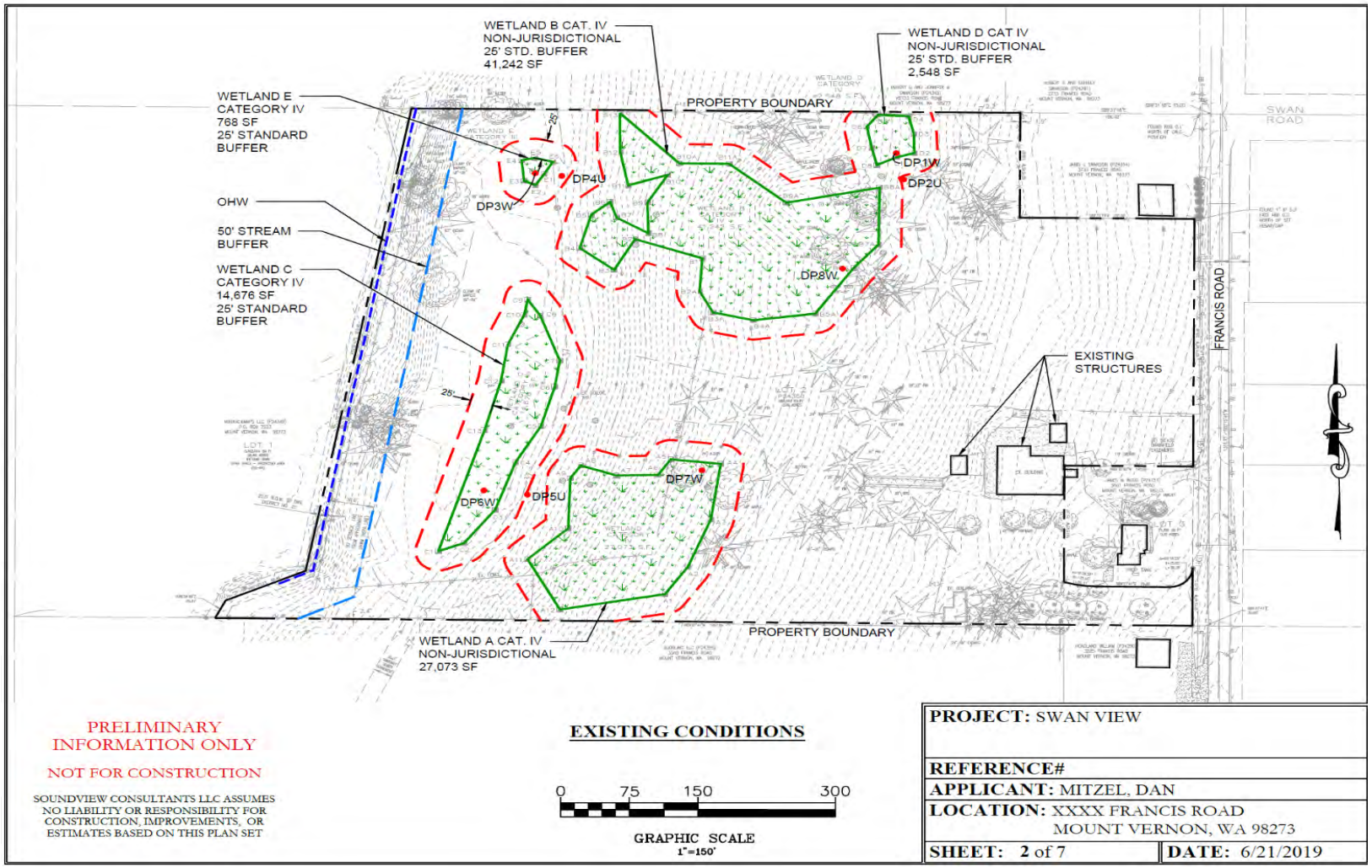


Figure 2. Light Detection and Ranging (LiDAR) Image and Topography in the Vicinity of the Mitzel Property.

Note: The Blue Arrows shows the location of the Skagit River late Pleistocene/Early Holocene River Terrace Feature on the Western Boundary of the Mitzel Property, and the approximate location of the Lindgren Creek channel.

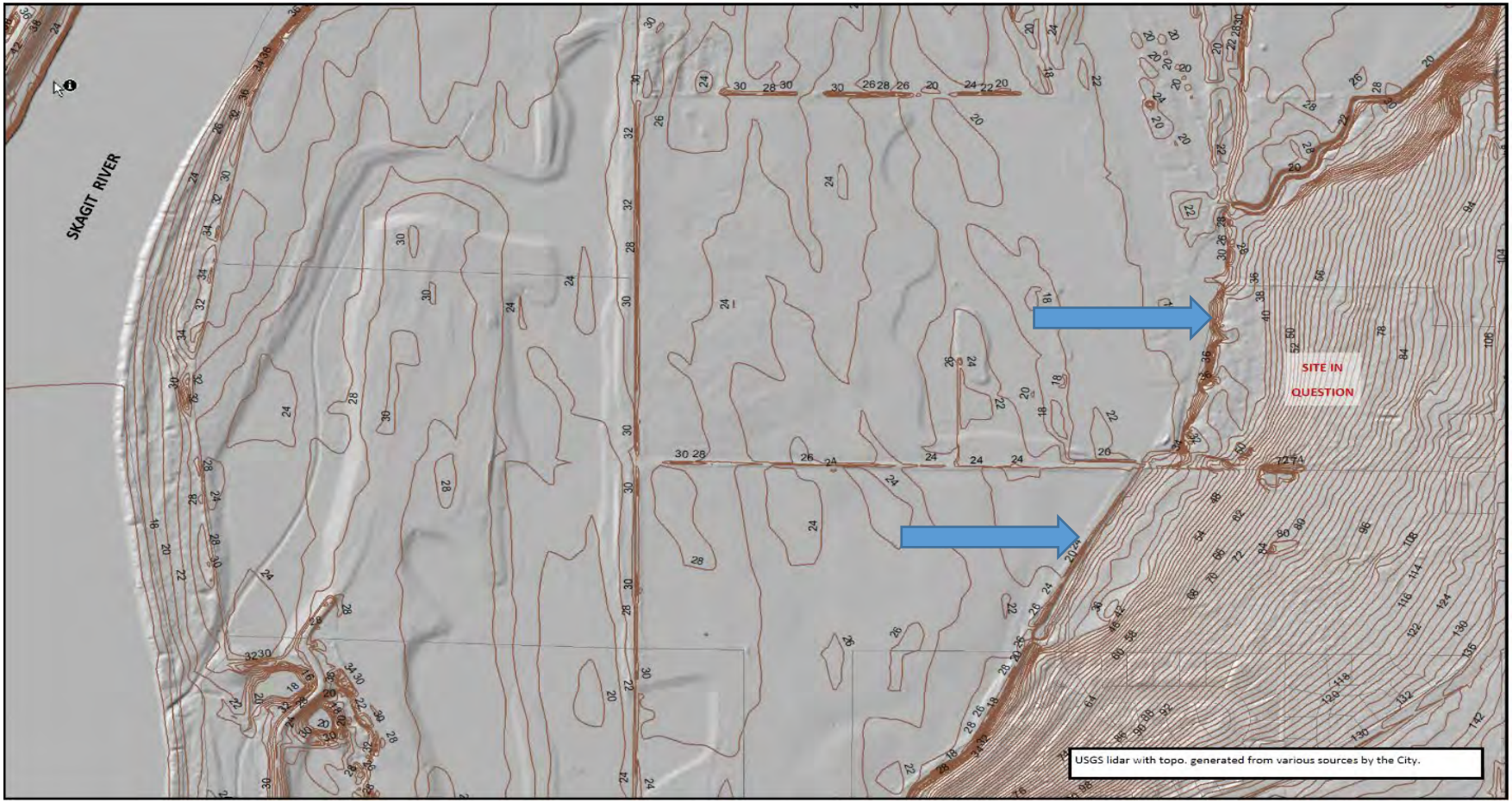


Figure 3. Natural Resources Conservation Service Soils Map of the Mitzel Property.

Note: Blue arrow indicates the NRCS mapping of the main channel of Lindgren Creek.

Skagit County Area, Washington (WA657)

Skagit County Area, Washington (WA657)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
123	Skagit silt loam	9.0	30.4%
147	Tokul gravelly medial loam, 8 to 15 percent slopes	20.6	69.6%
Totals for Area of Interest		**29.6**	**100.0%**

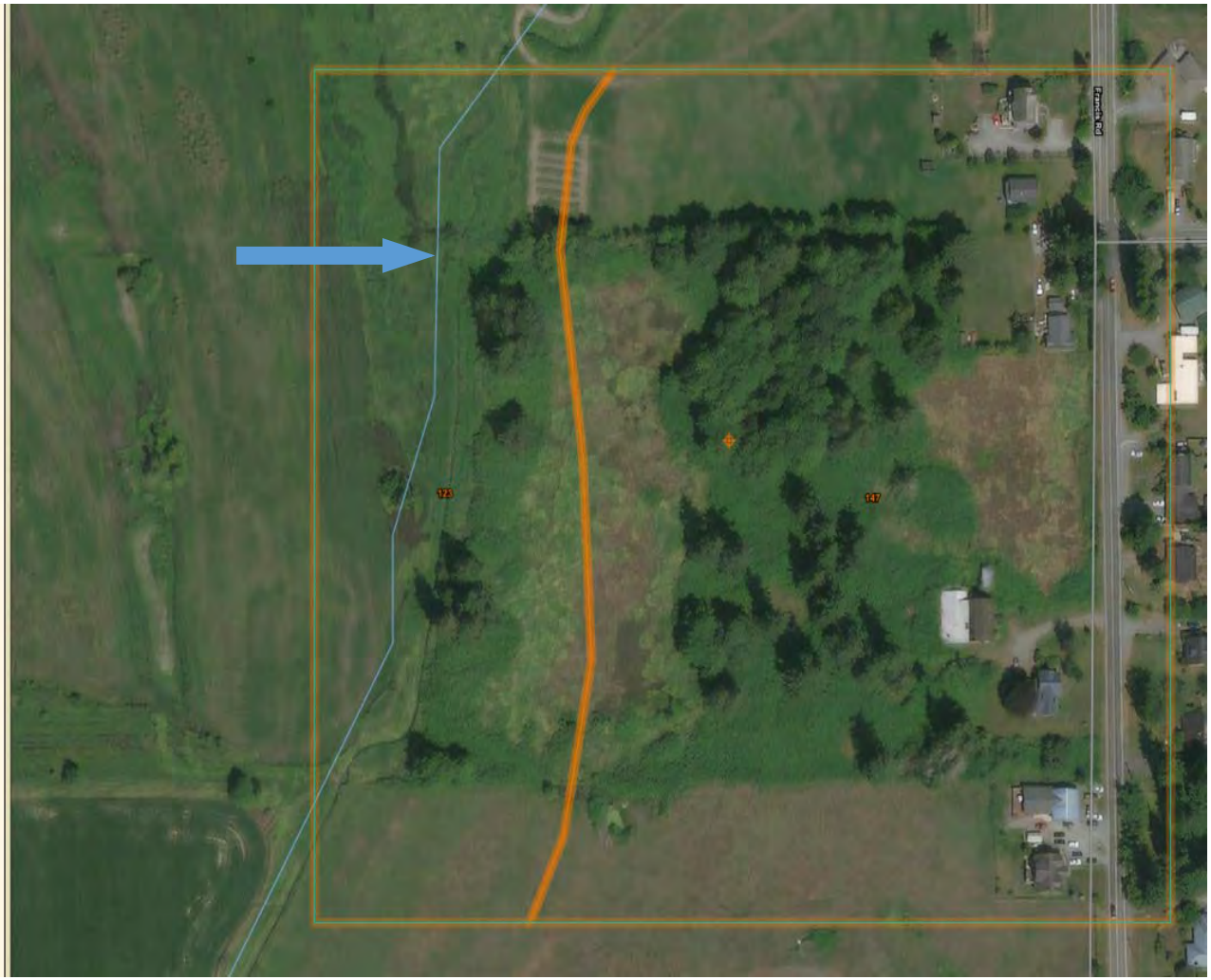
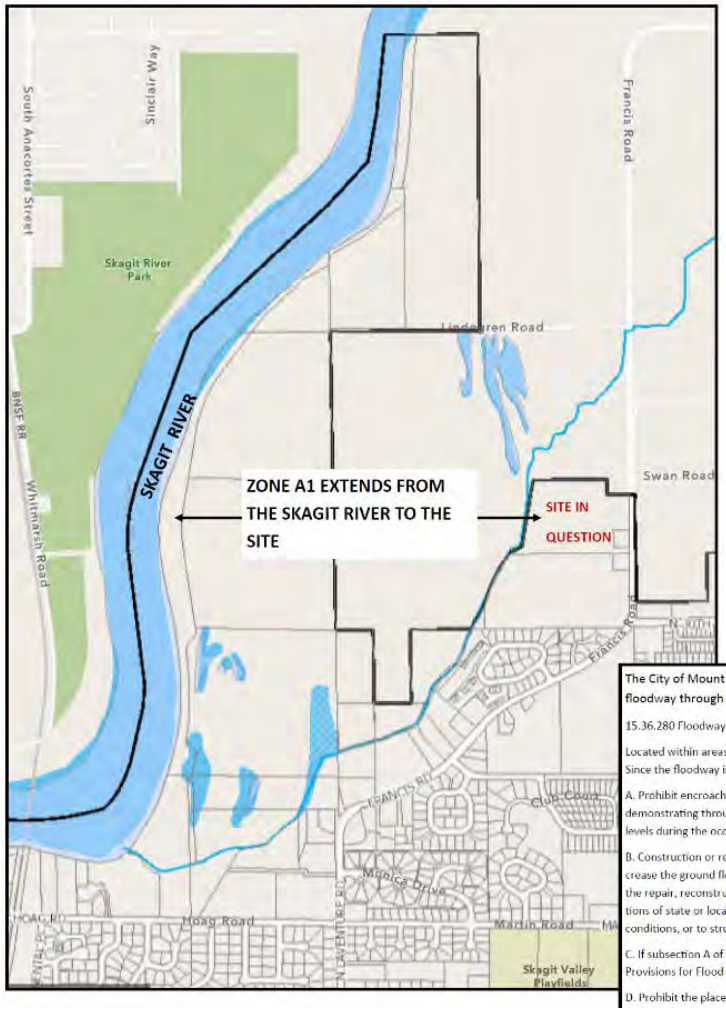
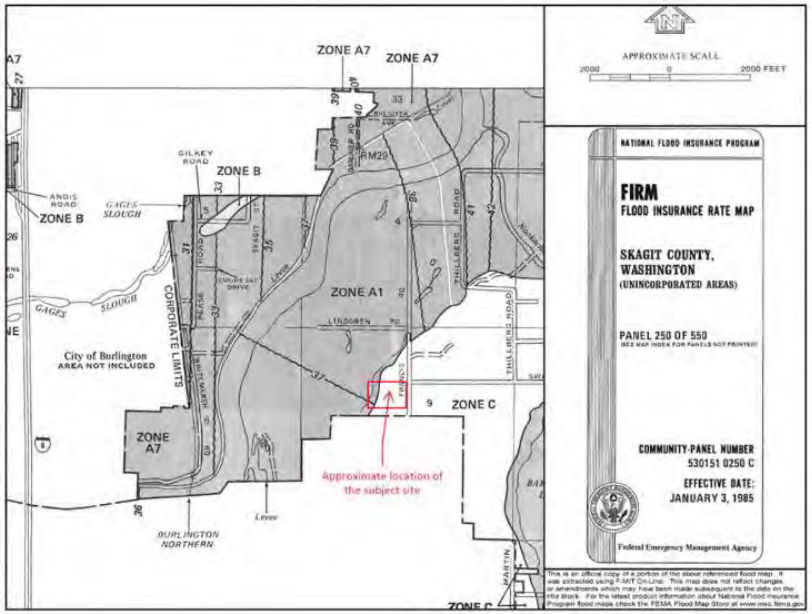


Figure 4. Federal Emergency Management Agency Mapping in the Vicinity of the Mitzell Property





The City of Mount Vernon does not have a FEMA designated flood way similar to most other jurisdictions. Because of this the City was required to designated Zone A1 as a floodway through our municipal code as follows:

15.36.280 Floodway use restrictions.

Located within areas of special flood hazard established in MVMC 15.36.050 are areas designated as floodways. Zone AI, the main stream of the Skagit River, is to be treated as a floodway. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (a) before the repair, reconstruction, or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, shall not be included in the 50 percent figure;

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood-hazard reduction provisions of Article V of this chapter, Provisions for Flood Hazard Protection;

D. Prohibit the placement of any mobile homes except in an existing mobile home park or existing mobile home subdivision.

Table 1. Map Unit Description of the Tokul gravelly medial loam

Map Unit Description: Tokul gravelly medial loam, 8 to 15 percent slopes---Skagit County Area, Washington

Skagit County Area, Washington

147—Tokul gravelly medial loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2t61l
Elevation: 160 to 1,150 feet
Mean annual precipitation: 45 to 70 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 140 to 200 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Tokul and similar soils: 70 percent
Minor components: 30 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Tokul

Setting

Landform: Hillslopes, till plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Side slope, tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Volcanic ash mixed with loess over glacial till

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material
Oa - 1 to 2 inches: highly decomposed plant material
A - 2 to 6 inches: gravelly medial loam
Bs1 - 6 to 9 inches: gravelly medial loam
Bs2 - 9 to 17 inches: gravelly medial loam
Bs3 - 17 to 24 inches: gravelly medial loam
BC - 24 to 33 inches: gravelly medial fine sandy loam
2Bsm - 33 to 62 inches: cemented material

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 20 to 39 inches to cemented horizon; 20 to 39 inches to densic material
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Moderate (about 8.7 inches)

Table 2. WAC 173-22 ADOPTION OF DESIGNATIONS OF SHORELANDS AND WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE

WAC 173-22-030

Definitions.
As used herein, the following words have the following meanings:

(7) "Shorelands" or "shoreland areas" means 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 flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas 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. Any county or city may determine that portion of a one hundred-year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(1) "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act;

(6) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

WAC 173-22-040
Shoreland area designation criteria.
The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:
(1) Tidal waters. The shoreland area shall include:
(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and
(b) Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;
(2) Lakes. The shoreland area shall include:
(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and
(b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity;
(3) Streams. The shoreland area shall include the greater of:
(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;
(b) Those flood plains which extend landward two hundred feet as measured on a horizontal plane from the floodway: Provided, that local government may, at its discretion, include all or a larger portion of the one hundred-year flood plain within the associated shorelands. Designation of this shoreland area shall be in accordance with chapter 173-26 WAC, the state master program. If the applicable master program does not designate the shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;
(c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity; and
(d) Those lands within a river delta flood plain except for 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.

Dr. Lyndon Lee's CV

When this document is finalized this document will be incorporated here – while in its draft form this document is separate.

Lyndon C. Lee, Ph.D., PWS
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Bellingham, Washington 98225
Phone: 206.979.5633
Email: lyndon@lcleeinc.com
Website: www.lcleeinc.com
(ver. March, 2021)

I. EDUCATION

Ph.D. (April 1983) - College of Forest Resources, University of Washington, Seattle, Washington. *Majors*: Ecosystem Ecology, Wetland & River Science. Attended from 1980 - 1983.

M.Sc. (March, 1979) - School of Forestry, University of Montana, Missoula, Montana. *Majors*: Forest Ecology, Silviculture. Attended from 1975 - 1977.

B.S. (December, 1974) - School of Forestry, University of Montana, Missoula, Montana. *Majors*: Forest Ecology, Silviculture.

Tufts University, Medford, Massachusetts. *Major*: Ecology. Attended from 1969 - 1971.

II. SUMMARY OF PROFESSIONAL EMPLOYMENT

A. Applied Science & Management

President and Principle Ecologist, L.C. Lee & Associates, Inc. and Director, National Wetland Science Training Cooperative. Independent private consultant specializing in wetland and river science, ecosystem restoration, regulatory assistance, and training. L.C. Lee & Associates, Inc. (LCLA) is a nationally based environmental consulting firm with offices in Bellingham, Washington. Lee's emphasis within the company is on applied science including (a) design and construction of waters/wetlands and forested ecosystem restorations, (b) assessment of impacts to waters/wetlands, (c) management of the movement and fate of contaminants in waters/wetland ecosystems, and (d) training of environmental professionals. Since 1990, Lee has often served the U.S.federal government as a national waters/wetlands regulatory expert. In this capacity, Lee has functioned as a national technical team member and leader on several complicated and/or controversial technology development, restoration and/or Clean Water Act enforcement projects throughout the U.S. and abroad. Lee's emphasis is always on the application of best available science to federal, state and local regulatory programs that focus on protection and restoration of aquatic ecosystems. (January, 1990 – Present)

Principal Ecologist & Vice President, Ecosystem Science & Restoration Services, WSP Environment & Energy, Seattle, Washington and London, U.K. (February 2007 – August, 2009)

Principal Ecologist & Vice President, Ecosystem Science & Restoration Services, BBL/ Arcadis, Seattle, Washington (June 2004 – January 2006)

Senior Wetlands Ecologist, Office of Wetlands Protection, U.S. Environmental Protection Agency, Washington, DC & ***Assistant Research Ecologist***, Savannah River Ecology Laboratory, Institute of Ecology, University of Georgia. This appointment was a 3-year Cooperative Agreement between the University of Georgia's Savannah River Ecology Laboratory and the EPA Headquarters Office of Wetlands Protection. Dr. Lee functioned as the Senior Wetland Scientist responsible for (a) National Technical Oversight and Assistance of EPA Regional Wetlands Protection Programs, (b) National Training Programs In Wetland and Ecosystem Sciences and the U.S. Clean Water Act, (c) National Office Of Wetlands Protection Liaison to the Superfund and RCRA programs, and (d) Headquarters EPA - University Research Liaison (May 1986 - February 1989).

Research Manager and Assistant Research Ecologist, Division of Wetlands Ecology, Savannah River Ecology Laboratory (SREL), Institute of Ecology, University of Georgia, Aiken, South Carolina. Dr. Lee served as the supervisor of 11 PhD staff, 20 technicians and the $3,500,000/ year Wetlands Research Program based at the U.S. Department of Energy Savannah River Nuclear Facility and National Environmental Research Park. Program focus was on (a) assessment and monitoring of the effects of weapons grade radionuclide production on waters/ wetland ecosystems, (b) management of the fate, transport and removal of radionuclide, heavy metal, and complex organic contaminants in waters/wetlands, and (c) restoration of waters/ wetland ecosystems degraded by thermal effluents and radionuclide and heavy metal contamination (Dr. R. R. Sharitz, Supervisor) (June 1984 - June 1986).

Research Associate, College of Forest Resources, University of Washington, Seattle, WA. Lee completed doctoral research on wetland and river ecosystems throughout the Pacific Northwest, including Alaska. Study design and direction, grant and contract development and management, employee and field-crew supervision, laboratory and data analyses, dissertation preparation, delivery, and publication of peer reviewed articles (Drs. C. C. Grier and T. M. Hinckley, Co-Chairmen) (January 1980 - June 1983).

Principal Habitat Ecologist, Interagency Grizzly Team, Border Grizzly Project. This job was with the Montana Forest and Conservation Experiment Station and Cooperative Wildlife Studies Unit, University of Montana, Missoula, Montana. Lee developed, conducted and supervised research on the definition, description, classification, protection and restoration of grizzly bear and grey wolf habitats throughout the northern Rocky Mountains, SE British Columbia, and northern Mexico. Responsibilities included research project design, planning, and direction, grant proposal preparation & funding, employee, student and field crew supervision in very remote areas, laboratory and data analyses, report development and publication, wildlife habitat impact assessment, and mitigation consultation (Drs. C. J. Jonkel and R. Ream, Directors) (January 1978 - January 1980).

Research Assistant, School of Forestry, University of Montana, Missoula, Montana. Completed Master's study on riparian/wetland ecosystems in mid-montane and high elevation habitats throughout western Montana (December 1975 - June 1977).

Forestry Technician, U.S. Forest Service, Intermountain Forest and Range Experiment Station, Missoula, Montana. Wind River Range, near Dubois, Wyoming and Coram Experimental Forest, Hungry Horse, Montana. Lee worked as a project scientist and forester documenting (a) management approaches for chipped slash in high elevation *Pinus contorta* forests, (b) field testing a habitat type classification for the Wind River Range, and (c) measuring surface and shallow subsurface runoff from clearcut *Larix occidentalis* forests (June - November 1975).

Project Technician, Silvicultural Harvest Practices Demonstration Area, Lubrecht Experimental Forest, School of Forestry, University of Montana, Missoula, Montana. Lee worked as the project technician, setting up demonstrations of silvicultural systems for mid-montane forests in the Garnet Range, Montana (June - September 1973).

Research Technician, Lubrecht Ecosystems Project, School of Forestry, University of Montana, Missoula, Montana. Lee worked as a survey crew member (June - September 1972).

B. Academic

Assistant Research Ecologist, Division of Wetlands/Ecology, Savannah River Ecology Laboratory, Institute of Ecology, University of Georgia, Aiken, South Carolina. Created and administered a Cooperative Agreement with the Office of Wetlands Protection, US Environmental Protection Agency (EPA), Washington, DC to serve as the Senior Scientist in the EPA Headquarters Office of Wetlands Protection. Lee also provided national EPA Programs with training and regional technical assistance. During the course of this appointment, Lee served on two doctoral and two master's committees. He also supervised one AAAS Science and Engineering Fellow, one EPA Senior Fellow, and three interns (May 1986 - February 1989).

Adjunct Assistant Professor, Department of Biology, George Mason University, Fairfax, Virginia (March 1987 - December 1990).

Adjunct Assistant Professor, Department of Biology, University of South Carolina, Columbia, South Carolina (December 1987 - February 1989).

Assistant Research Ecologist, Institute of Ecology, Savannah River Ecology Laboratory, University of Georgia. Postdoctoral (2), graduate (2) and undergraduate (1) student supervision in wetlands and ecosystems ecology at the Savannah River Ecology Laboratory, Aiken, South Carolina (June 1984 - May 1986).

Teaching Assistant, College of Forest Resources, University of Washington, Seattle, Washington (Silviculture, Plant Physiology) (January 1980 - January 1982).

Principal Instructor, Forest Habitat Classification & Silvicultural Management Short Course Series, MacMillan Bloedel Ltd., Woodlands Services, Nanaimo, British Columbia, Canada. Developed and delivered training for MacMillan Bloedel technical and field staff on forest site classification and "best silvicultural management practices" throughout Vancouver Island and the south coast of British Columbia, Canada (June - September 1981).

Teaching Assistant, Montana Forest and Conservation Experiment Station & U.S. Forest Service. Restructured the Montana Forest Habitat Type course curriculum, and authored *A Training Manual for Montana Forest Habitat Types* (January 1976 - June 1978).

Teaching Assistant, School of Forestry, University of Montana, Missoula, Montana (Forest Ecology, Silviculture, Soil Chemistry, Dendrology, Forest Ecosystem Ecology and Classification) (January 1975 – June 1977).

Instructor, Montana Forest Habitat Type Short Courses. Conducted and administered cooperative continuing education in forest habitat type classification and timber management for forest and range specialists from federal and state agencies, universities, corporations and small private entities from throughout the Rocky Mountains (Month of June, 1975 – 1979).

III. SELECTED PROJECT EXPERIENCE

A. Completed Ecosystem Restoration Projects

Presidio Trust/National Park Service, San Francisco California. Planned and designed the restoration of Dragonfly Creek, a perennial creek tributary to San Francisco Bay within the San Francisco Presidio, Golden Gate National Recreation Area (2004 – 2005).

Stanford University, Palo Alto, California. Planned, designed, permitted, and constructed a series of waters/wetlands in the Stanford Academic Reserve that served as breeding/metamorph aquatic habitat for the California Tiger Salamander (*Ambystoma californiense*) (2003 – 2005).

U.S. Department of Justice, Washington, D.C. Borden Ranch, Galt, California. Developed plans/recommendations for mitigation of non-compliance activities in agricultural waters/ wetlands (2001).

Natural Resources Conservation Service and Headwaters Ranch Cooperative, Quilcene, Washington, Andrews Creek Restoration (2000 – Present).

University of Washington-Bothell/ Cascadia Community College Co-located Campus,

Bothell, Washington. Environmental assessment, planning, permitting, mitigation design, construction supervision, native plant nursery development and operation, and monitoring of the 58- acre stream ecosystem restoration in North Creek (1994 to 2004).

City of Pacifica, California

San Pedro Creek Restoration. Flood Control/ Steelhead and California red-legged frog habitat restoration) (1990 – 2004). *Calera Creek Restoration*: Pacifica Wastewater Treatment Plant. Environmental planning, permitting, grant procurement, mitigation design, endangered species issues, stream design, stream native plant propagation, construction supervision, and compliance monitoring of a 18- acre riparian waters/wetlands restoration on California's north-central coast (1989-2004).

Milagra Creek Restoration: Flood control (1996 - 1997) *Upper Calera Creek*: Riverine restoration in association with new police station (2000 – 2004). *Capistrano Bridge*: Rebuilt fish passage / riparian restoration (2001 – 2004).

Boeing Company, Seattle, Washington. Longacres Park Waters/Wetlands and Aquatic Gardens (1990-1995).

City of New York, New York. Restoration Advisor/Peer Review for waters/wetlands restoration projects (1993).

City of Portland, Oregon: Ramsey Lake Storm Water Treatment Wetlands at the Willamette Columbia River confluence (1995-1998).

Washington State Department of Corrections, Monroe, Washington. Restoration of forested slope wetlands (1999 – 2002).

Washington State Department of Corrections, Olympia and Aberdeen, Washington. Restoration of a tidally influenced reach of Newskah Creek, a tributary to Gray's Harbor, Washington (1998 – 2004).

Robert Cole Property. Tidal marsh restoration in Puget Sound, Anderson Island, Washington (1996 – 2002).

Shell Oil Company, Anacortes Refinery Clean Fuels Project, Anacortes, Washington. Permitted, designed mitigation, supervised construction, and monitored 16-acre restoration site adjacent to Padilla Bay National Estuarine Research Reserve (1993-2001).

Shell Oil Company/ Tesoro, March Point Refinery, Anacortes, Washington. Slope and riparian waters/wetland restoration in a tributary to the Padilla Bay National Estuarine Reserve (1992 – 2001).
International Paper, Ticonderoga, New York. Main Wastewater Pipeline Replacement Project. Emergency response, environmental assessment, planning, permitting, mitigation design, restoration construction, monitoring of a 63-acre waters/wetland ecosystem adjacent to Lake Champlain (1992 -2000).

Shell Oil Company, Sewaren, New Jersey. Tidal marsh restoration in a tributary to the Arthur Kill/New York Harbor (1990-1992).

Boeing Company, Seattle Washington Customer Services Training Center. Master planning, land acquisition, design, permitting, and construction of the Longacres Corporate Park waters/wetlands, Boeing Customer Service Training Center (1990-1995).

National Arboretum, Washington, D.C. Restoration Advisor/Peer Review National Aquatic Gardens, Anacostia River Restoration (1989-1991).

U.S. Department of Energy/University of Georgia, Savannah River Plant, Aiken, South Carolina. Designed and constructed the 93 acre "L–Reactor" cooling lake and associated waters/ wetlands (1984-1989).

Shurgard Storage, Seattle, Washington. Richards Creek Restoration. Resolve non-compliance issues in a salmon-bearing tributary to Lake Washington (1983-1986).

Bonhoeffer Botanical Gardens - Stanwood, Washington. Resolve noncompliance issues relating to clearing and earthwork in forested wetlands - develop a botanical gardens and learning center. (2010 - 2012)

Hoag Restoration, Mount Vernon, Washington. Restore a series of depressional wetlands on the floodplain of the Skagit River, City of Mount Vernon, Washington (2011 - Present)

Big Wave Project, Half Moon Bay, California. Environmental assessment, planning, permitting, waters/wetlands design to date; design and develop native plant nursery, permit and construction 7-acre landscape restoration pending (2008 – Present).

Chevron EMC, San Luis Obispo, California. San Luis Obispo Tank Farm Remediation and Landscape Restoration, San Luis Obispo, CA. Environmental assessment, planning, permitting, landscape mitigation design to date; design and develop native plant nursery, permit and construction 130-acre landscape restoration pending (2008 - 2018).

City of Mount Vernon, Washington. Kulshan, Logan, and Trumpeter Creeks. Restore riverine forested ecosystem structure and functioning to three different salmon bearing urban creeks owned and managed by the City of Mount Vernon Integrate each restoration with the City's existing park and trail networks (2006 – present).

Lobisser Property, Bainbridge Island, Washington. Remediate contamination and restore estuarine ecosystem structure and functioning to a 2.5 acre tidal wetland in Port Madison, (Puget Sound), Washington (2006 – 2010).

Elma Horse Ranch, Elma,Washington. Restore riverine forested ecosystem structure and functioning to a 600 ft (3 acres) reach on an unnamed, salmon-bearing tributary of the Chehalis River (2006 – 2014).

B. Expert Witness Work and Testimony

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, United States v. Electron Hydro. Provide expert services/technical team leadership in the matter of U.S. v Electron Hydro. Sarah Buckley and John Borderick (Attorneys). Analyize impacts and mitigation/restoration opportunities for unauthorized placement of artificial turf in a bypass channel within the Puyallup River. (January, 2021 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, U.S. v. U.S. v. Joan V. Bayley; Philip N. Bayley individually and in his capacity as the Trustee of Frihet Trust and Bid D's Beach Cabin, LLC. Provide expert services/technical team leadership in the matter of U.S. v Bayley et. al. Kent Hanson, Attorney. Determination of the impacts to the Hood Canal as a result of unauthorized construction of a bulkhead below the high tide line. (November, 2020 - Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington and International Border Water Commission, San Diego and El Paso.

Provide expert services/technical team leadership in the matter of Imperial Beach et.al. v. U.S. Andrew Coghlan and Debra Carfora, Attorneys. Determination of the structure, functioning and jurisdictional status of six tributary streams to the Tijuana River Estuary. (August, 2019 - Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington D.C. and U.S. Environmental Protection Agency Region 8 – Denver. Provide expert services/technical team leadership in the matter of U.S. v Paul Bunn and Steven Snyder. Hydraulic dredging and filling of riverine waters/wetlands in the Yaak River, Montana. (June, 2018 - Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Army Corps of Engineers, Sacramento District. Provide expert services/technical team leadership in the matter of U.S. Army Corps of Engineers v. Roger J. LaPant, Jr. *et al.* Ripping for conversion of vernal depression, swale, and tributary stream waters/wetlands in northern California (October, 2016 – Settled, February, 2021).

Expert Witness, Environment and Natural Resources Defense Section U.S. Department of Justice, Washington D.C. and U.S. Army Corps of Engineers, Sacramento District. Provide expert services/technical team leadership in the matter of Duarte v. U.S. Army Corps of Engineers. Ripping and conversion of vernal depression, swale, and tributary stream waters/ wetlands in northern California (August, 2014 – Settled - August 2017).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 9 – San Francisco. Provide expert services/technical team leadership in the matter of U.S. v. Greka Oil. This project focuses on documentation and restoration of the impacts of large-scale crude oil discharges to waters of the U.S., including wetlands - (November 2008 – Present)

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 9, San Francisco. Provide expert services/technical team leadership in the matter of U.S. v. Anchordoguy. This project focuses on documentation and restoration of the impacts of earthwork and development in vernal pools and swales and other waters of the U.S., US Environmental Protection Agency Region IX, San Francisco, California. (May, 2012 – 2016 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10, Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Port of Tacoma. This project focuses on documentation and restoration of the impacts of earthwork in wetlands and other waters of the U.S. in Tacoma, Washington. (April, 2011 – December, 2013 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 6 – Dallas. Provide expert services/technical team leadership in the matter of U.S. v. Lipar. This project focuses on documentation and restoration of the impacts of earthwork and development in forested wetlands and other waters of the U.S. (June, 2011 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10 –

Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Rader Farms. This project focuses on documentation and restoration of the impacts of mechanical clearing, earthwork, drainage, and conversion of forested wetlands to blueberry production, Whatcom County, Washington. (November, 2012 – 2015 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10 – Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Klock. This project focuses on documentation and restoration of the impacts of mechanical clearing, earthwork, drainage, and conversion of forested wetlands to agricultural production, Snohomish County, Washington. (November, 2013 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 10 – Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Case. This project focuses on documentation and restoration of the impacts of levee construction in the North Fork Santiam River, Oregon. US Environmental Protection Agency Region X, Seattle, (October, 2105 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 10 – Seattle. Provide expert services/technical team leadership to the U.S. Department of Justice in the matter of U.S. v. Alaska Department of Transportation, throughout the Kenai Peninsula, Alaska (Court # A01-378 CV(RRB)). This project focuses on documentation of unauthorized hardening of several river and stream reaches and restoration of hardened reaches using bioengineering, installation of large wood jams, etc. (Outcome: Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and US Environmental Protection Agency Region IV – Atlanta. Provide expert services / technical team leadership in the matter of U.S. v. Cundiff. This case focused on documentation and restoration of the impacts of large-scale mechanized land clearing in bottomland hardwood forested waters/wetlands in Muhlenberg County, Kentucky. U.S. Won in District Court (6th Circuit -480F. Supp. 2d 940 – 945) and in the 6th Circuit Court of Appeals (Nos. 65-5469/5905; 07-5630) (November 2007 - February 2009).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10 – Seattle. Provide expert services/technical team leadership to the Department of Justice in the matter of U.S. v. Abeldgaard *et al.*, Stariski Creek, Kenai Borough, Alaska (Court #: A01-378 CV(RRB). This project involves documentation of unauthorized filling in and restoration of large slope fen wetlands on the Kenai Peninsula. (Outcome: Pending; 2002 – 2015 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 9 – San Francisco. Expert witness and technical team leader for the U.S. Department of Justice in the matter of U.S. v Adams Brothers Farming, Inc. *et al.* (Case No. 10074522). Outcome: Trial bifurcated. U.S. won both jurisdictional and impact issues in 9th Circuit District Court, resulting in restoration orders and civil penalties in excess of $1,000,000 (2000 – 2004).

King County, Washington, **Griffin v. Anderson.** Represented the Griffin family in alleged manipulation of waters/wetlands at a horse farm in rural Washington. Outcome: Arbitrated

settlement and restoration of waters/wetlands ditched and drained for water management (2000 – 2001).

Parviz Mohandessi in Mohandessi v. State of Washington, Department of Ecology and City of Sammamish. Represented Mohandessi family in requiring review of an ordinary high water mark determination on Lake Sammamish, Washington. Outcome: Washington State Coastal Commission ordered revision of State Determination(s) of Ordinary High Water mark on Lake Sammamish, Washington (2001).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 9 – San Francisco. Provided expert services and technical team leadership in the matter of Borden Ranch Partnership vs. U.S. Army Corps of Engineers and U.S. Environmental Protection Agency. This landmark case focused on documentation and restoration of the impacts of large-scale deep ripping of waters/wetlands in grazed pastures during conversion of these lands to vineyards. Outcome: Won in U.S. District Court, Won 9th Circuit Court of Appeals, and Won U.S. Supreme Court (1997 – 2000).

Washington State Attorney General. Expert testimony on behalf of Washington State v. 180th Associates, *et al.* Outcome: Settled in favor of Washington State (1993).

Expert Witness, Land and Natural Resources Defense Section, U.S. Department of Justice, **Washington, DC and U.S. Environmental Protection Agency Region 2 – New York.** Served as the U.S. Department of Justice, U.S. Army Corps, and US Environmental Protection Agency wetlands expert and technical team leader in the matter of Russo Development Corporation vs. Reilly (Civil No. 87-3916 (HLS)(D.N.J.). This case focused on filling of tidal "meadowlands" waters/wetlands adjacent to the Hudson River near Newark, N.J. Settled in 1990.

Expert Witness, Land and Natural Resources Division, U.S. Department of Justice, **Washington, DC. And U.S. Environmental Protection Agency Region 3 – Philadelphia.** Served as the U.S. Department of Justice, U.S. Army Corps and U.S. EPA wetlands expert in the matter of U.S. v. F. Wayne McLeskey, Jr. (Civil Action No. 89-54-N). (Jury Trial). This case focused on unauthorized clearing and filling of tidal wetland forests along a tributary to the Chesapeake Bay in Virginia Beach, VA. Outcome: Settled in favor of the U.S. prior to jury deliberation) (1989).

Expert Witness, Land and Natural Resources Division, U.S. Department of Justice, **Washington D.C. and U.S. Environmental Protection Agency Region 4 – Atlanta.** Served as the U.S. Department of Justice wetlands expert in the matter of Bayou Marcus Livestock & Agricultural Co. vs. US Environmental Protection Agency and US Army Corps of Engineers [(No. 88-30275-WEA (N.D. Florida)]. This case focused on mechanized clearing and drainage of bottomland hardwood forests near Pensacola, Fl. Outcome: Won on summary judgment) (1989).

C. Waters/Wetlands Ecosystem Functional Assessment Models, Methodologies, and Guidebook Development Programs and Publications

Lee, L.C., W.L. Nutter, M.C. Rains and S.R. Stewart. 2015 and revised 2018. Guidebook for Assessment of the Functions of Low Order Riverine, Slope, and Depressional Waters/Wetlands Situated on Pliocene and/or Pleistocene Sandstone, Shale, and Gravel Deposits in the North Central Valley, California. Prepared for the Environment and Natural Resources Defense Section, U.S. Department of Justice and the U.S. Army Corps of Engineers, Sacramento District.

Lee, L. C., K. L. Fetherston, A. K. Knox, and P. L. Fiedler. 2008. *Draft Guidebook to Assessment of Riverine, Slope and Depressional Waters/Wetlands in the City of Mount Vernon, Washington.* Prepared for the City of Mount Vernon by WSP Environment & Energy.

WSP Environment & Energy. 2007. *Operational Field Draft Guidebook to Assessment of Riverine, Slope and Depressional Waters/Wetlands Functions at the Chevron Tank Farm, San Luis Obispo, California***.** Consultant's report developed for Padre Associates, Inc. for use by Chevron EMC at San Luis Obispo, California Tank Farm. November 2007. (**L. C. Lee**, principal author).

Entrix, Inc. 2006. *Operational Field Draft Guidebook to Assessment of Estuarine Fringe Waters/ Wetlands Functions at Shell Pond, Pittsburg, California***.** Consultant's report developed for Pacific Gas & Electric Company, San Ramon, California (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 2004. *Guidebook to Hydrogeomorphic Functional Assessment of Riverine Waters/Wetlands in the Santa Margarita Watershed.* Peer Review Draft, (1977). Operational Draft, (2004). In cooperation with U.S. EPA, Region IX, California Coastal Conservancy, California Regional Water Quality Control Board (San Diego). (**L. C. Lee**, principal author).

Lee, L. C., Fiedler, P.L., Stewart, S.R., Curry, R.R., Partridge, D.J., Mason, J.A., Inlander, E.M., Almy, R.B., Aston, D.L., Spencer, M.E. 2001. *Draft Guidebook for Reference Based Assessment of the Functions of Riverine Waters/Wetlands Ecosystems in the South Coast Region of Santa Barbara County, California*. In cooperation with Santa Barbara County Water Agency, Santa Barbara, CA and U.S. EPA Region IX.

Brinson, M. M., R. D. Smith, D. F. Whigham, **L. C. Lee**, R. D. Rheinhart, W. L. Nutter. 1998. Progress in development of the hydrogeomorphic approach for assessing the functioning of wetlands. Pages 383- 406, in A. J. McComb and J. A. Davis, editors, *Wetlands for the Future*. Gleneagles Publishing, Adelaide, Australia.

Lee, L. C., M. L. Butterwick, J. L. Cassin, R. A. Leidy, J. A. Mason, M. C. Rains, L. E. Shaw, E. G. White. 1997. *Draft Guidebook for Assessment of the Functions of Waters of the U.S., Including Wetlands, on the Borden Ranch, Sacramento and San Joaquin Counties, California.* Seattle, Washington. In cooperation with U.S. Department of Justice and U.S. EPA Region IX.

National Wetland Science Training Cooperative. 1997. *Guidebook for the Hydrogeomorphic Assessment of Temporary and Seasonal Prairie Pothole Wetlands.* Operational Draft. In cooperation with Natural Resource Conservation Service Wetlands Institute, Wash. DC. (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 1996. *Draft Guidebook for the Application of HGM Functional Assessments in Precipitation-Driven Wetlands in Interior Alaska*. In cooperation with State of Alaska, Department of Environmental Conservation and U.S. EPA Region X. (**L. C. Lee,** principal author).

National Wetland Science Training Cooperative. 1996. *Draft Regional Guidebook to Functional Assessments in Riverine Wetlands and Slope Wetlands in Southeast Alaska.* In cooperation with the State of Alaska, Department of Environmental Conservation, U.S. EPA Region X, Natural Resources Conservation Service. (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 1996. *Draft Guidebook to Functional Assessments in 3rd and 4thOrder Riverine Waters/Wetlands of the Central California Coast.* In cooperation with

California Coastal Commission, U.S. EPA Region IX and City of Pacifica, California. (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 1995. *Draft Guidebook for Functional Assessment of Depressional Wetlands in the Pacific Northwest/Puget Sound Lowlands Region.* (**L. C. Lee**, principal author).

Brinson, M. M., F. R. Hauer, **L. C. Lee**, W. L. Nutter, R. D. Rheinhardt, R. D. Smith and D. Whigham. 1995. *Guidebook for Application of Hydrogeomorphic Assessments to Riverine Wetlands*. Technical Report TR-WRP-DE-11, Waterways Experiment Station, Army Corps of Engineers, Vicksburg, Mississippi. (L. C. Lee, principal author).

National Wetland Science Training Cooperative. 1995. *Draft Guidebook for Functional Assessment of Depressional Wetlands in the Mid-Atlantic Coastal Plain*. Natural Resource Conservation Service, Wetlands Institute. (**L. C. Lee,** principal author).

National Wetland Science Training Cooperative. 1995. *Draft Guidebook for Functional Assessment of Riverine Wetlands in the Inner Coastal Plain of Chesapeake Bay.* Natural Resource Conservation Service, Wetlands Institute. (**L. C. Lee**, principal author).

Brinson, M. M., W. Kruczynski, **L. C. Lee**, W. L. Nutter, R. D. Smith, and D. F. Whigham. 1994. *Developing an approach for assessing the functions of wetlands*. Pages 615-624, in W. J. Mitsch, editor, *Global Wetlands: Old World and New*. Elsevier Science B.V., Amsterdam.

Olsen, E. A. and **L. C. Lee.** 1992. *The use of hydrogeomorphic and vegetation data in differentiating functions among forested wetlands*. Prepared for Riverine Functional Assessment Group and R. Daniel Smith, Wetlands Section, Waterways Experiment Station, U.S. Army Corps Of Engineers, Vicksburg, Mississippi.

IV. HONORARIES, AWARDS, FELLOWSHIPS, PROFESSIONAL ORGANIZATIONS

Honoraries:

Xi Sigma Pi, Forestry Honorary (inducted 1976).
Sigma Xi, National Research Honorary (inducted 1983).

Academic Fellowships:

R.D. Merrill Fellowship, College of Forest Resources, University of Washington, Seattle, Washington (1983).

Graduate School Tuition Scholarship, University of Washington, Seattle, Washington (1983).

Northwest Scientific Association Research Fellowship (1983).

J.H. Bloedel Forestry Research Graduate Scholarship, College of Forest Resources, University of Washington, Seattle, WA (1982).

Professional Organizations:

Society for Ecological Restoration (2006 – 2010)

Society of Wetland Scientists (1984 - Present)

a. Bulletin Editor (1985 - 1991)
b. National Scientific Program Chairman (1987 & 1988)
c. Scientific Program Committee Member (1986, 1987, 1988, 1989, 1990)
d. Awarded lifetime membership (1998)
e. Professional Wetland Scientist Certification (1995): Registration #000385

Association of State Wetland Managers (1984 - 1989)
a. Science Advisory Board (1985 - 1989)
Ecological Society of America (1978 - 2003)
American Association for the Advancement of Science (1978 - 2003)
Northwest Scientific Association (1979 - 1995)
Society of American Foresters (1983 - 1995)

Project Awards:

U.S. Environmental Protection Agency, Region IX. "Outstanding Environmental Achievement, Earth Day 2000". (Calera Creek Restoration) (2000).

Assemblyman Lou Papan, State Senator Jackie Speirer, Congressman Tom Lantos, Congresswoman Anna Eshoo, and State Senator Byron Sher. Commendation from: San Mateo County Board of Supervisors (Calera Creek Restoration) (2000).
California Legislature Assembly Resolution #3110 – Congratulating the City of Pacifica for success of Calera Creek Water Recycling Facility (Calera Creek Restoration) (2000).

Construction Excellence Award (Team Member with Mortenson and Active Construction), University of Washington-Bothell / Cascadia Community College Co-located Campus – North Creek Restoration (1998).

Team of the Year, Project Management Institute, Puget Sound Chapter Project, Boeing Longacres Park (1995).

V. PUBLICATIONS, PRESENTED PAPERS, WORKSHOPS AND SYMPOSIA

A. Refereed Journal Articles

Hardwick, K.A., P. Fiedler, **L.C. Lee**, B. Pavlik, R.J. Hobbs, J. Aronson, M. Bidartondo, E. Black, D. Coates, M.I. Daws, K. Dixon, S. Elliott, K. Ewing, G. Gann, D. Gibbons, J. Gratzfeld, M. Hamilton, D. Hardman, J. Harris, P.M. Holmes, M. Jones, D. Mabberley, A. Mackenzie, C. Magdalena, R. Marrs, W. Milliken, A. Mills, E. nic Lughadha, M. Ramsay, P. Smith, N. Taylor, C. Trivedi, M. Way, O. Whaley and S.D. Hopper. 2011. The Role of Botanic Gardens in the Science and Practice of Ecological Restoration. Conservation Biology 25:265-275

Gosselink, J. G., G. P. Shaffer. **L. C. Lee,** D. M. Burdick, D. L.Childers, N. C. Liebowitz, S. C. Hamilton, R. Boumans, D. Cushman, S. Fields. M. Koch, and J. M. Visser. 1990 . Can we manage cumulative impacts? Landscape conservation in a forested wetland watershed. *Bioscience*, Vol *40, (8); 588 - 600.*

Shaffer, G. P., D. M. Burdick, J. G. Gosselink, and **L. C. Lee**. 1992 A cumulative impact management plan for the Tensas Basin, Louisiana. *Wetlands Ecology and Management, Vol. 1, (4): 199 – 210*

Day, F. P., P. Megonigal, and **L. C, Lee**. 1989. Cypress root decomposition in experimental wetland mesocosms. *Wetlands* 9(2):263-282.

Leitch J. A., T. Golz, and **L. C. Lee.** 1988. Profile of Society of Wetland Scientists Membership, 1986. *Bulletin of the Society of Wetland Scientists* 5:6-8.

Lee, L. C. and J. G. Gosselink. 1988. Cumulative impact assessment in bottomland hardwood forests: linking scientific assessments with regulatory alternatives. *Environmental Management* 12(5):591 - 602.

Cooper, D. J. and **L. C. Lee**. 1987. Rocky Mountain wetlands: ecosystems in transition. National Wetlands Technical Council and the Environmental Law Institute. *National Wetlands Newsletter* 9:2-6.

Wolf, R. B., **L. C. Lee**, and R. R. Sharitz. 1986. Wetland creation and restoration in the United States from 1970 to 1985: an annotated bibliography. *Wetlands* 6:1-88.
Lee, L. C., T. M. Hinckley, and M. L. Scott. 1985. Plant water status relationships among major floodplain sites of the Flathead River, Montana. *Wetlands* 5:15-34.

Scott, M. L., R. R. Sharitz, and **L. C. Lee**. 1985. Disturbance in a cypress-tupelo wetland: an interaction between thermal loading and hydrology. *Wetlands* 5:53-68.

Lee, L. C. and C. J. Jonkel. 1981. Grizzlies and wetlands. *Western Wildlands* 7(4):26-30.

B. Books, Book Chapters & Theses

Mitsch, W. J., P. L. Fiedler, **L. C. Lee** and S. R. Stewart. 2001. Wetlands. *McGraw Hill Encyclopedia of Science and Technology*, 9th Edition. McGraw Hill, New York, NY.

Brinson, M. M., R. D. Smith, D. F. Whigham, **L. C. Lee**, R. D. Rheinhart, and W. L. Nutter. 1998. Progress in development of the hydrogeomorphic approach for assessing the functioning of wetlands. Pages 383-406, in A. J. McComb and J. A. Davis, editors. *Wetlands for the Future.* Gleneagles Publishing, Adelaide, Australia.

Brinson, M. M., W. Kruczynski, **L. C. Lee**, W. L. Nutter, R. D. Smith, and D. F. Whigham. 1994. *Developing an approach for assessing the functions of wetlands*. Pages 615-624 in W.J. Mitsch, editor. *Global Wetlands: Old World and New.* Elsevier Science B.V., Amsterdam.

Gosselink, J. G., **L. C. Lee**, and T.A. Muir, editors. 1990. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan. 708 pp.

Sharitz, R. R. R. L. Schneider, and **L. C. Lee.** 1990. Composition and regeneration of a disturbed floodplain wetland in South Carolina. Pages 195-218, in J. G. Gosselink, L. C. Lee, and T.A. Muir, editors. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan.

Gosselink, J. G., M. M. Brinson, **L. C. Lee**, and G. T. Auble. 1990. Human activities and ecological processes in bottomland hardwood ecosystems: the report of the ecosystem

workgroup. Pages 549-598, in J. G. Gosselink, L. C. Lee, and T.A. Muir, editors. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan.

Gosselink, J. G., **L. C. Lee** and T. A. Muir. 1990. The regulation and management of bottomland hardwood forest wetlands: implications of the EPA-sponsored workshops. Pages 638-671, in J. G. Gosselink, L. C. Lee, and T.A. Muir, editors. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan.

Gosselink, J. G. and **L. C. Lee.** 1989. Cumulative impact assessment in bottomland hardwood forests. *Wetlands* Volume 9, Special Issue. Society of Wetland Scientists, Wilmington, N.C. 174 pp.

Lee, L. C. 1983. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Ph.D. Dissertation, College of Forest Resources, University of Washington, Seattle, WA. 268 pp.

Lee, L. C. 1979. A study of plant associations in upland riparian habitats in western Montana.. Master's Thesis, School of Forestry, University of Montana, Missoula, MT. 250 pp.

C. Published Reports and Proceedings

Fiedler, P. L., **L. C. Lee** and S. D. Hopper. 2007. Gnammas as rare wetlands in the Southwest Australian Floristic Region. In “Proceedings of the MEDECOS XI 2007 Conference, 2-5, September, Perth, Australia.” Eds. D. Rokich, G. Wardell-Johnson, C. Yates, J. Stevens, K. Dixon, R. McLelland, and G. Moss, pp. 85-86. Kings Park and Botanic Garden, Perth, Australia.

Brinson, M. M., F. R. Hauer, **L. C. Lee,** W. L. Nutter, R. D. Rheinhardt, R. D. Smith and D. Whigham. 1995. *Guidebook for Application of Hydrogeomorphic Assessments to Riverine Wetlands*. Technical Report TR-WRP-DE-11, Waterways Experiment Station, U.S. Army Corps of Engineers, Vicksburg, Mississippi.

Lee, L .C. and F. E. Gross. 1989. Restoration, creation, and management of wetland and riparian ecosystems in the American West: a summary and synthesis of the symposium. Pages 201 - 219, K. M. Mutz, D. J. Cooper, M. L. Scott, and L. K. Miller, editors. *Proceedings of the Symposium on Restoration, Creation, and Management of Wetland and Riparian Ecosystems In The American West.* Rocky Mountain Chapter of the Society of Wetland Scientists, Denver, Colorado.

Gosselink, J. G., G. P. Shaffer, **L .C. Lee**, D. M. Burdick, D. L. Childers, N. Taylor, S. C. Hamilton, R. Boumans, D. Cushman, S. Fields, M. Koch, and J. M. Visser. 1989. *Cumulative Impact Assessment and Management in a Forested Wetland Watershed in the Mississippi River Floodplain*. Marine Sciences Department And Coastal Ecology Institute (LSU-CEI-89-02), Center For Wetland Resources, Louisiana State University, Baton Rouge, LA. 131 pp.

Lee, L. C., R. R. Johnson, and T. A. Muir. 1989. Riparian ecosystems as essential habitat for raptors in the American West. Pages 15-26, in B. G. Pendleton, C. E. Ruibal, D. L. Krahe, K. Steenhof, M. N. Kochert, and M. N. LeFranc, editors. 1989. P*roceedings of the Western Raptor Management Symposium and Workshop.* Institute For Wildlife Research, National Wildlife Federation, Scientific and Technical Series No. 12.Washington, D.C. 320 pp. National Wildlife Federation Raptor Management Symposium Series, Washington, D.C.

Lee, L. C. 1989. Mitigation for wetland loss: how much is appropriate? Pages 189-195 in N. A. Robinson, editor. 1989. *Proceedings of a Conference on the Preparation and Review of*

Environmental Impact Statements, November 1987. President's Council On Environmental Quality and the Environmental Law Section of the New York State Bar Association. West Point, New York.

Brinson, M. M. and **L. C. Lee.** 1989. In-kind mitigation for wetland loss: statement of ecological issues and evaluation of examples. Pages 1069 – 1085, R. R. Sharitz and J. W. Gibbons, editors. *Freshwater Wetlands and Wildlife*. Proceedings of a symposium held at Charleston, South Carolina, March 24-27, 1986. U.S. Department Of Energy Office of Health & Environmental Research, Washington, D.C.

Magistro, J. L. and **L. C. Lee**. 1988. Association of Superfund sites with wetlands. Pages 136 – 140, in J. A. Kusler, S. Daly, and G. Brooks, editors. 1988. *Proceedings of the National Wetlands Symposiu*m, Urban Wetlands, Oakland, CA. Association of State Wetland Managers, Berne, New York.

Muir, T. A., **L. C. Lee,** and S. Sarason. 1987. The Environmental Protection Agency's initiative on bottomland hardwood ecosystems: a status report. Pages 27-31, K. M. Mutz and L. C. Lee, editors. 1987. *Wetland and Riparian Ecosystems of the American West*. Proceedings of the eighth annual meeting of the Society of Wetland Scientists. Society of Wetland Scientists - Western Chapter. Denver, Colorado.

Mutz, K. M. and **L. C. Lee**, editors. 1987. *Wetland and Riparian Ecosystems of the American West*. Proceedings of the eighth annual meeting of the Society of Wetland Scientists. Society of Wetland Scientists - Western Chapter. Denver, Colorado. 349 pp.

McCort, W. D., **L. C. Lee,** and G. R. Wein. 1987. Mitigating for large-scale wetland loss: a realistic endeavor? Pages 359-367, in J. A. Kusler, M.L. Quammen, and G. Brooks. 1987. Proceedings of the National Wetland Symposium On Mitigation Of Impacts And Losses, October 8-10, 1986, New Orleans, Louisiana. Association of State Wetland Managers, Berne, New York.

Gosselink, J. G. and **L. C. Lee**. 1987. Cumulative impact assessment principles. Pages 196-203, in J. A. Kusler, M. L. Quammen, and G. Brooks, editors. 1987. Proceedings of the National Wetland Symposium on Mitigation Of Impacts And Losses, October 8-10, 1986, New Orleans, Louisiana. Association of State Wetland Managers, Berne, New York.

Sharitz, R. R. and **L. C. Lee**. 1985. Recovery processes in Southeastern riverine wetlands, in R. R. Johnson, C.D. Ziebell, D.R. Patton, P.F. Folliott, and R.H. Hamre, editors. 1985. *Riparian Ecosystems and Their Management: Reconciling Conflicting Uses.* Proceedings of the First North American RiparianConference. USDA Gen. Tech. Rpt. RM-120:499-501.

Sharitz, R. R. and **L. C. Lee**. 1985. Limits on regeneration processes in Southeastern riverine wetlands. Pages 139 - 143 in, Johnson, R. R., C. D. Ziebell, D. R. Patton, P. F. Folliott, and R. H. Hamre, editors. *Riparian Ecosystems and Their Management: Reconciling Conflicting Uses*. Proceedings of the First North American Riparian Conference. USDA Forest Service Gen. Tech. Rpt. RM-120: 139-143.

Chapman, R., **L. C. Lee**, R. O. Teskey, and T. M. Hinckley. 1982. Impact of water level changes on woody riparian and wetland communities, Vol. X - index and addendum to Volumes I - VIII. U.S. Fish and Wildlife Service Office of Biological Services FWS/OBS-82/23. USDI, Washington, D.C. 111 pp.

Lee, L. C. and T. M. Hinckley. 1982. Impact of water level changes on woody riparian and wetland communities, Vol. IX - Alaska. U.S. Fish and Wildlife Service Office of Biological Services FWS/OBS -82/23. U.S.D.I., Washington, D.C. 213 pp.

Lee, L. C. and R. D. Pfister. 1978. *A Training Manual for Montana Forest Habitat Types.* Montana Forest and Conservation Experiment Station, University of Montana, Missoula, MT. 142 pp.

D. Selected Oral Presentations Of Technical Papers, Invited Seminars, and Posters

Lee, L.C., J. Hanson, and D.B. Largen. 2008. Management of Waters/Wetlands Buffers In Urbanizing Landscapes: Do Big Passive Buffers Always Make Sense? 8th International Wetlands Conference (INTECOL), July 20-25, 2008, Cuyaba, Brazil.

Fiedler, P. L., **L. C. Lee** and S. D. Hopper. 2007. Gnammas as rare wetlands in the Southwest Australian Floristic Region. MEDECOS XI 2007 Conference, 2-5, September, Perth, Australia.

L. C. Lee, P. L. Fiedler, J. Gage, M. Keever, A. E. Launer, and S. Anderson. 2003. Restoration of breeding habitat for the California tiger salamander (*Ambystoma californiense*) on Stanford University lands - I. Design & implementation. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003, Oakland, California.

S. Anderson, A. E. Launer, P. Oliveira, **L. C. Lee,** P. L. Fiedler, J. Gage, and M. Keever. 2003. Restoration of breeding habitat for the California tiger salamander (*Ambystoma californiense*) on Stanford University lands - II. Performance criteria and assessment. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003, Oakland, California

Lee, L. C. and D. M. Spada. 2002. Working Buffer: Enhancement and Restoration as Compensatory Mitigation in a Chronically Degraded Wetland. Annual meeting of the Society of Wetland Scientists. June 2-7, 2002., Lake Placid, New York.

Fiedler, P. L., **L. C. Lee**, and S. Holmes. 1999. Continuity in urban stream restoration. Meeting of the Association of State Wetland Managers, October 25-27, 1999, Annapolis, Maryland.
Cassin, J., Fiedler, P. L., and **L. C. Lee**. 1999. The importance of weeds control in wetland restoration. Meeting of the Association of State Wetland Managers, October 25-27, 1999, Annapolis, Maryland.

Fiedler, P. L., L. C. Ellis, **L. C. Lee,** and M. C. Rains. 1997. Development of a monitoring plan for restored riverine waters/wetlands along the central California coast using HGM wetland functional assessment: The Calera Creek Project. Meeting of the Association of State Wetland Managers, March 10-13, 1997, Annapolis, Maryland.

Ellis, L. R., **L. C. Lee,** P. L. Fiedler, and M. C. Rains. 1995. Use of the hydrogeomorphic approach to assess wetland functions and design restoration of riparian wetlands along the central California coast. 1995 Annual Meeting, Society for Ecological Restoration, September 14-18. Seattle, Washington.
Lee, L. C. 1989. Approaches for Impact Assessment In Jurisdictional Wetlands: The American Experience. Invited paper at the European Community Workshop on Wetland Functions and Values. April 27-30, 1989, University of Exeter, United Kingdom.

Lee, L. C. and J. G. Gosselink. 1988. Cumulative impact assessment in bottomland hardwood forests of the Southeastern U.S. Third International Wetlands Symposium, September 18 -23, 1988, Rennes, France (Published Abstract).

Gosselink, J. G. and **L. C. Lee**. 1988. Cumulative impact assessment in bottomlands of the Tensas River basin, Louisiana. Third International Wetlands Symposium, September 18 - 23, Rennes, France. (Published Abstract).

Megonigal, J. P., W. H. Patrick, S. P. Faulkner, W. B. Parker, R. R. Sharitz, and **L. C. Lee.** 1988. Relationships among vegetation, soils and hydrology as they relate to wetland delineation. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, DC (Published Abstract).

Smith, R. D. and **L. C. Lee.** 1988. Effects of assessment area boundary selection on functional ratings of the Wetland Evaluation Technique: how to drive WET wild. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, DC (Published Abstract).

Burdick, D. M., G. P. Shaffer, J. G. Gosselink, and L. C. Lee. 1988. Planning for cumulative impact management using landscape pattern and principles of conservation biology. International Association of Landscape Ecologists, March 16-19, 1988, Albuquerque, NM. (Published Abstract).

Magistro, J. L. and **L. C. Lee**. 1988. Association of wetlands with Superfund sites: a pilot study. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, D.C. (Published Abstract).

Gosselink, J. G., **L. C. Lee**, R. Boumans, D. Burdick, D. Cjilders, D. Cushman, S. Fields, S. Hamilton, M. Koch, G. Shaffer, N. Taylor, and J. Visser. 1988. Cumulative impact assessment and management in bottomlands of the Tensas basin, Louisiana. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, DC. (Published Abstract).

Muir, T. A., **L. C. Lee,** and S. Sarason. 1987. The EPA initiative on bottomland hardwood ecosystems: a status report. 9th Annual Meeting of the Society of Wetland Scientists, May 26-29, 1987, Seattle, WA. (Published Abstract).

Megonigal, J. P., W. H. Patrick, S. P. Faulkner, R. R. Sharitz, and **L. C. Lee**. 1987. Wetland boundary delineation in the southeast using vegetation, soils, hydrology, soil aeration/reduction-oxidation status. 9th Annual Meeting of the Society of Wetland Scientists, May 26-29, 1987, Seattle, WA. (Published Abstract).

Lee, L. C. 1987. Scoping wetland mitigation projects: where to begin, when to stop, and what to expect. National Wildlife Federation Symposium on "Preserving Our Wetland Heritage", October 4-7, 1987, Washington, D.C.

Lee, L. C. 1987. Riparian ecosystems as essential habitat for raptors in the American West. Paper presented to the National Wildlife Federation and the Idaho Chapter of the Wildlife Society, Western Raptor Management Symposium, October 26-28, 1987, Boise, ID.

Lee, L. C. 1987. Mitigation for wetland loss: how much is appropriate? President's Council On Environmental Quality, National Symposium On The Preparation And Review Of Environmental Impact Statements, November 3-4, 1987, West Point, NY.

Lee, L. C. 1986-1987. Cumulative impacts in bottomland hardwood forests: linking scientific assessments with regulatory approaches. A series of six seminars given by invitation at Indiana University, Western Illinois University, Smithsonian Environmental Research Laboratory,

University of Vermont, George Mason University, US EPA Region IV (Atlanta) 2nd Annual Wetlands Meeting.
Brinson, M. M. and **L. C. Lee.** 1986. In-kind mitigation for wetland loss. Savannah River Ecology Laboratory's Ninth Symposium: Freshwater Wetlands and Wildlife, March 24-27, 1986, Charleston, SC. (Published Abstract).

Lee, L. C. and T. A. Muir. 1986. Wetland forestry in the American West: approaches for silviculture in intricate ecosystem mosaics. International Symposium for Wetland Ecology and Management, U.S. Forest Service, Charleston, SC.

Lee, L. C. and M. M. Brinson. 1986. Scientific perspectives on mitigation for wetland loss. Plenary address presented to the Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.

Gosselink, J. G. and **L. C. Lee.** 1986. Cumulative impact assessment principles. Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.

McCort, W. D., **L. C. Lee**, and G. R. Wein. 1986. Mitigating for large-scale wetland loss: a realistic endeavor? Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.

Lee, L. C. 1986. Measurement of moisture gradients in floodplain wetland ecosystems of the Pacific Northwest. Moisture Gradient Workshop, Wetland Ecology Group, National Ecology Research Center, U.S. Fish and Wildlife Service, Ft. Collins, CO.

Lee, L. C. 1986. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Invited seminar to the Center For Wetlands, University of Florida, Gainesville, FL.

Lee, L. C. 1985. Environmental effects of the L-Reactor restart at the Savannah River Plant, South Carolina. Invited paper, January 30, 1985 meeting of the South Carolina Chapter of the Wildlife Society, Columbia, South Carolina.

Sharitz, R. R. and **L. C. Lee.** 1985. Limits on regeneration processes in Southeastern riverine wetlands. First North American Riparian Conference: "Riparian Ecosystems And Their Management", April 16-18, 1985, Tucson, Arizona (Published Abstract).

Sharitz, R. R. and **L. C. Lee.** 1985. Recovery processes in Southeastern riverine wetlands. First North American Riparian Conference: "Riparian Ecosystems And Their Management", April 16-18, 1985, Tucson, Arizona (Published Abstract).

Lee, L. C., M. L. Scott, and T. M. Hinckley. 1985. Plant water status relationships among major floodplain sites of the Flathead River, Montana. 6th Annual Meeting of the Society of Wetland Scientists, July 29 - August 2, 1985, Durham, New Hampshire (Published Abstract).

Scott, M. L. and **L. C. Lee.** 1985. Biomass and production dynamics along a disturbance gradient in a cypress-tupelo forested wetland. 6th Annual Meeting of the Society of Wetland Scientists, July 29 - August 2, 1985, Durham, NH. (Published Abstract).

Sharitz, R. R., Schneider, R L., and **L. C. Lee**. 1984. Composition and regeneration of a disturbed floodplain wetland in South Carolina. US Environmental Protection Agency Bottomland Hardwood Ecosystem Characterization Workshop, December 3-7, 1984, St. Francisville, Louisiana.

Lee, L. C. 1984. Floodplain and wetland vegetation in western Montana. Invited Seminar to the Montana Forest and Conservation Experiment Station, University of Montana, Missoula, Montana.

Lee, L. C. 1984. Floodplain and wetland plant communities of the North Fork Flathead River, Montana. Northwest Scientific Association 57th Annual Meeting, March 21-24, 1984, Missoula, Montana (Published Abstract).

Lee, L. C. 1984. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Society of Wetland Scientists 5th Annual Meeting, San Francisco, California (Published Abstract).

Lee, L. C. 1984. Water balance and leaf area relationships in floodplain plant communities in two Pacific Northwest river ecosystems. Annual Meeting of the Ecological Society of America, Ft. Collins, Colorado (Published Abstract).

Lee, L. C., C. C. Grier, and T. M. Hinckley. 1983. Water balance and leaf area relationships in floodplain plant communities of two Pacific Northwest river ecosystems. Paper presented at the Northwest Scientific Association 56th Annual Meeting, March 24-26, Olympia, WA. (Published Abstract/Best Student Paper award).

Lee, L. C. 1983. Definition, classification, and description of riparian wetlands in the Pacific Northwest. Invited seminar to the School of Landscape Architecture, University of Washington, Seattle, Washington.

Lee, L. C. 1981 - 1984. Nine formal oral and written declarations and testimonies before hearings of the King and Snohomish County Building and Development Divisions regarding assessment of impacts of proposed or existing developments in wetland or riparian habitats.

Lee, L. C. 1981. Gradient modeling of riparian and wetland vegetation. Invited paper presented to the Annual Meeting of the Association of American Geographers, Los Angeles, California (Published Abstract).

Jonkel, C. J., **L. C. Lee**, P. Zaeger, C. W. Servheen, and R. Mace. 1981. Grizzly bear - livestock competition in riparian ecosystems. Paper presented at the Coeur d'Alene Regional Wildlife Symposium, Coeur d'Alene, Idaho (Published Abstract).

Lee, L. C. 1980. The role of low elevation wetlands in the ecology of free ranging grizzly bears in Montana. Invited seminar presented to the Pacific Northwest Forest and Range Experiment Station, USDA Forest Service, Corvallis, Oregon.
Lee, L. C. 1980. Plant associations in montane riparian habitats in western Montana. Invited seminar presented to the Pacific Northwest Forest and Range Experiment Station, U.S. Forest Service, Corvallis, Oregon.

VI. SELELCTED WORKSHOPS AND SYMPOSIA ATTENDED BY INVITATION

Law Seminars International - Clean Water & Stormwater Continuing Legal Education. May 5, 2014, Seattle, Washington. Waters/Wetlands Jurisdictional Issues – Key Elements In Recent Scientific Studies.

Law Seminars International, Continuing Legal Education Seminar, Wetlands In Washington, October 2, 2013, Seattle, Washington. “Practical Tips For Assessing The Financial Impacts Of Waters/Wetlands Issues - Managing Smooth Sailing Through Permitting Processes”

Law Seminars International - Continuing Legal Education - “Wetlands In Washington”, Seattle, Washington, October 10, 2012.

Lorman Education Services - Continuing Legal Education - “SEPA” (Wetlands Section Speaker) Seattle, Washington. 2007.

Lorman Education Services - Continuing Legal Education - “SEPA” (Wetlands Section Speaker) Tacoma, Washington. 2007.

Law Seminars International. – Continuing Legal Education - “Successful Permitting Strategies.” Seattle, Washington. 1999.

Institute for Wetland Science and Public Policy: The Association of State Wetland Managers, Inc. “*Wetlands ‘99*” (Plenary Speaker – “Design, Implementation and Monitoring For Successful Ecosystem Restorations”) Annapolis, Maryland. 1999.

Wetlands Biological Assessment and Criteria Development Workshop. Association of State Wetland Managers. Boulder, Colorado. “The Hydrogeomorphic Approach To Assessment of Waters/Wetlands Ecosystem Functioning. 1996.

Alaska Association of Environmental Professionals Eighth Annual Meeting. “The Hydrogeomorphic Approach To Assessment of Waters/Wetlands Ecosystem Functioning In Discontinuous Permafrost Landscapes.” Anchorage, Alaska. 1996.

Living Waters Symposium, Bass Anglers Sportsman's Society, Montgomery, Alabama. Offered perspectives on eco system impacts of flow regulation/reservoir management in the southeastern U.S. 1990.

Wet Environments: RCRA Subtitle D Monitoring Guidance. Office of Research and Development, U.S. Environmental Protection Agency Systems Laboratory. Tallahassee, Florida.April 17-19, 1989.

Restoration, Creation, and Management Of Wetland And Riparian Ecosystems in the American West. Lakewood, Colorado. (Plenary Speaker – “Restoration, creation, and management of wetland and riparian ecosystems in the American West: A summary and synthesis of the symposium”). November 14 - 15, 1988.

Cumulative Impacts Workshop. Wetlands Ecology Program, U.S. Environmental Protection Agency Environmental Research Laboratory, Corvallis, Oregon.. Summarized Gosselink and Lee work on cumulative impact assessment in bottomland hardwood forests of the southeastern U.S. 1987.

Restoration of Bottomland Hardwood Wetlands. Division of Wetlands Ecology, Savannah River Ecology Laboratory, Aiken, South Carolina. Follow-up symposium on lessons learned in the design, construction and monitoring of the L-Reactor Lake wetlands. 1987.

National Wetlands Technical Council Great Basin Desert and Montane Wetlands Workshop, Logan, Utah. ("Food Chain Support/Habitat" Workgroup Chairman). February 27-28, 1986.

Moisture Gradient Workshop. Wetland Ecology Group, National Ecology Research Center, U.S. Fish and Wildlife Service, Ft. Collins, Colorado. Summarized site water balance work in the North fork of the Flathead Valley (LCL Ph.D. Dissertation). 1986.

National Wetlands Technical Council Pacific Region Workgroup, San Francisco, California. ("Food Chain Support" workgroup Chairman). April 14-16, 1985.

US Environmental Protection Agency "Bottomland Hardwood Ecosystem Characterization Workshops". St. Francisville, Louisiana (December 3-7, 1984); Lake Lanier, Gerogia (July 15-19, 1985); and, Savannah, Georgia (January 13-17, 1986). Cumulative Impacts Workgroup Chairman. 1984, 1985, and 1986.

VII. ORGANIZATION OF PROFESSIONAL MEETINGS, TRAINING PROGRAMS AND SYMPOSIA

A. Meetings and Symposia

Session Chairman, "*Global Habitat Assessment*." MEDECOS XI: The International Mediterranean Ecosystems Conference, Perth, Australia. September 2 - 5, 2007.

Panel Organizer & Moderator, "*No Net Loss: Approaches for Implementing Policies To Sustain Wetland Area And/Or Function*." Society of Wetland Scientists Tenth Annual Meeting, Orlando, Florida. May 30 - June 3, 1989.

Meeting Co-Coordinator, *Pocosins and Associated Wetlands Of The Carolina Coastal Plain*. Workshop Organized for US Environmental Protection Agency Region IV, Atlanta, Georgia and Duke University Center for Wetlands. 1989.

Scientific Program Chairman, "*The Chesapeake and Its Landscape: Perspectives On The Science, Management, and Protection Of Freshwater and Estuarine Wetlands*" - the Society of Wetland Scientists 9th Annual Meeting. Washington, DC. Responsible for development and organization of all aspects of the SWS scientific for the 9th Annual Meeting. May 31 - June 3, 1988.

Session Chairman, "*Assessment and Management of Contaminants In Wetland Ecosystems*". Technical Session held at the 9th Annual Meeting of the Society of Wetland Scientists, Washington, DC. May 31 - June 3, 1988.

Session Chairman, "*Management of Contaminants in Saturated Media*." Technical Session held at the Annual Meeting of the Association of State Wetland Managers, Oakland, California. June 26 - 29, 1988.

Scientific Program Chairman, "*Wetland and Riparian Ecosystems of the American West*." The Society of Wetland Scientists 8th Annual Meeting, Seattle, Washington. Responsible for development and organization of all aspects of the SWS scientific program for the 8th Annual Meeting. May 26 - 29, 1986.

Scientific Program Committee Manager, National Symposium, *Freshwater Wetlands And Wildlife: Perspectives On Natural, Managed, and Degraded Ecosystems*. University of Georgia Savannah River Ecology Laboratory, Ninth Symposium, Charleston, South Carolina. Responsible with Dr. R. R. Sharitz for (a) organization of all wetland technical sessions, (b) selection and

coordination of plenary speakers, and (c) leadership of Freshwater Wetlands field trip. March 24 - 27, 1986.

Session Chairman "*Approaches For Mitigation Of Forestry Impacts To Wetlands*", Technical Session held at the National Symposium On Wetlands Mitigation, Association of State Wetland Managers, New Orleans, Louisiana. October 8 - 10, 1986.

B. Training Programs

Courses taught through Elkhorn Slough National Estuarine Research Reserve Coastal Training Program – Director and Lead Instructor. *2008 - Present*.

April 2008: *Jurisdictional Delineation of Waters of the U.S., Including Wetlands On the California Coast: Legal and Ecological Protocols For Diverse and Changing Landscapes.* Elkhorn Slough, California.

November 2008: *Jurisdictional Delineation of Waters of the U.S., Including Wetlands On the California Coast: Legal and Ecological Protocols For Diverse and Changing Landscapes.* Elkhorn Slough, California.

Courses taught through National Wetland Science Training Cooperative (under L.C. Lee & Associates, Inc.) – Director and Lead Instructor. *1989 - 2005*.

April 1989: *Jurisdictional Delineation of Wetlands in the Southeastern US.* Mobile, Alabama.

May 1989: *Jurisdictional Delineation of Wetlands in the Mid-Atlantic States*. New Brunswick, New Jersey.

July 1989: *Best Management Approaches for Silviculture in Non-Tidal Wetlands of Maryland*. Salisbury, Maryland. Taught in cooperation with the Maryland Department of Natural Resources, Maryland Forest, Park & Wildlife Service, and Society of American Foresters.

August - November 1989: *Jurisdictional Delineation of Wetlands in the Chesapeake Bay Region* (Seven 1-week courses offered in cooperation with US EPA Region III, the US Army Corps of Engineers, US Fish And Wildlife Service, and US Soil Conservation Service - Federal Ad Hoc Wetlands Group - Chesapeake Bay Program) - Harrisburg, PA; State College PA; Pittsburgh, PA; Annapolis, MD; Easton, MD; Laurel, MD; Richmond, VA.

May 1990. *Jurisdictional Delineation of Wetlands in The Mid-Atlantic States*. Annapolis, Maryland.

May 1990. *Jurisdictional Delineation of Wetlands in Pennsylvania*. State College, Pennsylvania.

June 1990. *Jurisdictional Delineation of Wetlands in the Pacific Northwest*. Seattle, Washington.

August 1990. *Jurisdictional Delineation of Wetlands in the Southeastern United States*. Charlotte, NC.

August 1990. *Jurisdictional Delineation of Wetlands in the American West*. Reno, Nevada.

May 1991. *Jurisdictional Delineation of Wetlands in the Pacific Northwest*. Seattle, Washington.

November 1991. *Jurisdictional Delineation of Wetlands in the Pacific Northwest*. Course taught for King County Building and Land Development), Seattle, Washington.

October 1991. *Restoration and Construction of Wetlands for Storm Water Management in the Pacific Northwest*. Seattle, Washington.

February 1992. Beyond WET: *Functional Assessment of Wetlands in the Southeastern US*. Course taught in cooperation with US EPA, Region IV. Atlanta, Georgia.

April 1992. *An Overview of Jurisdictional Delineation of Waters of the U.S., Including Wetlands on National Forests*. Course taught for the US Forest Service National Hydrology Workshop, Phoenix, Arizona.

June 1992. *Jurisdictional Delineation of Wetlands in the State of Minnesota*. Course taught in cooperation with the State of Minnesota and U.S, EPA Region V. Minneapolis, MN.

July 1992. *Jurisdictional Delineation of Wetlands in the State of Minnesota*. Course taught in cooperation with the State of Minnesota and U.S, EPA Region V. Bemidji, MN.

July 1992. *Jurisdictional Delineation of Wetlands in the State of Minnesota*. Course taught in cooperation with the State of Minnesota and U.S, EPA Region V), Alexandria, MN.

February 1993. *Jurisdictional Delineation of Wetlands in American Samoa*. Course taught in cooperation with the Government of Samoa and EPA Region IX. Pago Pago, American Samoa.

March 1993. *Jurisdictional Delineation of Wetlands in the American West*. Course taught in cooperation with American Fisheries Society. San Francisco, CA.

August 1993. *Advanced Jurisdictional Delineation of Wetlands in Michigan*. Course taught in cooperation with Michigan Department of Natural Resources and Michigan State University and US EPA, Region V. Kellogg Biological Station, Michigan.

August 1994. *Jurisdictional Delineation of Wetlands in Guam*. Course taught in cooperation with EPA Region IX. Guam and Republic of Palau.

October 1994. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Mid-Atlantic States, Annapolis, Maryland*. Course taught in cooperation with US EPA, Region III and the Smithsonian Environmental Research Laboratory.

November 1994. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Santa Margarita Watershed, San Diego, California*. Course taught in cooperation with US EPA, Region IX.

July 1995. *Jurisdictional Delineation of Wetlands in the Caribbean, San Juan, Puerto Rico*. Course taught in cooperation with US EPA Region II and Puerto Rico Department of Natural Resources. San Juan, Puerto Rico

August 1995. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Pacific Northwest. Course taught in cooperation with Natural Resource Conservation Service Wetlands Institute. Seattle, Washington.

September 1995. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Mid-Atlantic States*. Course taught in cooperation with the Natural Resource Conservation Service Wetlands Institute. Annapolis, Maryland.

April 1996. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands of the Central California Coast*. Course taught in cooperation with Natural Resource Conservation Service Wetlands Institute. San Francisco, California.

May 1996. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in Alaska*, Course taught in cooperation with the State of Alaska Department of Environmental Conservation and US EPA, Region X. Fairbanks, Alaska.

March 1997. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Kenai River Watershed*. Course taught in cooperation with the State of Alaska Department of Environmental Conservation and US EPA, Region X. Soldotna, Alaska.

May 1997. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Prairie Pothole Region*. Course taught in cooperation with the Natural Resource Conservation Service, Wetlands Institute, Washington, DC. Jamestown, North Dakota.

May 1999. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in Interior Alaska*. Course taught in cooperation with the State of Alaska Department of Environmental Conservation and US EPA, Region X.

December 2001. *The Hydrogeomorphic Approach to Functional Assessment of Riverine Waters/ Wetlands in the South Coast Region of Santa Barbara County, California*. Course taught in cooperation with Santa Barbara County Flood Control & Water Conservation District, Santa Barbara County Water Agency and US EPA, Region IX. Santa Barbara, California.

November 7 – 9, 2005: *Growing Wetlands – Advances in Wetland Conservation and Restoration Workshop*. Invited by the Botanic Garden & Parks Authority, Kings Park & Botanic Garden to develop and teach a workshop on wetland ecosystem restoration. **L. C. Lee** & P. L. Fiedler, instructors. Western Australia Ecology Center, Perth, Western Australia

Program director and lead instructor for the U.S. Environmental Protection Agency Headquarters Office of Wetlands Protection, "National Wetlands Training Program". National 1-week field-based training courses offered by the Office of Wetlands Protection, U.S. Environmental Protection Agency, Washington, D.C. *1987 – 1989.*

June 1987. *Jurisdictional Delineation of Wetlands and Riparian Ecosystems in the American West*. Reno, Nevada.

July 1987. *Functional Assessment of Bottomland Hardwood Ecosystems in the Southeastern United States: Introduction to the "Bottomland Hardwood Wetland Evaluation Technique" and "Cumulative Impact Assessment in Bottomland Hardwood Forests."* Charleston, South Carolina.

October 1987. *Jurisdictional Delineation of Wetlands in the Southeastern United States.* University of Georgia Marine Institute, Sapelo Island, Georgia.

November 1987. *Functional Assessment of Wetland and Riparian Ecosystems in the American West.* Ft. Collins, Colorado.

March 1988. *Jurisdictional Delineation of Wetland and Riparian Ecosystems in the Southwestern United States*. Tucson, Arizona.

May 1988. J*urisdictional Delineation of Wetlands in the State of New Jersey.* East Hanover, New Jersey.

June 1988. *Jurisdictional Delineation of Wetlands in the Mid-Atlantic States. New Brunswick, New Jersey.* (Private Sector Only)

August 1988. *Jurisdictional Delineation of Wetlands in the State Of Virginia*. Virginia Institute of Marine Science, Gloucester Point, Virginia.

August 1988. *Functional Assessment of Wetlands in the Southeastern US: The National And Bottomland Hardwood Wetland Evaluation Techniques.* Galveston, Texas.

September 1988. *Jurisdictional Delineation of Wetlands in the North-Central US*. Kellogg Biological Station, Hickory Corners, Michigan.

October 1988. *Best Management Approaches for Silviculture in Southeastern Forested Wetlands*. Savannah, Georgia.

October 1988. *Cumulative Impact Assessment in Southeastern Wetland Ecosystems: The Pearl River.* Slidell, Louisiana.

SMP MAPPING UPDATES

SMP MAPPING UPDATES

The purpose of this document is to provide detailed justification and provide background information for the changes to the City's Shoreline Master Plan (SMP) maps that are proposed as part of the City's 2021 SMP update. This document is intended to be used in conjunction with a GIS story map created to illustrate ~~the~~ most of the different sets of data and information used when making the below-listed changes to the SMP maps. The data used to inform changes to the SMP maps included, but was not limited to the following: 2011 SMP documents, inventorying of existing water bodies such as the Skagit River, Lindegrin Creek, and Barney Lake, existing zoning and Comprehensive Plan designations, existing conditions, existing hydraulic characteristics with lidar and topographic mapping, FEMA flood zones, NRCS soil survey for Skagit County, NWI wetland inventory, existing wetlands identified through site specific projects, well logs, background information from the permitting of the Nookachamps Wetland Mitigation Bank, and the development potential.

DESCRIPTION OF CHANGES ON FIGURE 2

A new levee was constructed on the north side of Hoag Road that is now identified. Several properties surrounding this levee are now shown as subject to shoreline jurisdiction. Evaluating the properties identified in **Area #1** consisted of analysis of the resources outlined above on this page under the heading SMP MAPPING UPDATES.

Below is a table containing the inventory information for the properties identified in **Area #1.** The information summarized in this table is the justification for the Proposed Environmental Designations listed in the far-right column.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIGNA-TION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #1 Ptn. of P24187	Developed with an existing single-family residential home, accessory structure, and associated amenities (i.e. landscaping and driveways)	Single-Family Residential (R-1, 4.0)	A1 City designated floodway and C	Additional accessory development associated with the existing home and with a subdivision additional residential lots are possible	Residential** ~~Potential Wetland Connection~~
Area #1 Ptn. of P24186	Vacant - part of the Nookachamps Wetland Bank	Public	A-1	Little other than as a wetland mitigation bank	Natural** ~~Potential Wetland Connection~~
Area #1 Ptn. of P111844	Vacant - part of the Nookachamps Wetland Bank	Residential Agricultural (R-A)	A-1	Little other than as a wetland mitigation bank	Natural ** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIGNA-TION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #1 Ptn. P83106	Multi-family Family structure with four units	Multi-family Residential (R-3)	C	Additional residential accessory uses possible	Residential
Area #1 P82041	Multi-family Family structure with three units	Duplex and Townhome (R-2)	C	Additional residential accessory uses possible	Residential
Area #1 P82043	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P82051	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and C	Additional residential accessory uses possible	Residential
Area #1 P25867	Vacant	Single-Family Residential (R-1, 4.0)	A-1 and C	Development of a single-family residential home and residential accessory structures possible	Residential
Area #1 P25866	Existing sewer pump station owned by the City	Single-Family Residential (R-1, 4.0)	C	Possible expansion of existing utility infrastructure possible	Residential
Area #1 P83236	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and C	Additional residential accessory uses possible	Residential
Area #1 P80780	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and C	Additional residential accessory uses possible	Residential
Area #1 P80767	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80766	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80765	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80768	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80779	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P82042	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P82044	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIGNA-TION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #1 P82052	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P83237	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and B and C	Additional residential accessory uses possible	Residential
Area #1 P83238	Vacant	Single-Family Residential (R-1, 4.0)	A-1 and C	Development of a single-family residential home and residential accessory structures possible	Residential
Area #1 P99554	Existing Single-Family residential home	Residential Agricultural (R-A)	C	Additional residential accessory uses possible	Residential
Area #1 P99555	Existing Single-Family residential home	Residential Agricultural (R-A)	C	Additional residential accessory uses possible	Residential

DESCRIPTION OF ADDITIONAL CHANGES ON FIGURE 2

Areas within the City limits east of the Skagit River have been found to have wetlands that are influenced by the Skagit River. See the accompanying Technical Memo from the City Biologist, Dr. Lyndon Lee, that contains his findings regarding tax parcel P24350 located within **Area #2.** Dr. Lee's Technical memo used the criterion outlined under WAC 173-22-040 finding that on-site wetlands are influenced by the Skagit River and therefore are subject to shoreline jurisdiction.

Once the City was aware of shoreline jurisdiction extending onto tax parcel P24350 staff evaluated nearby areas to determine if these areas could also potentially also be subject to shoreline jurisdiction. Evaluating the properties identified in **Area #2** consisted of analysis of the resources outlined above on page 1 under the heading SMP MAPPING UPDATES.

Below is a table containing the inventory information for the properties identified in **Area #2.** The information summarized in this table is the justification for the Proposed Environmental Designations listed in the far-right column.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #2 Ptn. of P111844	Vacant - part of the Nookachamps Wetland Bank	Residential Agricultural (R-A)	A-1, City designated floodway	Little other than as a wetland mitigation bank	Natural ** ~~Potential Wetland Connection~~
Area #2 Ptn. of P24135	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. of P24133	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24368	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24366	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P24132	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P24123	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P23532	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P23501	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P23499	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24379	Vacant, 6,900± s.f. shaped as a triangle with its widest portion being 72± feet wide	Single-Family Residential (R-1, 4.0)	A-1 and C	Little potential for a single-family home, this parcel could be aggregated with an abutting parcel or could have an accessory use placed on it	Residential
Area #2 P24293	Vacant	Residential Agricultural (R-A)	A1	Little potential for development of intense residential uses as this entire parcel is located in a zone A1 – floodway. Residential accessory uses might be possible	Residential
Area #2 P24365	Vacant	Residential Agricultural (R-A)	A1	Little potential for development of intense residential uses as this entire parcel is located in a zone A1 – floodway. Residential accessory uses might be possible	Residential
Area #2 P116052	Existing YMCA Facility	Public	A1 and C	Additional commercial development possible	Urban Mixed Use** ~~– Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #2 P119634	Existing Salem Village Retirement Community with multi-family units and associated amenities	Multi-family Residential (R-4)	A1 and C	Additional multi-family development possible	Residential ** ~~Potential Wetland Connection~~
Area #2 P111843	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P112213	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24223	Vacant Property	Single-Family Residential (R-1, 4.0)	A1 and C	Development of single-family home possible	Residential** ~~Potential Wetland Connection~~
Area #2 P24221	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	A1 and C	Development of single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24378	Vacant Property	R-A	A1 and C	Development of single-family home possible	Residential** ~~Potential Wetland Connection~~
Area #2 P24395	Vacant Property	R-A	A1	Development of single-family home unlikely but possible	Residential** ~~Potential Wetland Connection~~
Area #2 P24367	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24370	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24373	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24364	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P122829	Development with a trail, benches, and other amenities for the North Hill development this parcel is part of	Single-Family Residential (R-1, 4.0)	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24352	Vacant	Single-Family Residential (R-1, 4.0)	A1	Property could be aggregated with property abutting its east boundary and could be developed with single-family residential uses.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

Area #2 P24355	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	A1 and C	Development of additional single-family accessory structures, amenities, and new dwelling units with a subdivision possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24350	Vacant	Single-Family Residential (R-1, 4.0)	A1 and C	Development of new dwelling units with a subdivision possible.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

~~The environmental designations for these areas are with hatching because these areas will be subject to shoreline jurisdiction only if: (1) wetlands are identified on these parcels; and (2) these wetlands are found to either influence or be influenced by the Skagit River. As indicated above, this criterion was used because it is what is prescribed under WAC 173-22-040.~~

The parcels in **Area #2** have been added to the SMP map because there is a potential for these areas to ~~have existing wetlands that could~~ have shoreline associated wetlands. ~~influence or be influenced by the Skagit River.~~

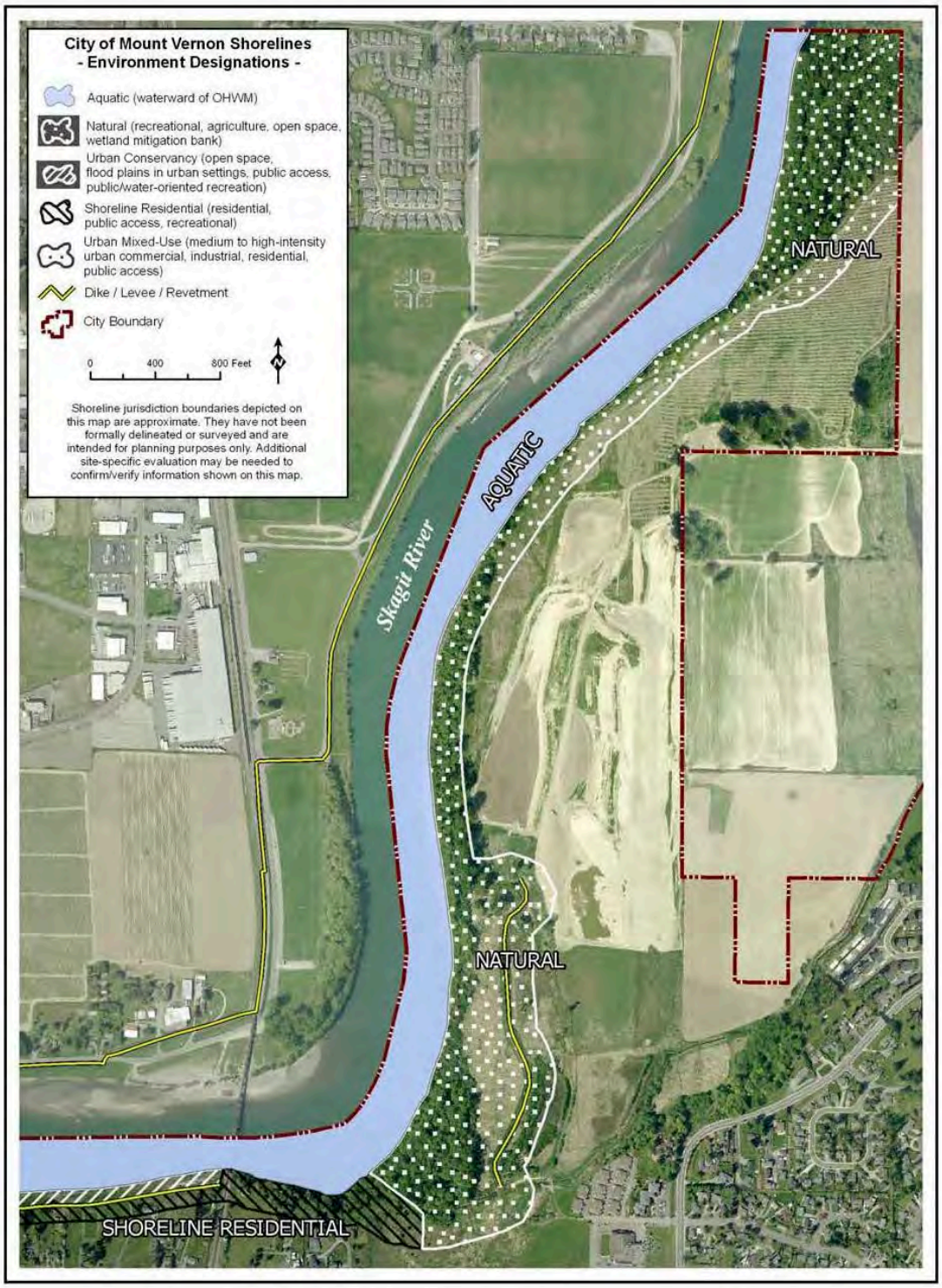
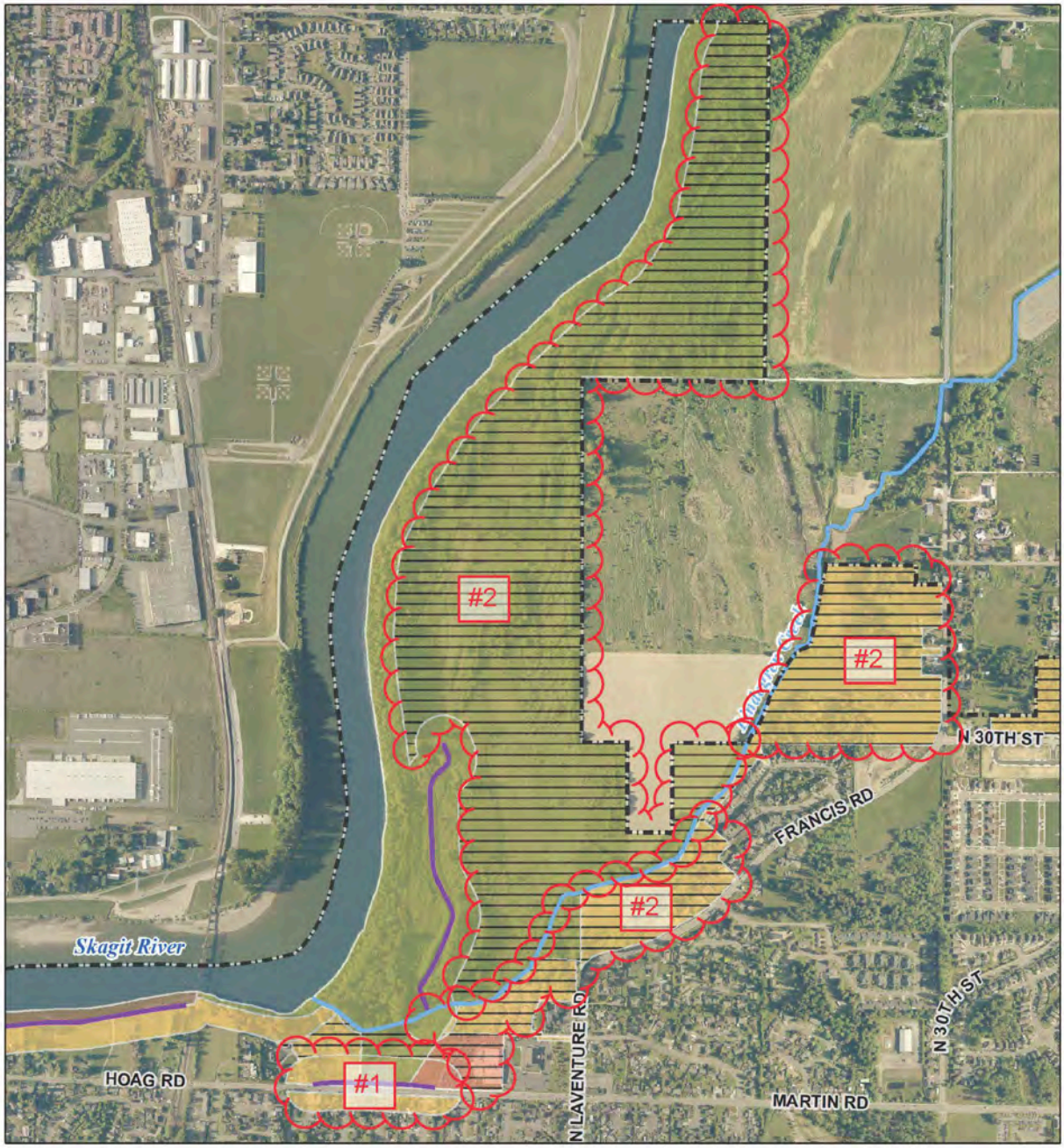


Figure 2 Northeast Mount Vernon Environmental Designations

FIGURE 2 FROM THE CITY'S 2011 SMP



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

N W E S

UPDATED FIGURE 2 IN THE CITY'S 2021 SMP

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

DESCRIPTION OF CHANGES ON FIGURE 3 IN 2011 SMP

Figure 3 in the 2011 SMP became **Figure 4.** **Figure 3** in the 2021 update is a new map all together.

The new **Figure 3** contains areas not included in the 2011 SMP. Areas shown on **Figure 3** were evaluated because of the wetlands identified on tax parcel P24350 that are influenced by the Skagit River. See the accompanying Technical Memo from the City Biologist, Dr. Lyndon Lee, that contains his findings regarding tax parcel P24350 located within **Area #2**. Dr. Lee's Technical memo used the criterion outlined under WAC 173-22-040 finding that on-site wetlands are influenced by the Skagit River and therefore are subject to shoreline jurisdiction.

Once the City was aware of shoreline jurisdiction extending onto tax parcel P24350 staff evaluated nearby areas to determine if these areas could also potentially also be subject to shoreline jurisdiction. Evaluating the properties identified in **Area #2** consisted of analysis of the resources outlined above on page 1 under the heading SMP MAPPING UPDATES. ~~inventorying existing waterbodies (Skagit River, Lindegrin Creek, and prior delineated wetlands), existing hydraulic characteristics with lidar and topographic maps, existing zoning designations, floodplain designations, and development potential. In addition to the Skagit River and Lindegrin Creek staff evaluated Barney Lake, located outside of the City limits, as one of the waterbodies that could influence on-site wetlands.~~

Below is a table containing the inventory information for the properties identified in **Area #2.** The information summarized in this table is the justification for the Proposed Environmental Designations listed in the far-right column.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
P124125	Vacant – future phase of the Highland Greens Development	Single-family Residential (R-1, 5.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P24341	Existing Single-family residential structure and outbuildings	Single-family Residential (R-1, 3.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P24340	Existing Single-family residential structure and outbuildings	Single-family Residential (R-1, 3.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P128006	Vacant property	Single-family Residential (R-1, 3.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P127981	Two multi-family structures with a total of six dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional multi-family residential units	Residential** ~~Potential Wetland Connection~~
P127974	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~

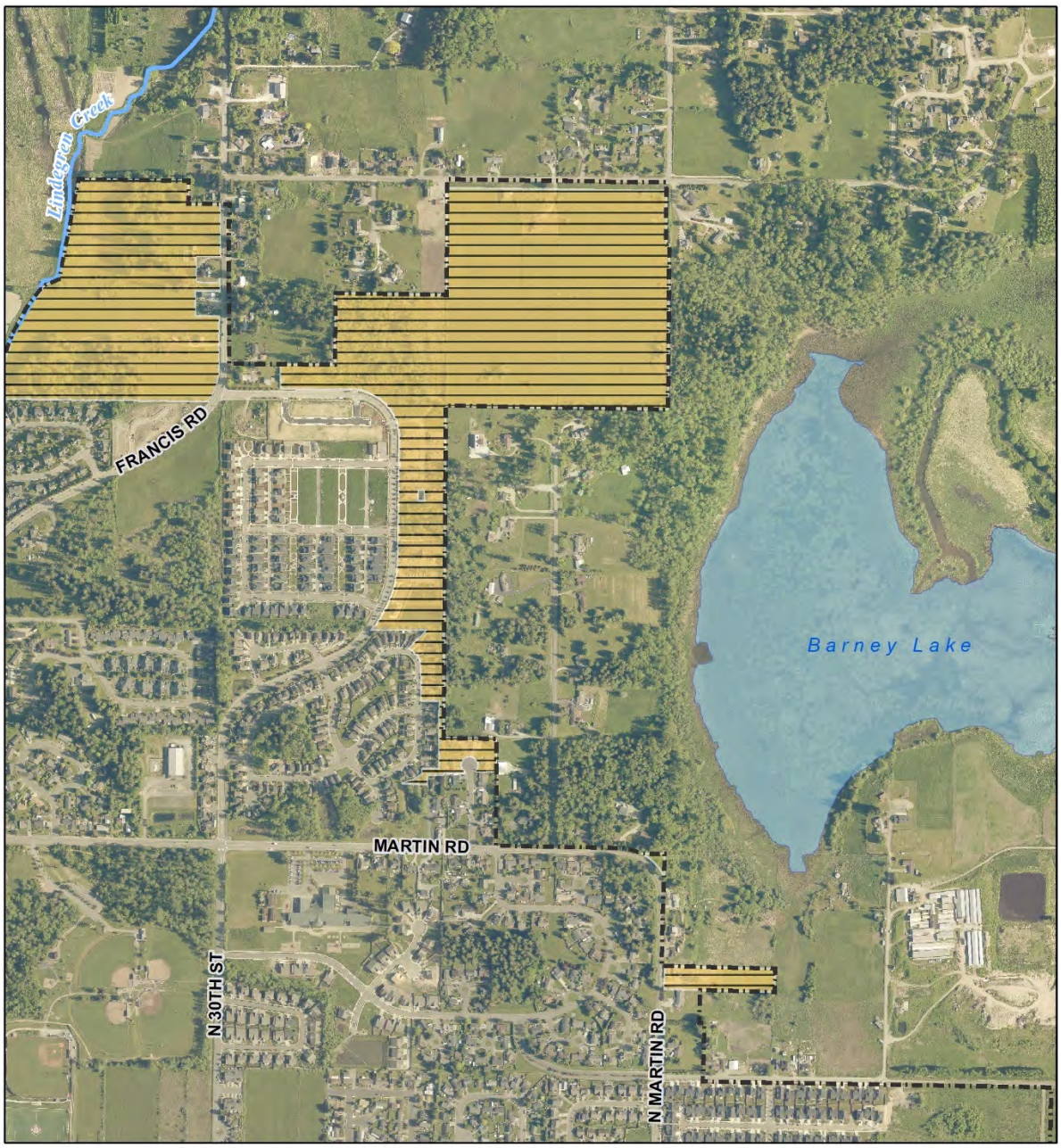
** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
P128001	Road serving the surrounding multi-family residential structures	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P128002	Two multi-family structures with a total of six dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional multi-family residential units	Residential** ~~Potential Wetland Connection~~
P127999	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127997	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127994	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127497	Existing NGPA area developed as part of the Highland Greens development	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P127494	Multi-family structure with 30+ multi-family units, parking lot, landscaping and other residential amenities	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127495	Existing clubhouse constructed as part of the Highland Green subdivision, parking, and landscaping	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P127496	Existing stormwater facility constructed to clean and attenuate stormwater from the Highland Greens development	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P121119	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	C	Development of additional single-family accessory structures, amenities, and new dwelling units with a subdivision possible.	Residential** ~~Potential Wetland Connection~~
P121120	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
P121121	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121122	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121926	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121927	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121928	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121929	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121155	Vacant property owned by the City that was created as a greenbelt around the Rosewood development	Single-family Residential (R-1, 4.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P100823	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P100822	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P100821	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P100820	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P24970	Vacant property owned by the Skagit Land Trust	Single-Family Residential (R-1, 4.0)	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P24826	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	C and A7	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

NEW FIGURE 3 ADDED TO THE CITY'S 2021 SMP

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

DESCRIPTION OF CHANGES ON FIGURE 3 IN 2011 SMP

Figure 3 in the 2011 SMP became **Figure 4.**

The new **Figure 4** does not contain any new areas subject to shoreline jurisdiction or any changes to environmental designations. City staff did refine the location of the existing levee using new lidar maps.

F. Urban Conservancy Environment

1. Purpose

   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 developed shoreline settings, while allowing for compatible uses and public access.

2. Designation Criteria

   The Urban Conservancy environmental designation has been assigned to those shorelines where the levees are set back significant distance upland from the river's edge, creating open space within the floodplain. The Urban Conservancy Environment has the following characteristics:

   a. Existing open space within the floodplain;

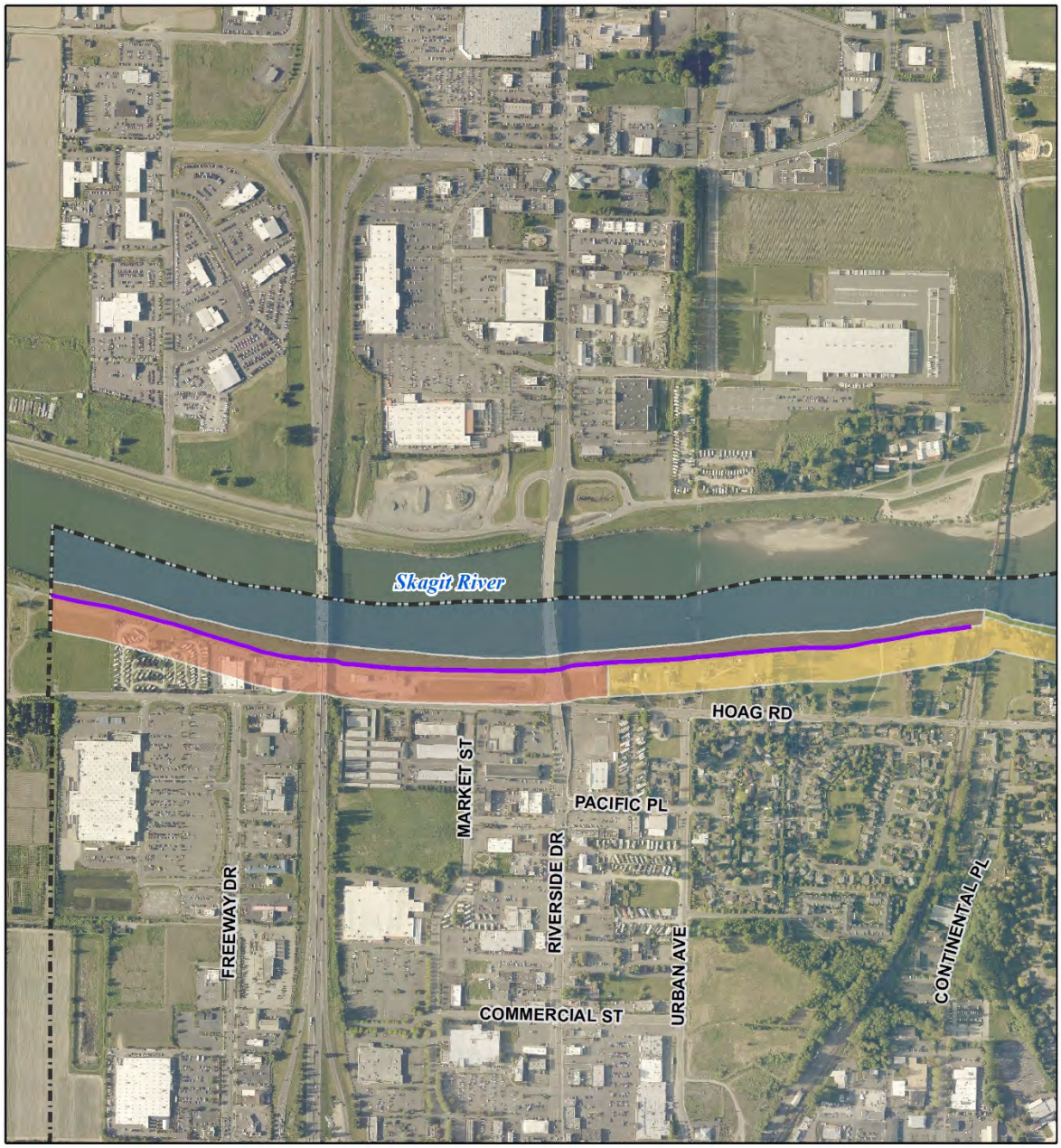
   b. Existing and/or restored shoreline habitat;

   c. Potential for additional restoration; or

   d. Existing or potential for water-related recreation and public access.

Figure 3 North Mount Vernon Environmental Designations

FIGURE 3 FROM THE CITY'S 2011 SMP – THIS BECAME FIGURE 4



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

FIGURE 4 IN 2021 SMP (WAS FIGURE 3 IN THE 2011 SMP) NO CHANGES EXCEPT THE NAME OF THIS FIGURE

DESCRIPTION OF CHANGES ON FIGURE 4 IN 2011 SMP

Figure 4 in the 2011 SMP became **Figure 5.**

The new **Figure 5** contains two changes to areas subject to shoreline jurisdiction and associated environmental designations that are described in detail below.

Sans the below-described changes, staff updated the location of the City's floodwall and existing levees based on as-builts and new lidar maps. This was important to do because following the 2011 SMP update the City constructed new portions of a floodwall to protect our historic downtown.

Area 3 is within and abutting the City's Edgewater Park on the waterward side of the existing levee. There are two parcels that in 2011 were identified as only partially subject to shoreline jurisdiction. These two parcels are P26659 and a large parcel owned by the City that does not have a tax parcel number that contains three ball fields, a stage, a frisbee golf course, bathrooms and a trail that are all amenities with Edgewater Park. The portions of these parcels not previously identified as subject to shoreline jurisdiction are now identified as being Urban Conservancy to match the Urban Conservancy designation they previously abutted up to the waterside of the existing levee.

Area 4 is within and abutting the City's Edgewater Park where the delineation between the Urban Conservancy and Natural environmental designations were updated such that areas used for active recreation are identified as Urban Conservancy and areas passively used are identified as Natural.

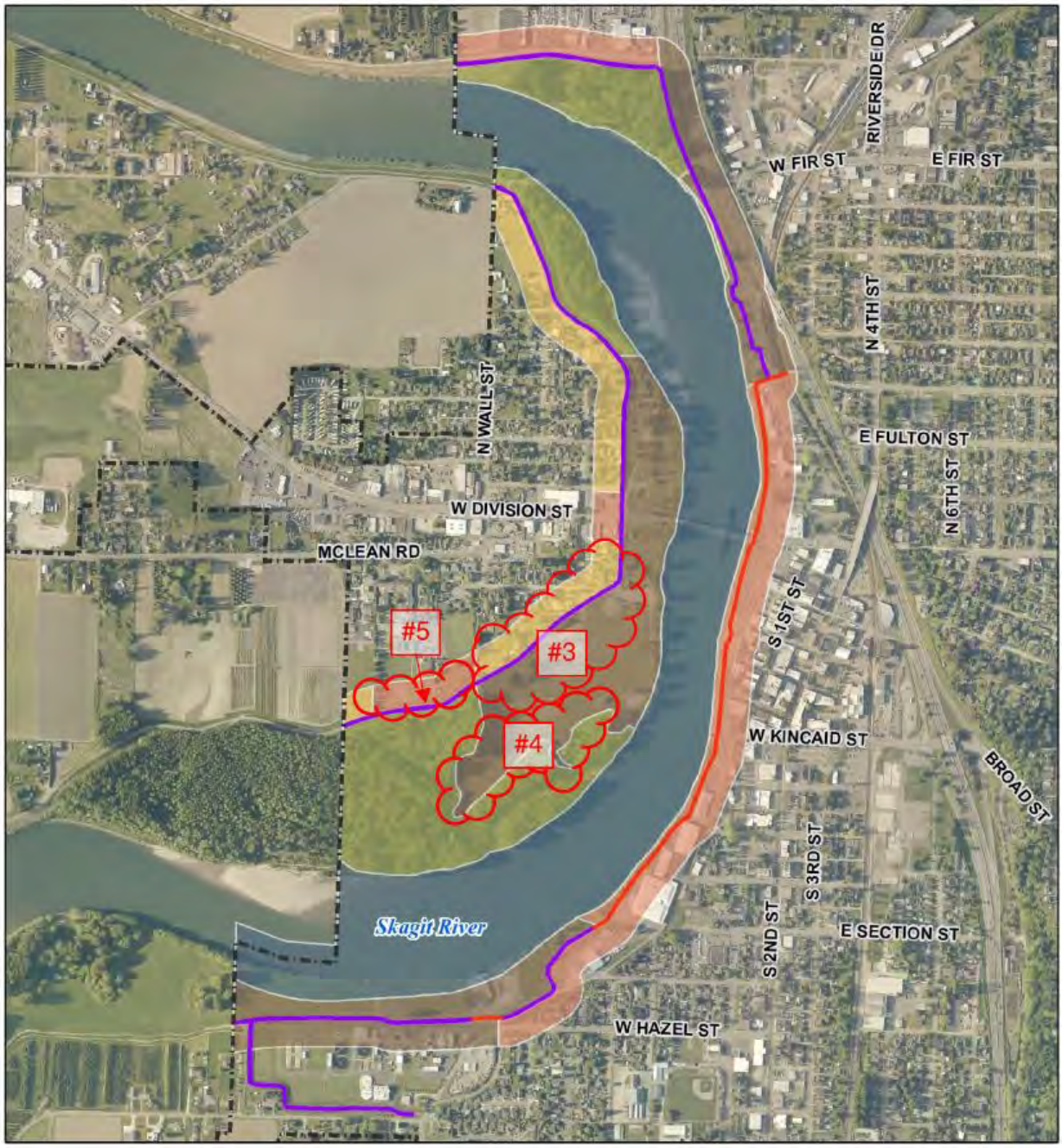
Area 5 is on the west bank of the Skagit River, landward of the existing levee two parcels (P26397 and P26391) owned by the Mount Vernon School District that are developed with an elementary school were changed from an environmental designation of Residential to a designation of Urban Mixed Use because these areas are zoned for Public uses, are developed and used as playgrounds for elementary school children and cannot in their existing condition be developed with residential uses.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #3 P52843	Existing single-family home with outbuildings	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52844	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52845	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #3 P52846	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52847	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52848	Existing single-family accessory building	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52849	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52851	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52856	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential

Figure 4 Central Mount Vernon Environmental Designations

FIGURE 4 FROM THE CITY'S 2011 SMP – THIS BECAME FIGURE 5



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

FIGURE 5 IN THE 2021 SMP – THIS WAS FIGURE 4 IN THE 2011 SMP

APPENDIX B

SHORELINE RESTORATION REPORT

There are no changes to this Appendix through this 2021 SMP update process.

APPENDIX B

SHORELINE RESTORATION REPORT

I. SHORELINE MANAGEMENT ACT RESTORATION PRINCIPLES

The Shoreline Management Act (Act) makes protection of shoreline environments an essential statewide goal, with an emphasis on maintenance, protection, restoration, and preservation. The Act requires local master programs include goals and policies for restoration of impaired shoreline ecological functions that are consistent with the principles embodied in WAC 173-26-186(8)(c). These principles include the following:

- Master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals;
- Master program elements regarding restoration should make real and meaningful use of established or funded non-regulatory policies and programs that contribute to restoration of ecological functions;
- Restoration efforts should appropriately consider the direct or indirect effects of other regulatory or non-regulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards;
- Utilize a process that identifies, inventories, and ensures meaningful understanding of existing and potential ecological functions of affected shorelines;
- Develop policies and regulations designed to achieve no net loss of those ecological functions;
- In jurisdictions containing shorelines with impaired ecological functions, develop goals and policies that provide for restoration of those functions; and
- Evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions.

The Act also recognizes that restoration planning can vary dramatically between jurisdictions based on the jurisdiction's size, extent and condition of its shorelines, availability of funding and restoration tools, and the nature of the ecological functions to be restored.
In Mount Vernon, where there is an extensive dike system, potential areas of meaningful restoration are organized as follows:

- Locations where there is a significant open space within the batture between a levee and the river's edge;
- Future locations where the Dike Districts plan to relocate levees farther from the shoreline, thereby expanding and creating new restoration opportunities within the batture; and
- Those shoreline segments that do not have an immediately adjacent dike/levee or revetment.

A. SHORELINE MANAGEMENT PROGRAM RESTORATION AND ENHANCEMENT GOALS

1. Reestablish, rehabilitate, and/or otherwise improve impaired shoreline ecological functions and/or processes through actions that are consistent with this Master Program and guidelines provided in other local and regional restoration plans.
2. Encourage and facilitate cooperative restoration and enhancement programs between the City and state and federal public agencies, tribes, non-profit organizations, developers, and landowners to address shorelines with impaired ecological functions and/or processes.
3. Restore and enhance shoreline ecological functions and processes as well as shoreline features through voluntary and incentive-based public and private programs.
4. Target restoration and enhancement with the goal of improving habitat requirements of priority and/or locally important wildlife species.
5. Ensure restoration and enhancement is consistent with and, where practicable, prioritized based on the biological recovery goals for salmon populations and other species and/or populations for which a recovery plan is available.
6. Integrate restoration and enhancement with parallel natural resource management efforts such as the 2005 *Skagit Chinook Recovery Plan* and Department of Ecology Water Resource Inventory Area #3 watershed planning activities.

B. RESTORATION AND ENHANCEMENT POLICIES

1. The City of Mount Vernon should determine priority restoration sites.
2. This Master Program recognizes the importance of restoration of shoreline ecological functions and processes and encourages cooperative restoration efforts and programs between the City, county, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and/or processes.
3. Not restoration *per se*, but as a strategy for improving shoreline ecological systems, Mount Vernon plans to correct degraded conditions along the Downtown shoreline by removing the revetment that parallels the Skagit River (within 5 years from the date of the SMP).
4. The City intends to remove existing pilings from the main stem of the Skagit River as part of the redevelopment of the Downtown Waterfront project (within 5 years of the date of the SMP).
5. Additional opportunities for restoration would be created when Dike Districts complete plans to set back existing dikes greater distances from the OHWM of the Skagit River in the three bridge area of North Mount Vernon (ten to twenty years from the date of the SMP).
6. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted towards meeting the needs of sensitive and/or locally important plant, fish, and wildlife species as well as the biological recovery goals for early Chinook, bull trout populations, and other salmonid species and populations.
7. Restoration should be integrated with other natural resource management efforts such as the *2005 Skagit Chinook Recovery Plan*.

8. Priority should be given to restoration actions that:
   i. Create dynamic and sustainable ecosystems.
   ii. Restore connectivity between river channels, floodplains, and hyporheic zones.
   iii. Restore historic back-channels to create refugia for migrating fish.
   iv. Mitigate peak flows and associated impacts caused by high stormwater runoff volume.
   v. Reduce sediment input to the Skagit River and associated impacts.
   vi. Improve Skagit River water quality through stormwater facility upgrades.
   vii. Restore native vegetation and natural hydrologic functions of degraded and former wetlands to the extent practical.
   viii. Replant native vegetation in shoreline areas to restore functions where such actions are meaningful and consistent with this SMP and Dike District guidelines.
   ix. Where practical restore riverine ecosystem processes, such as sediment transport and creation of sand bars and accumulation of large woody debris that create and sustain fish habitat.

The Skagit is the only river system in Washington that supports all five species of salmon, containing some of the largest and healthiest wild Chinook salmon runs in Puget Sound and the largest pink salmon stock in the state. In all, there are ten species of salmonids within the Skagit River basin. These include six Chinook stocks (spring, summer, and fall), pink salmon, chum salmon, sockeye salmon, summer and winter run steelhead, sea run cutthroat trout, Dolly Varden, and bull trout. Three of these, Puget Sound Chinook salmon, Puget Sound steelhead, and Coastal Puget Sound bull trout, are Endangered Species Act (ESA) listed.

As a result, restoration planning in the Skagit River watershed has had a focus on policies and actions intended to aid in the recovery of migratory fish populations, in particular ESA listed species.

II. WATERSHED PLANNING

In 1998, the State legislature passed Chapter 90.82 RCW, which sets forth a framework for developing local solutions to water resource issues on a watershed basis. Chapter 90.82 RCW states:

> *"The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. ... The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting in-stream flows for fish and by providing for the economic well-being of the state's citizenry and communities."*

RCW 90.82 recognizes that watersheds are the logical planning unit for addressing water resource issues and the protection and restoration of fish and wildlife habitats. The RCW establishes general criteria and guidelines for state agencies and local jurisdictions to follow in developing and implementing watershed plans. The primary purpose of these plans is to equitably manage water resources between the competing demands of human use, protection of existing water rights, and the maintenance of in-stream flows for resident fish.

Habitat restoration is an optional element in the development of local watershed plans under the RCW. However, given the requirements of the GMA relative to the SMA for shorelines, restoration would be an expected component for those watersheds that have experienced significant development and historically supported significant fish populations and riparian habitats.

Watershed planning is necessarily hierarchical in nature. Each major watershed is composed of smaller sub-basins that may differ substantially in the intensity of development, level of water resource use, types and extent of habitats, and functional characteristics. Federal and state agencies, tribes, and local governments have varying degrees of authority over watershed issues, resulting in a hierarchy of plans and regulations. Major watershed boundaries and tributaries also cross jurisdictional boundaries, requiring coordination between local communities, tribes, and private parties engaged in planning and restoration activities.

A. WATERSHED RESOURCE INVENTORY AREA #3

The State's major watersheds have been mapped into sixty-two Water Resource Inventory Areas (WRIA), with each further divided into sub-basins based on the physical extent of primary tributaries. Mount Vernon is located within WRIA #3 – Lower Skagit River. As a planning unit, the boundaries of WRIA #3 represent the upper tier of the watershed hierarchy for the Lower Skagit.

The Department of Ecology (DOE) is the agency responsible for coordinating and overseeing the development of watershed plans under RCW 90.82. The DOE further supports these efforts by conducting research and preparing studies on specific watershed issues, reporting on watershed planning activities, and maintaining a database of information specific to each WRIA.

B. SKAGIT CHINOOK RECOVERY PLAN 2005

The *Skagit Chinook Recovery Plan* (Plan) was completed in 2005 as a joint effort between the Skagit River System Cooperative (SRSC) and the Washington Department of Fish and Wildlife (WDFW). The process began in 1994, in response to the listing of Puget Sound Chinook salmon as threatened under the Endangered Species Act and during its development included the involvement of a variety of interested and affected parties. The Plan document is intended to provide the basis for the Skagit Basin chapter of the Greater Puget Sound Chinook recovery effort.

While not all of the parties involved have expressly issued their support, it remains the one watershed level plan currently in place for the Skagit.
The purposes of the Plan are to:

- Define biologically-based recovery goals.
- Identify what is known or assumed about factors that limit production of Skagit River Chinook.
- Propose scientifically-based actions that will restore Skagit River Chinook to optimum levels, including fisheries management, artificial production, habitat protection, habitat restoration, effectiveness monitoring, and applied research.

The Plan is built around the identification of four different juvenile Chinook salmon life history strategies in the Skagit: yearlings, parr migrants, tidal delta rearing migrants, and fry migrants. Due to the differences in habitat use, yearlings and parr migrants depend more on freshwater habitat, while tidal delta rearing migrants and fry migrants depend more on estuarine habitats.

This difference in habitat utilization by individual life history strategies shapes the habitat recovery actions proposed in the Plan. Habitat recovery actions are recommended that benefit each life history strategy in an effort to maintain and strengthen Chinook population diversity and ensure spatial connectivity and abundance. The restoration strategy for the Plan is based on an understanding of the limiting factors for each of the Skagit Chinook salmon stocks and the specific location of existing or potentially restorable habitat.

Relevant to Mount Vernon, are the Plan's recommended restoration actions for freshwater rearing habitat in large river floodplains, tributaries, and non-tidal deltas. Large river floodplain restoration actions in the Plan seek to improve freshwater conditions for all Chinook salmon fry, but in particular for those life history strategies that depend on freshwater habitat for extended rearing. Intact floodplain areas are especially important for freshwater rearing because the availability of complex main-stem edge habitat, backwaters, and off-channel habitat is essential for the foraging and refugia of all phases of freshwater life history. For example, stream type Chinook salmon spend over one year in freshwater habitat before migrating further downstream.

C. MOUNT VERNON SKAGIT TRIBUTARIES AND WATERS/WETLANDS RESERVE PROGRAM

Skagit River tributaries in Mount Vernon are regulated under the City's Critical Areas Ordinance (CAO) and are not a part of the Shoreline Master Program, except at their confluence with the Skagit River. However, the City recognizes that planning and development activities occurring within these tributary sub-basins can have impacts on the quality of shoreline environments downstream in the Skagit River.

The City has been involved with local watershed planning in the context of updating its CAO to comply with the Growth Management Act (GMA) requirement to include best available science (BAS). Beginning in 2005, and continuing through 2008, city staff, consultants, and student volunteers inventoried and evaluated the City's water and wetland resources. Mount Vernon has developed studies and maps that document location, extent, and conditions of the tributaries within the City's seven sub-basins. Information includes whether a stream is fish-bearing, stream gradient, type, location of blockages to fish passage, stream crossings, and riparian habitat.

This information has been used as the foundation for implementing the City's Waters/Wetlands Reserve program that is a part of its Critical Areas Ordinance (CAO). The program is founded on the principle that site specific impacts (both good and bad) have incremental and cumulative effects on ecological functions elsewhere within the ecosystem's landscape. In practice, the CAO provides an alternative whereby property owners may choose a program that requires both off-site mitigation via a contribution to a restoration fund and on-site enhancement/restoration of remaining on-site ecological functions (including stormwater upgrades), for which they are allowed a reduced buffer to a BAS supported minimum. Funds collected in this program are expended restoring ecological functions elsewhere in the waters/wetland system. The program is administered by the City's Stormwater Utility.

As a part of developing the CAO, the City identified ten city-owned properties totaling approximately 100 acres that have restoration potential and designated them as receiving sites for collected restoration funds. Two of these sites are on the Skagit River shoreline:

- Edgewater Park - approximately 9.0 additional acres of batture
- Lions Park North (the confluence of Kulshan Creek) - approximately 11.0 acres of degraded floodplain forest

Funding for restoration of these and other sites will occur as the program is implemented. Timelines will be dependent upon contributions to the program.

III. RESTORATION OPPORTUNITIES AND ACTIONS

A. BIG BEND REACH HABITAT RESTORATION FEASIBILITY STUDY, 2004

The primary goal of the *Skagit River Big Bend Reach Habitat Restoration Feasibility Study* (Study) was to identify opportunities for improving the quality and quantity of rearing habitat available to juvenile salmon at various opportunity sites located in the Big Bend Reach of the Skagit River. There are remnant pockets of habitat to be found between the river and the existing levees. Some of these are actively engaged with the river. Most are currently isolated from river actions, except during high water events.

Thirteen opportunity sites were identified and analyzed for their existing habitat values and their ability to provide additional habitat benefits. Several of the sites displayed little or no opportunity for restoration activities and several were not in close proximity to the City of Mount Vernon. Six sites from the Study have been included in this SMP Restoration Report.

The Study resulted in recommendations for appropriate restoration actions based on several factors, including geomorphic sustainability, habitat and fish benefits, and the feasibility of requirements to implement a restoration action. At several of the sites, combinations of restoration alternatives were determined to best meet the needs of a site and the objectives of the project. The opportunity sites have the potential to become the backbone for larger restoration efforts. Not all of the sites identified in the study area are in Mount Vernon and some are only partially within City jurisdiction (Ten Dollar Bar and Goodrich Bar). This Report includes those wholly or partially within the City's jurisdiction.

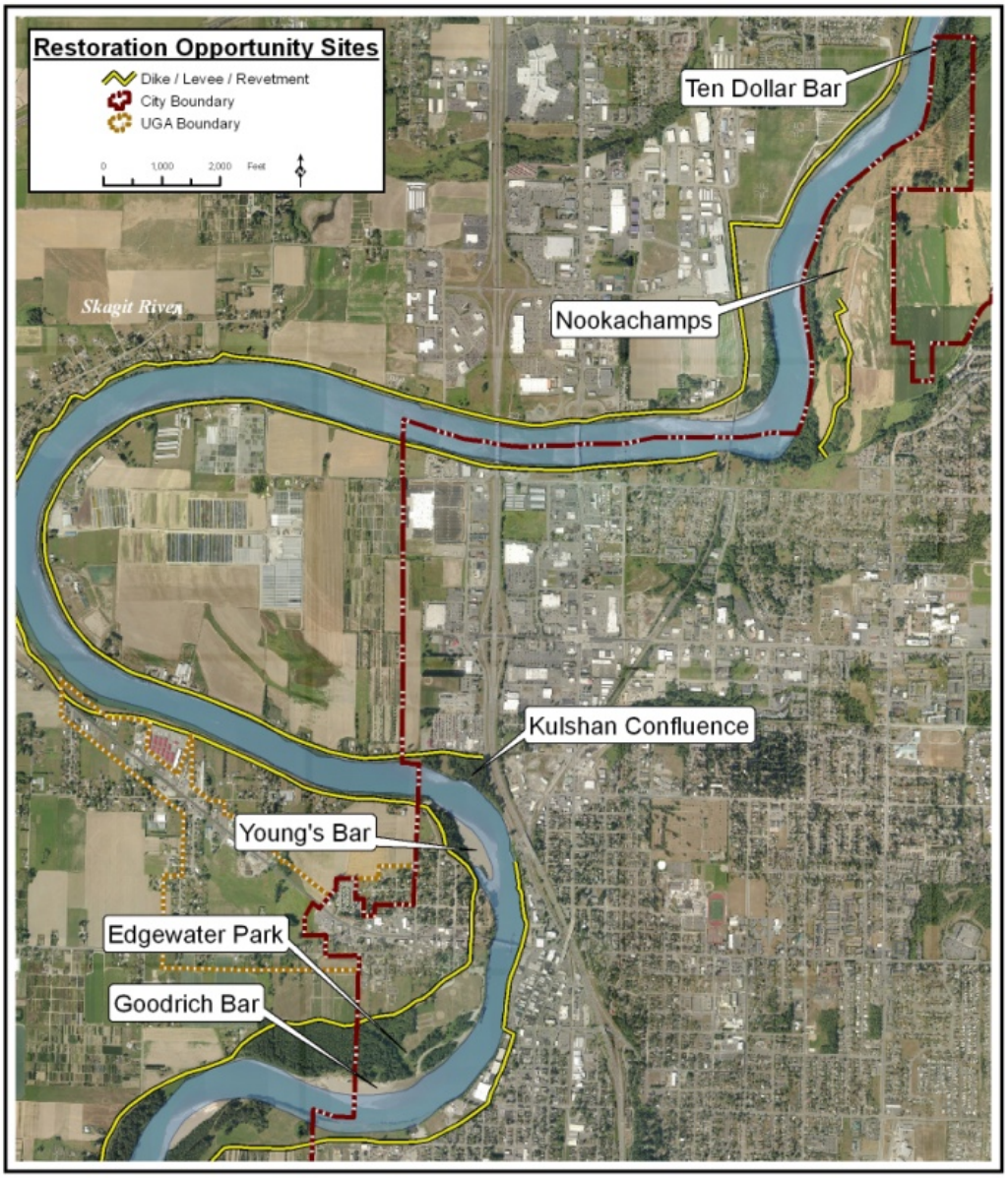


Figure B-1
Shoreline Restoration Opportunities

B. TEN DOLLAR BAR:

Location: This site, on the south side of the river (left bank) opposite Johnson Bar at the north end of the Nookachamps Wetland Mitigation Bank site, is approximately 90.5 acres. The area is privately owned and only partially within the City's jurisdiction. The gravel point bar (Ten Dollar Bar) consisting of about 3 acres along the downstream one-third of the site, is directly opposite the Burlington boat ramp.

Restoration Potential: The upstream portion of this site, between the Nookachamps confluence and the forested zone, is heavily armored with rip rap. Removal of this rock would likely increase the hydrologic connectivity between identified ephemeral channels and the outside bend of the river flowing past the Johnson Bar location. This could result in deeper and more frequently connected off-channels as well as increased point bar accretion.

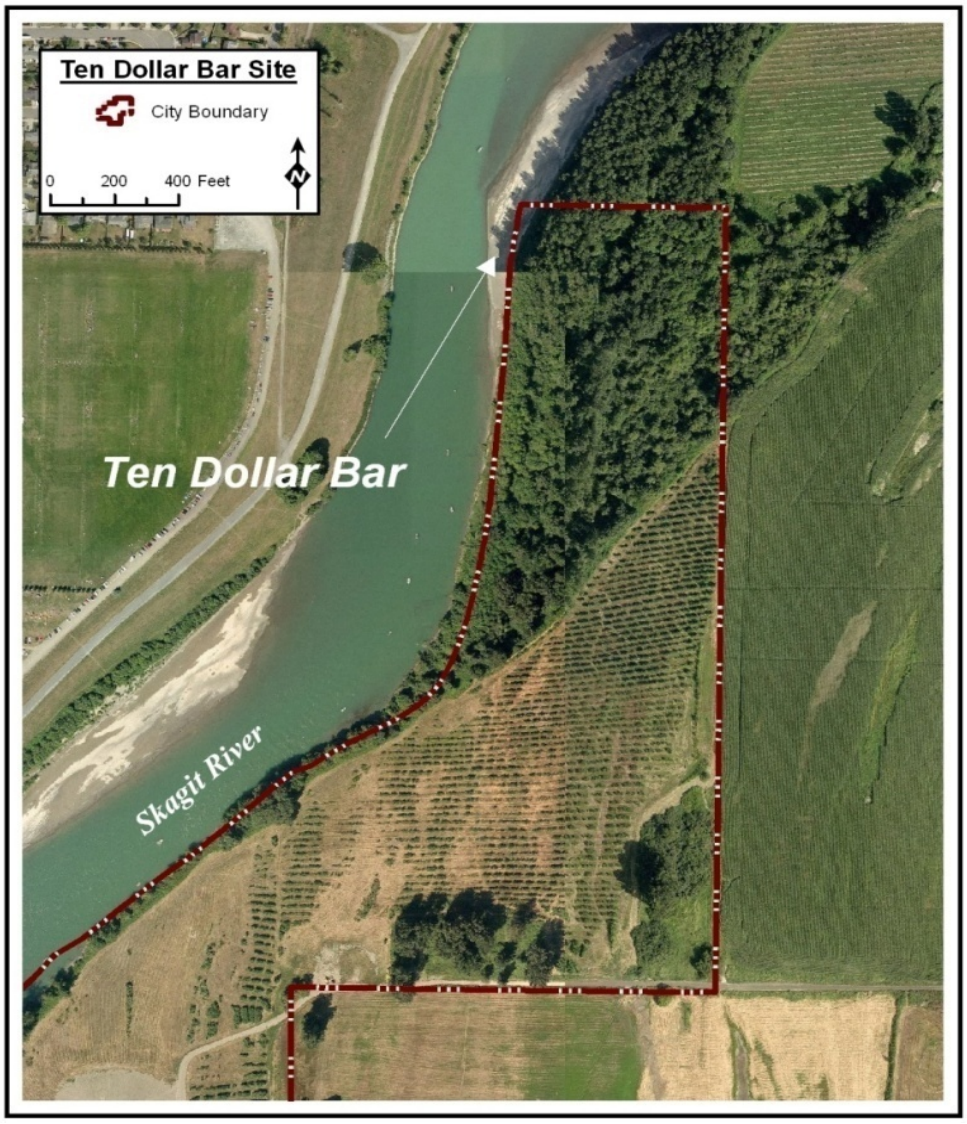


Figure B-2
Ten Dollar Bar

C. KULSHAN CONFLUENCE AT LIONS PARK NORTH:

Location: This 15 acre site is located on the outside of a bend and adjacent to the I-5 corridor at Lions Park North, a City park located north of Downtown of Mount Vernon at river mile (RM) 13.4. A Dike District 17 levee is located to the north.

Restoration Potential: Due to the stream confluence, in addition to being on the outside bend of the river, this site has unique restoration potential. Unfortunately, surrounding constraints severely limit the site's ability to realize its restoration potential without a high cost. Constraints such as Freeway Drive, the I-5 corridor, and heavily industrial and commercial land uses, make this site problematic for significant restoration. Modest efforts could include providing a complex of large wood and restoration of riparian vegetation for increased plant community diversity. Lions Park North has been identified as a potential restoration site for the City's CAO program that could include 11 acres of degraded forest.

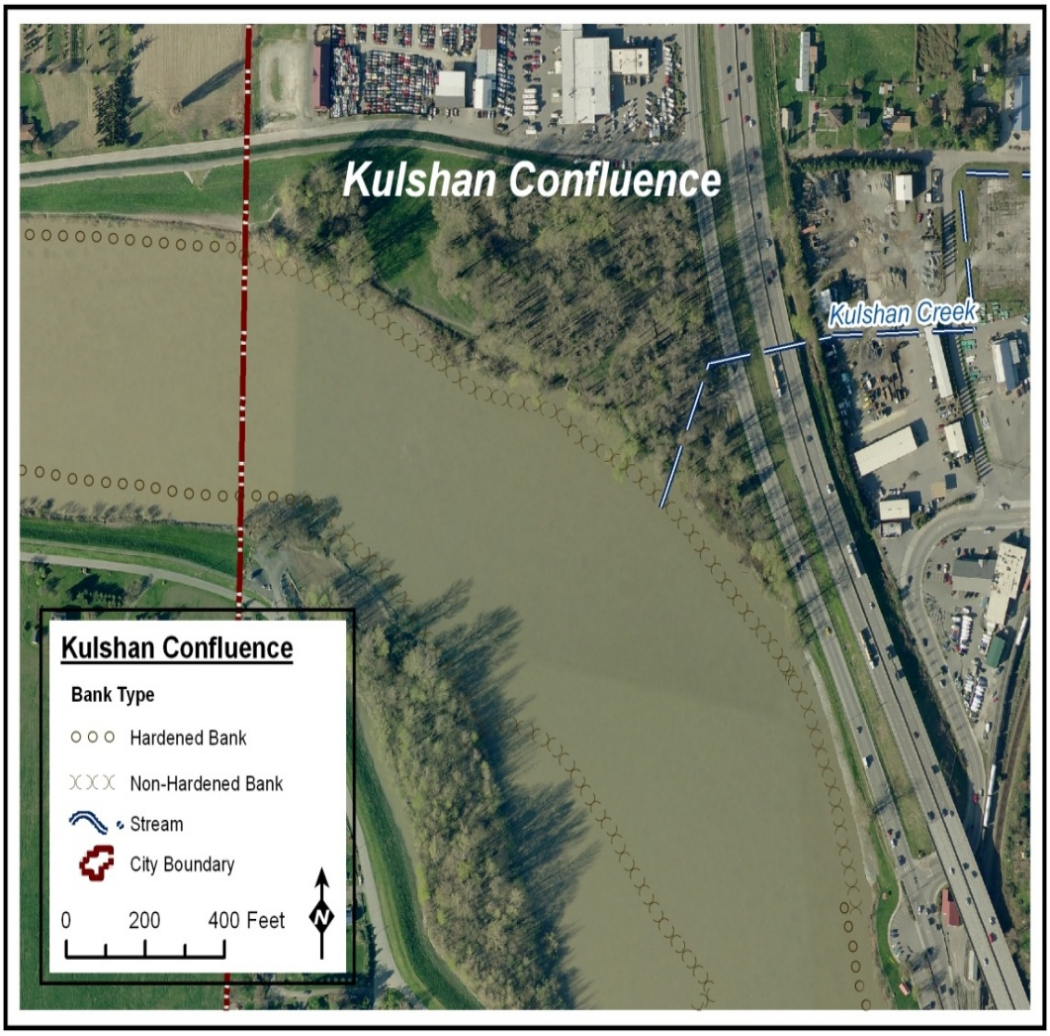


Figure B-3
Kulshan Confluence at Lions Park

D. YOUNG'S BAR:

Location: This is a major point bar in the Lower Skagit River system of about 19.7 acres located at RM 11.2, across from Lions Park and abutting the north end of Edgewater Park. The sand bar is owned by the Department of Natural Resources, a portion on the north part of the site, developed for fishing access, is owned by the Washington State Department of Fish and Wildlife, and uplands are privately owned. The area is bordered by a levee on its west side.

Restoration Potential: Without a more significant dike setback through this reach of the river, this site appears to have little potential for restoration given the extensive infrastructure immediately west. The predominant value missing from the site is LWD accumulation. Given large enough pieces, it would be possible to see some significant accumulation of large wood over time. It does not appear that a stable back-channel could be created on this site. Other actions could include increasing riparian plant diversity.

Figure B-4
Young's Bar

E. EDGEWATER PARK

Location: This 68 acre public park is located in West Mount Vernon, along the right bank of the Skagit River.

Restoration Potential: The Park includes over 4,700 feet of shoreline. A Master Plan was adopted by the City Council in 2000 and since then several elements of the plan have been implemented. Habitat enhancement is an integral part of the plan. Over half the park is open space and natural area. The river shoreline has been and will continue to be enhanced with the removal of invasive, non-native plants and landscaped with native plants to create a range of habitats, edge conditions, and food and shelter supply for mammals and birds. Existing native trees and snags have been retained. Approximately 3 acres of shoreline have been restored with over 9,000 shrubs and 300 deciduous and evergreen trees. A key feature of the plan has been the restoration and enhancement of a historic off-channel habitat. The result will be a strong riparian edge along the river. The functioning riparian zone will stabilize the river bank, provide shade and control water temperature, and eventually contribute woody debris to the river that will provide refuge and habitat for migrating adult and juvenile salmon. As noted earlier, there are an additional 11 acres of batture that could be restored within the park.

Figure B-5
Edgewater Park

F. GOODRICH BAR

Location: This site, at RM 12, is located immediately downstream of and adjacent to Edgewater Park in West Mount Vernon at the downstream edge of a major point bar. The bar is owned by the Washington Department of Natural Resources and adjacent land is privately owned. The majority owner (75 percent) has enrolled the land in the Skagit County Farmland Legacy Program. Although it is not completely within the City's jurisdiction, it does have potential for future restoration activities.

Restoration Potential: The site was compromised by the development of a land fill at the upstream end of Edgewater Park during the late 1950's and 60's. This floodplain fill has impeded hydrology such that limited sustainable channel development has been possible through this site. However, restoration actions that have occurred in the adjacent Edgewater Park have opened hydrologic connectivity opportunities that may allow channels to be established over time. Increasing riparian plant diversity would also be a potential at this site.

Figure B-6
Goodrich Bar

G. NOOKACHAMPS WETLAND MITIGATION BANK

Location: The Nookachamps Wetland Mitigation Bank is located adjacent to the Skagit River in northeast Mount Vernon, between the river's confluence with Lindegren Creek and Ten Dollar Bar.

Restoration Potential: This site, owned by Nookachamps LLC (identified as "Salem LC" in the Study) is being developed as a wetland mitigation bank. While the Study did not rate the site high for re-establishing additional back-channels, it did suggest that the historic complex of wetlands could likely be restored. The Mitigation Bank plan is to establish a more complex system of back-channels that will restore the direct connection of this portion of the floodplain to the river.

The site encompasses approximately 291 acres and includes a portion of the bar and forested floodplain associated with the Ten Dollar Bar site to the north. The purpose of the preserve is to develop a bank for projects that require mitigation credits to off-set project site impacts.

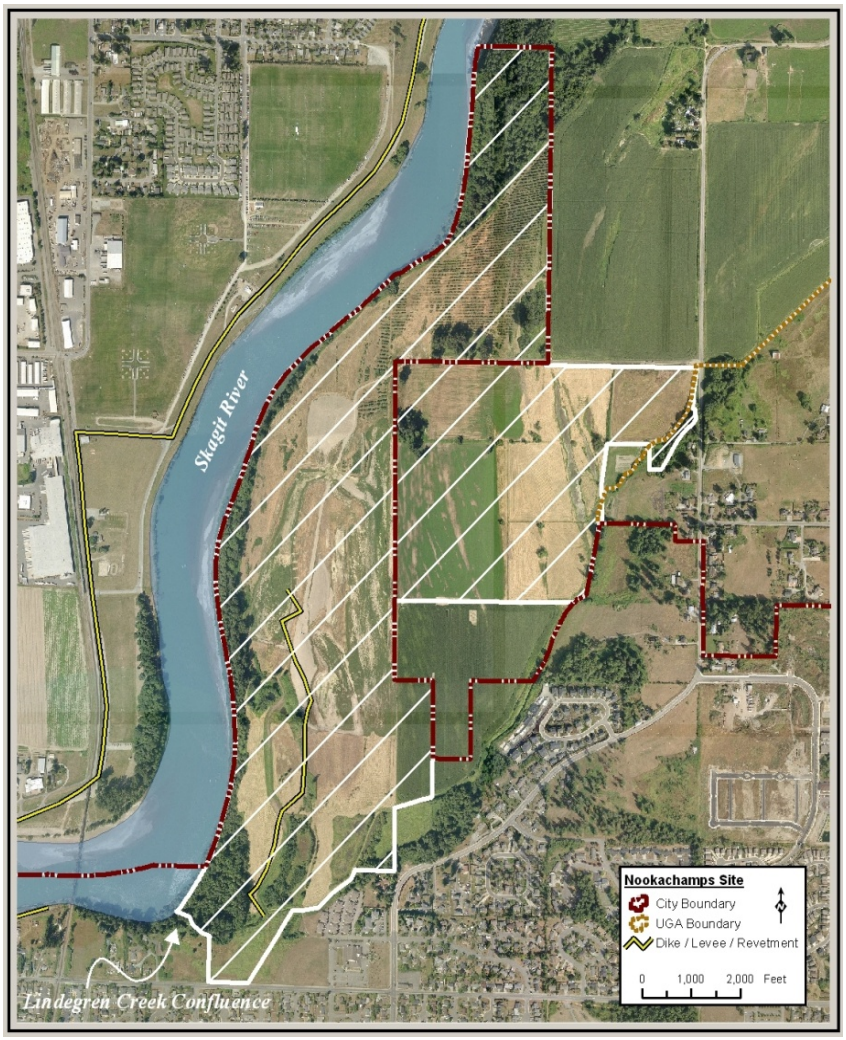


Figure B-7
Nookachamps Wetland Mitigation Bank

The plan is to excavate a channel network to restore the hydrogeomorphic character of the site. These channels will be constructed in what are believed to be historic locations of back channels prior to site conversion to agriculture. A significant portion of the site will be planted with a riparian forest, providing shade and other benefits for the back channels and the Skagit main-stem, as well as habitat for terrestrial species. One of the channels will have a direct connection to the river allowing water to inundate the back channels when the Skagit exceeds its mean annual flow. The constructed channels will be sloped to ensure their drainage after waters recede so fish will not be stranded.

Key features of the restoration plan include the following:

- Re-create the natural geomorphic character of the site.
- Create backwater sloughs for off-channel habitat.
- Create habitat along the slough channels.
- Enhance existing emergent wetlands.
- Increase riparian buffer along the Skagit River.
- Provide benefit to the ESA listed species and fish in general.
- Provide benefit to migratory waterfowl and other terrestrial species.
- Perform wetland function such as reducing erosion and attenuating floodwaters.

IV. RESTORATION SUMMARY

As noted in Appendix A, past development actions have resulted in significant and material changes in the City's shorelines. Historic riparian, floodplain and wetland habitats have been converted to urban uses within the City's jurisdiction. As a result, a majority of the shoreline areas occur within a batture created by a nearly continuous system of levees/dikes and revetments.

Direct City restoration actions are limited to those sites actually owned by the City. Shorelines having restoration potential that are within City jurisdiction and also owned by the City include Edgewater Park and Lions Park North. The south portion of Edgewater Park was recently restored in conjunction with redevelopment of the park as a whole. There are also approximately 9 acres of batture within the park that have been identified for restoration under the City's CAO program. The confluence of Kulshan Creek with the Skagit River at Lion Park North has also been identified as having potential, with approximately 11 acres of degraded floodplain forest.

Areas identified as having restoration potential wholly or partially within the City's jurisdiction, owned by state agencies or private parties, include Ten Dollar Bar, Nookachamps Wetland Mitigation Bank, Young's Bar, and Goodrich Bar. within addition to reestablishing historic off-channel habitats and wetlands, the shoreline adjacent to the Wetland Mitigation Bank is planned to provide a pedestrian trail in conjunction with construction of the Bank.

Restoration of the City-owned sites will occur as funds become available, either through the City's CAO program or other sources that may become available. At this time no benchmarks or timelines have been established. Preservation of existing ecological functions on privately-owned lands will be accomplished through the goals, policies and regulations within the SMP.

APPENDIX C

SHORELINE CRITICAL AREA REGULATIONS

APPENDIX C

Font in red underline represents new text.
Font in ~~red strikethrough~~ represents text being removed.
Text that has been moved within this Appendix is no longer identified in blue text; however, previous draft version do identify this text.

SHORELINE CRITICAL AREA REGULATIONS

All changes to Appendix C are taken from applicable sections of MVMC 15.40 (Critical Areas, Ordinance 3700, 2016; Ordinance 3509, 2010, and Ordinance 3722, 2017). The following sections of MVMC 15.40 are not included in Appendix C:

15.40.020 Applicability – Regulated and permitted activities.
15.40.130 Reasonable use exceptions, variances, and appeals.
15.40.135 Nonconforming uses and structures.
15.40.140 Vesting.
15.40.150 Enforcement.

In the event of any conflict between these regulations and any other regulations of the City, the regulations that provide greater protection of the shoreline shall prevail.

I. REGULATION OF CRITICAL AREAS IN SHORELINE JURISDICTION

A. GENERAL PURPOSE

1. Protect the public health, safety, and welfare by avoiding or mitigating the potential adverse impacts of new development;

2. Educate the public as to the long-term importance of environmentally sensitive areas and the responsibilities of the city and private property owners to protect and preserve the natural environment for future generations;

3. Manage development activities to protect environmental quality;

4. Avoid, minimize, or mitigate potential unavoidable impacts to environmentally sensitive areas by regulating alterations in and adjacent to critical areas;

5. Provide city officials with the information they need to evaluate, approve, condition, or deny public or private development proposals;

6. Protect life, health, safety, welfare, and property by minimizing and managing the adverse environmental impacts of development within and adjacent to critical areas;

7. Effectively manage limited city resources by avoiding:

a. Preventable maintenance and replacement of public facilities when critical area functioning is impaired;

b. Unnecessary costs for public emergency rescue and relief operations; and

c. Potential litigation on improper construction practices occurring in critical areas;

8. Alert realtors, appraisers, assessors, owners, and potential buyers or lessees to the development limitations in and adjacent to environmentally sensitive areas;

9. Provide predictability and consistency to the city's development review process; and

10. Assist or further the implementation of the policies of the city comprehensive plan, all city functional plans and policies, the State Growth Management Act, and the State Environmental Policy Act, Chapter 43.21C RCW.

B. AUTHORITY

Critical areas regulated under this chapter have been identified and defined in accordance with Chapter 36.70A RCW and include the following:

1. Aquifer Recharge Areas (See MVMC 15.40.050). Areas that have a critical recharging effect on aquifers used for potable water and maintenance of stream flows.

2. Geologic Hazard Areas (See MVMC 15.40.070). Areas susceptible to one or more of the following types of hazards shall be designated as a geologic hazard area (see also definitions MVMC 15.40.070(B)):

a. Erosion hazard;

b. Landslide hazard;

c. Seismic hazard;

d. Volcanic hazard; and

e. Alluvial fan hazard.

3. Fish and Wildlife Habitat Conservation Areas (See MVMC 15.40.080). Areas that have been identified through maps, databases, reports, or studies that include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability, and that are associated with endangered, threatened or sensitive species, anadromous fish, or species of local importance (see full definitions MVMC 15.40.080(B)).

4. Wetlands (See MVMC 15.40.090). Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

C. APPLICABILITY

1. For the purposes of the Shoreline Master Program, "Shoreline Critical Areas," include regulated wetlands, shorelands, native growth protection areas, geologic hazard areas, flood hazard areas, aquifer recharge areas, and fish and wildlife habitat conservation areas located within the Shoreline Management Zone (SMZ).

2. All proposed development activities in regulated critical areas and associated buffers located within the SMZ shall comply with the requirements of the Shoreline Master Program (SMP) which include critical area regulations contained herein.

~~3. Expansion or alteration of existing uses in proximity to jurisdictional critical areas and associated buffers within the SMZ shall also comply with the requirements of these regulations.~~

~~4. Any person seeking to determine whether a proposed development activity or land area is subject to these regulations may request a determination from the Director of the Development Services Department.~~

D. SHORELINE ~~DEVELOPMENT~~ PERMIT REQUIRED

Prior to any alteration of a property containing or adjacent to critical areas in or adjacent to the SMZ, the property owner or designee must obtain a shoreline ~~development~~ permit, consistent with the requirements of the SMP.

1. No separate critical areas permit is required for a development proposal that requires a shoreline ~~development~~ permit(s) or an exemption from one per Section E, below.
2. Permitted activities under Section C (below): The Director shall determine whether to grant or deny a separate permit based upon compliance with applicable standards and regulations of the SMP.
3. If a Notice of Application is required for a shoreline ~~development~~ permit associated with a permitted activity in section C.4, the notice shall describe the critical area-related activity.

E. ACTIVITIES EXEMPT FROM SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT REQUIREMENTS

1. Section III B. (1) of the SMP lists activities exempt from shoreline substantial development permits but may require a shoreline exemption ("exemption certificate"). Except in the case of public emergencies, existing and ongoing agricultural activities, and existing structures, surfaces, and activities, all activities in subsection '4' of this section, require that a ~~letter of administrative approval~~ shoreline exemption ("letter of approval") be obtained from the Director prior to construction or initiation of activities. When appropriate, a letter of approval may act as an exemption certificate.

F. ADMINISTRATION AND INTERPRETATION

1. Shoreline Administrator Interprets Chapter. The administrator is authorized to make interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as he/she may deem necessary in order to clarify the application of the provisions of this chapter. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this chapter.

2. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing city, state, or federal regulations. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. Where provisions of this chapter conflict with the text of the SMP, the provisions most protective of the shoreline environment shall apply.

3. Minimum Requirements. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

4. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the director shall:

a. Take a "precautionary" or a "no-risk approach" that appropriately limits development and land use activities until the uncertainty is sufficiently resolved, or determine that protection can be ensured by using an approach different from that derived from the best available science (BAS); provided, that the applicant demonstrates on the record how the alternative approach will protect the functions and values of the critical area; and

b. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:

i. Address funding for the research component of the adaptive management program;

ii. Change course based on the results and interpretation of new information that resolves uncertainties;

iii. Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries; and

iv. The technical report supporting the alternative approach must identify triggers and benchmarks consistent with BAS principles, which may be used to measure progress and provide for restoration or replacement if necessary to achieve the adaptive management goals.

C. Compliance. The city shall not grant any approval or permit any regulated development activity in a critical area or associated buffer prior to fulfilling the requirements of the City of Mount Vernon Shoreline Master Program.

D. Reviewing Official. Wherever referenced in this section, reviewing official refers to the decision-making official or body authorized to grant permit approval for an activity.

E. Project Review and Approval Criteria. The city critical area program adopts a standard (see MVMC 15.40.080 and 15.40.090) approach to the use of buffers and mitigation in the protection of functions and values of wetlands and fish and wildlife habitat stream and riparian areas. As such, the city manages impacts and improvements on a landscape scale citywide and within basins consistent with approved best available science principles as determined through a functional assessment model (subsection (F)(1) of this section). Projects requiring review and approval shall require a written finding that the project complies with the requirements of this chapter. Such finding and approval shall be determinative on the issue of compliance with critical area mitigation and protection of functions and values for all project purposes.

F. Site Evaluation Model.

1. The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses within the city and/or urban growth area. Mount Vernon will use their HGM system rather than the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. The city's HGM system is titled "Operational Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual.

2. The city adopts the Washington State Department of Ecology's "Stormwater Management Manual for Western Washington" (the entire five-volume technical manual, Publication No. 14-10-055) prepared and published in 2012, including any subsequent updates or amendments adopted by the city in Chapter 13.33 MVMC, as the best management practices guideline for storm water/erosion control in all developments subject to review under this chapter.

3. Best available science ~~adopted for the Mount Vernon waters/wetlands reserve program~~ shall be consistent with principles enunciated in:

a. Knudsen and Neff, Washington Department of Fish and Wildlife's "Management Recommendations for Washington's Priority Habitat: Riparian";

b. Committee on Wetland Mitigation, National Research Council, 2001, "Compensating for Wetland Loss under the Clean Water Act," National Academy Press, Washington, D.C.;

c. Brinson, M.M., F.R. Haner, L.C. Lee, W.L. Nutter, R.D. Rheinhardt, R.D. Smith, and D. Whigham, 1995, "A Guidebook for Application of Hydrogeomorphic Assessment to Riverine Wetlands," U.S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg, MS, USA, Technical Report WRP-DE-11;

d. "Wetlands in Washington Volume I," Hruby, T., T. Granger, K. Brunner, S. Cooke, K. Dublonica, R. Gersib, T. Granger, L. Reinelt, K. Richter, D. Sheldon, E. Teachout, A. Wald, and F. Weinmann, 1999, "Methods for Assessing Wetland Functions, Volume 1: Riverine and Depressional Wetlands in the Lowlands of Western Washington, Part 1: Assessment Methods," Washington State Department of Ecology Publication No. 99-115;

e. Environmental Laboratory, 1987, "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS;

f. U.S. Army Corps of Engineers, 2010, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center;

g. Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication No. 06-06-011a, Olympia, WA; and

h. Hruby, T., 2014, Washington State Wetland Rating System for Western Washington: 2014 Update (Publication No. 14-06-029), Olympia, WA: Washington Department of Ecology.

4. The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department.

G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. The director has the discretion to choose the consultant who will complete the peer review. If peer review is required, then the applicant shall be responsible for paying the entire costs of the peer review.

II. GENERAL PERFORMANCE STANDARDS

A. PERFORMANCE STANDARDS

The performance standards for each critical area are specified in MVMC 15.40.050 through 15.40.090. Following are general performance standards that shall be applied in addition to the performance standards found within the SMP through review of a shoreline development permit, shoreline exemption, shoreline conditional use permit or shoreline variance. Performance standards must be consistent with mitigation sequencing and no net loss criteria outlined in this SMP.

B. PROTECTION OF WETLANDS

Development within wetlands shall be avoided, and alterations prohibited unless permitted in accordance with ~~the requirements of these regulations and other~~ this SMP. ~~provisions.~~

C. PROTECTION OF FISH AND WILDLIFE HABITAT AREAS

Development within fish and wildlife habitat areas and associated buffers shall be avoided, and alterations prohibited unless permitted in accordance with the requirements of these regulations and other SMP provisions.

D. ALLOWED ALTERATIONS

Critical areas and associated buffers may be altered by authorized, shoreline development permits, shoreline exemptions ~~permitted or exempt activities as indicated herein,~~ or ~~through approval of~~ a shoreline variance. ~~if applicable.~~

E. LAND DIVISIONS AND LAND USE PERMITS

All proposed divisions of land and land uses (including, but not limited to long and short subdivisions, conditional use permits, special use permits, site plan reviews, and binding site plans) that include critical areas shall comply with the following procedures and development standards:

1. The open water area shall not be included when calculating the maximum density or minimum lot area;
2. Land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts or an easement or covenant encumbering the buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat, or binding site plan;
3. The subdivision of land in wetlands is subject to the following:
    a. Land that is located wholly within a wetland may not be subdivided.
    b. Land that is located partially within a wetland may be subdivided; provided, that an accessible and contiguous portion of each new lot is located outside of the wetland.
    c. Access roads and utilities serving the proposed subdivision may be permitted within the wetland only if the City determines that no other feasible alternative exists and when consistent with these regulations.

4. To avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for wetlands and/or habitat conservation areas. This site must also have access and utility infrastructure locations that are suitable for development and do not adversely impact the fish and wildlife habitat conservation area;

5. After preliminary approval and prior to final land division approval, the Director may require the common boundary between a wetland and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of wetland identification may be approved when such methods are determined by the Director to provide adequate protection to the wetland.

F. ROAD/STREET REPAIR AND CONSTRUCTION

Any private or public road or street expansion or construction that is allowed in a critical area or its buffer shall comply with the following minimum development standards:

1. No other reasonable or feasible alternative exists and the road or street crossing serves multiple properties whenever possible;

2. Expansion or construction of any private or public road shall only be allowed when adverse impacts can be avoided;

3. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle trails, viewing points, etc.;

~~Public trails across private property should be within recorded easements;~~

4. The road or street construction is the minimum necessary, as required by the Department of Public Works, and shall comply with City engineering standards; and,

5. Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife and/or the Department of Ecology as appropriate, in order to avoid adverse impacts to habitat areas.

G. UTILITIES

Placement of utilities within designated critical areas and associated buffers may be allowed pursuant to ~~a shoreline development permit, shoreline exemption, or shoreline variance, if consistent with the SMP and~~ the following standards:

1. Utilities maintenance activities involving no material change in size or function shall be allowed within a critical area and associated buffer, subject to best management practices;

2. Construction of utilities may be permitted in critical areas or associated buffer, only when no feasible or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation, and maintenance, as outlined below;

3. Construction of sewer lines may be permitted in critical areas or associated buffer when the applicant demonstrates it is necessary to meet state and/or local health requirements, there are no other feasible alternatives available, and construction

meets the requirements of this section. Joint use of a sewer utility corridor by other utilities may be allowed;

4. New utility corridors shall not be allowed in critical areas or associated buffers with known locations of federal or state-listed endangered, threatened, or sensitive species, heron rookeries, or nesting sites of raptors that are listed as state candidate species, except in those circumstances where an approved Habitat Management Plan (HMP) indicates that the utility corridor will not significantly impact the habitat area;
5. New utility corridor construction and maintenance shall protect critical areas and their buffers by the following:
   a. New utility facilities, improvements, or upgrades to existing utility facilities should take place within existing improved rights-of-way or existing impervious surfaces so that they do not increase the amount of impervious surfaces within the critical area and buffer;
   b. New utility corridors shall be aligned when possible to avoid cutting or root damage to trees greater than 12 inches in diameter at breast height (dbh, 4-1/2 feet) measured on the uphill side;
   c. New utility corridors shall be re-vegetated with appropriate native or similar vegetation at not less than preconstruction vegetation densities or greater, immediately upon completion of construction, or as soon thereafter as possible, based on seasonal growing constraints. The utility shall ensure that such vegetation is maintained and survives or is replaced as necessary; and,
   d. Any additional corridor access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width, but no greater than 15 feet and shall be contiguous to the location of the utility corridor on the side away from the critical area.
6. Utility corridor maintenance shall include the following measure to protect critical areas:
   a. Utility towers should be painted with brush, pad, or roller and should not be sandblasted or spray-painted, nor should lead-based paints be used.
   b. Pesticides, Fertilizers, and Herbicides. No pesticides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those herbicides approved for such use and applied by a licensed applicator in accordance with the safe application practices on the label.

~~H. PESTICIDES, FERTILIZERS AND HERBICIDES~~

~~No pesticides, herbicides, or fertilizers may be used in critical areas, except those approved by the Environmental Protection Agency and approved under a Department of Ecology water quality modification permit for use in critical areas and associated buffers. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.~~

III. NATIVE GROWTH PROTECTION AREAS

A. APPLICABILITY

1. A Native Growth Protection Area shall be instituted when determined through permit review to be necessary to protect wetlands, consistent with Section IV, "Wetlands," below.
2. A Native Growth Protection Areas may be required for protection of habitat conservation areas consistent with Section V, "Fish and Wildlife Habitat Conservation Areas," below.

B. STANDARDS

1. Trees and ground cover shall be retained in designated Native Growth Protection Areas.
2. Activities allowed in Native Growth Protection Areas shall be consistent with applicable critical area regulations.
3. The City may require enhancement of Native Growth Protection Areas to improve functions and values of critical areas.

C. METHOD OF CREATION

1. Native Growth Protection Areas may be established by one of the following methods, or alternative approved by the Director, to reliably achieve the required protection:
   a. Conservation Easement: The permit holder shall, subject to the City's approval, convey to the City or other public or nonprofit entity specified by the City, a recorded easement for the protection of the critical area.
   b. Protective Easement: The permit holder shall establish and record a permanent and irrevocable easement on the property title of a parcel or tract of land containing a critical area when the easement has been created as a condition of a permit. Such protective easement shall be held by the current and future property owner, shall run with the land, and shall prohibit development, alteration, or disturbance within the easement except for purposes of habitat enhancement as part of an enhancement project that has received prior written approval from the City or from another agency with jurisdiction over such activity.
   c. Tract and Deed Restriction: The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of any wetland management tract or tracts created as a condition of a permit. Such deed restriction(s) shall prohibit development, alteration, or disturbance within the tract except for purposes of habitat enhancement as part of an enhancement project that has received prior written approval from the City or from another agency with jurisdiction over such activity. A covenant shall be placed on the tract restricting its separate sale. Each abutting lot owner or the homeowners' association shall have an undivided interest in the tract.

2. Fencing: The City may require permanent fencing of the Native Growth Protection Area containing critical areas when the Director determines there is a substantial likelihood of adverse impact through intrusion, and such fencing will not adversely impact habitat connectivity.
3. Signage required: The common boundary between a Native Growth Protection Area and the abutting land must be permanently identified. One sign shall be posted per lot, or every 150 feet, or as determined by the Director. Suggested wording is as follows: "Protection of this natural area is in your care. Alteration or disturbance is prohibited by law."
4. Responsibility for maintenance: Responsibility for maintaining the Native Growth Protection Area easements or tracts shall be held by a homeowners' association, abutting lot owners, the permit applicant or designee, or other appropriate entity as approved by the City.
5. Maintenance covenant and note required: The following note shall appear on the face of all plats, short plats, planned unit developments, or other approved site plans containing separate Native Growth Protection Area easements or tracts, and shall also be recorded as a covenant running with the land on the title of record for all affected lots on the title:

> "MAINTENANCE RESPONSIBILITY: All owners of lots created by or benefiting from this City action abutting or including a native growth protection area easement [tract] are responsible for maintenance and protection of the easement [tract]. Maintenance includes ensuring that no alterations occur within the tract and that all vegetation remains undisturbed unless the express written authorization of the City has been received in advance."

6. Marking During Construction: The location of the outer extent of the critical areas not to be disturbed pursuant to an approved permit, shall be marked with barrier fencing, approved by the Community and Economic Development Department and easily visible in the field, to prevent unnecessary disturbance by individuals and equipment during the development or construction of the approved activity.

D. PERMANENT SIGNS AND FENCING

1. Permanent Signs
   a. As a condition of any permit or authorization issued pursuant to these regulations, the Director may require the applicant to install permanent signs along the boundary of critical area and associated buffer not to be disturbed.
   b. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post, or another non-treated 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 Director, and will identify the critical area:

Protected Critical Area
Do Not Disturb
Contact City of Mount Vernon
Department Services ~~of Community & Economic~~ Development
Regarding Uses and Restrictions

2. Fencing

   a. The Director shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, any permit or authorization issued pursuant to these regulations shall be conditioned to require the applicant to install a permanent fence at the edge of the critical area when fencing will prevent future impacts to the critical area.

   b. Fencing installed as part of a proposed activity shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the critical area and associated buffer.

E. DISCRETIONARY – BUILDING OR DEVELOPMENT SETBACKS

The Director may require an additional building or activity setback from a critical area to ensure adequate protection of the wetland during construction and on-going maintenance of the activity. A requirement for an additional setback shall be based on the findings of a critical report or a peer review required for the activity based upon a unique impact of the project or need of the adjoining critical area not otherwise protected by this regulation.

F. MITIGATION MONITORING

A monitoring program shall be implemented to determine the success of mitigation projects required under these regulations. The monitoring program shall determine if the original goals and objectives are being met. The City reserves the right to select the consultant, at the applicant's expense, to perform the required monitoring. Monitoring shall be undertaken pursuant to the guidelines in section MVMC 15.40.120.H.

G. CRITICAL AREA DEVELOPMENT STANDARDS

Restoration, enhancement and development activities involving critical areas regulated under this section shall generally conform to the preferred standards found in the Critical Area Ordinance (CAO) Guidebook identified in MVMC 15.40.030.F.4. These standards shall be followed unless the Director determines that a proposed alternative achieves the equivalent performance and better serves the objectives of this section.

IV. AQUIFER RECHARGE AREA REGULATIONS

A. Description. Groundwater from aquifers provides a source of potable water and contributes to stream discharge/flow. Critical aquifer recharge areas contribute to the recharge of aquifers, springs and/or wells, but are susceptible to contamination of water supplies through infiltration of pollutants through the soil. A significant portion of the city's drinking water comes from

groundwater supplies in aquifers. The city relies on Skagit County Public Utility District No. 1 for its potable water supply, supplemented by a limited number of private wells. Most wells in the city are used for groundwater monitoring. Some streams in the city or its urban growth area are designated as "low flow" by the Department of Ecology pursuant to Chapter 90.22 RCW and can be affected by changes in groundwater quantity. High value aquifer recharge areas coincide largely with mature forest vegetation.

B. Purpose. The purposes of the aquifer recharge area regulations are to:

1. Protect groundwater quality by maintaining the quantity of recharge;

2. Avoid or limit land use activities that pose potential risk of aquifer contamination;

3. Minimize or avoid adverse impacts to groundwater protection areas through the application of performance standards;

4. Help maintain stream base flow to support salmonids;

5. Provide incentives to retain forest habitat and protect ground and surface waters within a watershed by allowing innovative residential design and development techniques and limiting impervious surfaces; and

6. Comply with the requirements of the Federal Safe Drinking Water Act, Washington Administrative Code, and the requirements of the wellhead protection program.

C. Classification and Designation. Critical aquifer recharge areas are those land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmission of contaminants to an underlying aquifer. Critical aquifer recharge areas under this section may be established based on general criteria, specifically designated due to special circumstances, or based on scientific studies and mapping efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water table, presence of highly permeable soils (specifically Group A hydrologic soils), presence of flat terrain, and the presence of more permeable surficial geology. Critical aquifer recharge areas may be placed in one of the following categories:

1. Category I Critical Aquifer Recharge Areas. Category I critical aquifer recharge areas are those areas where potential for certain land use activities to adversely affect groundwater is high. Category I critical aquifer recharge areas include:

a. Areas inside the five-year time-of-travel zone for Group A water system wells, calculated in accordance with the Washington State Source Water Assessment Program.

b. Ten-year time-of-travel zones in wellhead protection areas are included as critical aquifer recharge when a well draws its water from an aquifer that is at or above sea level and is without an overlying protective impermeable layer.

c. Areas identified as regionally significant aquifer recharge areas and identified as such by the city are:

(None are identified in Mount Vernon at this time. Future designations may occur.)

2. Category II Critical Aquifer Recharge Areas. Category II critical aquifer recharge areas are areas that provide recharge to aquifers that currently are or potentially will become potable water supplies and are vulnerable to contamination based on the type of land use activity. These include the following:

a. Highly Permeable Soils (Group A Hydrologic Soils). The general location and characteristics of Group A hydrologic soils in the city are given in the Soils Survey Skagit County by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). The soil survey information is available at the community and economic development department.

b. Areas Above Shallow Principal Aquifers. Surface areas above shallow, principal aquifer(s) that are not separated from the underlying aquifers by an impermeable layer that provides adequate protection to preclude the proposed land use from contaminating the shallow aquifer(s) below are considered aquifer recharge areas of concern.

D. Development Standards.

1. Allowed Activities. Standards for development shall be in accordance with the provisions below and the requirements of other underlying city regulations. The following activities are allowed in critical aquifer recharge areas and do not require submission of a hydrogeologic assessment:

a. Construction of structures and improvements, including additions, resulting in less than five percent or 2,500 square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.

b. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that does not increase the use of a hazardous substance.

c. On-site domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre.

d. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers that does not exceed times and rates specified on the packaging.

e. Residential storage or use of petroleum and petroleum products.

f. Activities that have a potential contamination source below threshold amounts as set forth in applicable statutes of the Revised Code of Washington or local regulations. The purpose of this clause is to allow for small-scale and residential activities thought to have no significant impact to critical aquifer recharge areas.

2. Prohibited Activities. The following activities and uses are prohibited in Category I critical aquifer recharge areas:

a. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, and wood waste;

b. Underground Injection Wells. Wells which meet the requirements of Chapters 173-218 and 173-200 WAC with the exception of 5B22, 5D2, 5G30, 5W12, 5W32, 5R21, and 5S23;

c. Commercial mining and washing of metals, hard rock, sand, and gravel;

d. Chemical wood preservation and/or treatment facilities;

e. Storage, processing, or disposal of radioactive substances;

f. Commercial activities that are not connected to an available sanitary sewer system;

g. Use or storage of pesticides listed as "state restricted use pesticides" by Chapter 16-228 WAC;

h. Oil and gas drilling as defined in WAC 332-12-450 and Chapter 173-218 WAC;

i. Underground storage of hazardous substances as regulated by Chapter 173-360 WAC;

j. Use, storage, treatment, or production of perchloroethylene (PCE), other than in closed-loop systems that do not involve any discharge of PCE;

k. Petroleum refining, reprocessing, storage, and petroleum-product pipelines;

l. Electroplating/metal finishing;

m. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and

n. Activities that would significantly reduce the recharge to aquifers that are a source of significant base flow to a regulated stream.

E. Allowed Uses with Performance Standards.

1. General Requirements. Any activity not specifically exempted through MVMC 15.40.020(D) as allowed or prohibited may be permitted in a critical aquifer recharge area if all of the following criteria are met (a list of specific uses with a potential threat to groundwater can be found in subsection (E)(2) of this section):

a. Hydrogeologic Assessment.

i. For Category I aquifer recharge areas the applicant must show through a hydrogeologic assessment that the proposed activity will not cause significant impact to aquifer quality or recharge. The hydrogeologic assessment will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and affected water purveyors. An incompatible activity can be denied permit approval by the director.

ii. For Category II aquifer recharge areas a hydrogeologic assessment may be required. The scope of the report shall be based on site-specific conditions. The hydrogeologic assessment will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and affected water purveyors. An incompatible activity can be denied permit approval by the director. The need for additional information will be determined by the department, the health district, and the affected water purveyor. Based on the report, controls, mitigation, and/or other requirements will be established as a prerequisite for the development proposal being approved.

iii. A hydrogeologic assessment shall be prepared in accordance with the content and submittal requirements of MVMC 15.40.120(C); unless the director waives particular report requirements based on site-specific conditions.

b. The proposed activity must comply with the source water protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, Washington Department of Ecology, and the Skagit County health district.

c. The applicant must explore low impact development site design alternatives and implement them where economically feasible. Low impact development techniques in the most current edition of the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound can include, but are not limited to:

i. Rainwater harvesting;

ii. Reverse slope sidewalks;

iii. Vegetated roofs;

iv. Bioretention areas (rain gardens); and

v. Pervious pavement.

2. Potential Threats to Groundwater. Specific uses with potential threats to groundwater can include, but are not limited to, the following. Uses meeting the listed performance standards may be allowed if the criteria of this section are met.

a. Anything that is not exempt per MVMC 15.40.020(D).

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

i. All new above-ground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

(A) Not allow the release of a hazardous substance to the ground, groundwater, or surface waters;

(B) Have a primary containment area enclosing or underlying the tank or part thereof; and

(C) A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

c. Vehicle Repair and Servicing.

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

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

d. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the Departments of Ecology and Health.

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

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

e. Automobile washers as defined in Chapter 173-216 WAC.

f. Chemical treatment storage and disposal facilities as defined in WAC 173-303-182.

g. Hazardous waste generators, including, but not limited to: boat repair shops, biological research facilities, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, medical and dental facilities, etc., as defined in Chapter 173-303 WAC.

h. Junk yards and salvage yards as defined in Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycler Facilities (DOE publication number 94-146).

i. On-site sewage systems (large scale) as defined in Chapter 173-240 WAC.

j. On-site sewage systems (less than 14,500 gal/day) as defined in Chapter 246-272 WAC.

k. Pesticide storage and use as defined in Chapters 15.54 and 17.21 RCW.

l. Sawmills as defined in Chapters 173-303 and 173-304 WAC, DOE publication number 95-53, Best Management Practices to Prevent Stormwater Pollution at Log Yards.

m. Solid waste handling and recycling facilities as defined in Chapter 173-304 WAC.

n. Wastewater application to land surface as defined in Chapters 173-216 and 173-200 WAC, and DOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture.

o. New impervious surface area exceeding 20,000 square feet.

p. Beneficial use of biosolids as defined in Chapter 173-308 WAC.

q. Golf courses, provided:

i. Fertilizer use is not above agronomic rates;

ii. Pesticides are managed and applied by properly licensed personnel, and use of all pesticides is approved by the affected water utility;

iii. The golf course allows for periodic monitoring by the department or an affected water utility.

r. Noncommercial gravel and sand mining, provided the extraction of materials remains no less than 10 feet above the level of the aquifer.

3. Affected Agency Review. The city will notify Skagit County health district and affected water utilities and will request them to comment during the preliminary phases of the city's review process on all proposed projects defined in subsections (C)(1) and (2) of this section.

4. Inspection. City personnel may inspect at reasonable times, upon presentation of credentials, as part of its wellhead protection program any activity that is known to manage or potentially manage hazardous materials.

V. FLOOD HAZARD REGULATIONS

All regulated activities in flood hazard areas shall comply with Chapter 15.07 MVMC, Shoreline Master Program, and Chapter 15.36 MVMC, Floodplain Management Standards.

VI. GEOLOGICAL HAZARD AND HILLSIDE DEVELOPMENT STANDARDS

A. Purpose. The purposes of the geologic hazard and hillside development regulations are to:

1. Minimize damage due to landslide, erosion, subsidence, and alluvial fans through the control of development; and

2. Reduce the risks to the city and its citizens from development occurring on unstable slopes; and

3. Control erosion and sediment runoff from development.

B. Classification. Geologic hazards are classified into the following areas:

1. Erosion Hazard Areas. An area that contains one or more of the following characteristics:

a. Those areas containing soils that, according to the U.S. Natural Resource Conservation Service Survey, have severe to very severe erosion hazard potential; and/or

b. Those project areas that fall within any soil sloping greater than or equal to 30 percent; and/or

c. Those areas that may be considered to have an erosion hazard as a result of rapid stream incision or stream bank erosion.

2. Landslide Hazard Areas. An area that exhibits one or more of the following characteristics:

a. Contains or lies within 200 feet from slopes having the following characteristics: gradients of 15 percent or greater intersecting geologic contacts with permeable sediments overlying low permeability sediment or bedrock and springs or groundwater seepage are present; and/or

b. Contains or lies within 200 feet from any area having a 40 percent slope or steeper and with a vertical relief of 10 feet or more; and/or

c. Contains or lies within 200 feet from areas of historic failure such as areas designated as quaternary earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other slope failures on maps or technical reports published by the U.S. Geological Survey such as topographic or geologic maps, or the Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies; and/or

d. Contains or lies within 200 feet from areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action. Such area shall be addressed as a flood hazard consistent with this chapter; and/or

e. Areas that have shown movement (e.g., slides, rotational or mass failures, subsidence) during the Holocene epoch (i.e., the last 8,000 through 10,000 years) or that are underlain or covered by wastage debris of that epoch; and/or

f. Contains or lies within 200 feet from slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials; and/or

g. Contains or lies within 200 feet from slopes with a gradient greater than 80 percent and subject to rock fall during seismic shaking.

3. Seismic Hazard Areas. Seismic hazard areas shall include areas that are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting as follows:

a. Areas that have a potential for soil liquefaction and soil strength loss during ground shaking as identified on the city of Mount Vernon Soil Liquefaction Potential Map derived from Washington State Department of Natural Resources data or as identified by investigative maps or studies by the United States Geologic Survey.

b. Areas located on a Holocene fault line as indicated on investigative maps or described in studies by the United States Geologic Survey, Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies, or as identified in the field.

4. Volcanic Hazard Areas. Volcanic hazard areas include those lands identified as a volcanic hazard zone for Glacier Peak, Washington (USGS Open-File Report 95-499); or in a volcanic hazard area of Mount Baker, Washington (USGS Open-File Report 95-498).

5. Alluvial Fan Hazard Areas. Areas within or 200 feet from an alluvial fan as designated on the Skagit County Alluvial Fan Study Orthophoto Maps. An alluvial fan is an accumulation of sediment deposited by a stream where it issues from steep, confined hill slopes onto a floodplain or valley floor. The sediment mass includes rock, mud, woody debris, and other accumulations. The depositional mechanism is the decrease in gradient that causes the material to stop its downhill course. Repeated debris flows tend to obstruct the channel, forcing the material to find a new path of least resistance.

C. Geologic Hazard Areas Performance Standards.

1. General. Whenever a proposed development activity requires a development permit and a geologic hazard is present on the site of the proposed development or on abutting or adjacent sites within 200 feet of the subject site, a geotechnical study/geologic hazard report shall be required consistent with the detailed report requirements in MVMC 15.40.120(B).

a. Geologic hazard reports shall demonstrate all of the following criteria are met:

i. The proposal will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions; and

ii. The proposal will not adversely impact other critical areas; and

iii. The development can be safely accommodated on the site.

b. The geologic hazard report shall be prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington. If the study involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the

geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations.

c. Upon review of geotechnical studies, the director may apply conditions of approval to mitigate adverse environmental impacts and to meet the criteria in this chapter. Such conditions may include, but are not limited to, construction techniques, design, drainage, project size/configuration, or seasonal constraints on development. Additional possible conditions may be listed under the performance standards for each hazard type.

d. Slopes between 15 and 40 Percent. A geotechnical study shall address the hillside development standards for properties containing slopes between 15 and 40 percent.

e. Mitigation Plan Required. A mitigation plan shall be required by the director if alteration of the geologic hazard area is proposed and mitigation measures need to be established for the regulated activity. A mitigation plan is only required for slopes between 15 and 40 percent if the geotechnical report identifies a need for requirements beyond the hillside development standards.

f. Geotechnical Study or Mitigation Plan Waiver. May only be waived by the director when the applicant provides satisfactory evidence that:

i. The geologic hazard or slope between 15 and 40 percent does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby geologic hazard areas or other slopes between 15 and 40 percent; or

ii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

g. Peer Review. Peer review of the applicant's geotechnical report may be required by the city at the applicant's expense.

2. Erosion and Landslide Hazard Areas. Regulated development activities shall be subject to the following:

a. A temporary erosion and sedimentation control plan prepared in accordance with the best management practices (BMPs) set forth in the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2).

b. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water in accordance with the requirements of the Mount Vernon storm water regulations in accordance with the BMPs set forth in the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2).

c. All proposals involving excavations and placement of fills shall be subject to structural review under the appropriate provisions as found in the currently adopted building code of Mount Vernon.

d. All infiltration systems, such as storm water detention and retention facilities, and curtain drains utilizing buried pipe or French drains, are prohibited in erosion and landslide hazard areas and their buffers unless a site assessment report indicates such facilities or systems will not affect slope stability and the systems are designed by a licensed civil engineer. The engineer shall also certify that the system and/or facilities are installed as designed.

e. Vegetation Removal and Replanting. Removal of vegetation shall be minimal in erosion and landslide hazard areas. Any replanting that occurs shall consist of trees, shrubs, and ground cover that meets the objectives of erosion prevention and site stabilization, does not require permanent irrigation for long-term survival, and, if the removal and replanting are occurring inside a stream or wetland buffer, the plantings are suitable for that critical area and buffer function.

f. Additional Requirements – Landslide Hazard Areas.

i. Surface drainage shall not be directed across the face of a landslide hazard (including bluffs or ravines). If drainage must be discharged from the hazard area into adjacent waters, it shall be collected above the hazard and directed to the water by tight line drain and provided with an energy dissipating device at the point of discharge.

ii. A minimum buffer with a width of 50 feet shall be established from the top, toe and all edges of all landslide hazardous areas. Existing native vegetation shall be maintained in accordance with mitigation recommendations within the buffer area. The buffer may be reduced to a minimum of 10 feet when an applicant demonstrates to the director that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area. The buffer may be increased by the director when determined necessary to prevent risk of damage to proposed and existing development. Normal nondestructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide a view corridor, shall not be subject to these buffer requirements.

3. Seismic Hazard Areas. Structural development proposals shall meet all applicable provisions of the building code as adopted by the city. The director shall evaluate the geologic hazard area report and condition permit approvals to minimize the risk on both the subject property and affected adjacent properties.

4. Volcanic Hazard Areas.

a. Critical Facilities. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and

identify any engineering or other mitigation measures as appropriate. Mitigation plans may be required. The geologic hazard report shall be subject to third party review.

b. Other. Meet the requirements of the city's flood hazard regulations in Chapter 15.36 MVMC.

5. Alluvial Fan Hazard Areas. Based upon the results of the geologic hazard report and third party review, the director shall require conditions of approval for developments on sites that include or are affected by alluvial fan hazards. Conditions may include, but are not limited to, vegetation enhancement, slope stabilization, buffer zones, or other requirements.

D. Hillside Development Standards. While slopes of less than 40 percent are not defined by this chapter as environmentally sensitive, improper development or construction on such slopes may cause erosion, flooding, property damage, and damage to environmentally sensitive areas regulated by this chapter. Development on hillsides with slopes of 15 percent or greater shall comply with the following requirements, unless specifically exempted by another provision of this chapter:

1. Submittal Requirements. Proposals that include clearing, grading, filling, excavation, construction, paving, or removal of vegetation, on slopes between 15 percent and 39.99 percent, are subject to the following:

a. Preparation of a geotechnical report prepared by a licensed professional engineer that contains a description of how the proposed development and its associated grading plan will or will not impact each of the following on the subject property and adjoining properties:

i. Slope stability, erosion, and landslide hazards;

ii. Drainage, surface and subsurface hydrology, and water quality; and

iii. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and natural habitat value.

b. Recommended methods for mitigating identified impacts and a description of how these mitigation measures may impact adjacent properties.

2. Conditions. Based upon the results of the geotechnical report, the director may require conditions of approval including, but not limited to, vegetation enhancement, slope stabilization, restriction on clearing area or time of year, and/or other requirements.

VII. WETLANDS ~~STANDARDS~~

A. DESCRIPTION

1. Wetlands are those areas, ~~designated in accordance with the "Washington State Wetland Identification and Delineation Manual" as required by RCW 36.70A.175,~~ 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. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.
2. Wetlands help to maintain water quality; store and convey stormwater and floodwater; recharge ground water; provide important fish and wildlife habitat; and serve as areas for recreation, education, scientific study and aesthetic appreciation.
3. The City's overall goal is to achieve no net loss of wetlands. This goal shall be implemented through retention and restoration of the function and value of wetlands within the City.
4. Wetlands serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

B. PURPOSE

The purposes of the wetland regulations are to:

1. Ensure that development activities in or affecting wetlands do not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values;
2. Protect wetlands by regulating development activities within and around them;
3. Protect the public from costs associated with repair of downstream properties resulting from erosion and flooding due to the loss of water storage capacity provided by wetlands; and,
4. Prevent the net loss of wetland acreage and functions.

C. CLASSIFICATION AND DESIGNATION

Wetland ratings: Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the "Washington State Wetland Rating System for Western Washington" (Department of Ecology Publication No. 14-06-029, effective January 2015 ~~04-06-025~~) or as amended hereafter. These documents contain the definitions and methods for determining if the criteria below are met.

1. Wetland Rating Categories.
   a. Category I: Category I wetlands are those that meet any of the following criteria:
      i. Represent a unique or rare wetland type; or
      ii. Are more sensitive to disturbance than most wetlands; or

iii. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

iv. Are providing a high level of functions, scoring twenty-three ~~seventy~~ (23~~70~~) points or more out of twenty-seven ~~one hundred~~ (27~~100~~) (DOE Wetlands Rating System, 201~~0~~4); or

v. Are characterized as a national heritage wetland; or

vi. Are characterized as a bog; or

vii. Are over one (1) acre and characterized as a mature and old-growth forested wetland.

b. Category II. Category II wetlands are those wetlands that are not Category I wetlands and that meet any of the following criteria:

i. Provide high levels of some functions, being difficult, though not impossible to replace; or

ii. Perform most functions relatively well, scoring 20 to 22 points out of 27 (DOE Wetlands Rating System, 2014).~~OE Wetlands Rating System, 2004).~~

c. Category III. Category III wetlands are those wetlands that are not Category I or II wetlands, and that meet the following criterion: ~~to provide moderate levels of functions, scoring between thirty (30) through fifty (50) out of one hundred (100) points (DOE Wetlands Rating System, 2004).~~

i. Provide moderate levels of functions, scoring 16 to 19 points out of 27 (DOE Wetlands Rating System, 2014).

d. Category IV. Category IV wetlands are those that meet the following criterion:

ii. Provide low levels of functions, scoring less than 15 ~~thirty (30)~~ ~~out of one hundred (100)~~ points out of 27 (DOE Wetlands Rating System, ~~2004~~ 2014).

2. Date of Wetland Rating

Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the City, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

D. WETLAND REPORTS

i. Report required: Subject to the provisions of section (D)(3) below, a wetland report pursuant to the guidelines in MVMC 15.40.120.G addressing a wetland's classification and delineation shall be prepared by an applicant as follows:

a. Wetland report identifying classification: An applicant shall be required to conduct a study to determine the classification of the wetland if the subject property or project area is both within the SMZ and within 150 feet of a wetland, even if the wetland is not located on the subject property, but it is determined that

alterations of the subject property are likely to impact the wetland in question or its buffer. Wetland classification shall be performed as described in MVMC 15.40.090(C), and the report shall include a completed wetland rating form. If there is a potential Category I or II wetland within 300 feet of a proposed project, the City may require an applicant to conduct a study, even if the wetland is not located on the subject property, but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer. A wetland report shall be prepared by a certified professional at the applicant's expense.

b. Wetland report identifying delineation: A wetland delineation is required for any portion of a wetland on the subject property that will be impacted by the permitted activities. For the purpose of regulation, the exact location of the wetland edge shall be determined by the wetlands specialist hired at the expense of the applicant through the performance of a field investigation using the procedures provided in the Hydrogeomorphic (HGM) manual.

ii. Wetland mitigation plan required: The applicant shall be required to prepare a wetland mitigation plan per MVMC 15.40.120(H), if impacts are identified within a wetland classification or delineation report, or if a wetland buffer alteration is proposed. The approval of the wetland mitigation plan by the Director shall be based on the criteria located in MVMC 15.40.040, 15.40.080, 15.40.110, and 15.40.120(H).

iii. Report waived:

a. A wetland classification or delineation report may only be waived by the Director when the applicant provides satisfactory evidence that:

i. A public road, building or other physical barrier exists between the wetland and the proposed activity;

ii. The wetland does not intrude on the site of the proposed project, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby wetlands regulated under this section; or

iii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary, consistent with current rating system and mitigation standards.

b. The wetland mitigation plan may only be waived by the Director when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary, consistent with current rating system and mitigation standards.

c. Period of validity for wetland reports: Reports submitted and reviewed are valid for up to five (5) years from date of study completion as approved by the City unless the Director determines that conditions have changed significantly and a new or amended study is required.

d. Independent secondary review: Peer review of the wetland report may be required by the City at the applicant's expense.

E. DEVELOPMENT STANDARDS

1. Activities may only be permitted in a wetland if the applicant can show that the proposed activity will not degrade the functions and functional performance of the wetland.
2. Activities and uses shall be prohibited in wetlands, except as provided for herein.
3. Category I wetlands: Activities and uses shall be prohibited from Category I wetlands, except as provided for in the public agency and utility exception, ~~reasonable use exception~~, and variance sections of the MVMC.
4. Category II and III wetlands: With respect to activities proposed in Category II and III wetlands, the following standards shall apply:
   a. Water-dependent activities may be allowed where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers, and other wetlands.

   Where non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

      i. The basic project purpose cannot reasonably be accomplished by successfully avoiding the wetland, or result in less adverse impact on a wetland on another site or sites in the general region;
      ii. All alternative designs of the project as proposed that would avoid or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible; and
      iii. Full compensation for the acreage and loss functions will be provided under the terms established under sections (G)(6) and (G)(7) below.
5. Category IV wetlands: Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved wetland report and mitigation plan, if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the acreage and loss functions will be provided under the terms established under sections (G)(6) and (G)(7) below.

F. STANDARD WETLAND BUFFERS

1. 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, are as follows:

Wetland Category	Standard Buffer
I	200 ft.
II	100 ft.
III	75 ft.
IV	50 ft.

2. Measurement of wetland buffers: All buffers shall be measured horizontally from a perpendicular line established at the wetland edge as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers.

3. Increased wetland buffer widths: The Director shall require increased buffer widths in accordance with the recommendations of an experienced, certified professional wetland scientist, 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. This determination shall be based on one or more of the following criteria:

   a. A larger buffer is needed to protect other wetlands;

   b. The buffer or adjacent uplands has a slope greater than 15 percent or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland;

   c. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute**.** Where a buffer planting plan is proposed, it shall include plant densities that are in conformance with the recommendations of the Critical Area Ordinance (CAO) Guidebook and CAO Guidebook requirements for monitoring and maintenance to ensure success.

   d. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of nonnative plants when:

      i. Nonnative or invasive plant species provide the dominant cover,

      ii. Vegetation is lacking due to disturbance and wetland resources could be adversely affected, or

iii. Enhancement plantings in the buffer could significantly improve buffer functions.

e. An increase in buffer width onsite or restoration of existing buffer required under this section shall be directed to modifications reasonably necessary to mitigate impacts created by the proposed development and roughly proportional to the scope and scale of the impacts created by the proposed development.

4. Wetland buffer width averaging: The Director may allow modification of the standard wetland buffer width in accordance with an approved wetland 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 the applicant and a certified professional wetland scientist demonstrates that:

a. No feasible site design exists without buffer averaging;

b. It will not reduce wetland functions or functional performance;

c. 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;

d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and,

e. The buffer width is not reduced to less than 75 percent of the standard buffer width, applicable to Category I, II, or III wetlands or 35 feet for Category IV wetlands.

5. Buffer consistency: All mitigation sites shall have buffers consistent with the buffer requirements of these regulations.

6. Buffer maintenance: Except as otherwise specified or allowed in accordance with this title, wetland buffers shall be retained in an undisturbed or enhanced condition. Removal of invasive non-native weeds is required for the duration of the mitigation bond.

G. STANDARD MITIGATION REQUIREMENTS – WETLANDS

Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with the State Department of Ecology publication "Wetland Mitigation in Washington State," 2006 (Publication Nos. 06-06-011a and 06-06-011b), or as revised.

1. Mitigation includes the following alternatives. The priority shall be as follows, but may be modified where functions and values are retained, restored, or enhanced by alternate systems:

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

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

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

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

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

2. Mitigation for lost or affected functions: Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland functions as those lost, except when:

   a. The lost wetland provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or

   b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

3. Preference of mitigation actions: Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

   a. Restoring wetlands on upland sites that were formerly wetlands.

   b. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

   c. Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.

4. Type and location of mitigation: Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach or sub-basin. Mitigation actions shall be conducted within the same sub-basin and on the site as the alteration, except when all of the following apply:

   a. There are no reasonable on-site or sub-basin opportunities or the on-site and sub-basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the impacts. Consideration should include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, proposed water quality improvements, potential to mitigate riparian fish and wildlife impacts (such as connectivity);

b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and,

c. Off-site locations shall be in the same sub-basin unless:

i. Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or

ii. Credits from a state-certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

5. Mitigation timing: Mitigation and monitoring plans shall be approved prior to initiation of activities that will disturb wetlands. Mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

a. The Director may authorize a one-time temporary delay, up to 120 days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public.

b. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the City and include a financial guarantee.

6. Mitigation Ratios:

a. Acreage replacement ratios: The following ratios shall apply to creation or restoration that is in-kind, within the same drainage basin, is the same category, is timed prior to or concurrent with alteration, 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. These ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Category I	6-to-1
Category II	3-to-1
Category III	2-to-1
Category IV	1.5-to-1

b. Increased replacement ratio. The Director may increase the ratios under the following circumstances:

   i. Uncertainty exists as to the probable success of the proposed restoration or creation;

   ii. A significant period of time will elapse between impact and replication of wetland functions;

   iii. Proposed mitigation, without increase, will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

   iv. The impact was an unauthorized impact.

7. Wetlands Enhancement as Mitigation:

   a. Impacts to wetland functions may be mitigated by enhancement of existing significantly degraded wetlands, but must be used in conjunction with restoration and/or creation. Applicants proposing to enhance wetlands must produce a wetland 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.

   b. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under subsection G.6 of this section. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

   c. Mitigation ratios for enhancement in combination with other forms of mitigation shall range from 6:1 to 3:1 and be limited to Class III and Class IV wetlands.

   d. Any approval under subsections (b) and (c) above shall be consistent with Table 1a of "Wetland Mitigation in Washington State, Part I" (Ecology, et al., 2006)

8. Wetland Mitigation Banks:

   a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands ~~(but not wetland buffers)~~ when:

      i. The bank is certified under Chapter 173-700 WAC;

      ii. The Director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and,

      iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

   b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

   c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

VIII. SUBMITTAL REQUIREMENTS, REPORTS, STUDIES AND PLANS

A. General Requirements. When a regulated critical area or associated buffer is identified, the following procedures apply:

1. Preapplication Consultation. Any person seeking a permit from the city to develop properties known or suspected to have critical areas present shall schedule a preapplication conference with the city pursuant to adopted scheduling procedures. Preapplication consultation and planning will help applicants identify regulatory requirements under this section and assure integration of critical area planning into overall project design.

2. Submittal Requirements.

a. Plans. When an application is submitted for any regulated activity, the location of the critical areas and buffers on the site shall be indicated on the plans submitted based upon an inventory provided by a certified professional, as identified in subsections B through G of this section.

b. Waivers. The director may waive any of the requirements of this subsection if the size and complexity of the project do not warrant a step in the proceeding, as identified in subsections B through G of this section.

c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to:

i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the director shall select the third party review professional. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director; and/or

ii. A request for consultation with the State of Washington Department of Fish and Wildlife, Washington State Department of Ecology, State Department of Natural Resources, Skagit System Cooperative, the Upper Skagit Tribe, or other appropriate agency.

3. Fees. See Chapter 14.15 MVMC.

4. Combined Systems. Where streams, ponds, and wetlands function jointly on a property and/or adjoining properties, such systems shall be addressed as a single system for purposes of all required reports and approvals.

B. Geotechnical Study/Geologic Hazard Report. A study that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design,

retaining wall design, material selection, and all other pertinent elements. The preparation and content requirements in the table below shall also apply.

Table 15.40.120(A), Geotechnical Report – Detailed Requirements

Report Preparation/Content Requirements	Erosion	Landslide	Seismic	Volcanic Hazards	Alluvial Fan
1. Characterize soils, geology and drainage.	X	X	X	X	X
2. Describe and depict all natural and manmade features within 200 feet of the site boundary.	X	X	X	X	X
3. Identify any areas that have previously been disturbed or degraded by human activity or natural processes.	X	X	X	X	X
4. Characterize groundwater conditions including the presence of any public or private wells within 1,000 feet of the site.	X	X	X		X
5. Provide a site evaluation review of available information regarding the site.	X	X	X	X	X
6. Conduct a surface reconnaissance of the site and adjacent areas.	X	X	X		X
7. Conduct a subsurface exploration of soils and hydrologic conditions.	X	X	X		X
8. Provide a slope stability analysis.	X	X			X
9. Address principles of erosion control in proposal design including: Plan the development to fit the topography, drainage patterns, soils and natural vegetation on site; Minimize the extent of the area exposed at one time and the duration of the exposure; Stabilize and protect disturbed areas as soon as possible; Keep runoff velocities low; Protect disturbed areas from storm water runoff; Retain the sediment within the site area; Design a thorough maintenance and follow-up inspection program to ensure erosion control practices are effective.	X	X			X
10. Provide an evaluation of site response and liquefaction potential relative to the proposed development.			X		
11. Conduct sufficient subsurface exploration to provide a site coefficient (S) for use in the adopted building code to the satisfaction of the building official.			X		
12. Provide an analysis of proposed clearing, grading and construction activities including construction scheduling. Analyze potential direct and indirect on-site and off-site impacts from development.	X	X	X		X
13. Propose mitigation measures, such as any special construction techniques, monitoring or inspection programs, erosion or sedimentation programs during and after construction, surface water management controls, buffers, remediation, stabilization, etc.	X	X	X	X	X
14. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and identify any engineering or other mitigation measures as appropriate.				X	

Note: An "X" indicates that the requirement applies in the identified critical area.

C. Hydrogeologic Assessment. The assessment shall address the impact the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer.

1. The assessment shall be submitted to the department and shall address, at a minimum, the following criteria:

a. Surficial soil type and geologic setting;

b. Location and identification of wells within 1,000 feet of the site;

c. Location and identification of surface water bodies and springs within 1,000 feet of the site with recharge potential, unless geologic features in the basin make it clear that a larger area is hydraulically connected to any fish bearing stream in the affected basin;

d. Description of underlying aquifers and aquitards, including water level, gradients, and flow direction;

e. Available surface water and groundwater quality data;

f. Effects of the proposed development on water quality;

g. Sampling schedules required to assure water quality;

h. Discussion of the effects of the proposed development on the groundwater resource;

i. Recommendations on appropriate best management practices (BMPs), based on the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2), or mitigation to assure no significant degradation of groundwater quality;

j. Other information as required by the Skagit County health district; and

k. The assessment shall also address the types of pesticides, herbicides, and fertilizers that can safely be used for the care of landscaping proposed by the applicant.

2. The hydrogeologic assessment shall be prepared by a professional geologist/hydrologist or by a soil scientist with a strong background in geology (see definition of "Certified professional" in MVMC 15.40.170(B)).

3. Applications for development or operations with underground storage of petroleum products will be processed using the appropriate procedure as specified in existing Mount Vernon ordinances.

4. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to confirm if the soils present require a recharge area designation. Data collection will include, at a minimum, six soil logs to a depth of 10 feet (or to a depth of four feet below the lowest proposed excavation point, whichever is greater) for each acre in the parcel(s) being evaluated. At least one well, 200 feet or greater in depth with an adequate drilling report, must be available within one mile. The associated data shall be analyzed and included in the hydrogeologic assessment to determine the presence of highly permeable soils with the recharge area designation.

D. Habitat Management Plan. A habitat management plan (HMP) is a site investigation to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development.

1. The assessment of habitats for the site and project shall at a minimum include the following information:

a. A map prepared at an easily readable scale, showing:

i. The location of the proposed development site;

ii. Property boundaries;

iii. The relationship of the site to surrounding topographic, water, and cultural features;

iv. Proposed building locations and arrangements; and

v. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision;

b. Detailed description of vegetation on and adjacent to the project area and its associated buffer;

c. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

d. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

e. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;

f. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;

g. The use of alternative on-site wastewater systems in order to minimize site clearing;

h. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction;

i. The need for fencing and signage along the buffer edge;

j. A discussion of measures, including avoidance, minimization, and mitigation proposed to preserve existing habitats and restore any habitat that was degraded prior to the

current proposed land use activity and to be conducted in accordance with the mitigation sequencing required by this chapter; and

k. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring, maintenance, and enforcement programs.

2. When appropriate due to the type of habitat or species present or the project conditions, the director may also require the habitat management plan to include:

a. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;

b. A request for consultation with the Washington Department of Fish and Wildlife or the local Native American Indian tribe or other appropriate agency; and

c. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

3. Mitigation Measures. Possible mitigation measures to be included in the report, or required by the director, could include, but are not limited to:

a. Establishment of buffer zones;

b. Preservation of critically important plants and trees;

c. Limitation of access to habitat areas;

d. Seasonal restriction of construction activities;

e. Establishing phased development requirements; and

f. Monitoring plan for a period necessary to establish that performance standards have been met. Generally this will be for a period of seven to 10 years.

4. HMP Adequacy. The HMP shall demonstrate to the satisfaction of the city that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the city and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the appropriate federal or state agency. If the federal or state agencies are not available in a timely manner, the applicant may choose to have the city refer the HMPs to a third-party consultant at the expense of the applicant. After consultation with such state departments or third-party consultant, the director shall make a final decision on the adequacy of the HMP.

5. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the city grants either final plat approval or an occupancy permit, as applicable.

6. Any project that requires an HMP shall not be considered SEPA exempt and the HMP shall be processed along with appropriate SEPA review and agency comment as required by Chapter 197-11 WAC.

E. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

1. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

a. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

b. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

c. Stream classification, as recorded in city inventories (if unclassified, see subsection (F)(1) of this section);

d. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

e. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

f. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

g. Top view and typical cross-section views of the stream, banks, and management zones to scale;

h. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

i. The location, width, depth, and length of all existing and proposed structures, roads, storm water management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

j. Location of site access, ingress and egress.

2. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

3. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

a. The stream classification as recorded in city inventories;

b. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

c. The ecological functions currently provided by the stream/lake and existing riparian area;

d. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

e. Measures to protect trees and vegetation.

F. Stream Study, Supplemental. The application shall include the following information:

1. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

2. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

a. Avoid any disturbances to the stream or management zone;

b. Minimize any stream or management zone impacts;

c. Compensate for any stream or management zone impacts;

d. Restore any stream or management zone area impacted or lost temporarily; and

e. Enhance degraded stream habitat to compensate for lost functions and values.

3. Impact Evaluation.

a. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

i. Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

ii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

iii. Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

iv. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

b. For a violation, the impact evaluation must also include:

i. Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

ii. Determination of the impact of the violation on the resource(s) and functional values.

G. Wetland Assessment. A wetland assessment includes the following:

1. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

2. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Corps of Engineers Regional Supplement, 2010). Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

3. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, storm water management facilities, sewage treatment and installations within the wetland and its buffer;

4. The exact locations and specifications for all activities associated with site development including the type, extent, and method of operations;

5. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

6. Top view and typical cross-section views of the wetland and its buffer to scale;

7. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site;

8. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, maintenance and monitoring programs, and a contingency plan; and

9. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

a. Avoid any disturbance to the wetland or buffer;

b. Minimize any wetland or buffer impacts;

c. Compensate for any wetland or buffer impacts;

d. Restore any wetlands or buffer impacted or lost temporarily;

e. Create new wetlands and buffers for those lost; and

f. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

10. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

H. Mitigation and Monitoring Plans.

1. Baseline Information.

a. A written assessment and accompanying maps of the impacted critical area including, at a minimum, a critical area delineation by a qualified specialist; existing critical area acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project on the critical area; associated buffers and their functions; soil and substrata conditions; topographic elevations; and proposed restoration area.

b. If the mitigation site is different from the impacted critical area site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions; topographic elevations; existing and proposed adjacent site conditions; buffers; and site ownership.

2. Environmental Goals and Objectives. A written report by a qualified specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

a. The purposes of the restoration measures, including a description of site selection criteria; identification of restoration goals; identification of target evaluation species and ecological functions; dates for beginning and completion; and a complete description of the structure and functions sought in the restoration area or site. The goals and objectives

shall be related to the functions and values of the impacted critical area and associated buffer, or if off site and/or out-of-kind, the type of critical area to be emulated; and

b. A review of the best available science and author's experience to date in restoring or creating the type of critical area functions proposed shall be provided. An analysis of the likelihood of success of the restoration project shall be provided based on the experiences of comparable projects, preferably those in the same drainage basin, if any. An analysis of the likelihood of persistence of the created or restored critical area and buffer functions shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the critical area ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

3. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (H)(5) of this section, Monitoring Program. An assessment of the project's likelihood of success in achieving the goals and objectives of the mitigation plan should be included.

4. Detailed Techniques and Plans. Written specifications and descriptions of restoration techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques, if necessary, and planting instructions; and any other techniques or details appropriate to restoration construction. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques and/or anticipated final outcome. The city may request such other information as needed to determine the adequacy of a mitigation plan.

5. Monitoring Program. A program outlining the approach for monitoring construction and development of the restoration project and for assessing a completed project shall be provided in the mitigation plan. Monitoring and its associated reports of the critical area mitigation areas shall be completed by an agency or consultant selected by the city. Any maintenance required as a result of the monitoring, per performance standards set by the city, can be completed by the applicant and approved by the entity that completes the monitoring for the city; or the entity completing the monitoring can also complete any required work at the sole expense of the applicant. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, five, and seven after site construction). Monitoring shall be on a yearly basis, with the first year's worth of monitoring/reporting paid for before any work commences on the site, and how the

monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the restoration project. The restoration project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years, or 10 years in special circumstances such as scrub shrub or forested wetlands. The cost of all required years of monitoring shall be the responsibility of the applicant. Monitoring may include, but is not limited to:

a. Establishing vegetation plots to track changes in plant species composition and density over time;

b. Using photo reference points to evaluate vegetation community response;

c. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (i.e., pH, nutrients, heavy metals);

d. Measuring base flow rates and storm water runoff to model and evaluate hydrologic and water quality predictions;

e. Measuring sedimentation rates; and

f. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.

6. Contingency Plan. Should include an evaluation of the potential need for remedial action or contingency measures and an identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

7. Permit Conditions. Any restoration project prepared for mitigation and approved by the city shall become part of the application for the underlying project permit approval.

8. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the restoration project shall be provided.

9. Performance Surety. The cost of planting, labor, earthwork, etc., necessary for mitigation shall be estimated by the project proponent and reviewed by the city. The cost of monitoring and maintenance shall be established by the city based upon a cost estimate provided by the agency or consultant the city selects to perform monitoring and maintenance work. All mitigation and buffer enhancement shall be completed prior to final plat approval and/or building occupancy depending on the type of application. However, when improvements cannot be completed prior to final acceptance due to weather conditions that could negatively affect the success of the project, a performance surety may be used. The performance surety shall equal 150 percent of the cost of the mitigation project, and the required improvements shall be installed in a satisfactory manner within six months or less. To ensure that monitoring/reporting and maintenance work is paid for and/or completed, two separate financial securities in the form of bonds or cash deposits shall be provided to the city prior to any work commencing on the site. They are:

a. Maintenance Surety.

i. A maintenance surety shall be required on all mitigation and buffer enhancement projects to ensure that the improvement successfully survives the monitoring periods set above.

ii. The amount of the maintenance surety shall be calculated by taking the annual cost of the maintenance (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) and adding to it the cost of the plants, earthwork, and labor to install the mitigation project (provided by the applicant's critical area consultant) multiplied by the number of years of the required maintenance minus one (because the applicant will be required to pay for the first year of maintenance in advance) and then multiplied by 0.60 (60 percent).

b. Monitoring Surety.

i. A monitoring surety shall be required on all mitigation and buffer enhancement projects to ensure that these projects are adequately monitored.

ii. The amount of the monitoring surety shall be calculated by taking the annual monitoring cost (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) multiplied by the number of years of the required monitoring minus one (because the applicant will be required to pay for the first year of maintenance upfront) multiplied by one and one-half (or 150 percent).

c. Upfront Monitoring and Maintenance Costs. The applicant shall pay for the first year of monitoring and maintenance of the project, as determined by the city based upon an estimate provided by the agency or consultant that will be performing this work, prior to project approval.

10. Long-Term Maintenance. To ensure the long-term success of the mitigation plan, the applicant or their successors shall be responsible for the long-term maintenance of the habitat area and its associated buffer. The habitat and buffer shall be kept clear of weeds, invasive plant material, lawn clippings, junk, debris, intrusions or similar.

IX. FISH AND WILDLIFE HABITAT CONSERVATION AREAS

A. DESCRIPTION AND PURPOSE:

The intent of these regulations is to protect functions and values for waters, riparian habitat, resident and anadromous fish, and wildlife conservation areas. The primary purpose of this section is to minimize development impacts to habitat conservation areas in the Shoreline Management Zone and to:

1. Protect federal and state listed habitats and species and give special attention to protection or enhancement of anadromous fish populations; and,
2. Maintain a diversity of species and habitat within the City; and,

3. Coordinate habitat protection to maintain and provide habitat connections; and,
4. Help maintain air and water quality, and control erosion.

These standards, guidelines, criteria, and requirements intended to identify, evaluate and mitigate potential impacts to habitat conservation areas within the Shoreline Management Zone and associated critical areas and to provide guidelines to enhance degraded habitat and streams where feasible. In such circumstances, impacts resulting from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with these regulations. The intent of these regulations is to manage land so as to maintain fish and wildlife species in suitable habitats according to their natural geographic distribution so that isolated sub-populations are not created and achieve no net loss in fish or wildlife habitat or stream functions. Interpretations of these regulations shall be made to conform to the requirements of WAC 365-190-080.

B. CLASSIFICATION AND DESIGNATION OF FISH AND WILDLIFE HABITAT CONSERVATION AREAS:

Classification and designation of fish and wildlife habitat conservation areas is an ongoing process; while not all of the following critical habitat conservation areas are known to exist in the SMZ, their designation here allows for future categorization for protection. The following categories shall be used for relevant development standards contained herein ~~of this chapter~~.

1. Streams: All streams that meet the criteria for F, Np or Ns waters as set forth in

   WAC 222-16-030 of the Department of Natural Resources Water Typing System. (The City classification system is consistent with the definitions as provided in WAC 222-16-030.)

2. Lakes 20 Acres and Greater in Surface Area. Those lakes defined as shorelines of the state in the Shoreline Management Act of 1971.
3. Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for Type F, Np, and Ns waters as set forth in WAC 222-16-030 as amended. This includes lakes and ponds less than 20 acres in surface area and their submerged aquatic beds, lakes, and ponds planted with game fish by a governmental or tribal authority.
4. Class I Fish and Wildlife Conservation Areas, other than streams:

   a. Habitats and species recognized by federal or state agencies for federal and/or state-listed endangered, threatened and sensitive species that have primary association documented in maps or databases available to the City and that, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

   b. Areas targeted for preservation by the federal, state, and/or local government that provide fish and wildlife habitat benefits, such as the shared strategy process for Puget Sound; and areas of primary association for anadromous fish and important waterfowl areas identified by the U.S. Fish and Wildlife Service.

c. Areas that contain habitats and species of local importance. These critical areas are identified by the City, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Habitats of local importance can include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include snag-rich mitigation sites and urban natural open spaces.

5.Class II Fish and Wildlife Conservation Areas, other than streams:

a. Habitats for state-listed candidate and monitored species documented in maps or databases available to the City, which if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

b. Habitats that have been identified through maps, databases, reports, or studies that include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include snag-rich mitigation sites, and urban natural open space.

6. Habitats and Species of Local Importance: The City should accept and consider nominations for habitat areas and species to be designated as locally important.

a. Habitats and species to be designated shall exhibit the following characteristics:

i. Local populations of native species are in danger of extirpation based on existing trends;

ii. Local populations of native species that are likely to become endangered; or,

iii. Local populations of native species that are vulnerable or declining.

b. The species or habitat has recreation, commercial, game, tribal, or other special value.

c. Long-term persistence of a species locally is dependent on the protection, maintenance, and/or restoration of the nominated habitat.

d. Protection by other county, state, or federal policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat in the City.

e. Without protection, there is likelihood that the species or habitat will be diminished locally over the long term.

f. Areas nominated to protect a particular habitat or species must represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and which is of limited availability, highly vulnerable to

alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape.

g. Habitats and species may be nominated for designation by any person in accordance with the process in Chapter 15.40 MVMC, Appendix A.

C. PERFORMANCE STANDARDS - GENERAL:

A designated fish and wildlife habitat conservation area with its buffer is a critical area. Regulated uses identified within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this section.

1. Habitat Management Plan Required: If the City determines that impacts to habitats may occur as a result of a development project, a habitat management plan (HMP) shall be required in conformance with MVMC 15.40.120.D. The project proponent may choose to complete an HMP for a site-specific analysis to better determine the impact to habitat and to determine the appropriate buffer width and associated building setbacks for the project based on the site-specific analysis. The preparation and submission of this report is the responsibility of the applicant. The report shall rely on "best available science" as defined in WAC 365-195-900 through 365-195-925 and shall be prepared by a certified professional who is a biologist with five (5) years of experience preparing reports for the relevant type of habitat. The City may retain a qualified consultant at the applicant's expense to review and confirm the applicant's reports, studies and plans. The HMP shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers and building setbacks. An applicant may propose to implement an HMP as a means to protect habitat buffers associated with streams and/or fish and wildlife conservation areas. Approval for an HMP shall not occur prior to the consultation with the appropriate federal or state agencies.

   a. Intent: HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high-quality habitat buffers. While not primarily intended as a means to reduce buffers, the HMP may propose a reduction of the habitat buffer width where it is shown that the HMP will comply with the other requirements of this section.

   b. Effect of Buffers: An HMP shall provide habitat functions and values that are greater than would be provided by the prescribed habitat buffers. When habitat buffers are a component of an HMP, they shall be at least the minimum size necessary to accomplish the objectives of the HMP. The HMP may propose, but the City shall not require, a habitat buffer containing a greater area than is required by the prescribed habitat buffer.

   c. Impact Mitigation: The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated as defined in section (E) below. The developer of the plan shall use the best available science in all facets of the analyses. The Washington Department of Fish and Wildlife priority habitat and species management recommendations,

and/or bald eagle protection rules outlined in WAC 232-12-292, as amended, may serve as guidance for this report.

2. Endangered, Threatened, and Sensitive Species:

   a. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a habitat management plan (HMP) consistent with a habitat report identifying BMPs consistent with management guidelines recommended by state and federal agencies where present and otherwise consistent with best available science as established in the scientific literature for similar circumstances. Such plans shall identify the source of the recommendations and the key metrics by which success of the plan is to be measured and enforced.

   b. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with an HMP prepared by a certified professional and approved by the City. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate federal or state agencies.

   ~~Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest, territory, or communal roost and, activities that are adjacent to bald eagle sites within 800 feet or within one-half mile (2,640 feet) and in a shoreline foraging area shall require an approved HMP. The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the HMP by the Washington Department of Fish and Wildlife.~~

3. Anadromous Fish:

   a. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

      i. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;

      ii. If alternative alignment or location for the activity is not feasible, then activities shall be designed so that it will replace any affected functions and values with equivalent systems to avoid overall degradation to the functions and values of the fish habitat or other critical areas;

iii. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques where such approaches are reasonably effective, according to an approved critical area report; and

iv. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved habitat management plan.

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. Fish bypass facilities shall be provided that allow the upstream or downstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed, or otherwise adversely affect the overall lifecycle of such fish.

c. Fills, when authorized by the Shoreline Master Program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

4. Wetland Habitats: All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland development performance standards set forth above, in Section III. If non-wetlands habitat and wetlands are present at the same location, the provisions of this section or the wetlands section, whichever provides greater protection to the habitat, apply. Where a wetland is divided by a right of way or other improvement, but functions as a single system, the system shall be scored as a whole and not in pieces.

5. Buffers and Associated Building Setback Areas: The distance shall be measured from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified.

a. Buffers shall remain undisturbed natural beach or vegetation areas except where the buffer can be enhanced to improve its functional attributes, as approved by the Director. Buffers shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed below in Tables A and B of this section. Refuse shall not be placed in buffers. Alteration of buffer areas and building setbacks may be allowed for water-dependent and water-related activities and for other property development authorized by the Shoreline Master Program, through an HMP, shoreline exemptions, standards for existing (nonconforming) development, and shoreline variances; provided, however, in each instance mitigation shall be required to replace affected functions and values within the affected zone.

b. "Minimum building setback" is the required horizontal distance between the finished exterior wall of a structure and the edge of the critical area of the lot on which the structure is located. All portions of a structure must be located away from the critical area edge ~~or shoreline buffer edge, whichever is greater,~~ a distance equal to or greater than the minimum setback. Uses not requiring a permit defined in the City Building Code may be permitted in the setback if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area and other required SMZ setbacks are adhered

to, or prescribes a plan to replace affected functions and values within the affected area.

6. Habitat Conservation Area Buffers. Habitat conservation area buffers shall be shown on the development site plans or final plat maps along with the notation requirements identified in this chapter.

   a. If an existing property has a previously delineated and approved fish and wildlife habitat conservation area and associated buffer by the City, the approved conservation area and buffer may remain in effect. Redevelopment, and/or additions outside of the existing footprint shall be subject to the previously approved buffer; however, a buffer enhancement plan may be required in accordance if the habitat buffer area has become degraded or is currently not functioning or if the habitat area and/or buffer may be negatively affected by proposed new development. If, according to the buffer enhancement plan, additional buffer mitigation is not sufficient to protect the habitat, the City may require larger buffers where it is necessary to protect habitat functions based on site-specific characteristics.

7. Class I Fish and Wildlife Conservation Areas: All development as described within this chapter or within 200 feet of designated Class I wildlife conservation areas shall adhere to the following standards:

   a. All sites with known locations of Class I fish and wildlife conservation areas or sites within 200 feet to known locations of Class I fish and wildlife conservation areas will require, for all development permits, the submittal and approval of a habitat management plan (HMP) as specified in section C.1 above. In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife, meeting the requirements and guidelines of the bald eagle protection rules (WAC 232-12-292), as now or hereafter amended shall satisfy the requirements for an HMP. The requirement for an HMP shall be determined during the State Environmental Policy Act (SEPA) environmental review on the project. No project falling within a Class I fish and wildlife habitat conservation area shall be exempt from SEPA-compliant environmental review.

   b. All new development within 200 feet of habitat elements within which Class I fish and wildlife have a critical habitat may require the submittal of an HMP as specified in section C.1 above. The requirement for an HMP shall be determined during the SEPA-compliant environmental review of the project.

8. Class II Fish and Wildlife Conservation Area: All new development within Class II fish and wildlife conservation areas may require the submittal of an HMP as specified in section C.1 above if the Director determines that the activity is within a critical distance of a protected species for an activity which the species has a primary association. An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas review on the project. No project falling

within a Class II fish and wildlife habitat conservation area shall be exempt from SEPA review.

Table A, Wildlife Habitat Conservation Areas	
Class I	All developments within 200 ft. of a designated Class I wildlife habitat conservation area shall have buffer widths determined by a mandatory wildlife habitat management plan.
Class II	All development within a Class II wildlife habitat conservation area shall have the buffer widths be determined by the SEPA/critical area review on the project and may require a habitat management plan.

9. Other Allowed Uses in Fish and Wildlife Habitat Conservation Areas: Other activities may be allowed using the standard for a Category II wetland buffer.

D. PERFORMANCE STANDARDS – STREAMS:

1. The purposes of the stream regulations are to:
   a. Protect riparian habitat to provide bank and channel stability; sustained water supply; flood storage; recruitment of woody debris; leaf litter; nutrients; sediment and pollutant filtering; shade; shelter; and other functions that are important to both fish and wildlife; and,
   b. Prevent the loss of riparian acreage and functions and strive to achieve properly functioning conditions within a given stream segment where feasible; and,
   c. Designate and protect aquatic habitat for salmonid species; and,
   d. Give special attention to the protection or enhancement of anadromous fish.
2. Stream Studies:
   a. When Standard Stream Study Is Required: Subject to the provisions below, the applicant or project sponsors for activities requiring City approval shall be required to conduct a Standard Stream Study per MVMC 15.40.120(E) if a site contains a regulated stream or the project area is within 200 feet of a stream even if the stream is not located on the subject property. Such a report shall be prepared by a certified professional at the applicant's expense.
   b. When Supplemental Stream Study is Required: The applicant shall be required to conduct a Supplemental Stream Study per MVMC 15.40.120(F) if a site contains a stream or riparian management zone and alterations of the stream or alterations to management zones are proposed, either administratively or via a variance request. Such a report shall be prepared by a certified professional at the applicant's expense.
   c. When Stream Mitigation Plan is Required: The applicant shall be required to conduct a Stream Mitigation Plan per MVMC 15.40.120(H) if impacts are identified within a Supplemental Stream Study. Such a report shall be prepared by a certified professional at the applicant's expense. The approval of the Mitigation

Plan by the Director shall be based on the criteria located in MVMC 15.40.040, 15.40 ~~080,~~ .110, and 15.40.120(H).

d. Studies Waived:

i. Standard Stream Study: May only be waived by the Director when the applicant provides satisfactory evidence that:

(a) A public road, building or other long-term barrier exists between the stream and the proposed development activity; or,

(b) The stream or riparian management zone does not intrude on the applicant's property, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby streams regulated under this Chapter; or ,

(c) Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

ii. Supplemental Stream Study or Stream Mitigation Plan: May only be waived by the Director when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary.

e. Period of Validity for Stream Studies: Studies submitted and reviewed are valid for up to five (5) years from date of study completion as approved by the City, unless the Director determines that conditions have changed significantly and a new or amended study is required.

3. Stream Buffer Measurement. Streams shall be classified according to the stream type system as provided in WAC 222-16-031, Interim water typing system. Stream buffer areas are defined by these classifications, as shown in Table B of this section. Buffers shall be measured from the ordinary high water mark (OHWM) or from the top of the bank when the OHWM cannot be identified. The buffer width shall be increased to include streamside wetlands, which provide overflow storage for stormwater, feed water back to the stream during low flows, or provide shelter and food for fish. In braided channels, the OHWM or top of bank shall be defined so as to include the entire stream feature.

Table B, Water Type Standard Buffer Widths

Water Types	Attributes	Minimum Building Setback	Buffer Width Standard
F	Fish habitat waters	15 feet beyond buffer	150 feet
Np	Year-round, non-fish habitat	15 feet beyond buffer	50 feet
Ns	Seasonal, non-fish habitat	15 feet beyond buffer	35 feet

4. Buffer Conditions. Where existing buffer area plantings provide minimal vegetative cover and cannot meet the City's water quality standards or provide habitat functions (per the requirements of the Departments of Ecology and Fish and Wildlife), buffer enhancement shall be required. An increase in buffer width onsite or restoration of existing buffer required under this section shall be directed to modifications reasonably necessary to mitigate impacts created by the proposed development and roughly proportional to the scope and scale of the impacts created by the proposed development. Where buffer enhancement is required, a plan shall be prepared that includes plant densities that are in conformance with the recommendations in the CAO Guidebook. Monitoring and maintenance of plants shall be required in accordance with 15.40.120(H), Mitigation and Monitoring Plans. Existing buffer vegetation is considered "inadequate" and will require enhancement through additional native plantings and removal of nonnative plants when:

   a. Nonnative or invasive plant species provide the dominant cover;

   b. Vegetation is lacking due to disturbance and marine, stream, or habitat resources could be adversely affected; or,

   c. Enhancement plantings in the buffer could significantly improve buffer functions.

5. Buffer Averaging. Buffer widths may be modified by averaging, as long as the total area contained within the buffer after averaging is no less than the required buffer prior to averaging, and as set forth below. A buffer enhancement plan shall be required for any request for buffer averaging. The enhancement plan shall be similar to a mitigation plan, and include provisions for mitigation monitoring and contingency plans. Buffer width averaging shall be allowed only where the applicant demonstrates, through a report prepared by a qualified biologist or habitat specialist with five years experience, that:

   a. Buffer averaging is necessary to avoid a hardship caused by circumstances related to the property;

   b. The habitat contains variations in sensitivity due to existing physical characteristics, or the buffer varies in characteristics and it would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

   c. Lower intensity land uses would be located adjacent to areas where the buffer width is reduced;

   d. The widest portion of the buffer shall be the area where the habitat is most sensitive;

   e. Buffer width averaging will not adversely impact fish and wildlife habitat conservation areas; and,

   f. The buffer width may be reduced by 35 percent of the standard buffer, but not less than 35 feet unless provided for by a habitat management plan.

6. Buffer Reduction. Buffers and associated building setbacks may be reduced where the applicant demonstrates through an approved HMP, relying on best available science

and prepared by a qualified specialist with five years experience, that through buffer enhancement the smaller buffer would provide equal or better protection than the larger buffer. Enhancement techniques can include, but are not limited to:

a. Planting of native trees or shrubs, increasing the diversity of plant cover types, replacing exotic species with native species, or reestablishing fish areas adjacent to a marine shoreline or stream where one currently does not exist will result in improved function of the fish habitat;

b. Fish barrier removal to restore accessibility to resident or anadromous fish;

c. Fish habitat enhancement using log structures incorporated as part of a fish habitat enhancement plan;

d. Stream and/or retention/detention pond improvements:

i. Removal or modification of existing stream culverts (such as at road crossings) to improve fish passage and flow capabilities, or

ii. Upgrade of retention/detention facilities or other drainage facilities beyond required levels to provide a more naturalized habitat.

e. Removal of existing bulkheads to improve fish spawning and habitat areas;

f. Daylighting a stream that was previously culverted or piped, or daylighting box culverts or trestles.

E. STANDARD MITIGATION REQUIREMENTS AND CRITERIA:

1. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided herein, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved habitat management plan and SEPA documents, so as to result in no net loss of critical area functions and values.

2. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

3. Mitigation shall not be implemented until after the City's approval of an HMP that includes a mitigation plan and mitigation shall be in accordance with the provisions of the approved HMP.

4. Mitigation Sequencing: Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:

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

   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

c. Rectifying the impact to habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;

d. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

e. Compensating for the impact to habitat conservation areas by replacing, enhancing, or providing substitute resources or environments;

f. Monitoring the hazard or other required mitigation and taking remedial action when necessary; and,

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

5. Mitigation Plan: Mitigation Plans required under this section shall be prepared in conformance to the guidelines in Chapter 15.40.120(H).

6. Innovative Mitigation:

a. The City may encourage, facilitate, and approve innovative mitigation projects that are based on the best available science. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein a group of one or more applicants or an organization with demonstrated capability may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

i. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;

ii. The group or organization demonstrates the organizational and fiscal capability to act cooperatively;

iii. The group or organization demonstrates that long-term management of the habitat area will be provided; and,

iv. There is a clear potential for success of the proposed mitigation at the identified mitigation site.

X. MAPS

A. The city's critical area reference maps are listed below as reference points only. The maps may be superseded by information generated as described in subsection B of this section.

1. Aquifer Recharge Areas: Plate 7 Land Cover Class/LandSAT Image 1998 in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004.

2. Geologic Hazard Areas.

a. Plate 4. Surficial Geology, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based upon Washington State Department of Natural Resources data).

b. Plate 5. Steep Slopes and Alluvium, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based on a topographic map, an unpublished master's thesis, and the Skagit County Alluvial Fan Study Orthophoto Maps).

c. Plate 6. Soil Liquefaction Potential, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based on Washington State Department of Natural Resources data, Hazard Mitigation Grant Program).

3. Habitat Conservation Areas. State of Washington Department of Fish and Wildlife, Priority Habitats and Species (PHS) Maps and Digital Data.

4. Streams.

a. Inventory and Evaluation of Streams and Riparian Habitats of Mount Vernon, Washington, by Shannon and Wilson, Inc., 2003.

b. For areas unaddressed by the mapping in D.1, Washington State Department of Natural Resources, Water Typing Maps.

5. Wetlands.

a. Wetland and Stream Inventory, City of Mount Vernon and Urban Growth Area, by Shannon and Wilson, January 2000.

b. National Wetland Inventory Maps, U.S. Department of the Interior.

B. The exact boundary of each critical area depicted on maps referenced herein is approximate and is intended only to provide an indication of the presence of a critical area on a particular site. It is recognized that not all critical areas are mapped. The lack of inclusion of a critical area on a map shall not relieve an applicant, project sponsor, or property owner from compliance with these critical area regulations. The inclusion of a critical area on the city maps shall be advisory, and if critical areas are not in fact present, the maps may be amended upon city acceptance of reclassification requests or new data in accordance with any specific procedures or criteria herein. The applicability of these regulations shall be based upon the classification criteria for each critical area and the actual presence of critical areas on or in the vicinity of subject properties.

XI. DEFINITIONS

A. Land Cover Definitions.

"Aquatic areas" means areas classified as regulated streams and regulated wetlands.

"Impervious surfaces" means:

1. For the purposes of the stream and wetland regulations: a hard surface area that either prevents or retards the infiltration of water into the soil and movement of water through soil

media. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, lawns, and oiled, macadam or other surfaces which impede the natural infiltration and movement of water. When such surfaces supported a permitted use on or before January 1, 2007, they shall be considered impervious surfaces. Earthwork (e.g., grading, filling, clearing preparatory to new development) does not create impervious surface.

2. For the purposes of aquifer protection regulations:

a. Impervious surfaces include those that have a lesser permeability than the undisturbed native soil, as indicated in Table 14 of the Soil Survey of Skagit County Area, Washington (USDA Soil Conservation Service, 1989).

b. Effective impervious surfaces are those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed in accordance with "Full Dispersion" measures as described in the applicable sections of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2), or an equivalent manual as determined by the director.

"Pervious surfaces" means vegetated areas that do not meet the definition of tree cover.

"Tree cover" means the area of cover provided by conifer or hardwood tree(s) greater than four inches dbh (diameter at breast height). Tree cover excludes the portion of the canopy that overlies impervious surface areas.

B. General Definitions.

"Activities, development" means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; division of a parcel of land into two or more parcels; and any use or extension of the use of land.

"Alluvial fan hazard" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

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

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

"Artificial channel" means a stream channel that is entirely constructed, but does not include relocated natural channels. Except where fish bearing, an artificial channel is not a critical area.

"Best management practices (BMPs)" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

2. Minimize adverse impacts to surface water and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

3. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

4. Provide standards for proper use of chemical herbicides within critical areas.

"Buffer" means an area that is contiguous to and protects a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"Certified professional" means any person with the education, experience, and/or professional certification or licenses in a specialized field of study appropriate to the studies and analysis required, such as a wildlife biologist, hydrologist, hydrogeologist, wetland biologist, geotechnical engineer, or specialists in other disciplines.

"Critical areas" means wetlands, aquifer protection areas, fish and wildlife habitat, and frequently flooded and geologically hazardous areas as defined by the Growth Management Act.

"Critical facility" means 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.

"DBH" means diameter breast height, which means the outside bark diameter at breast height. Breast height is defined as four and one-half feet (1.37 meters) above the ground on the uphill side of the tree.

"Development permit" means written permission, after appropriate review for type of application, from the appropriate decision-maker authorizing the division of a parcel of land, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, utility, or any use or extension of the use of the land.

"Director" means the director of community and economic development for the city of Mount Vernon, or his/her designee.

"Drainage collection system" means a system for conveying, treating and detaining storm water runoff swales, ponds, and outfalls.

"Emergency" means an action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

"Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found to be locally important by counties and cities. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

"Forested area" means a treed area that functions, or which over time will be restored to function, as a mature forest characterized by an undisturbed understory.

"Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, 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 be at risk, but may also 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:

1. Erosion hazard;
2. Liquefaction;
3. Landslide hazard;
4. Seismic hazard;
5. Volcanic hazard; and
6. Alluvial fan hazard.

"Innovative site design" means development techniques using creative approaches to site design, habitat and tree retention, significant reduction of impervious surfaces, and changes in traditional site features such as roads and structures in favor of natural habitat features that result in zero or near-zero drainage discharge from the site after development.

"Intermittent" means water is not present in the channel year round during years of normal or above normal rainfall.

"Normal rainfall" means rainfall that is at the mean or within one standard deviation of the mean of the accumulated annual rainfall record, based upon the water year for Skagit County as recorded at the Burlington/Mount Vernon, Skagit Regional Airport, Washington, United States.

"Ordinary high water mark" means, on lakes and streams, a mark 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 as of the effective date of regulations, as it may naturally change thereafter, or as it may change in accordance with permits issued by the city or state. Where the ordinary high water mark cannot be found, it shall be the stage of the 50 percent exceedance flow, according to the period of record of a measured or synthetic hydrograph. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

"Perennial" means water that flows continuously.

"Primary association area" means the area used on a regular basis by, is in close association with, or is necessary for the proper functioning of, the habitat of a critical species. "Regular basis" means that the habitat area normally contains or is 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" means habitat type or elements with unique or significant value to one or more species as classified by the State Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

"Regulated activity" means all activities located within a regulated critical area or critical area buffer/management zone.

"Riparian area" means the upland area immediately adjacent to and paralleling a body of water, usually composed of trees, shrubs and other plants. Riparian functions include bank and channel stability, sustained water supply, flood storage, recruitment of woody debris, leaf litter, nutrients, sediment and pollutant filtering, shade, shelter, and other functions that are important to both fish and wildlife.

"Salmonid migration barrier" means an in-stream blockage that consists of a natural drop (no human influence) with an uninterrupted slope greater than 100 percent (45-degree angle) and a height in excess of 11 vertical feet within anadromous salmon-bearing waters or a height in excess of three vertical feet within resident trout-only bearing waters. Constructed barriers to salmonid migration (e.g., culverts, weirs, etc.) shall be considered barriers to salmonid migration by this definition only if they were lawfully installed, present a complete barrier to salmonid passage based on hydraulic drop, water velocity, water depth, or any other feature that would prevent all salmonids from passing upstream; and in the opinion of the city reviewing official cannot be modified to provide salmonid passage without resulting in any of the following conditions:

1. Significant impacts to other environmental resources;

2. Significant impacts to major transportation and utility systems, or to the public health and safety;

3. Significant expense. For the purposes of this definition "significant expense" means a cost equal to or greater than 50 percent of the combined value of the proposed site buildings,

structures, and/or site improvements, and existing buildings, structures, and/or site improvements to be retained.

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

"Steep slopes" means slopes greater than 40 percent.

"Stream" means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used by salmonids or used to convey streams that were naturally occurring prior to construction of such watercourses.

"Utilities" means utility lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, telephone, and cable.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland 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 nonwetland areas to mitigate the conversion of wetlands.

C. Report Content Requirements.

1. Geotechnical Study. A study prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her

recommendations. The preparation and content requirements in Table 15.40.120(A), Geotechnical Report – Detailed Requirements, shall also apply.

2. Habitat/Wildlife Assessment. A report prepared by a qualified fish and wildlife biologist with experience assessing the relevant species and habitats and including, at a minimum, the following requirements:

a. Site plan prepared in accordance with the requirements of the community and economic development department indicating all habitat conservation areas falling within 200 feet of the subject property;

b. Project narrative describing the proposal including, but not limited to, associated grading and filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent to the habitat conservation area, and when deemed necessary by the director, surface and subsurface hydrologic analysis;

c. Impact analysis identifying and documenting the presence of all habitat conservation areas and discussing the project's effects on the habitat conservation areas;

d. Regulatory analysis including a discussion of any federal, state, tribal, and/or local requirements or special management recommendations that have been developed for species and/or habitats located on the site;

e. Mitigation report including a discussion of proposed measures for mitigating adverse impacts of the project and an evaluation of their potential effectiveness. Measures may include, but are not limited to, establishment of buffer zones, preservation of critically important plants and trees, limitation of access to habitat areas, seasonal restrictions of construction activities, establishment of a timetable for periodic review of the plan and/or establishment of performance or maintenance bonds;

f. Management and maintenance practices including a discussion of ongoing maintenance practices that will assure protection of all fish and wildlife habitat conservation areas on site after the project has been completed. This section should include a discussion of proposed monitoring criteria, methods and schedule.

3. Hydrogeologic Study. A report shall be prepared as follows:

a. The study shall be prepared by, or under the direction of, and signed by, a licensed hydrogeologist pursuant to Chapter 308-15 WAC.

b. Phase I Report Requirements. A Phase I reconnaissance level hydrogeologic report shall summarize existing information about the basic site hydrogeologic conditions such as soil types, land cover, likely groundwater flow directions and receiving waters, and which low impact development management practices will be implemented consistent with the Low Impact Development Technical Guidance Manual for Puget Sound, January 2005, or an equivalent manual as determined by the director.

c. Phase II Report Requirements. This report shall include:

i. A description of the geology and groundwater in the proposed permit area and adjacent areas down to and including the lowest aquifer that may be affected by the facility, including the following:

(A) The results of a sufficient number of test borings and core borings to accurately characterize geology, soils, groundwater flow, groundwater chemistry and flow systems of the proposed permit area and adjacent area, which shall be at least three test borings. The applicant shall include the actual surface elevations of the drill holes.

(B) The stratigraphy, lithologic, and physical characteristics and thickness of each stratum, including the location and depth of aquifers.

(C) The hydrologic characteristics of each aquifer described in subsection (C)(3)(c)(i)(B) of this section, including field test data for hydraulic conductivity, storage coefficient and transmissivity, groundwater hydraulic gradient and velocity. The description of these characteristics shall be based on multiple well aquifer tests if required by the city. The application shall include the procedures and calculations used to determine these characteristics.

(D) The geologic structure within the proposed permit area and adjacent area, and its relation to the regional geological structure.

(E) The aquifer characteristics necessary to accurately describe three-dimensional groundwater flow through the proposed permit area and adjacent area, including storage and discharge characteristics.

4. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories (if unclassified, see subsection (C)(5)(a) of this section);

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

ix. The location, width, depth, and length of all existing and proposed structures, roads, storm water management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

x. Location of site access, ingress, and egress.

b. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

c. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

i. The stream classification as recorded in city inventories;

ii. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

iii. The ecological functions currently provided by the stream/lake and existing riparian area;

iv. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

v. Measures to protect trees and vegetation.

5. Stream Study, Supplemental. The application shall include the following information:

a. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

b. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

i. Avoid any disturbances to the stream or management zone;

ii. Minimize any stream or management zone impacts;

iii. Compensate for any stream or management zone impacts;

iv. Restore any stream or management zone area impacted or lost temporarily;

v. Enhance degraded stream habitat to compensate for lost functions and values.

c. Impact Evaluation.

i. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

(A) Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

(B) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

(C) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

(D) To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

ii. For a violation, the impact evaluation must also include:

(A) Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

(B) Determination of the impact of the violation on the resource(s) and functional values.

6. Stream Mitigation Plan. The mitigation plan must ensure compensation for unavoidable significant adverse impacts that result from the chosen development alternative or from a violation as identified in the impact evaluation. A mitigation plan must include:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories or as determined through a supplemental stream study approved by the director;

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zones at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zones;

ix. The location, width, depth, and length of all existing and proposed structures, roads, storm water management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones;

x. Location of site access, ingress and egress;

xi. Indication of where proposed mitigation or remediation measures will take place on the site;

xii. Separate indication of areas where revegetation is to take place and areas where vegetation is anticipated to be removed; and

xiii. Any other areas of impact with clear indication of type and extent of impact indicated on site plan.

b. Mitigation narrative that includes the following elements:

i. Description of existing conditions on the site and associated water resource (baseline information);

ii. Resource(s) and functional values to be restored, created, or enhanced on the mitigation site(s);

iii. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

iv. Construction schedule;

v. Operations and maintenance practices for protection and maintenance of the site;

vi. Environmental goals, objectives, and performance standards to be achieved by mitigation;

vii. Monitoring and evaluation procedures for a three-year period minimum, including minimum monitoring standards and timelines (i.e., annual, semi-annual, quarterly);

viii. Contingency plan with remedial actions for unsuccessful mitigation;

ix. Cost estimates for implementation of mitigation plan for purposes of calculating surety device;

x. Discussion of compliance with approval criteria; and

xi. A review of the best available science supporting the proposed request for a reduced standard and/or the method of impact mitigation; a description of the report author's experience to date in restoring or creating the type of critical area proposed; and an analysis of the likelihood of success of the compensation project.

7. Wetland Assessment. A wetland assessment includes the following:

a. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

b. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Corps of Engineers Regional Supplement, 2010). Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

c. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, storm water management facilities, sewage treatment and installations within the wetland and its buffer;

d. The exact locations and specifications for all activities associated with site development including the type, extent and method of operations;

e. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

f. Top view and typical cross-section views of the wetland and its buffer to scale;

g. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site; and

h. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, a monitoring program, and a contingency plan.

i. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

i. Avoid any disturbances to the wetland or buffer;

ii. Minimize any wetland or buffer impacts;

iii. Compensate for any wetland or buffer impacts;

iv. Restore any wetlands or buffer impacted or lost temporarily;

v. Create new wetlands and buffers for those lost; and

vi. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

j. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

8. Wetland Mitigation Plan – Preliminary. A preliminary wetland mitigation plan shall include the following:

a. A conceptual site plan demonstrating sufficient area for replacement ratios;

b. Proposed planting scheme for created, restored, and enhanced wetlands; and

c. Written report consistent with final wetland mitigation plan requirements regarding baseline information, environmental goals and objectives, and performance standards.

9. Wetland Mitigation Plan – Final. A final wetland mitigation plan shall include:

a. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, a wetland delineation by a qualified wetland specialist; existing wetland acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project to the wetland area and wetland functions; soil and substrata conditions; topographic elevations and compensation site. If the mitigation site is different from the impacted wetland site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and

hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

b. Environmental Goals and Objectives. A written report by a qualified wetland specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

i. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or, if out-of-kind, the type of wetland to be emulated; and

ii. A review of the best available science and report author's experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, preferably those in the same drainage basins, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the wetland ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (C)(9)(e) of this section, Monitoring Program. An assessment of the project's success in achieving the goals and objectives of the mitigation plan should be included along with an evaluation of the need for remedial action or contingency measures.

d. Detailed Techniques and Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for wetland construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques and planting instructions; descriptions of water control structures and water level maintenance practices needed to achieve the necessary hydroperiod characteristics, etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final

grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations that are appropriate for the desired habitat type(s) and that provide sufficient hydrologic data. The city may request such other information as needed to determine the adequacy of a mitigation plan.

e. Monitoring Program. A program outlining the approach for monitoring construction and development of the compensation project and for assessing a completed project shall be provided in the mitigation plan. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate hydrologic and water quality predictions;

v. Measuring sedimentation rates;

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity; and

vii. A description shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted consistent with the periods identified in MVMC 15.40.120(H). The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

f. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

g. Permit Conditions. Any compensation project prepared for mitigation pursuant to MVMC 15.40.110 and approved by the city shall become part of the application for project approval.

h. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training, and experience with comparable projects.

XII. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

APPENDIX D

RESOURCES

There are no changes to this Appendix through this 2021 SMP update process.

APPENDIX D

RESOURCES

This Shoreline Master Program (SMP) relies substantially on existing information that has been developed since the year 2000. Information has been collected from a variety of sources including City plans and studies, Skagit River watershed plans and studies from DOE and local planning groups, private plans, and aerial photographs. Following is a list of the primary sources used in this inventory and characterization, and a brief description of the information provided.

- **River Basin Analysis of the Skagit and Samish Basins: Tools for Salmon Habitat Restoration and Protection**

  This February 2000 study was undertaken by the Skagit Watershed Council to meet two major objectives: 1) identify where and to what extent the landscape processes that form and sustain salmon habitat are degraded in the Skagit and Samish River basins; and 2) identify specific actions to restore and protect salmon habitat in these basins, focusing on efforts to address the causes of habitat degradation. It contains information regarding the system of levees and ecosystem functions provided by the river and associated floodplains.

- **Skagit River Shoreline Inventory & Restoration Plan**

  The Skagit River Shoreline Inventory & Restoration Plan, June 2003, by Graham Bunting & Associates, was part of the overall program to rehabilitate Skagit River basin habitats and increase fish production. It provides a detailed analysis of environmental conditions of the Skagit River shoreline, including shorelines within Mount Vernon's jurisdiction, particularly as those conditions may affect or relate to fish population recovery. The inventory divides the shoreline into six geographic "survey units" and rates each unit based on variables relating to physical features, biological features, and land use/man-made features.

- **Edgewater Park Restoration Project – Phase I**

  Edgewater Park is located in West Mount Vernon across the Skagit River from Downtown Mount Vernon. A restoration project was completed in 2005 at the south end of the Park that restored an historic off-channel habitat and associated riparian vegetation.

- **Skagit River Big Bend Reach Habitat Restoration Feasibility Study**

  The primary goal of this December 2004 study was to identify opportunities for improving the quality and quantity of rearing habitat available to juvenile salmon at various opportunity sites located between the Skagit River and the levees in the Big Bend Reach. The study was intended to help implement the Skagit Watershed Council's (SWC) Restoration and Protection Strategy by following the guiding principles outlined in the SWC's Strategic Approach. The study identifies several sites within Mount Vernon that may be suitable for restoration actions.

- **Biological Assessment of the Nookachamps Wetland Mitigation Bank Preserve**

  Fairbanks Environmental Services, Inc. July 2004; as Amended March 2005 and June 2006.

- **Assessment of Waters/Wetland Ecosystem Conditions & Functions**

  City of Mount Vernon, January 2007. Dr. L. C. Lee, Ph.D., PWS.

- **Lower Skagit Tributaries Riparian Vegetation Change: Analysis Results**

  Washington Department of Ecology, Publication #07-03-050, November 2007 (Revised April 2008).

- **Skagit Chinook Recovery Plan – 2005**

  Skagit River System Cooperative and Washington Department of Fish and Wildlife.

- **Draft EIS: Mount Vernon Downtown Flood Protection Alternatives**

  The Draft EIS (January 2007) was prepared to compare alternatives for permanent flood risk reduction as part of the City's Downtown and Waterfront Revitalization Master Plan. Included are discussions of land use and identification of opportunities for increasing public access to the Skagit River shoreline.

- **Final EIS: Mount Vernon Downtown Flood Protection Alternatives**

  The Final EIS (July 2007) included the preferred alternative, responses to Draft EIS comments, and proposed mitigation for potential impacts from the flood risk reduction project.

- **Mount Vernon Downtown Flood Protection Biological Assessment**

  This biological assessment was conducted under Section 7 of the Endangered Species Act (ESA), which requires federal agencies to ensure that their actions, including providing funding, do not jeopardize listed species or their habitat. The December 2007 assessment provides descriptions of the Skagit River reach immediately adjacent to Downtown Mount Vernon.

- **Master Plan: Downtown and Waterfront Master Plan Project**

  This Master Plan, completed in July 2008, is the third of three phases that commenced in 2005. It follows the preparation of an EIS (noted above) and focuses on redevelopment and flood risk reduction opportunities for the City's downtown and waterfront area. It outlines future actions, provides targets and actions for redevelopment, and contains discussions regarding land use and downtown characterization.

- **City of Mount Vernon 2005 Comprehensive Plan (as amended)**

  The City of Mount Vernon Comprehensive Plan, 2005, is the comprehensive plan for the city and contains policies and recommendations to direct public and private decisions affecting future growth and development. The purpose of a comprehensive plan is to translate community values and goals into a framework for decisions on growth and land use, housing, transportation, utilities, public facilities and services, and parks and open space. It expresses a long-range, twenty-year vision of how citizens want Mount Vernon to look and function in the future. It also provides a strategy for achieving that vision. Mount Vernon's Comprehensive Plan is revisited annually.

- **City of Mount Vernon Parks, Recreation & Open Space Plan**

  The Parks, Recreation & Open Space Plan, adopted in 2008, is based on analysis of supply, demand, and need for public and private park and recreation facilities and services within the Mount Vernon corporate limits and urban growth area. It includes goals and objectives, plan and program elements, and implementation measures. The Plan is Chapter 4 of the City of Mount Vernon Comprehensive Plan.

- **Aerial Photographs**

  City has multiple sets of high resolution aerial photographs containing oblique and orthographic images of most of Skagit County, including the main stem of the Skagit River, taken April of 2007, April of 2009, and August of 2009.

There has been little change in the conditions of the Skagit shoreline or in the level of development and land use mix in adjacent upland areas during the time these sources of information were being developed. This has been confirmed by a comparative review of the aerial photographs and discussions with staff and consultants familiar with the city's development. As a result, the assumption in this SMP is that these information sources remain valid for shoreline planning purposes.

In addition to the above-referenced sources, specific to the Skagit River and Mount Vernon, the Shoreline Master Program is based on the guidelines within Chapter 173-26 Washington Administrative Code.

APPENDIX E

OFFICIAL SHORELINE MASTER PROGRAM MAP

EXHIBIT 2, SMP UPDATE - Council 12/08/2021

City of MOUNT VERNON

SHORELINE ENVIRONMENTAL DESIGNATIONS

Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Map Updated 6/25/2021

APPENDIX F

SHORELINE ENVIRONMENTAL DESIGNATION LOCATION MAPS

Once this documents' 2021 update is complete this Appendix will be collated within this SMP. While in its draft form this document needs to be downloaded separately from the rest of the SMP.

Following are the existing Goals adopted as part of the Shoreline Management Master Program. These Goals are being re-numbered and re-adopted into the Land Use Element of the Comprehensive Plan.

SHORELINE ECONOMIC DEVELOPMENT GOALS:

Goal LU-~~6~~ 28: Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in the Shoreline Management Zone (SMZ) that will be an asset to the community and local economy, are consistent with life safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.

Goal LU-~~7~~ 29: Protect current economic activity and uses in the SMZ that are consistent with the objectives of the Comprehensive Plan and the City of Mount Vernon Downtown and Waterfront Master Plan, and provide environmentally sensitive redevelopment and new development.

Goal LU-~~8~~ 30: Seek opportunities that use both economic and environmental analyses to reduce flood risk, support development within the SMZ, and where appropriate, provide improvement of environmental functions.

Goal LU-~~9~~ 31: Ensure that economic activity in the SMZ does not harm the quality of the site's environment or adjacent shorelands.

Goal LU-~~10~~ 32: Encourage mixed-use development with public access along Mount Vernon's downtown waterfront and in those areas adjacent to the downtown waterfront that are suitable for compatible future redevelopment, consistent with the City's Comprehensive Plan and the 2008 City of Mount Vernon Downtown and Waterfront Master Plan.

SHORELINE USE GOALS:

Goal LU-~~11~~ 33: Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.

Goal LU-~~12~~ 34: Ensure that activities and facilities are located on shorelines in a manner so as to achieve flood damage reduction and support of flood risk management projects.

Goal LU-~~13~~ 35: Encourage shoreline uses that maintain or improve and enhance the quality of the environment as it is designated for that area by employing innovative features for purposes consistent with this program.

Goal LU-~~14~~ 36: Encourage joint-use activities in proposed shoreline developments.

Goal LU-~~15~~ 37: Encourage mixed-use development with public access on Mount Vernon's downtown waterfront consistent with the 2008 City of Mount Vernon Downtown and Waterfront Master Plan and the City's Comprehensive Plan.

Goal LU-~~16~~ 38: Ensure that planning, zoning, and other regulatory programs governing lands adjacent to areas of shoreline jurisdiction are consistent with Shoreline Management Act and Growth Management Act policies and regulations and the provisions of the SMP.

Goal LU-~~17~~ 39: In determining use priorities in cases where (i) competing uses of the same property are possible, and (ii) such competing uses are consistent with the City's

Comprehensive Plan, give preference to uses that protect and restore ecological functions (where such protection or restoration is technically and economically feasible) and to water-dependent and water-related uses where such new uses will not displace existing lawful, non-water-oriented uses.

Goal LU-~~18~~ 40: Note that mixed-use projects combining two or more of the categories above are encouraged and should be evaluated with respect to the degree that they achieve a balance of the priorities above and the provisions of the Master Program.

SHORELINE PUBLIC ACCESS GOALS:

Goal LU-~~19~~ 41: To protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.

Goal LU-~~20~~ 42: Base public access on demand projections that take into account the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

Goal LU-~~21~~ 43: Provide, protect, and enhance the public trail system that provides physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State's shorelines consistent with the natural shoreline character, private rights, and public safety.

Goal LU-~~22~~ 44: To the extent feasible, construct a continuous pedestrian path along the Skagit River shoreline while providing protection of ecological functions.

Goal LU-~~23~~ 45: Integrate public access to shorelines as a part of the City public trail system consistent with the adopted Park, Recreation & Open Space Plan.

SHORELINE CIRCULATION GOALS:

Goal LU-~~24~~ 46: Provide, protect, and enhance the existing public trail system that provides physical and visual access to shorelines, utilizing public lands as much as possible, and private lands only in those cases where public access requirements have not already been satisfied through the prior acquisition of private property for construction of flood risk management and related public access projects, all consistent with the character of the natural shoreline, protection of private property rights, and public safety.

Goal LU-~~25~~ 47: To the extent feasible, site land circulation systems that are not shoreline dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses.

SHORELINE CONSERVATION GOALS:

Goal LU-~~26~~ 48: As a long-term goal, seek no further degradation of environmental functions.

Goal LU-~~27~~ 49: Ensure that utilization of a natural resource takes place with minimum adverse impact to natural systems and quality of the shoreline environment.

Goal LU-~~28~~ 50: Preserve the scenic quality of shoreline areas and vistas to the greatest extent feasible in areas outside of the urban core, within the Shoreline Residential, Urban Conservancy, Natural, and Aquatic environmental designations.

Goal LU-~~29~~ 51: Minimize the loss of native vegetation and preserve tree cover in riparian areas by using conservation best management practices.

Goal LU-~~30~~ 52: To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage owners of shoreline property to control populations of invasive or noxious plants and animals as identified by the State of Washington Invasive Species Council.

SHORELINE RESTORATION GOALS:

Goal LU-~~31~~ 53: Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

Goal LU-~~32~~ 54: Where appropriate, undertake the restoration of natural ecological functions within the SMZ and associated jurisdictional wetlands.

Goal LU-~~33~~ 55: Reclaim and restore areas that are biologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

Goal LU-~~34~~ 56: Support a comprehensive program of City-initiated ecological enhancements as identified in the Shoreline Restoration Report (Appendix B).

SHORELINE RECREATION GOALS:

Goal LU-~~35~~ 57: Base recreational opportunities on demand projections consistent with the Mount Vernon Park, Recreation & Open Space Plan and the Countywide UGA Open Space Plan.

Goal LU-~~36~~ 58: Increase opportunities in shoreline areas that can reasonably tolerate active or passive recreational uses without diminishing or degrading the integrity and character of the shoreline.

Goal LU-~~37~~ 59: Coordinate with the City Department of Parks and Recreation to implement the goals of the Park, Recreation & Open Space Plan by optimizing opportunities for water-oriented recreation.

Goal LU-~~38~~ 60: Integrate shoreline-related recreational elements into other regional trail systems and into federal, state, and local park and recreation planning.

SHORELINE HISTORIC AND CULTURAL GOALS:

Goal LU-~~39~~ 61: Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in the SMZ for educational and scientific purposes and enjoyment of the general public.

Goal LU-~~40~~ 62: Encourage educational projects and programs that foster an appreciation of the importance of shoreline management, water-related activities, environmental conservation, and local history.

SHORELINE FLOOD RISK MANAGEMENT GOALS:

Goal LU-~~41~~ 63: Continue to work closely with the Dike Districts, Skagit County, and business and property owners in flood risk management planning.

Goal LU-~~42~~ 64: Implement the flood risk management planning objectives and projects in the City of Mount Vernon Downtown and Waterfront Master Plan, approved Flood Protection Project, and approved engineering plans.

Goal LU-~~43~~ 65: Participate in watershed-wide programs to reduce flood hazards and improve shoreline ecology.

EXHIBIT 3
PLANNING COMMISSION'S STAFF REPORT AND ITS ASSOCIATED EXHIBITS

PLANNING COMMISSION
STAFF REPORT *for*
2021 SHORELINE PERIODIC UPDATE

PLANNING COMMISSION MEETING DATE:	November 16, 2021
APPLICATION NAME & NUMBER:	PLAN21(CA)-0002 Shoreline Periodic Update
CITY CONTACT PERSON:	Rebecca Lowell, Principal Planner

This Staff Report is very similar to the Staff Reports the Planning Commission has reviewed and discussed on July 20, 2021, August 17, 2021, and October 5, 2021. Additions to this Staff Report have been highlighted in yellow for ease of identification.

A. BACKGROUND

The Shoreline Management Act (SMA) was approved by the State Legislature in 1971 and was adopted by the public via a referendum in 1972. More than 260 Washington towns, cities, and counties have shorelines (lake, stream, and marine) that fall under the jurisdiction of the SMA .

Insight into the original SMA legislation is found in the legislative findings codified in Revised Code of Washington (RCW) 90.58.020 that states (in part) as follows:

> *The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that 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 shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.*
>
> *There is, therefore, 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.*
>
> *The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department…shall give preference to uses in the following order of preference which:*
>
> *(1) Recognize and protect the statewide interest over local interest;*
> *(2) Preserve the natural character of the shoreline;*
> *(3) Result in long term over short term benefit;*
> *(4) Protect the resources and ecology of the shoreline;*

(5) Increase public access to publicly owned areas of the shorelines;
(6) Increase recreational opportunities for the public in the shoreline;
(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

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

In 2003 the SMA was amended to require jurisdictions to regularly update their Shoreline Master Programs (SMPs) with the adoption a timetable for all local governments to update their SMPs. For Mount Vernon, RCW 90.58.080(2) and (4) required an update to our SMP in 2012 (the City completed this update in 2011) and then once every eight (8) years following approval by the Department of Ecology (DOE). This means the City's update to our SMP was due in 2020; however, DOE has authorized a one-year extension for the City's SMP update which is now due in 2021.

SMPs are adopted by jurisdictions as part of their Comprehensive Plans. As such, the Growth Management Act (GMA), Chapter 36.70A RCW, mandates the following requirements:

- A process must be in place to allow citizens to propose Comprehensive Plan amendments;
- An analysis of the cumulative impacts of proposed amendments is required;
- The Comprehensive Plan must be internally and externally consistent; and,
- The Comprehensive Plan must be consistent with adopted development regulations.

B. BASIS FOR ANALYSIS

This report, with its associated Exhibits, is provided as the basis for analysis for the update to the City's SMP. The purpose of this report is to:

- Prepare for legislative review of the SMP update;
- Assure consistency and conformance between the proposed amendments and the current Comprehensive Plan;
- Provide a basis for open record hearings before the Planning Commission; and,
- Provide background and analysis to the City Council for decision-making.

Consistent with RCW 90.58.080(4) the City's scope of review for the SMP update includes:

- Making sure our SMP complies with applicable laws and guidelines in effect at the time of the review.
- Ensuring our SMP is consistent with our comprehensive plan and development regulations adopted under chapter 36.70A RCW, and other local requirements.
- Bringing our SMP into compliance with the requirements of the act that have been added or changed since the last review that occurred in 2011, and for responding to changes in guidelines adopted by DOE.
- Incorporating amendments to reflect changed circumstances, new information, and improved data.

EXHIBITS

The below-listed Exhibits are incorporated and made part of this Staff Report:

1. Procedural Notices and Correspondence:

- **1a**. Docketing Resolution 990
- **1b.** Department of Commerce Acknowledgement
- **1c.** SEPA Determination
- **1d.** SMP Update Postcard and Mailing List
- **1e.** SMP Notification Materials for Public Meeting with DOE
- **1f.** Public Hearing Notices
- **1g.** Staff and DOE emails

2. 2021 SMP Periodic Review Public Participation Program

3. FAQ Handout

4. DOE SMP Periodic Update Checklist

5. SMP Update Materials

- **5a.** SMP Update with Changes in Tracking Format
- **5b.** SMP Appendix A Update: Shoreline Inventory and Characterization
- **5c.** SMP Appendix C Update: Critical Area Regulations
- **5d.** SMP Update Map (full size)

6. Proposed Ordinance to Codify SMP Update and to re-index the existing Goals, Objectives and Policies for the SMP within the Land Use Element of the Comprehensive Plan

7. Letter dated October 14, 2021 from Matthew J. Vivian with VanNess Feldman, LLP and a matrix of responses to the comments contained in this letter drafted by the City

8. DOE's draft SMP Initial Determination that includes responses from the City regarding the required and recommended changes DOE requested and DOE final Initial Determination of Consistency

C. SUMMARY OF CHANGES/UPDATES

Following is a summary of the changes/updates made in 2021 to the previously adopted 2011 SMP.

- References to the Community and Economic Development Department or Director have been changed to the Development Services Department or Director.

- The procedural requirements for the different types of shoreline permits are organized into one section (versus several) and clarified. No changes were made to the way shoreline permits are processed.

- The type of development not requiring a shoreline permit is cross-referenced to State law (WAC 173-27-044 and 173-37-045) and the text of the State law is removed from the SMP.

- The description of how shoreline jurisdiction is determined is elaborated upon to ensure jurisdictional areas are properly and consistently identified.

- Existing zoning and comprehensive plan designations were added to the list of factors that determine environmental designations.

- Figures 2 and 3 within the 2021 SMP map several areas being subject to shoreline jurisdiction that were not identified in the 2011 SMP. Importantly, these areas would have been subject to shoreline jurisdiction under the 2011 plan; however, they were not mapped as potentially being subject to the SMP. These areas are potentially subject to shoreline jurisdiction due to wetlands, that if present, could be associated with, influence, or be influenced by, either the Skagit River or Barney Lake.

  In the 2021 update, the City has identified these parcels that could be subject to shoreline jurisdiction due to the presence of associated wetlands by using cartographically distinct hatching patterns on the revised maps to differentiate these areas from other mapped environmental designations.

  Staff analyzed these areas and assigned environmental designations based on the following factors that are listed under sub-section III(B) of the SMP: ecosystem characteristics, environmental functions, restoration potential, existing uses, development and redevelopment potential, existing Zoning and Comprehensive Plan Designations, and public and private plans.

- There are four (4) general areas where the environmental designations were updated or changed to ensure the designations were consistent with the factors listed in sub-section III(B) of the SMP (these factors are also listed in the paragraph immediately above). Descriptions of these areas and the reasons why their designations were changed are provided below. These areas are described in much greater detail in the parcel-by-parcel SMP Mapping Update Summary that is attached to this memo.

  <u>Area 1</u> (mapped on Figures 2 and 3) is located at the far north and northeast portions of the City. Following adoption of the 2011 SMP a new levee was completed along the north side of Hoag Road, east of the Burlington Northern Santa Fe railroad tracts. This new levee is identified on the SMP maps along with areas waterward of the levee, and areas 200 feet landward of the levee as subject to SMP jurisdiction. See the Mapping Update Summary attached to this memo for the justification for the shoreline environmental designations assigned in this location.

  Other areas are identified on Figures 2 and 3 as potentially being subject to shoreline jurisdiction, but only if wetlands are found on these areas that influence, or are influenced by, the Skagit River or Barney Lake. These areas were identified following a site-specific review where wetlands were found on a site that were influenced by the Skagit River; and this site was not shown as being subject to shoreline jurisdiction in the City's 2011 SMP. The accompanying Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell, contains a detailed background and analysis of this site. Once one site was identified staff had Dr. Lee complete an exercise of all nearby properties to see whether or not wetlands on these properties could influence, or be influenced by, the Skagit River or Barney Lake. These properties are shown on Figures 2 and 3 with horizontal lines through them. The justification for the environmental designations for these properties is detailed in the accompanying Mapping Update Summary. Importantly, these areas would have been subject to shoreline jurisdiction under the City's 2011 SMP; but they would have been assigned an environmental designation of Urban Conservancy until the City could update the shoreline map. This 2021 update eliminates the potential for multiple piecemeal map amendments by completing a comprehensive review and update of these areas.

Area 2 (mapped on Figure 5) consists of areas on the east and south side of the Skagit River. Following the adoption of the 2011 SMP the City completed additional portions of a floodwall and levee system that are updated on Figure 5. The newly constructed portions of the floodwall and levee slightly changed the areas subject to shoreline jurisdiction because this jurisdiction is identified as extending 200 feet landward from these areas. The environmental designations in these areas remained as Urban Conservancy on the properties owned by the City on and near the wastewater treatment plant and was kept as Urban Mixed Use on the landward side of the new floodwall and levee of the properties not owned by the City.

Area 3 (mapped on Figure 5) consists of areas waterward of the existing levee within and surrounding the City's Edgewater Park. The 2021 update modified the boundary between the Shoreline Natural and Shoreline Urban Conservancy Environmental Designations such that the Urban Conservancy designation encompasses the portions of Edgewater Park that are used by the public and actively maintained (i.e. mowed and trimmed) by the City's Park and Recreation Department. The Shoreline Urban Conservancy Environmental Designation in this area was also updated such that it extends between the Ordinary High Water Mark (OHWM) of the Skagit River to the existing levee – in the existing SMP this shoreline area is identified as extending from the OHWM but does not extend to the existing levee. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

Area 4 (mapped on Figure 5) consists of two tax parcels owned by the Mount Vernon School District that are developed as part of Washington Elementary School. The parcel numbers are P26397 and P26391. The 2011 SMP identified the area of these parcels 200 feet landward of the existing levee designated as Shoreline Residential. Because these two parcels are developed as part of an elementary school their designation has been changed to Urban Mixed Use. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

- The following General policy has been removed from the SMP because it mirrors requirements in existing State law thereby making it unnecessary to have in the City's SMP. This policy is as follows:

  a. The Director of the Community Development Services Department will periodically initiate review of conditions on the shoreline and conduct appropriate analyses to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:
     i. Water quality
     ii. Conservation of aquatic vegetation (e.g. control of noxious weeds and enhancement of vegetation that supports more desirable ecological functions and recreational conditions)
     iii. Upland vegetation
     iv. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices
     v. Shoreline stabilization and modifications

- The currently adopted version of the City's critical areas ordinance is adopted into Appendix C sans the provisions DOE requires be removed.

- The relief for shoreline restoration projects from WAC 173-27-215 is adopted by reference into the updated SMP.

- The definition of associated jurisdictional wetlands is expanded to include the definition of such found in WAC 173-22-040.

- The date of receipt of the final decision is updated to the date of filing of a final decision throughout the plan.

- A definition for Substantial Development is added to the SMP.

D. PROCESS & NEXT STEPS

BENCHMARK:	DATE:	AUTHORITY:
City Council Docket 2020 Comprehensive Plan Amendments	March 30, 2021	RCW 36.70A130 (1)(a) and (2)(a)
Department of Commerce Notification and Acknowledgement	July 8, 2021	RCW 36.70A.106 WAC 365-196-630
DNS Issued with Appeal Period	July 16, 2021	MVMC 15.06.215 WAC 197-11-355(4)
Public Meeting before Planning Commission with DOE	August 17, 2021	WAC 173-26-104
Open Record Public Hearing before Planning Commission	November 16, 2021	14.05.080 RCW 36.70B.120
Open Record Public Hearing before City Council	TBD - Insert Date	14.05.050(A) and (C) RCW 36.70B.120

Accompanying this staff report, labeled as **Exhibit 1**, are copies of the notices, agendas, and the SEPA materials for the meetings and hearings listed above.

Below is a list of study session meetings before the City Council and Planning Commission that have held as this document has moved through its legislative process:

DATE:	ACTIONS:
05/26/2021	City Council Study Session
07/20/2021	Planning Commission Study Session
08/17/2021	Planning Commission Public Meeting with DOE
08/18/2021	City Council Study Session
09/15/2021	City Council Study Session
10/05/2021	Planning Commission Study Session
10/20/2021	City Council Study Session

E. STAFF REQUESTS AND RECOMMENDATIONS

Staff requests the Planning Commission review the accompanying updates to the SMP and the below-listed Findings of Fact, Conclusions of Law, and recommendations that will likely be before the Commission in the coming months as the SMP update moves through the steps required for legislative amendments.

FINDINGS OF FACT:

A. Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon maintain a Comprehensive Plan, which is a coordinated land use policy statement of the City, including policies directed at management of the City shorelines.

B. The GMA requires comprehensive plans and development regulations to be consistent and that Comprehensive Plans be both internally and externally consistent.

C. The SMA requires that local jurisdictions develop master programs that constitute use regulations for shorelines of statewide significance.

D. Chapter 36.70A RCW, the Growth Management Act (GMA) mandates the City of Mount Vernon develop a Comprehensive Plan, which is a generalized, coordinated land use policy statement of the City.

E. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation.

F. The City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments.

G. On July 8, 2021, notice of the potential adoption of the proposed amendment to the Comprehensive Plan and Municipal Code was duly transmitted to the Washington State Department of Commerce for the mandated sixty-day review, in compliance with RCW 36.70A.106(1).

H. On August 17, 2021 a public meeting was held before the Mount Vernon Planning Commission with the Department of Ecology in attendance. This meeting satisfied a portion of the process required when using the 'optional joint review process' for SMP updates outlined in WAC 173-26-104. The notice for this meeting was issued and published on July 30, 2021, and was mailed and emailed on July 27, 2021 to all parties of record and property owners in and within 500 feet of the City identified shoreline jurisdiction.

I. A notice of public hearings for the adoption of the updated SMP was issued on October 1, 2021 and published on October 2, 2021 advertising a Planning Commission public hearing on October 19, 2021 and a City Council public hearing on October 27, 2021. This notice of public hearing was mailed to all parties of record on September 30, 2021.

J. The public hearings scheduled for the Planning Commission on October 2, 2021 and before the City Council on October 19, 2021 were cancelled and re-scheduled because the Department of Ecology (DOE) had not yet provided their review comments of the City's SMP. City staff contacted DOE to ascertain when DOE comments would be received, and then the previously scheduled Planning Commission and City Council hearings were rescheduled to November 16, 2021 (Planning

Commission) and December 1, 2021 (City Council). The notice of public hearings advertising the November 16, 2021 and December 1, 2021 hearings was issued and published on October 20, 2021 and was mailed/emailed to all parties of record and property owners in and within 500 feet of the City identified shoreline jurisdiction on October 18, 2021.

K. On September 30, 2021 City staff contacted Lauren Bromley (the staff person at DOE who was managing the City's SMP update on behalf of DOE) asking when she thought DOE's initial determination (ID) would be sent to the City. Ms. Bromley's response was that DOE's ID would be out to the City the following week (this would have been the week of October 4, 2021 to October 8, 2021). Ms. Bromley also let City staff know that she would be stepping aside to work on other items and that to other staff member from DOE would be taking over for Ms. Bromley and that these new staff members were Stephanie Barney and Chad Younge.

L. On October 11, 2021 City staff sent an email to Stephanie Barney and Chad Younge at DOE asking if the City's previously scheduled public hearings on October 19, 2021 and October 27, 2021 should be moved in light of the fact that the City had yet to receive DOE initial determination on the City's draft SMP update.

M. On October 12, 2021 DOE staff member Stephanie Barney advised the City that "we believe it best to reschedule the hearing dates" (Mrs. Barney was referring to the October 19, 2021 and October 27, 2021 public hearings scheduled before the City's Planning Commission and City Council).

N. The City received DOE's draft Initial Determination via email on November 2, 2021 with a message from Stephanie Barney (DOE staff) stating that she was aiming to issue DOE's final determination by November 10, 2021 at the latest. On November 3, 2021 City staff sent an email back to DOE staff Ms. Barney with attachments containing City comments on the items DOE required or recommended be changed in the City's SMP update. City staff's email also contained copies of the City draft SMP with updates from DOE's draft initial comments.

O. On November 16, 2021 the City of Mount Vernon Planning Commission held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

P. On (insert date) the City of Mount Vernon City Council held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

Q. The Planning Commission hearing on November 16, 2021 was preceded with appropriate notice, issued on October 20, 2021 distributed via mail/email on October 18, 2021, and published on October 20, 2021.

R. The City Council's hearing on (insert date) was preceded with appropriate notice issued on (insert date), distributed via mail/email on (insert date) and was published on (insert date).

S. The amendments to the Comprehensive Plan and Municipal Code Chapter 15.07 with the adoption of an updated Shoreline Master Program reflects the best interests of the citizens of the City of Mount Vernon, Washington, and reflects the desires of the public.

T. The Department of Ecology (DOE) issued a formal written statement of initial concurrency with the City's proposed amendments to the SMP on November 9, 2021. This initial concurrence means that DOE has determined the amendments to the City's SMP are largely consistent with applicable laws and rules, but that DOE has identified elements that appear inconsistent with applicable laws and rules. The intent of this initial review is to provide local elected officials an opportunity to consider Ecology's analysis before local adoption. The copy of the SMP before the Planning Commission and City Council include all of the required changes outlined by DOE in their statement of initial concurrency.

CONCLUSIONS OF LAW:

A. In compliance with all the terms, conditions, and procedures of the State Environmental Policy Act (SEPA) and Chapter 15.06 Mount Vernon Municipal Code, an environmental assessment of the proposed amendment to the Comprehensive Plan was conducted and, upon determination that no probable significant, potentially adverse environmental impacts would result from the amendment, a determination of non-significance was issued and published on July 16, 2021, with no appeals having been filed prior to the close of the appeal period on August 8, 2021.

B. The requirements for public participation in the development of this amendment as required by the GMA and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

C. All procedural requirements for adoption of the accompanying amendments of the Comprehensive Plan as set forth in Chapter 35A.63 RCW and Chapter 36.70A RCW, and as set forth in the State Environmental Policy Act and Chapter 15.06 of the Mount Vernon Municipal Code have been complied with, and that adequate environmental review has been given.

D. The proposed updates to the Shoreline Master Program are found to be in compliance with both the Washington State Growth Management Act and the Shoreline Management Act.

E. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

STAFF RECOMMENDATIONS:

A. Staff recommends the Planning Commission review and make a recommendation to the City Council to adopt the accompanying updates to the City's SMP.

B. Staff recommends the Planning Commission adopt the Findings of Fact and Conclusion of Law contained in this Staff Report as part of their recommendation to the City Council.

C. Staff recommends approval of the accompanying updates to the City's SMP that include mapping changes.

D. Staff recommends the Planning Commission disregard and not consider the quasi-judicial portions of comment #14 and its associated Exhibits A, B, and C that are contained in and responded to within Exhibit 7 of this Staff Report.

SIGNATURE:

Rebecca S. Bradley-Lowell,
Principal Planner and Planning Manager

EXHIBIT 1:

PROCEDURAL NOTICES AND CORRESPONDENCE

EXHIBITS 1a to 1g

RESOLUTION NO. 990

A RESOLUTION PERTAINING TO THE COMPREHENSIVE PLAN DOCKET FOR 2021 AND PURSUANT TO RESOLUTION 491 AND RCW 36.70A

WHEREAS, the City's public participation program that was adopted with Resolution 491 outlines the process by which the City receives and dockets proposed Comprehensive Plan amendments; and

WHEREAS, the City's public participation program, GMA docketing process and the ultimate GMA process for reviewing and deciding Comprehensive Plan amendment requests are discretionary, legislative decisions involving City Council policy decisions; and

WHEREAS, on March 14, 2021 a public hearing notice was published in the *Skagit Valley Herald* providing notice of the hearing before the Mount Vernon City Council; and

WHEREAS, on March 24, 2021, the City Council held a public hearing to review proposed 2021 Comprehensive Plan Amendments and Mount Vernon Municipal Code Amendments as necessary; and

WHEREAS, at the March 24, 2021 public hearing City Council reviewed the proposed amendments to be docketed for 2021, considered the relative importance of the proposed amendments, the relationship they may have to other proposed amendments, whether or not there is need for prompt review, how long amendments have been on the docket for review, and ability of staff and Planning Commission to review the proposed amendments; and

WHEREAS, at the public hearing, the Council approved the docketing for the 2021 cycle of projects listed on the attached **Exhibit A**; and

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON AS FOLLOWS:

SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. That the City of Mount Vernon will accept for docketing and review the proposed Comprehensive Plan Amendments and Mount Vernon Municipal Code Amendments, as described in the attached **Exhibit 'A'**, incorporated herein by this reference.

Passed this 24th day of March, 2021

Signed in Authentication this 30th day of MARCH, 2021

BY: _____
Jill Boudreau, Mayor

_____
Doug Volesky, Finance Director

Approved as to form:

_____
Kevin Rogerson, City Attorney

EXHIBIT A

EXHIBIT A - DEVELOPMENT SERVICES 2021 LEGISLATIVE WORK PLAN

2021 WORK PLAN

THE FOLLOWING LEGISLATIVE WORK PROGRAM ITEMS ARE IN PRIORITY ORDER. WORK PROGRAM ITEMS NOT COMPLETED IN 2021 WILL BE MOVED TO THE 2022 WORK PROGRAM

UPDATE TO SHORELINE MANAGEMENT MASTER PLAN

BACKGROUND: The Shoreline Management Act (SMA) requires the City to review and revised/update our SMA in 2020.

REASON FOR WORK PLAN ITEM: To comply with State law.

FUNDING FOR ITEM: Department of Ecology Grant and General fund. State grant set to expire in June 2021 and it's unknown whether or not the State will extend this grant.

DELIVERABLES: Updated Shoreline Management Master Plan and amendments to MVMC Chapter 15.07, Shoreline Master Program.

BUILDING, FIRE, PROCEDURE CODE CYCLE UPDATES - COMPLETED

BACKGROUND: Chapter 19.27 RCW requires that all jurisdictions in the state adopt by reference and enforce the State Building Code as adopted by the State Building Code Council.

REASON FOR WORK PLAN ITEM: To comply with State law.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Amendments to MVMC Chapters 15.04, 15.08, and 14.05

COMPLETE UPDATES TO SIGN CODE

BACKGROUND: A comprehensive update to the City's Sign Code (MVMC Chapter 17.87) was started in 2012 but has never been completed. Portions of the Sign Code have been updated since 2012; however, the City Attorney has an on-going concern regarding portions of the Sign Code that do need a comprehensive update.

REASON FOR WORK PLAN ITEM: To ensure compliance with Federal, State, and local regulations and case law.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Updated MVMC Chapter 17.87

EXHIBIT A - DEVELOPMENT SERVICES 2021 LEGISLATIVE WORK PLAN

AFFORDABLE HOUSING WORK PLAN

BACKGROUND: Following adoption of the City's 2016 Comprehensive Plan an Affordable Housing Work Plan was created to prioritize legislative work necessary to encourage the creation of affordable housing throughout the City.

REASON FOR WORK PLAN ITEM: To continue with the adoption of regulations to encourage the creation of affordable housing.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Zoning code amendments and associated tools to allow/support:

A. Duplexes on all corner lots in SFR zoning districts.
B. Legal paperwork required to accompany developments using the Affordable Housing Code completed.

UPDATE E.D. HOVEE'S COMMERCIAL & INDUSTRIAL LAND NEEDS ANALYSIS

BACKGROUND: In September 2006 City Council adopted Resolution 727, that in turn adopted a Commercial & Industrial Land Needs Analysis by E.D. Hovee & Company, LLC. This report was subsequently adopted as part of the City's Land Use and Economic Developments of the Comprehensive Plan and is the basis for many Goals, Objectives and Policies found within the Comprehensive Plan.

REASON FOR WORK PLAN ITEM: Council wishes to evaluate Comprehensive Plan Amendments to the Land Use and Economic Development Elements, changes to Comprehensive Plan and Zoning designations, and changes to zoning regulations to allow different uses in specific C-2 and C-L zoned areas.

FUNDING FOR ITEM: General fund.

DELIVERABLE: An updated Commercial & Industrial Land Needs Analysis that Council can use in 2021 (and beyond) to amend the Comprehensive Plan and zoning regulations.

UPDATING DEVELOPMENT SERVICES AND FIRE PERMIT/LICENSE FEES

BACKGROUND: Currently collected Development Services fees pay for approximately 40% of the actual cost to process and issue the permits the Department is tasked with processing.

REASON FOR WORK PLAN ITEM: To minimize the extent that public funds subsidize work the Department completes on behalf of developers, builders, etc.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Amendments to MVMC Chapter 14.15, Fees.

Other minor amendments to the Mount Vernon Municipal Code deemed necessary that can be accomplished without impacting other 2021 work program items.

EXHIBIT A - DEVELOPMENT SERVICES 2021 LEGISLATIVE WORK PLAN

2022 AND BEYOND WORK PLAN

THE BELOW LISTED ARE NOT IN ANY PRIORITY ORDER BECAUSE THESE ITEMS ARE ANTICIPATED TO BE COMPLETED IN 2022 OR LATER

AMENDMENTS TO WIRELESS TOWERS/ANTENNAS REGULATIONS

BACKGROUND: Federal and State regulatory frameworks are rapidly changing in response to the demand for wireless services. National infrastructure is being prepared for 5G (the fifth generation wireless technology for digital cellular networks that began wide deployment in 2019); which means that the City will need to adopt regulations to respond to new Federal and State laws. The timing for this work plan item will vary; however, the City will need to rapidly respond to new regulations when necessary.

REASON FOR WORK PLAN ITEM: To comply with Federal and State laws while taking into account local circumstances and needs.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Amendments to MVMC Chapter 17.100, Wireless Telecommunications Towers and Antennas.

*** Please note that this item may need to be actioned sooner depending on federal and/or state regulations that could be adopted at any time*

AMENDMENTS TO MVMC CHAPTER 15.18, LAND CLEARING

BACKGROUND: Several developers have requested amendments to MVMC Chapter 15.18, Land Clearing. Should Council choose to place these amendments on the Department's 2020 Docket staff will commence the work necessary to amend this Chapter of the MVMC.

REASON FOR WORK PLAN ITEM: To address concerns raised by Developers.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Amended MVMC Chapter 15.18, Land Clearing

EXHIBIT A - DEVELOPMENT SERVICES 2021 LEGISLATIVE WORK PLAN

UPDATED PARK & RECREATION COMPREHENSIVE PLAN

BACKGROUND: State law requires the City's Comprehensive Plan be updated every eight years. During the last required update in 2016 the Park and Recreation Plan received minimal attention due to the scope of other update work required. This element needs to be updated to match the other elements of the plan.

REASON FOR WORK PLAN ITEM: There are projects listed in the CIP that need to be incorporated into the Comprehensive Plan; and to make this element consistent with the other elements of the Comprehensive Plan.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Updated Park and Recreation Element of the Comprehensive Plan.
** Requires Parks Director collaboration

NEW SUBAREA SURROUNDING SKAGIT COUNTY FAIRGROUNDS

BACKGROUND: In 2019 Skagit County approached the City and expressed a desire to evaluate potential future uses of their Fairgrounds property in anticipation of moving the Fairgrounds elsewhere at some point in the future. The City suggested completion of a sub-area plan as a way to analyze alternatives and allow ample public participation in vetting future uses in this area. The boundaries of the sub-area plan have not yet been defined, but could encompass Section to Blackburn (N to S) & 2ND/3RD to the River and encompassing the County Fairgrounds.

REASON FOR WORK PLAN ITEM: To complete a planning process that will evaluate and adopt plans guiding the future development of the Skagit County Fairgrounds and surrounding areas.

FUNDING FOR ITEM: Skagit County.

DELIVERABLES: A complete or nearly complete Sub-Area plan that will become part of the City's Land Use Element of the Comprehensive Plan. The final sub-area plan could be adopted in 2021 when the sub-area's associated Planned Action is anticipated to be completed.
**Funding included in County 2021 Budget

UPDATED PARK AND FIRE IMPACT FEES

BACKGROUND: The City's Park and Fire impact fees have not been updated since 1994 and are due to be updated.

REASON FOR WORK PLAN ITEM: To ensure impact fees collected are consistent with adopted Capital Facility and Capital Improvement Plans.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Amendments to MVMC Chapter 3.40 updating these impact fees.
**Requires Parks Director and Fire Chief collaboration

EXHIBIT A - DEVELOPMENT SERVICES 2021 LEGISLATIVE WORK PLAN

COMPLETE WORK REQUIRED TO BECOME A CERTIFIED LOCAL GOVERNMENT

BACKGROUND: The downtown association, Planning Commission, and Design Review Committee have expressed a desire for the City to become a Certified Local Government (CLG). CLG regulations provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the boundaries of the City and preserve and rehabilitate eligible historic properties through special valuation, a property tax incentive, as provided in Chapter 84.26 RCW.

REASON FOR WORK PLAN ITEM: To protect historic resources and create a property tax incentive for certain designated properties.

FUNDING FOR ITEM: General fund.

DELIVERABLES: Updates to MVMC Chapter 17.66

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • *PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000*
www.commerce.wa.gov

07/08/2021

Ms. Rebecca Lowell
Principal Planner
City of Mount Vernon
8405 S Main Street
Post Office Box 1248
Lyman, WA 98263

Sent Via Electronic Mail

Re: City of Mount Vernon--2021-S-2873--60-day Notice of Intent to Adopt Amendment

Dear Ms. Lowell:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under RCW 36.70A.106. We received your submittal with the following description.

Periodic Review and update of the City's Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4).

We received your submittal on 07/08/2021 and processed it with the Submittal ID 2021-S-2873. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/06/2021.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Valerie Smith, (360) 725-3062.

Sincerely,

Review Team
Growth Management Services

City of MOUNT VERNON
DEVELOPMENT SERVICES

DETERMINATION OF NON-SIGNIFICANCE

DESCRIPTION OF PROPOSED ACTION: Updates to the City's Shoreline Master Program that are applied city-wide within the identified shoreline jurisdiction of the City of Mount Vernon are proposed. City File Number: **PLAN(CA)21-0002**.

A summary of the proposed updates includes the following. The draft update documents contain the areas, maps and figures referenced below.

- References to the Community and Economic Development Department or Director have been changed to the Development Services Department or Director.

- The procedural requirements for the different types of shoreline permits are organized into one section (versus several) and clarified. No changes were made to the way shoreline permits are processed.

- The type of development not requiring a shoreline permit is cross-referenced to State law (WAC 173-27-044 and 173-37-045) and the text of the State law is removed from the SMP.

- The description of how shoreline jurisdiction is determined is elaborated upon to ensure jurisdictional areas are properly and consistently identified.

- Existing zoning and comprehensive plan designations were added to the list of factors that determine environmental designations.

- Figures 2 and 3 within the 2021 SMP map several areas being subject to shoreline jurisdiction that were not identified in the 2011 SMP. Importantly, these areas would have been subject to shoreline jurisdiction under the 2011 plan; however, they were not mapped as potentially being subject to the SMP. These areas are potentially subject to shoreline jurisdiction due to wetlands, that if present, could be associated with, influence, or be influenced by, either the Skagit River or Barney Lake.

- There are four (4) general areas where the environmental designations were updated or changed to ensure the designations were consistent with the factors listed in sub-section III(B) of the SMP (these factors are also listed in the paragraph immediately above). Descriptions of these areas and the reasons why their designations were changed are provided below. These areas are described in much greater detail in the parcel-by-parcel SMP Mapping Update Summary that is attached to this memo.

  <u>Area 1</u> (mapped on Figures 2 and 3) is located at the far north and northeast portions of the City. Following adoption of the 2011 SMP a new levee was completed along the north side of Hoag Road, east of the Burlington Northern Santa Fe railroad tracts. This new levee is identified on the SMP maps along with areas waterward of the levee, and areas 200 feet landward of the levee as subject to SMP jurisdiction. See the Mapping

Update Summary attached to this memo for the justification for the shoreline environmental designations assigned in this location.

Other areas are identified on Figures 2 and 3 as potentially being subject to shoreline jurisdiction, but only if wetlands are found on these areas that influence, or are influenced by, the Skagit River or Barney Lake. These areas were identified following a site-specific review where wetlands were found on a site that were influenced by the Skagit River; and this site was not shown as being subject to shoreline jurisdiction in the City's 2011 SMP. The accompanying Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell, contains a detailed background and analysis of this site. Once one site was identified staff had Dr. Lee complete an exercise of all nearby properties to see whether or not wetlands on these properties could influence, or be influenced by, the Skagit River or Barney Lake. These properties are shown on Figures 2 and 3 with horizontal lines through them. The justification for the environmental designations for these properties is detailed in the accompanying Mapping Update Summary. Importantly, these areas would have been subject to shoreline jurisdiction under the City's 2011 SMP; but they would have been assigned an environmental designation of Urban Conservancy until the City could update the shoreline map. This 2021 update eliminates the potential for multiple piecemeal map amendments by completing a comprehensive review and update of these areas.

Area 2 (mapped on Figure 5) consists of areas on the east and south side of the Skagit River. Following the adoption of the 2011 SMP the City completed additional portions of a floodwall and levee system that are updated on Figure 5. The newly constructed portions of the floodwall and levee slightly changed the areas subject to shoreline jurisdiction because this jurisdiction is identified as extending 200 feet landward from these areas. The environmental designations in these areas remained as Urban Conservancy on the properties owned by the City on and near the wastewater treatment plant and was kept as Urban Mixed Use on the landward side of the new floodwall and levee of the properties not owned by the City.

Area 3 (mapped on Figure 5) consists of areas waterward of the existing levee within and surrounding the City's Edgewater Park. The 2021 update modified the boundary between the Shoreline Natural and Shoreline Urban Conservancy Environmental Designations such that the Urban Conservancy designation encompasses the portions of Edgewater Park that are used by the public and actively maintained (i.e. mowed and trimmed) by the City's Park and Recreation Department. The Shoreline Urban Conservancy Environmental Designation in this area was also updated such that it extends between the Ordinary High Water Mark (OHWM) of the Skagit River to the existing levee – in the existing SMP this shoreline area is identified as extending from the OHWM but does not extend to the existing levee. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

Area 4 (mapped on Figure 5) consists of two tax parcels owned by the Mount Vernon School District that are developed as part of Washington Elementary School. The parcel

numbers are P26397 and P26391. The 2011 SMP identified the area of these parcels 200 feet landward of the existing levee designated as Shoreline Residential. Because these two parcels are developed as part of an elementary school their designation has been changed to Urban Mixed Use. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

- The following General policy has been removed from the SMP because it mirrors requirements in existing State law thereby making it unnecessary to have in the City's SMP. This policy is as follows:

  The Director of the Community Development Services Department will periodically initiate review of conditions on the shoreline and conduct appropriate analyses to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:

  a. Water quality
  b. Conservation of aquatic vegetation (e.g. control of noxious weeds and enhancement of vegetation that supports more desirable ecological functions and recreational conditions)
  c. Upland vegetation
  d. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices
  e. Shoreline stabilization and modifications

- The currently adopted version of the City's critical areas ordinance is adopted into Appendix C sans the provisions DOE requires be removed.

- The relief for shoreline restoration projects from WAC 173-27-215 is adopted by reference into the updated SMP.

- The definition of associated jurisdictional wetlands is expanded to include the definition of such found in WAC 173-22-040.

- The date of receipt of the final decision is updated to the date of filing of a final decision throughout the plan.

- A definition for Substantial Development is added to the SMP.

LOCATION: this is a non-project action that would apply city-wide.

APPLICANT & LEAD AGENCY: City of Mount Vernon, Development Services Department

The lead agency for this proposal has determined that the proposed amendments will not have a probable adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Environmental Determination Comment Process: Comments on the environmental determination must be received in writing on or before 4:30 PM **July 29, 2021** (14 days from the date of issuance). Comments received within the 14 days will be reviewed and considered by the Development Services Department. Those persons wishing to submit comments will receive a response from the Responsible Official prior to the end of the SEPA appeal period.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 4:30 PM **August 8, 2021** (10 days following the 14 day comment period).

Appeals must be filed in writing together with the required $100.00 application fee with: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department, (306) 336-6214.

CONTACT PERSON: Rebecca Lowell, Principal Planner
Development Services Department
910 Cleveland Avenue
Mount Vernon WA 98273
Telephone - 360-336-6214

The application and supporting documentation are available for review upon request. Copies will be provided upon request at the cost of reproduction. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. **PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.** Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's permit portal where the site plans, technical reports, and other pertinent information can be viewed by following these directions: navigate to: https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home once on this webpage click on the blue "GO" link under the heading "My Portal". Type in the project number identified in this notice into the search bar near the top of the screen. Click on the project number listed below the search bar when it appears.

SEPA RESPONSIBLE OFFICIAL: Rebecca Lowell, Principal Planner (signature on file)

ISSUED AND PUBLISHED: July 16, 2021

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES, SKAGIT PUD, PSE, FRONTIER, CNG AND COMCAST

SHORELINE MASTER PROGRAM PERIODIC UPDATE

HOW YOU CAN BE INVOLVED AND LEARN MORE

City of MOUNT VERNON

The State's Shoreline Management Act (90.58 RCW) contains specific rules for activities and development near the Skagit River, associated wetlands, and other regulated areas. All jurisdictions are required to update their shoreline rules according to timeframes mandated by the State. These updates are necessary to ensure the City's Shoreline Master Plan stays current with changes to state law and local plans/regulations. The City will be updating our regulations in 2021.

BEING INVOLVED & LEARNING MORE

City of MOUNT VERNON

The City invites you to provide input, engage, and learn about the City's shorelines throughout this update process.

If you would like to receive notifications when new materials are available for review and when opportunities to provide input will be, please contact us by phone or email and ask to be part of the Shoreline Master Program Periodic Update process:

- (360) 336-6214
- PermitTech@mountvernonwa.gov

Check out the new page on the City's website devoted to this update:

http://mountvernonwa.gov/1059/SMP-Update

Owner/Occupant	Address	City	State	Zip	Returns
Owner/Occupant	PO BOX 2540	ALAMEDA	CA	94501	
Owner/Occupant	PO BOX 3610	ALBANY	GA	31706	
Owner/Occupant	1004 COMMERICAL AVE BOX 567	ANACORTES	WA	98221	
Owner/Occupant	1012 17TH ST	ANACORTES	WA	98221	
Owner/Occupant	1310 11TH ST	ANACORTES	WA	98221	
Owner/Occupant	13632 SLICE ST	ANACORTES	WA	98221	
Owner/Occupant	1501 12TH ST UNIT C	ANACORTES	WA	98221	
Owner/Occupant	15193 DORIS ST	ANACORTES	WA	98221	
Owner/Occupant	2218 32ND ST	ANACORTES	WA	98221	
Owner/Occupant	3711 W 6TH ST	ANACORTES	WA	98221	
Owner/Occupant	5850 BUTTRAM LN	ANACORTES	WA	98221	
Owner/Occupant	5864 CAMPBELL LAKE RD	ANACORTES	WA	98221	Returned/ Vacant
Owner/Occupant	5889 SR 20	ANACORTES	WA	98221	
Owner/Occupant	PO BOX 1981	ANACORTES	WA	98221	
Owner/Occupant	14318 164TH ST NE	ARLINGTON	WA	98223	
Owner/Occupant	908 278TH ST NE	ARLINGTON	WA	98223	
Owner/Occupant	32229 WEYERHAEUSER WAY S	AUBURN	WA	98001	
Owner/Occupant	5810 134TH PL SE	BELLEVUE	WA	98006	
Owner/Occupant	PO BOX 97034	BELLEVUE	WA	98009	
Owner/Occupant	1006 LONE TREE COURT	BELLINGHAM	WA	98229	
Owner/Occupant	1104 12TH ST	BELLINGHAM	WA	98225	
Owner/Occupant	1375 N PARKSTONE CT	BELLINGHAM	WA	98229	
Owner/Occupant	2525 ERIE ST	BELLINGHAM	WA	98226	
Owner/Occupant	2950 NEWMARKET ST STE 101-243	BELLINGHAM	WA	98226	
Owner/Occupant	3113 MCKENZIE AVE	BELLINGHAM	WA	98225	
Owner/Occupant	3901 AIRPORT WAY	BELLINGHAM	WA	98226	
Owner/Occupant	4012 NORTHRIDGE WAY	BELLINGHAM	WA	98226	
Owner/Occupant	424 SUDDEN VALLEY DR	BELLINGHAM	WA	98229	
Owner/Occupant	505 12TH ST	BELLINGHAM	WA	98225	
Owner/Occupant	600 S STATE ST APT 404	BELLINGHAM	WA	98225	
Owner/Occupant	829 SAMISH WAY	BELLINGHAM	WA	98229	
Owner/Occupant	PO BOX 31914	BELLINGHAM	WA	98228	
Owner/Occupant	PO BOX 8042	BENTONVILLE	AR	72716	
Owner/Occupant	1360 BENNETT AVE	BLAINE	WA	98230	
Owner/Occupant	20933 37TH AVE SE	BOTHELL	WA	98021	
Owner/Occupant	12708 LEATHERWOOD LANE	BOW	WA	98232	
Owner/Occupant	17208 COOK RD	BOW	WA	98232	
Owner/Occupant	9701 SAMISH ISLAND RD	BOW	WA	98232	
Owner/Occupant	9868 WINDY RIDGE LN	BOW	WA	98232	
Owner/Occupant	PO BOX 216	BOW	WA	98232	
Owner/Occupant	11048 VIEW RIDGE DR	BURLINGTON	WA	98233	
Owner/Occupant	11857 BAY RIDGE DR	BURLINGTON	WA	98233	
Owner/Occupant	120 E GEORGE HOPPER RD NO 200	BURLINGTON	WA	98233	
Owner/Occupant	12257 BAYHILL DR	BURLINGTON	WA	98233	
Owner/Occupant	1317 S ANACORTES ST	BURLINGTON	WA	98233	
Owner/Occupant	1650 PORT DR	BURLINGTON	WA	98233	
Owner/Occupant	1777 S BURLINGTON BLVD NO 137	BURLINGTON	WA	98233	
Owner/Occupant	204 N SKAGIT ST	BURLINGTON	WA	98233	
Owner/Occupant	237 SOUTH SECTION ST	BURLINGTON	WA	98233	
Owner/Occupant	401 E MAGNOLIA AVE	BURLINGTON	WA	98233	
Owner/Occupant	611 EAST WASHINGTON AVE	BURLINGTON	WA	98233	
Owner/Occupant	810 MAGNOLIA AVE	BURLINGTON	WA	98233	
Owner/Occupant	950 S ANACORTES ST	BURLINGTON	WA	98233	
Owner/Occupant	PO BOX 1009	BURLINGTON	WA	98233	
Owner/Occupant	PO BOX 78	BURLINGTON	WA	98233	
Owner/Occupant	1077 ZEPHYR LANE	CAMANO ISLAND	wa	98282	
Owner/Occupant	801 MARTIN RD	CAMANO ISLAND	WA	98292	
Owner/Occupant	101 N TRYON ST	CHARLOTTE	NC	28255	Returned/ Vacant
Owner/Occupant	PO BOX 373	CLEARLAKE	WA	98235	Returned/ Vacant
Owner/Occupant	PO BOX 655	CONCRETE	WA	98237	
Owner/Occupant	PO BOX 586	CONWAY	WA	98238	
Owner/Occupant	PO BOX 324	CONWAY	WA	98238	
Owner/Occupant	PO BOX 553	CONWAY	WA	98238	
Owner/Occupant	PO BOX 586	CONWAY	WA	98238	
Owner/Occupant	PO BOX 594	CONWAY	WA	98238	
Owner/Occupant	PO BOX 648	CONWAY	WA	98238	
Owner/Occupant	1660 HABERSON LN	DANVILLE	KY	40422	Returned/ Vacant
Owner/Occupant	19305 OLYMPIC VIEW DR	EDMONDS	WA	98020	
Owner/Occupant	48077 HALL AVE E	EDWALL	WA	99008	
Owner/Occupant	11025 52ND AVE SE	EVERETT	WA	98208	
Owner/Occupant	2602 59TH ST SW	EVERETT	WA	98203	
Owner/Occupant	3232 OAKES AVE	EVERETT	WA	98201	
Owner/Occupant	3525 COLBY AVE STE 333	EVERETT	WA	98201	
Owner/Occupant	3709 SHORE AVE	EVERETT	WA	98203	
Owner/Occupant	802 SE EVERETT MALL WAY STE A	EVERETT	WA	98208	

Owner/Occupant	38673 SUPALE RANCH RD	FALLBROOK	CA	92028	
Owner/Occupant	916 SW 298TH ST	FEDERAL WAY	WA	98023	
Owner/Occupant	PO BOX 3270	FERNDALE	WA	98248	
Owner/Occupant	4515 PHELPS CREEK DR	HOOD RIVER	OR	97031	
Owner/Occupant	135 LAKE ST S, STE 155	KIRKLAND	WA	98033	
Owner/Occupant	12516 68TH ST NE	LAKE STEVENS	WA	98258	
Owner/Occupant	15315 B 84TH ST NE	LAKE STEVENS	WA	98258	
Owner/Occupant	18111 S TAPPS DR E	LAKE TAPPS	WA	98391	
Owner/Occupant	PO BOX 234	LAKEWOOD	WA	98259	
Owner/Occupant	6242 PARAMOUNT BLVD	LONG BEACH	CA	90805	
Owner/Occupant	1898 BAYSHORE RD	LOPEZ ISLAND	WA	98261	
Owner/Occupant	3465 FISHERMAN BAY RD	LOPEZ ISLAND	WA	98261	
Owner/Occupant	42010 MATIA VIEW	LUMMI ISLAND	WA	98262	
Owner/Occupant	16520 43RD AVE W	LYNNWOOD	WA	98037	
Owner/Occupant	7127 196TH ST SW STE 201	LYNNWOOD	WA	98036	
Owner/Occupant	1801 GROVE ST UNIT B	MARYSVILLE	WA	98270	
Owner/Occupant	8040 NE 8TH ST	MEDINA	WA	98039	
Owner/Occupant	LAKE0012	MINNEAPOLIS	MN	55406	Insufficient Address
Owner/Occupant	23704 150TH ST SE	MONROE	WA	98272	
Owner/Occupant	7550 DUNE LAKE RD SE	MOSES LAKE	WA	98837	
Owner/Occupant	1617 HOAG RD	MOUNT VENRON	WA	98273	
Owner/Occupant	1001 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1002 CLEVELAND AVE	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1003 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1003 CLEVELAND AVE STE C	MOUNT VERNON	WA	98273	
Owner/Occupant	1005 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1007 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	101 E STEWART RD	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	101 N 1ST ST	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	1010 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1010 WEST HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1011 S 1ST AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1011 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1013 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1015 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1015 W HAZEL ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1019 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	102 FRONT ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1020 MCLEAN RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1020 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1021 RIVERSIDE DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1023 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1030 EAST COLLEGE WAY	MOUNT VERNON	WA	98273	
Owner/Occupant	1030 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1041 CHESTNUT LOOP	MOUNT VERNON	WA	98274	
Owner/Occupant	108 FRONT ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	109 E STEWART ST	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	109 S FRONT ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	110 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	110 STEWART RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1100 FREEWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	110-112 N FRONT ST.	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1103 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	111 N FRONT ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	111 W STEWART ST	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	1111 CLEVELAND AVE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	1111 CLEVELAND AVE STE 203	MOUNT VERNON	WA	98273	
Owner/Occupant	1111 DIKE RD	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1111 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1115 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1117 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	112 W LAWRENCE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1124 CLEVELAND AVE	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	1129 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	113 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	114 FRONT ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	114 S BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	114 W HIGHLAND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	115 S BALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	115 W FULTON ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	115 W HIGHLAND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	117 N 1ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	117 W LAWRENCE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	118 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	119 N 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	120 N 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number

Owner/Occupant	120 S 15TH ST	MOUNT VERNON	WA	98274	
Owner/Occupant	120 S WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1200 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1201 S 1ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1201 SOUTH FIRST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1203 CROW LN	MOUNT VERNON	WA	98273	
Owner/Occupant	1204 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1204 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1205 DIKE RD	MOUNT VERNON	WA	98273	Non- Deliverable as Addressed
Owner/Occupant	1206 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1207 CLEVELAND AVE	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	1209 HARRISON AVE	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	1209 HEMLOCK PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	121 E STEWART ST	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	121 FREEWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1210 N 16TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1210 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1211 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1213 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1215 HEMLOCK PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	1215 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1219 QUENTIN AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	122 S BAKER ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	122 SOUTH BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1221 HARRISON	MOUNT VERNON	WA	98273	
Owner/Occupant	1221 HARRISON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1224 CLEVELAND AVE	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	1224 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1225 HEMLOCK PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	1225 S 11TH ST	MOUNT VERNON	WA	98274	
Owner/Occupant	1228 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1228 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1229 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1229 HARRISON	MOUNT VERNON	WA	98273	
Owner/Occupant	1229 HEMLOCK PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	1229 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	123 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	123 S BALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	123 SOUTH BALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	124 E LAWRENCE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1243 S 10TH ST	MOUNT VERNON	WA	98274	
Owner/Occupant	125 W STEWART ST	MOUNT VERNON	WA	98273	
Owner/Occupant	12742 THILLBERG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	12746 THILLBERG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	12797 THILLBERG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	130 N 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1301 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1301 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1302 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1302 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1303 SOUTH 1ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1303 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1305 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1305 VIRGINIA ST #D	MOUNT VERNON	WA	98273	
Owner/Occupant	1307 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1308 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1309 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1310 WALTER	MOUNT VERNON	WA	98273	
Owner/Occupant	1310 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1312 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1313 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1314 HARRISON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1314 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1315 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	1315 HARRISON	MOUNT VERNON	WA	98273	
Owner/Occupant	1315 HARRISON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1315 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1315 WALTER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1317 HARRISON	MOUNT VERNON	WA	98273	
Owner/Occupant	13178 THILLBERG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1319 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1320 HARRISON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1320 VIRGINIA ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1321 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	13225 FARM TO MARKET RD	MOUNT VERNON	WA	98273	
Owner/Occupant	13564 RIVERS CT	MOUNT VERNON	WA	98273	

Owner/Occupant	140 N 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1400 RIVER VIEW LN	MOUNT VERNON	WA	98273	Returned/ Vacant
Owner/Occupant	1401 BRITT RD	MOUNT VERNON	WA	98273	
Owner/Occupant	14012 RIVER BEND RD	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	14015 RIVER BEND RD	MOUNT VERNON	WA	98273	
Owner/Occupant	14015 RIVERBEND RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1405 E BERNIECE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1405 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1410 BRITT RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1411 DOUGLAS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1411 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1411 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1414 DOUGLAS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1414 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1415 DOUGLAS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1415 FREEWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1415 W HAZEL ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	1415 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1416 DOUGLAS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1417 DOUGLAS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1418 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1419 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1420 ROOSEVELT AVE STE 3	MOUNT VERNON	WA	98273	
Owner/Occupant	1425 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1426 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1431 SUNSET PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	14395 AVON ALLEN RD	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	14577 LA CONNER WHITNEY RD	MOUNT VERNON	WA	98273	
Owner/Occupant	14577 LACONNER WHITNEY RD	MOUNT VERNON	WA	98273	
Owner/Occupant	14764 JACK POT LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	14764 VALLEY VIEW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	14765 JACK POT LN	MOUNT VERNON	WA	98273	
Owner/Occupant	14786 VALLEY VIEW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	14787 VALLEY VIEW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	14806 VALLEY VIEW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	14807 VALLEY VIEW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	14808 JACK POT LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	14819 RIVER BEND RD	MOUNT VERNON	WA	98273	
Owner/Occupant	14823 VALLEY VIEW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	14827 JACK POT LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	14910 DUNBAR CT	MOUNT VERNON	WA	98273	
Owner/Occupant	1500 E COLLEGE WAY STE 562	MOUNT VERNON	WA	98273	
Owner/Occupant	1500 E COLLEGE WAY STE A PMB 277	MOUNT VERNON	WA	98273	
Owner/Occupant	1500 E COLLEGE WAY STE A PMB 473	MOUNT VERNON	WA	98273	
Owner/Occupant	1500 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1501 RIVERVIEW LANE	MOUNT VERNON	WA	98273	Returned/ Vacant
Owner/Occupant	1501 RIVERVIEW LN	MOUNT VERNON	WA	98273	
Owner/Occupant	1501 SUNSET PLACE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	1503 DOUGLAS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1505 SUNSET PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	1507 E PACIFIC	MOUNT VERNON	WA	98273	
Owner/Occupant	1507 E PACIFIC PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	1509 DOUGLAS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1509 SUNSET PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	1512 EAST PACIFIC PL	MOUNT VERNON	WA	98273	Insufficient Address - 1512 Pacific Pl
Owner/Occupant	1514 WEST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1515 BRITT RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1515 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1515 SUNSET PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	1518 PACIFIC PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	15203 BARRETT RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1523 SUNSET PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	15230 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	15230 WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	15238 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1525 BRITT RD	MOUNT VERNON	WA	98273	Non- Deliverable as Addressed
Owner/Occupant	1525 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1529 SUNSET PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	15307 BAKER HEIGHTS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	15910 ANDAL LANE	MOUNT VERNON	WA	98274	
Owner/Occupant	15962 BEAVER MARSH RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1600 BRITT RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1605 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1611 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1623 HOAG RD	MOUNT VERNON	WA	98273	

Owner/Occupant	16274 BRITT RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16288 JUNGQUIST RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16305 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16309 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16319 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16325 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16331 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16345 DIKE RD	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	16357 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16394 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16410 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16411 DIKE RD	MOUNT VERNON	WA	98274	
Owner/Occupant	16414 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16419 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16422 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16450 DIKE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	16498 FIR ISLAND RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1700 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1701 SANDALWOOD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1702 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1704 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1704 W MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1705 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1705 SANDALWOOD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	17059 KOKANEE COURT	MOUNT VERNON	WA	98274	
Owner/Occupant	1706 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1708 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1709 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1710 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1711 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1711 SANDALWOOD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	1712 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1713 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	1714 MEADOW DR	MOUNT VERNON	WA	98273	
Owner/Occupant	17145 AVON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	17174 THEODORSON LN	MOUNT VERNON	WA	98273	
Owner/Occupant	17189 COHO CT	MOUNT VERNON	WA	98273	
Owner/Occupant	17208 BRADSHAW RD	MOUNT VERNON	WA	98273	
Owner/Occupant	17243 GARDEN RIDGE LN	MOUNT VERNON	WA	98274	
Owner/Occupant	1725 HOAG RD	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	17278 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17307 DUNBAR RD	MOUNT VERNON	WA	98273	
Owner/Occupant	17311 STATE ROUTE 536	MOUNT VERNON	WA	98273	Non- Deliverable as Addressed
Owner/Occupant	17370 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17406 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17431 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17432 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17495 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17506 STATE ROUTE 536	MOUNT VERNON	WA	98273	Non- Deliverable as Addressed
Owner/Occupant	17530 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17587 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17621 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	17625 STATE ROUTE 536	MOUNT VERNON	WA	98273	Non- Deliverable as Addressed
Owner/Occupant	1800 CONTINENTAL PL	MOUNT VERNON	WA	98273	
Owner/Occupant	18019 BRADSHAW RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1810 E DIVISION ST APT 239	MOUNT VERNON	WA	98273	
Owner/Occupant	1821 WINDSOR DR	MOUNT VERNON	WA	98273	
Owner/Occupant	18318 PERIWINKLE LN	MOUNT VERNON	WA	98274	
Owner/Occupant	18380 HICKOX RD	MOUNT VERNON	WA	98273	
Owner/Occupant	18414 DUNBAR RD	MOUNT VERNON	WA	98273	
Owner/Occupant	18417 BURKLAND RD	MOUNT VERNON	WA	98274	
Owner/Occupant	1901 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	1913 PACIFIC PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	19570 SMILEY DR	MOUNT VERNON	WA	98274	
Owner/Occupant	19674 W RIDGE LANE	MOUNT VERNON	WA	98274	
Owner/Occupant	19682 ANDERSON RD	MOUNT VERNON	WA	98274	
Owner/Occupant	19696 LANDING RD	MOUNT VERNON	WA	98273	
Owner/Occupant	200 STEWART RD	MOUNT VERNON	WA	98273	Non- Deliverable as Addressed
Owner/Occupant	201 N 10TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	201 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	201 W LAWRENCE ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	202 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	202 S 1ST	MOUNT VERNON	WA	98273	
Owner/Occupant	202 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	202 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	202 W LAWRENCE	MOUNT VERNON	WA	98273	Insufficient Address

Owner/Occupant	202-206 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	203 N 5TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	203 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	20391 OLEARY RD	MOUNT VERNON	WA	98273	
Owner/Occupant	20479 COMET LANE	MOUNT VERNON	WA	98274	
Owner/Occupant	205 N 8TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	205 S BALL ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	205 W FIR ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	205 W HIGHLAND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	205 W KINCAID ST	MOUNT VERNON	WA	98273	
Owner/Occupant	205 W STEWART ST	MOUNT VERNON	WA	98273	
Owner/Occupant	206 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	206 SOUTH BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	206 W HIGHLAND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	207 W LAWRENCE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	207 W LAWRENCE ST APT C	MOUNT VERNON	WA	98273	
Owner/Occupant	20765 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	208 KINCAID	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	20814 HERMWAY HEIGHTS RD	MOUNT VERNON	WA	98274	
Owner/Occupant	20849 CASCADE RIDGE DR	MOUNT VERNON	WA	98274	
Owner/Occupant	20867 LAKE SIXTEEN RD	MOUNT VERNON	WA	98274	Returned
Owner/Occupant	20933 LAKE SIXTEEN RD	MOUNT VERNON	WA	98274	
Owner/Occupant	210 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2108 S 15TH ST	MOUNT VERNON	WA	98274	
Owner/Occupant	211 N 1ST ST	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	214 S WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	215 BRDWAY	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	215 RIVERBEND RD	MOUNT VERNON	WA	98273	
Owner/Occupant	215 S 1ST	MOUNT VERNON	WA	98273	
Owner/Occupant	215 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	215 S RIVERBEND RD	MOUNT VERNON	WA	98273	
Owner/Occupant	215 W BAKER ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	216 S BALL ST	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	217 N FRONT ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	217 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	218 S 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	219 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	219 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	220 MYRTLE ST	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	2201 MONICA DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2209 MONICA DR	MOUNT VERNON	WA	98273	
Owner/Occupant	221 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	221 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	221 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	221 SOUTH BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2215 MONICA DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2219 MONICA DR	MOUNT VERNON	WA	98273	
Owner/Occupant	222 N BAKER	MOUNT VERNON	WA	98273	
Owner/Occupant	222 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2228 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	223 S BAKER ST	MOUNT VERNON	WA	98273	Returned/ Vacant
Owner/Occupant	223-225 S 1ST ST	MOUNT VERNON	WA	98273	Returned/ Vacant - 223 S 1st St #225
Owner/Occupant	22331 SHADY LN	MOUNT VERNON	WA	98274	
Owner/Occupant	224 MAPLE LN	MOUNT VERNON	WA	98273	
Owner/Occupant	224 STEWART RD	MOUNT VERNON	WA	98273	
Owner/Occupant	22666 GUNDERSON RD	MOUNT VERNON	WA	98273	
Owner/Occupant	227 N 4TH ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	227 N 4TH ST STE 201	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	230 MAPLE LN	MOUNT VERNON	WA	98273	
Owner/Occupant	2300 MARKET ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2301 CONTINENTAL PL	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2301 FREEWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2301 MARKET ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2303 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2305 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2306 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2306 NORTH 18TH PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2306 WOODRIDGE AV	MOUNT VERNON	WA	98273	
Owner/Occupant	2306 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2307 E MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2307 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2307 N 18TH PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2307 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2308 HORIZON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2308 HORIZONS ST	MOUNT VERNON	WA	98273	

Owner/Occupant	2308 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2310 WOODRIDGE AV	MOUNT VERNON	WA	98273	
Owner/Occupant	2310 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2312 HORIZON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2312 HORIZONS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2313 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2314 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	23172 LANYARD LANE	MOUNT VERNON	WA	98274	
Owner/Occupant	2319 19TH PL N	MOUNT VERNON	WA	98273	
Owner/Occupant	2319 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2319 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2319 WOODRIDGE AV	MOUNT VERNON	WA	98273	
Owner/Occupant	2319 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2320 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2320 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2323 LINDEGREN RD	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	2323 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2324 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2324 NORTH 19TH PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2325 N 20TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2325 NORTH 20TH PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2325 URBAN AVE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2329 MARKET ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2330 E PARKWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2330 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2330 FREEWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2331 W PARKWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2331 WEST PARKWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2340 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	23871 NOOKACHAMP HILLS DR	MOUNT VERNON	WA	98274	
Owner/Occupant	2400 E PARKWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2400 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2400 RIVERSIDE DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2401 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2401 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2401 W PARKWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	2401 WOODRIDGE AV	MOUNT VERNON	WA	98273	
Owner/Occupant	2401 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2402 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2402 HORIZON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2402 HORIZONS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2402 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2404 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2405 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2407 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2407 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2407 N 20TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2407 WOODRIDGE AV	MOUNT VERNON	WA	98273	
Owner/Occupant	2407 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2408 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2408 HORIZONS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2408 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2409 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2410 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2412 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2412 N 19TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2413 HORIZONS ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2413 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2413 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2413 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2414 HORIZONS ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2414 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2414 NORTH 18TH PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2415 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2416 E MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2416 EAST MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2418 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2419 N 19TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2419 N 20TH PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2419 N 20TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2419 NORTH 19TH PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2419 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2420 E MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2420 HORIZONS AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2420 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2420 NORTH 18TH PLACE	MOUNT VERNON	WA	98273	

Owner/Occupant	2420 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2421 HORIZONS ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2421 N 18TH PL	MOUNT VERNON	WA	98273	
Owner/Occupant	2421 WOODRIDGE AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	2422 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2423 E MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2424 E MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2424 EAST MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2425 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2426 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2429 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	2430 W MEADOW BLVD	MOUNT VERNON	WA	98273	
Owner/Occupant	250 N FRONT ST	MOUNT VERNON	WA	98273	
Owner/Occupant	2500 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2501 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2501 RIVER VISTA COURT	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2503 RIVER VISTA PLACE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2503A RIVER VISTA PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2505 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2507 RIVER VISTA PLACE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2507 RIVER VISTA PLACE UNIT B	MOUNT VERNON	WA	98273	
Owner/Occupant	2509 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2511 RIVER VISTA PLACE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2511 RIVER VISTA PLACE UNIT B	MOUNT VERNON	WA	98273	
Owner/Occupant	2511A RIVER VISTA PLACE	MOUNT VERNON	WA	98273	
Owner/Occupant	2513 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2515 RIVER VISTA COURT	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2515 RIVER VISTA COURT NO A	MOUNT VERNON	WA	98273	
Owner/Occupant	2515 RIVER VISTA CT NO C	MOUNT VERNON	WA	98273	
Owner/Occupant	2516 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2517 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2519 RIVER VISTA COURT	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2519 RIVER VISTA COURT UNIT A	MOUNT VERNON	WA	98273	
Owner/Occupant	2519 RIVER VISTA CT	MOUNT VERNON	WA	98273	
Owner/Occupant	2521 A RIVER VISTA COURT	MOUNT VERNON	WA	98273	
Owner/Occupant	2521 B RIVER VISTA COURT	MOUNT VERNON	WA	98273	
Owner/Occupant	2521 RIVER VISTA COURT	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2524 FRANCIS RD	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	2529 LAVENTURE	MOUNT VERNON	WA	98273	
Owner/Occupant	2529 N LAVENTURE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2541 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2564 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2601 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2601 RUFOUS LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	2603 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2604 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2605 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2605 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2605 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2606 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2606 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2606 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2607 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2607 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2608 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2609 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2609 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2609 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2610 E SECTION ST UNIT 103	MOUNT VERNON	WA	98274	
Owner/Occupant	2610 RIVER VISTA LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	2611 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2611 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2612 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2612 RIVER VISTA LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	2613 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2614 A RIVER VISTA LN #34A	MOUNT VERNON	WA	98273	
Owner/Occupant	2614 RIVER VISTA LANE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2614 RIVER VISTA LN SP 34B	MOUNT VERNON	WA	98273	
Owner/Occupant	2615 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2615 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2616 RIVER VISTA LANE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	2616 RIVER VISTA LANE UNIT A	MOUNT VERNON	WA	98273	
Owner/Occupant	2616 RIVER VISTA LN UNIT B	MOUNT VERNON	WA	98273	
Owner/Occupant	2617 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2617 RUFOUS LANE	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	2619 N LAVENTURE RD	MOUNT VERNON	WA	98273	

Owner/Occupant	2625 LAVENTURE	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	2701 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2702 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2703 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2704 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2705 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2706 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2707 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2708 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2709 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2711 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2715 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2717 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2718 RIVER VISTA LOOP	MOUNT VERNON	WA	98273	
Owner/Occupant	2724 N LAVENTURE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2726 N LAVENTURE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	2727 LAVENTURE RD	MOUNT VERNON	WA	98273	
Owner/Occupant	300 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	300 S 1ST ST STE 208	MOUNT VERNON	WA	98273	
Owner/Occupant	3004 PINE CREEK DR	MOUNT VERNON	WA	98273	
Owner/Occupant	301 W WASHINGTON ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	3017 ERIKA LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	302 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	303 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	303 NORTH 4TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	303 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	304 N BALL ST	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	3044 PINE CREEK DR	MOUNT VERNON	WA	98273	
Owner/Occupant	305 FREEWAY DR	MOUNT VERNON	WA	98273	
Owner/Occupant	305 W KINCAID ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	305 W STEWART RD	MOUNT VERNON	WA	98273	
Owner/Occupant	305-307 S MAIN ST	MOUNT VERNON	WA	98273	Returned/ No Such Number - 305 Main St #307
Owner/Occupant	306 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	307 N 4TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	307 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	308 MAPLE LN	MOUNT VERNON	WA	98273	
Owner/Occupant	308 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	308 S GATES ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	308 W GATES ST	MOUNT VERNON	WA	98273	
Owner/Occupant	309 MILWAUKEE	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	309 PINE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	310 MYRTLE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	310 N BALL ST	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	3100 N 30TH ST BOX 2	MOUNT VERNON	WA	98273	
Owner/Occupant	3100 N 30TH ST UNIT 2	MOUNT VERNON	WA	98273	
Owner/Occupant	311 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	311 PINE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	311 S BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	3111 CHEROKEE LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	3113 ERIKA LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	312 MILWAUKEE ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	312 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	314 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	314 PINE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	314 PINE ST STE 208	MOUNT VERNON	WA	98273	
Owner/Occupant	315 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	315 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	315 N FRONT ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	315 NORTH BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	315 RIVERBEND RD	MOUNT VERNON	WA	98273	
Owner/Occupant	315 S MAIN ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	315 SNOQUALMIE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	316 N BARKER ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	317 MCCORMICK LN	MOUNT VERNON	WA	98273	
Owner/Occupant	317 N 4TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	317 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	317 S 2ND ST STE 116	MOUNT VERNON	WA	98273	
Owner/Occupant	317 SOUTH SECOND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	318 MCCORMACK LN	MOUNT VERNON	WA	98273	
Owner/Occupant	318 MCCORMICK LN	MOUNT VERNON	WA	98273	
Owner/Occupant	319 N 3RD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	319 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	319 S MAIN ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	320 KINCAID	MOUNT VERNON	WA	98273	
Owner/Occupant	320 MILWAUKEE	MOUNT VERNON	WA	98273	Returned

Owner/Occupant	320 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	320 S 1ST	MOUNT VERNON	WA	98273	
Owner/Occupant	320 S 1ST ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	321 E LAWRENCE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	321 NORTH 4TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	322 S BAKER ST	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	324 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	324 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	3240 E COLLEGE WAY	MOUNT VERNON	WA	98273	
Owner/Occupant	325 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	325 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	326 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	329 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	330 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	3309 ERIKA LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	3309 ERIKA LN	MOUNT VERNON	WA	98273	
Owner/Occupant	3310 APACHE DR	MOUNT VERNON	WA	98273	
Owner/Occupant	334 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	335 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	336 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	3400 E FIR ST	MOUNT VERNON	WA	98273	
Owner/Occupant	341 WEST MONTGOMERY ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	3420 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	3449 FRANCIS RD	MOUNT VERNON	WA	98273	Returned/ Vacant
Owner/Occupant	3475A E DIVISION ST	MOUNT VERNON	WA	98274	
Owner/Occupant	3733 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	3789 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	3796 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	3797 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	3800 FRANCIS RD	MOUNT VERNON	WA	98273	
Owner/Occupant	3801 FRANCIS RD	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	3973 FRANCIS RD	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	400 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	400 WEST FIR ST	MOUNT VERNON	WA	98273	
Owner/Occupant	401 DIVISION	MOUNT VERNON	WA	98273	Returned/ No Such Number - 401 E Division St
Owner/Occupant	401 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	401 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	401 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	401 S FIRST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	401-405 S MAIN ST	MOUNT VERNON	WA	98273	Returned/ No Such Number - 401 Main St #405
Owner/Occupant	402 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	402 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	402 NORTH WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	402 S MAIN ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	403 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	403 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	403 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	404 N WALL	MOUNT VERNON	WA	98273	
Owner/Occupant	405 HOAG RD	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	405 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	405 NORTH BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	405 S 1ST ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	405 W FIR ST	MOUNT VERNON	WA	98273	
Owner/Occupant	406-410 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	407 HOAG RD	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	407 MILWAUKEE	MOUNT VERNON	WA	98273	
Owner/Occupant	407 PINE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	407 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	407 S FIRST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	408 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	408 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	409 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	409 NORTH BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	409-411 S MAIN ST	MOUNT VERNON	WA	98273	Returned/ No Such Number - 409 Main St #411
Owner/Occupant	410 GATES ST	MOUNT VERNON	WA	98273	
Owner/Occupant	410-412 MYRTLE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	411 S 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	412 LILAC DR	MOUNT VERNON	WA	98273	
Owner/Occupant	412 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	412 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	412 NORTH 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	412 SNOQUALMIE	MOUNT VERNON	WA	98273	
Owner/Occupant	412-416 S 1ST ST	MOUNT VERNON	WA	98273	

Owner/Occupant	413 E HIGHLAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	413 GATES ST	MOUNT VERNON	WA	98273	
Owner/Occupant	413 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	414 PARK	MOUNT VERNON	WA	98273	
Owner/Occupant	414 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	414 SNOQUALMIE ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	415 MILWAUKEE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	415 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	415 PINE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	415 S 1ST	MOUNT VERNON	WA	98273	
Owner/Occupant	415-419 GATES ST	MOUNT VERNON	WA	98273	Returned/ No Such Number - 415 W Gates St #419
Owner/Occupant	416 GATES ST	MOUNT VERNON	WA	98273	
Owner/Occupant	416 MYRTLE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	416 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	418 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	418 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	419 MILWAUKEE ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	419 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	419 S 1ST ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	419 S 2ND ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	420 GATES ST	MOUNT VERNON	WA	98273	
Owner/Occupant	420 MILWAUKEE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	420 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	420 S 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	420 S 6TH ST	MOUNT VERNON	WA	98274	
Owner/Occupant	421 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	422 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	428 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	4615 MONTE VISTA DR	MOUNT VERNON	WA	98273	
Owner/Occupant	500 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	500 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	500 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	500 NORTH BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	500 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	500 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	500 W SECTION ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	501 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	501 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	501 NORTH BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	501 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	501*1-3 N 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number - 5011-3 N 1st St
Owner/Occupant	501-503 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	503 W FIR ST	MOUNT VERNON	WA	98273	
Owner/Occupant	503 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	503 WEST FIR ST	MOUNT VERNON	WA	98273	
Owner/Occupant	504 N 1ST	MOUNT VERNON	WA	98273	
Owner/Occupant	504 N WALL	MOUNT VERNON	WA	98273	
Owner/Occupant	504 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	504 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	504 W DIVISION	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	505 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	505 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	506 MAIN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	506 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	506 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	506 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	506 S MAIN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	507 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	508 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	508 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	508 W LINCOLN ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	509 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	509 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	509 S MAIN ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	51 ALDER LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	51 ALDER LN	MOUNT VERNON	WA	98273	
Owner/Occupant	510 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	510 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	511 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	511 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	511 NORTH BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	511 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	511 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	511 SECTION ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	512 MAIN ST	MOUNT VERNON	WA	98273	

Owner/Occupant	512 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	512 S MAIN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	513 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	513 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	514 N WALL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	514 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	515 N BAKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	515 PACIFIC PLACE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	515 PACIFIC PLACE UNIT 3	MOUNT VERNON	WA	98273	
Owner/Occupant	515 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	515-517 S 1ST ST	MOUNT VERNON	WA	98273	Returned - 515 S 1st St #517
Owner/Occupant	516 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	516 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	517 N 1ST ST	MOUNT VERNON	WA	98273	Returned/ Vacant
Owner/Occupant	519 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	519 SOUTH 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	520 E HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	520 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	520 NORTH 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	520 S MAIN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	521 SOUTH SECOND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	522 S 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	525 HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	525 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	525 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	527 NORTH BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	530 N 16TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	531 NORTH BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	600 S 1ST ST	MOUNT VERNON	WA	98273	Returned/ Vacant
Owner/Occupant	600 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601 HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	601 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601 NORTH BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601 S FIRST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601 S SECOND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601 WEST DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	601-607 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	602 LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	602 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	602 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	603 LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	603 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	603 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	603 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	605 COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	605 W COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	606 LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	606 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	606 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	606-612 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	607 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	607 PEDERSEN PL	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	607 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	607 W COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	607B SOUTH FIRST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	608 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	609 & 611 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	609 N BARKER ST	MOUNT VERNON	WA	98273	
Owner/Occupant	609 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	609-613 S 2ND ST	MOUNT VERNON	WA	98273	Returned - 609 S 2nd St #613
Owner/Occupant	609A S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	610 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	611 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	611 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	612 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	612 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	613 & 615 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	613 WEST DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	614 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	615 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	615 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	615 WEST DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	616 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	616 S 1ST ST	MOUNT VERNON	WA	98273	

Owner/Occupant	617 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	617 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	618 HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	618 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	619 HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	619 S 1ST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	619 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	619 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	620 E HOAG RD	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	620 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	620 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	621 PARK ST	MOUNT VERNON	WA	98273	
Owner/Occupant	621 W DIVISION	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	628 W DIVISION ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	69 ALDER LN	MOUNT VERNON	WA	98273	
Owner/Occupant	700 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	700 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	700 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	701 HOAG RD	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	701 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	701 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	701 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	701 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	702 MAIN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	702 S MAIN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	702 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	704 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	704 N 1ST ST UNIT AB	MOUNT VERNON	WA	98273	
Owner/Occupant	704 W DIVISION	MOUNT VERNON	WA	98273	
Owner/Occupant	704 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	705 BEHRENS MILLETT RD	MOUNT VERNON	WA	98273	
Owner/Occupant	705 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	707 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	707 W LINCLON ST	MOUNT VERNON	WA	98273	
Owner/Occupant	707 W LINCOLN	MOUNT VERNON	WA	98273	
Owner/Occupant	708 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	708 N FIRST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	709 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	709-711 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	710 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	710 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	712 LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	712 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	712 N FIRST	MOUNT VERNON	WA	98273	
Owner/Occupant	712 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	712 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	714 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	715 COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	715 W COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	715 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	715 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	715 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	716 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	717 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	717 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	718 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	718 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	720 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	720 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	720 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	720 WEST GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	721 COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	721 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	721 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	721 NORTH 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	721 W COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	725 HAZEL ST	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	725 N 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	725 S 1ST ST	MOUNT VERNON	WA	98273	
Owner/Occupant	725.5 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	726 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	729 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	73 ALDER LN	MOUNT VERNON	WA	98273	
Owner/Occupant	74 WILLOW LN	MOUNT VERNON	WA	98273	
Owner/Occupant	78 WILLOW LN	MOUNT VERNON	WA	98273	
Owner/Occupant	79 ALDER LANE	MOUNT VERNON	WA	98273	

Owner/Occupant	79 ALDER LN	MOUNT VERNON	WA	98273	
Owner/Occupant	800 HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	800 N FREEWAY DR	MOUNT VERNON	WA	98273	No Such Number
Owner/Occupant	800 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	800 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	800 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	800 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	801 GARFIELD	MOUNT VERNON	WA	98273	
Owner/Occupant	801 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	801 LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	801 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	803 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	803 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	804 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	805 W DIVISION ST	MOUNT VERNON	WA	98273	
Owner/Occupant	807 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	809 LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	809 W COSGROVE ST	MOUNT VERNON	WA	98273	
Owner/Occupant	809 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	810 E HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	810 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	811 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	811 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	813 S FIRST ST	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	814 W HAZEL ST	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	814 W LINCOLN ST	MOUNT VERNON	WA	98273	
Owner/Occupant	815 CLEVELAND AVE	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	815 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	815 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	818 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	818 WEST HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	819 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	819 WEST HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	820 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	820 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	820 S 2ND ST	MOUNT VERNON	WA	98273	
Owner/Occupant	821 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	821 W GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	823 N 4TH ST	MOUNT VERNON	WA	98273	
Owner/Occupant	823 S 3RD ST	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	824 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	825 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	825 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	826 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	827 DUNBAR RD	MOUNT VERNON	WA	98273	
Owner/Occupant	827 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	828 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	830 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	834 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	84 WILLOW LN	MOUNT VERNON	WA	98273	
Owner/Occupant	88 WILLOW LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	900 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	901 S CLEVELAND	MOUNT VERNON	WA	98273	
Owner/Occupant	901 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	901 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	902 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	903 HOAG RD	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	904 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	904 N WAUGH RD	MOUNT VERNON	WA	98274	
Owner/Occupant	905 S 3RD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	907 VERA COURT	MOUNT VERNON	WA	98273	
Owner/Occupant	908 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	909 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	91 ALDER LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	91 ALDER LN	MOUNT VERNON	WA	98273	
Owner/Occupant	910 CLEVELAND AVE	MOUNT VERNON	WA	98273	
Owner/Occupant	910 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	911 HOAG RD	MOUNT VERNON	WA	98273	
Owner/Occupant	914 W HAZEL	MOUNT VERNON	WA	98273	
Owner/Occupant	914 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	916 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	916 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	917 HOAG RD	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	917 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	919 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	920 S 2ND ST	MOUNT VERNON	WA	98273	

Owner/Occupant	921 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	922 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	923 HOAG RD	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	924 GARFIELD ST	MOUNT VERNON	WA	98273	
Owner/Occupant	924 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	924 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	925 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	928 W HAZEL ST	MOUNT VERNON	WA	98273	
Owner/Occupant	929 HOAG RD	MOUNT VERNON	WA	98273	Returned/ No Such Number
Owner/Occupant	93 ALDER LN	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	93 WILLOW LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	932 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	933 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	94 WILLOW LN	MOUNT VERNON	WA	98273	
Owner/Occupant	940 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	941 SUMMERLYND LANE	MOUNT VERNON	WA	98273	
Owner/Occupant	97 ALDER LN	MOUNT VERNON	WA	98273	Returned
Owner/Occupant	99 WILLOW LN	MOUNT VERNON	WA	98273	
Owner/Occupant	P O BOX 2926	MOUNT VERNON	WA	98273	
Owner/Occupant	PMB 328	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	PMB 577	MOUNT VERNON	WA	98273	Insufficient Address
Owner/Occupant	PO BOX 2926	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1010	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1127	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1167	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1203	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1342	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1375	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1436	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 144	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1923	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1933	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 1946	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2011	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2251	MOUNT VERNON	WA	98273	Non-Deliverable as Addressed
Owner/Occupant	PO BOX 2297	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2444	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2452	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2597	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2614	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2788	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2816	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2926	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 2962	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 487	MOUNT VERNON	WA	98273	
Owner/Occupant	PO BOX 699	MOUNT VERNON	WA	98273	
Owner/Occupant	17737 STATE ROUTE 536	MOUNT VERNON	WA	98273	
Owner/Occupant	14944 DUNBAR CT	MOUNT VERNON	WA	98273	
Owner/Occupant	20416 E STACKPOLE RD	MT VERNON	WA	98274	
Owner/Occupant	2305 N 18TH PLACE	MT VERNON	WA	98273	
Owner/Occupant	262 CENTRAL PARK WEST UNIT 6B	NEW YORK	NY	10024	
Owner/Occupant	PO BOX 1050	NORTH BEND	WA	98045	
Owner/Occupant	1900 SW 16TH AVE	OAK HARBOR	WA	98277	
Owner/Occupant	600 N CAPITOL WAY	OLYMPIA	WA	98501	
Owner/Occupant	6402 TROON LN SE	OLYMPIA	WA	98501	
Owner/Occupant	8049 SOMERSET BLVD	PARAMOUNT	CA	90723	
Owner/Occupant	9202 176TH ST E APT 97	PUYALLUP	WA	98375	
Owner/Occupant	PO BOX 673	RAVENSDALE	WA	98051	
Owner/Occupant	17351 NE 70TH ST	REDMOND	WA	98052	
Owner/Occupant	18105 NE 23RD ST	REDMOND	WA	98052	
Owner/Occupant	3940 MEADOW AVE N	RENTON	WA	98056	
Owner/Occupant	195 SOUTH 15TH ST	SAINT HELENS	RI	97051	
Owner/Occupant	1804 MCKEE ST UNIT B5	SAN DIEGO	CA	92110	
Owner/Occupant	PO BOX 303	SEAHURST	WA	98062	
Owner/Occupant	100 23RD AVE S	SEATTLE	WA	98144	
Owner/Occupant	11435 80TH PL S	SEATTLE	WA	98178	
Owner/Occupant	18940 11TH NE	SEATTLE	WA	98155	
Owner/Occupant	2151 N NORTHLAKE WAY STE 200	SEATTLE	WA	98103	
Owner/Occupant	2342 22ND AVE S	SEATTLE	WA	98144	
Owner/Occupant	2479 PERKINS LN W	SEATTLE	WA	98199	
Owner/Occupant	4111 EAST MADISON ST UNIT 490	SEATTLE	WA	98112	
Owner/Occupant	PO BOX 330310	SEATTLE	WA	98133	
Owner/Occupant	135 EAST STATE ST	SEDRO WOOLLEY	WA	98284	
Owner/Occupant	19808 PARSON CREEK RD	SEDRO WOOLLEY	WA	98284	
Owner/Occupant	20799 HARTRY LN	SEDRO WOOLLEY	WA	98284	
Owner/Occupant	21265 PLAZA DR	SEDRO WOOLLEY	WA	98284	

Owner/Occupant	29727 LYMAN HAMILTON HWY	SEDRO WOOLLEY	WA	98284	
Owner/Occupant	9426 PIERCE LANE	SEDRO WOOLLEY	WA	98284	
Owner/Occupant	P O BOX 619	SEDRO WOOLLEY	WA	98284	
Owner/Occupant	4311 BLANK RD	SEDRO WOOLLEY	WA	98284	
Owner/Occupant	20237 ECHO HILL RD	SEDRO-WOOLLEY	WA	98284	
Owner/Occupant	1361 NW ROCKFORD CIR	SILVERDALE	WA	98383	
Owner/Occupant	7522 188TH ST SE	SNOHOMISH	WA	98296	
Owner/Occupant	110 S FERRALL ST	SPOKANE	WA	99202	
Owner/Occupant	1010 SILVER SPRINGS WAY	STANWOOD	WA	98292	
Owner/Occupant	31110 33RD DR NW	STANWOOD	WA	98292	
Owner/Occupant	PO BOX 1078	STANWOOD	WA	98292	
Owner/Occupant	26612 LAKESIDE	SUN LAKES	AZ	85248	
Owner/Occupant	3303 RIDGEWOOD PATH	THE VILLAGES	FL	32163	
Owner/Occupant	13821 CORNFLOWER CT	WELLINGTON	FL	33414	
Owner/Occupant	15621 BEACH BLVD	WESTMINSTER	CA	92683	
Owner/Occupant	PO BOX 615	WESTPORT	WA	98595	
Owner/Occupant	PO BOX 2324	WOODINVILLE	WA	98072	
City of Mount Vernon, Development Services Department	910 Cleveland Ave	Mount Vernon	WA	98273	
The Watershed Company, Attn: Leila Willoughby-Oakes	750 6th St S	Kirkland	WA	98033	
WA Department of Ecology, Attn: Lauren Bromley	4601 N. Monroe Street	Spokane	WA	99205	

Owner/Occupant	Address	City	State	Zip	Returns
Owner/Occupant	14112 TRITES ROAD	SURREY	BC	V3X 3E8	
Owner/Occupant	3740 SWAN RD	Mount Vernon	WA	98273	
Owner/Occupant	3100 N 30TH ST BOX 2	Mount Vernon	WA	98273	
Owner/Occupant	3315 VILLAGE COURT	Mount Vernon	WA	98273	
Owner/Occupant	3272 VILLAGE COURT	Mount Vernon	WA	98273	
Owner/Occupant	3265 VILLAGE COURT	Mount Vernon	WA	98273	
Owner/Occupant	3300 VILLAGE COURT	Mount Vernon	WA	98273	
Owner/Occupant	3100 N 30TH ST	Mount Vernon	WA	98273	
Owner/Occupant	3121 ARBOR STREET	Mount Vernon	WA	98273	
Owner/Occupant	2383 ORIOLE ST	Oak Harbor	WA	98277	
Owner/Occupant	3125 ARBOR STREET	Mount Vernon	WA	98273	
Owner/Occupant	3127 ARBOR STREET	Mount Vernon	WA	98273	
Owner/Occupant	24337 WALKER VALLEY RD	Mount Vernon	WA	98274	
Owner/Occupant	3129 ARBOR ST	Mount Vernon	WA	98273	
Owner/Occupant	3201 ARBOR STREET	Mount Vernon	WA	98273	
Owner/Occupant	3205 ARBOR STREET	Mount Vernon	WA	98273	
Owner/Occupant	3209 ARBOR STREET	Mount Vernon	WA	98273	
Owner/Occupant	3211 ARBOR STREET	Mount Vernon	WA	98273	
Owner/Occupant	2609 N 34TH PL	Mount Vernon	WA	98273	
Owner/Occupant	2617 34TH PL N	Mount Vernon	WA	98273	
Owner/Occupant	2618 N 34TH PL	Mount Vernon	WA	98273	
Owner/Occupant	2610 N 34TH PL	Mount Vernon	WA	98273	
Owner/Occupant	2322 NORTH MARTIN ROAD	Mount Vernon	WA	98273	
Owner/Occupant	PO BOX 1017	Mount Vernon	WA	98273	
Owner/Occupant	124 E Lawrence	Mount Vernon	WA	98273	

AGENCY	NAME	EMAIL
Washington State Department of Ecology	Lauren Bromley	labr461@ecy.wa.gov;
	Chad Yunge	cyun461@ecy.wa.gov;
	David Radabaugh	drad461@ecy.wa.gov;
	NA	sepaunit@ecy.wa.gov;
Washington State Department of Fish and Wildlife	NA	SEPAdesk@dfw.wa.gov;
	Wendy Cole	Wendy.cole@dfw.wa.gov;
	Robert Warinner	Robert.warinner@dfw.wa.gov;
Washington State Department of Commerce	NA	reviewteam@commerce.wa.gov;
Washington State Department of Natural Resources	NA	sepacenter@dnr.wa.gov;
Washington State Department of Transportation	Roland Storme	roland.storme@wsdot.wa.gov;
	Jay Drye	DryeJ@wsdot.wa.gov;
	Todd Carlson	CarlsoT@wsdot.wa.gov
Northwest Clear Air Authority		Agatam@nwcleanairwa.gov;
U.S. Army Corps of Engineers	Ronald Wilcox	Ronald.j.wilcox@usace.army.mil;
	Matthew Bennett	Matthew.J.Bennett@usace.army.mil;
Skagit County (Planning and Development Services)	Hal Hart	hhart@co.skagit.wa.us;
	Betsy Stevenson	betsyds@co.skagit.wa.us;
	NA	pds@co.skagit.wa.us;
Skagit County Public Works	Dan Berentson	pw@co.skagit.wa.us;
Skagit County Assessor		assessor@co.skagit.wa.us
Skagit Council of Governments	Kevin Murphy	kevinm@scog.net;
Skagit Transit		iwatson@skagittransit.org;
Skagit Conservation District		skagitcd@skagitcd.org;
DAHP	NA	sepa@dahp.wa.gov;
Skagit Fisheries Enhancement Group		sfeg@skagitfisheries.org;
Dike District 1	Jason Vanderkooy	jasonvkooy@gmail.com;
Dike District 3	Dave Olson	djolson27@gmail.com
Dike District 17	Daryl Hamburg	dhamburgs@msn.com;
Dike District 20	Fred and Alice DeVries	danddr20skagit@gmail.com;
Drainage District 17	NA	skagitdiid17@gmail.com;
Drainage District 20	Fred and Alice DeVries	
City of Mount Vernon	Jennifer Berner, Parks Director	jenniferb@mountvernonwa.gov;
	Esco Bell, PW Director	escob@mountvernonwa.gov;
	Bill Bullock, Cap. Programs Manager	billb@mountvernonwa.gov;
City of Burlington	Brad Johnson, Planning Director	bradmj@burlingtonwa.gov;
	Greg Young	administration@burlingtonwa.gov;
Port of Skagit County	Patsy Martin	sara@portofskagit.com;
	Sara	patsym@portofskagit.com;
Skagit River Systems Cooperative		thyatt@skagitcoop.org;
		jmeyer@skagitcoop.org;
		nkammer@skagitcoop.org;
Swinomish Tribe		tmitchell@swinomish.nsn.us;
Upper Skagit Indian Tribe		scotts@upperskagit.com;
Samish Tribe		jferry@samishtribe.nsn.us;
Sauk-Suiattle Tribe		Kjoseph@sauk-suiattle.com;
Tulalip Tribe		ryoung@tulaliptribes-nsn.gov;
Stillaguamish Tribe		klyste@stillaguamish.com;
Skagit Public Utility District #1	Bill Trueman	trueman@skagitpud.org;
	Mike Demers	demers@skagitpud.org;
Puget Sound Energy	Jeff Mcmeekin	jeff.mcmeekin@pse.com;
	Robert Knoll	Robert.knoll@pse.com;
Zipley (fka Frontier)	David Glein	David.Glein@ziply.com;
	Dennis Keller	Dennis.keller@ziply.com;
Cascade Natural Gas	Adam Sad	Addam.sad@cngc.com;
	Don Pearcy	don.pearcy@cngc.com;
Comcast	Dave Brooks	Dave_Brooks@comcast.com;
	Jacob Friedman	Jacob_friedman@cable.comcast.com;
	Teresa Stemler	Teresa_Stemler@comcast.com;

City of MOUNT VERNON
DEVELOPMENT SERVICES

NOTICE OF PUBLIC MEETING
PERIODIC REVIEW OF SHORELINE MASTER PROGRAM AMENDMENTS
CITY FILE NO: PLAN(CA)21-0002

PROJECT DESCRIPTION: The City of Mount Vernon and Washington Department of Ecology (DOE) are accepting comments on the City's periodic review of its shoreline master program (SMP) under RCW 90.58.080(4). The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

Mount Vernon has elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period will occur during the state review process. Comments provided to the City of Mount Vernon will be reviewed by both the City and DOE.

The proposed amendments to the City's SMP are available for review at http://mountvernonwa.gov/1059/SMP-Update and at City Hall located at 910 Cleveland Ave, Mount Vernon, WA

PROJECT LOCATION: City-wide

LOCAL GOVERNMENT: City of Mount Vernon and the Department of Ecology

Comments need to be addressed to the below-identified City Contact. Comments sent to the City will be forwarded to the Department of Ecology. As such, there is no need to send comments directly to Ecology.

CITY CONTACT:
Development Services Department
Rebecca Lowell, Principal Planner
910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214

PUBLIC MEETING: A joint local-state public meeting is set before the Mount Vernon Planning Commission on **TUESDAY, AUGUST 17, 2021** at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon, starting at 6 PM.

PUBLIC COMMENTS: Written public comments will be accepted on the proposed SMP amendments from **AUGUST 1, 2021** to **AUGUST 30, 2021** at 5 p.m. Comments should be as specific as possible and those submitting comments are required to comply with the following:

- All comments must include: (1) your full name, (2) your mailing address, and (3) the name of the proposal you are commenting on.
- If you wish to submit comments electronically you must upload your comments into the city's online permit portal because comments are NOT accepted via email. To upload comments into the City's permit portal navigate to: https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home, once on this page you must create a user account by clicking "Sign Up" located at the upper right corner of the webpage. Once you have created and verified your user account log into the system and click on "Go" in the My Portal box, and then on the next page that appears click on "Apply" in the Apply Online box. On the new page that appears under Step 1 select "Public Comments" and on Step 2 select "Public Comments for Land Use Permits"
- Comments submitted on paper are required to be mailed to, or delivered to, the address provided for the Contact Person listed within this notice.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Items submitted not meeting the requirements of this section are considered as not being received by the city. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department (360-336-6214 or PermitTech@mountvernonwa.gov) and ask to become a party of record.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City is committed to providing equal access to its facilities, programs and services for persons with disabilities. City Hall (910 Cleveland Ave) and the Police/Court Campus (1805 Continental Place) buildings are wheelchair accessible. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City should contact the ADA Coordinator as soon as possible, but no later than 48-hours before the scheduled event. The City's ADA Coordinator is Michele Myers, 1024 Cleveland Ave, Mount Vernon, WA; 360-336-6204.

ISSUED & PUBLISHED: July 30, 2021

City of MOUNT VERNON

AFFIDAVIT OF MAILING

I, **Shawna Gossett**, hereby declare as follows:

I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.

On **July 27, 2021** I mailed to property owners and parties of record on the attached lists and email to the agencies on the attached list.

PROJECT DESCRIPTION: The City of Mount Vernon and Washington Department of Ecology (DOE) are accepting comments on the City's periodic review of its shoreline master program (SMP) under RCW 90.58.080(4). The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

Mount Vernon has elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period will occur during the state review process. Comments provided to the City of Mount Vernon will be reviewed by both the City and DOE.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Mount Vernon this **27th** day of **July, 2021.**

Shawna J Gossett

Name

City of MOUNT VERNON

NOTICE OF PUBLIC MEETING -PERIODIC REVIEW OF SHORELINE MASTER PROGRAM AMENDMENTS

PROJECT INFORMATION:
Shoreline Master Program Amendments
PLAN(CA)21-0002

PROJECT LOCATION:
City Wide

OWNER/APPLICANT:
City of Mount Vernon

PROJECT PLANNER:
Rebecca Lowell,
Principal Planner

COMMENTS DUE:
August 30, 2021

PUBLIC MEETING
Tuesday, August 17, 2021
6:00 PM

DEAR RESIDENT OR PROPERTY OWNER: The City of Mount Vernon & Washington Department of Ecology (DOE) are accepting comments on the City's periodic review of its shoreline master program (SMP) under RCW 90.58.080(4). The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans & regulations, & other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

PUBLIC COMMENT PERIOD: Mount Vernon has elected to use the optional joint review process to combine the local & DOE comment periods, as allowed under WAC 173-26-104. No additional comment period will occur during the state review process. Comments provided to the City of Mount Vernon will be reviewed by both the City & DOE. Comments must be submitted, in writing, no later than August 30, 2021 @ 5:00 pm.

Comments should include; your full name, mailing address, & the name of the proposal you are commenting on. Comments submitted on paper must be mailed or delivered to City Hall. Public. Comments are not accepted through email. If you would like to submit electronic comments, contact the Permit Techs for instructions. Any person may comment on the application, receive notice & request a copy of the decision once it is made. To receive additional information regarding this project contact us & ask to become a party of record.

PUBLIC MEETING: A joint local-state public meeting is set before the Mount Vernon Planning Commission on Tuesday, August 17, 2021, at the City's Police & Court Campus located at 1805 Continental Place, Mount Vernon, starting at 6:00 PM.

MORE INFORMATION: Web page: https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home once there click on the blue "GO" link under the heading "My Portal". Type in the project number from this notice. Click on the project number listed below the search bar.

910 Cleveland Ave | (360) 336-6214 | www.mountvernonwa.gov | PermitTech@mountvernonwa.gov

Owner/Occupant	Address	City	State	Zip
Owner/Occupant	PO BOX 2540	ALAMEDA	CA	94501
Owner/Occupant	PO BOX 3610	ALBANY	GA	31706
Owner/Occupant	1004 COMMERICAL AVE BOX 567	ANACORTES	WA	98221
Owner/Occupant	1012 17TH ST	ANACORTES	WA	98221
Owner/Occupant	1310 11TH ST	ANACORTES	WA	98221
Owner/Occupant	13632 SLICE ST	ANACORTES	WA	98221
Owner/Occupant	1501 12TH ST UNIT C	ANACORTES	WA	98221
Owner/Occupant	15193 DORIS ST	ANACORTES	WA	98221
Owner/Occupant	2218 32ND ST	ANACORTES	WA	98221
Owner/Occupant	3711 W 6TH ST	ANACORTES	WA	98221
Owner/Occupant	5850 BUTTRAM LN	ANACORTES	WA	98221
Owner/Occupant	5889 SR 20	ANACORTES	WA	98221
Owner/Occupant	PO BOX 1981	ANACORTES	WA	98221
Owner/Occupant	14318 164TH ST NE	ARLINGTON	WA	98223
Owner/Occupant	908 278TH ST NE	ARLINGTON	WA	98223
Owner/Occupant	32229 WEYERHAEUSER WAY S	AUBURN	WA	98001
Owner/Occupant	5810 134TH PL SE	BELLEVUE	WA	98006
Owner/Occupant	PO BOX 97034	BELLEVUE	WA	98009
Owner/Occupant	1006 LONE TREE COURT	BELLINGHAM	WA	98229
Owner/Occupant	1104 12TH ST	BELLINGHAM	WA	98225
Owner/Occupant	1375 N PARKSTONE CT	BELLINGHAM	WA	98229
Owner/Occupant	2525 ERIE ST	BELLINGHAM	WA	98226
Owner/Occupant	2950 NEWMARKET ST STE 101-243	BELLINGHAM	WA	98226
Owner/Occupant	3113 MCKENZIE AVE	BELLINGHAM	WA	98225
Owner/Occupant	3901 AIRPORT WAY	BELLINGHAM	WA	98226
Owner/Occupant	4012 NORTHRIDGE WAY	BELLINGHAM	WA	98226
Owner/Occupant	424 SUDDEN VALLEY DR	BELLINGHAM	WA	98229
Owner/Occupant	505 12TH ST	BELLINGHAM	WA	98225
Owner/Occupant	600 S STATE ST APT 404	BELLINGHAM	WA	98225
Owner/Occupant	829 SAMISH WAY	BELLINGHAM	WA	98229
Owner/Occupant	PO BOX 31914	BELLINGHAM	WA	98228
Owner/Occupant	PO BOX 8042	BENTONVILLE	AR	72716
Owner/Occupant	1360 BENNETT AVE	BLAINE	WA	98230
Owner/Occupant	20933 37TH AVE SE	BOTHELL	WA	98021
Owner/Occupant	12708 LEATHERWOOD LANE	BOW	WA	98232
Owner/Occupant	17208 COOK RD	BOW	WA	98232
Owner/Occupant	9701 SAMISH ISLAND RD	BOW	WA	98232
Owner/Occupant	9868 WINDY RIDGE LN	BOW	WA	98232
Owner/Occupant	PO BOX 216	BOW	WA	98232
Owner/Occupant	11048 VIEW RIDGE DR	BURLINGTON	WA	98233
Owner/Occupant	11857 BAY RIDGE DR	BURLINGTON	WA	98233
Owner/Occupant	120 E GEORGE HOPPER RD NO 200	BURLINGTON	WA	98233
Owner/Occupant	12257 BAYHILL DR	BURLINGTON	WA	98233
Owner/Occupant	1317 S ANACORTES ST	BURLINGTON	WA	98233
Owner/Occupant	1650 PORT DR	BURLINGTON	WA	98233
Owner/Occupant	1777 S BURLINGTON BLVD NO 137	BURLINGTON	WA	98233
Owner/Occupant	204 N SKAGIT ST	BURLINGTON	WA	98233
Owner/Occupant	237 SOUTH SECTION ST	BURLINGTON	WA	98233
Owner/Occupant	401 E MAGNOLIA AVE	BURLINGTON	WA	98233
Owner/Occupant	611 EAST WASHINGTON AVE	BURLINGTON	WA	98233

Owner/Occupant	810 MAGNOLIA AVE	BURLINGTON	WA	98233
Owner/Occupant	950 S ANACORTES ST	BURLINGTON	WA	98233
Owner/Occupant	PO BOX 1009	BURLINGTON	WA	98233
Owner/Occupant	PO BOX 78	BURLINGTON	WA	98233
Owner/Occupant	1077 ZEPHYR LANE	CAMANO ISLAND	wa	98282
Owner/Occupant	801 MARTIN RD	CAMANO ISLAND	WA	98292
Owner/Occupant	PO BOX 655	CONCRETE	WA	98237
Owner/Occupant	PO BOX 586	CONWAY	WA	98238
Owner/Occupant	PO BOX 324	CONWAY	WA	98238
Owner/Occupant	PO BOX 553	CONWAY	WA	98238
Owner/Occupant	PO BOX 586	CONWAY	WA	98238
Owner/Occupant	PO BOX 594	CONWAY	WA	98238
Owner/Occupant	PO BOX 648	CONWAY	WA	98238
Owner/Occupant	19305 OLYMPIC VIEW DR	EDMONDS	WA	98020
Owner/Occupant	48077 HALL AVE E	EDWALL	WA	99008
Owner/Occupant	11025 52ND AVE SE	EVERETT	WA	98208
Owner/Occupant	2602 59TH ST SW	EVERETT	WA	98203
Owner/Occupant	3232 OAKES AVE	EVERETT	WA	98201
Owner/Occupant	3525 COLBY AVE STE 333	EVERETT	WA	98201
Owner/Occupant	3709 SHORE AVE	EVERETT	WA	98203
Owner/Occupant	802 SE EVERETT MALL WAY STE A	EVERETT	WA	98208
Owner/Occupant	38673 SUPALE RANCH RD	FALLBROOK	CA	92028
Owner/Occupant	916 SW 298TH ST	FEDERAL WAY	WA	98023
Owner/Occupant	PO BOX 3270	FERNDALE	WA	98248
Owner/Occupant	4515 PHELPS CREEK DR	HOOD RIVER	OR	97031
Owner/Occupant	135 LAKE ST S, STE 155	KIRKLAND	WA	98033
Owner/Occupant	12516 68TH ST NE	LAKE STEVENS	WA	98258
Owner/Occupant	15315 B 84TH ST NE	LAKE STEVENS	WA	98258
Owner/Occupant	18111 S TAPPS DR E	LAKE TAPPS	WA	98391
Owner/Occupant	PO BOX 234	LAKEWOOD	WA	98259
Owner/Occupant	6242 PARAMOUNT BLVD	LONG BEACH	CA	90805
Owner/Occupant	1898 BAYSHORE RD	LOPEZ ISLAND	WA	98261
Owner/Occupant	3465 FISHERMAN BAY RD	LOPEZ ISLAND	WA	98261
Owner/Occupant	42010 MATIA VIEW	LUMMI ISLAND	WA	98262
Owner/Occupant	16520 43RD AVE W	LYNNWOOD	WA	98037
Owner/Occupant	7127 196TH ST SW STE 201	LYNNWOOD	WA	98036
Owner/Occupant	1801 GROVE ST UNIT B	MARYSVILLE	WA	98270
Owner/Occupant	8040 NE 8TH ST	MEDINA	WA	98039
Owner/Occupant	23704 150TH ST SE	MONROE	WA	98272
Owner/Occupant	7550 DUNE LAKE RD SE	MOSES LAKE	WA	98837
Owner/Occupant	1617 HOAG RD	MOUNT VENRON	WA	98273
Owner/Occupant	1001 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1003 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1003 CLEVELAND AVE STE C	MOUNT VERNON	WA	98273
Owner/Occupant	1005 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1007 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1010 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1010 WEST HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1011 S 1ST AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1011 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1013 CLEVELAND AVE	MOUNT VERNON	WA	98273

Owner/Occupant	1015 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	1019 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1020 MCLEAN RD	MOUNT VERNON	WA	98273
Owner/Occupant	1020 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1021 RIVERSIDE DR	MOUNT VERNON	WA	98273
Owner/Occupant	1023 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1030 EAST COLLEGE WAY	MOUNT VERNON	WA	98273
Owner/Occupant	1030 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1041 CHESTNUT LOOP	MOUNT VERNON	WA	98274
Owner/Occupant	110 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	110 STEWART RD	MOUNT VERNON	WA	98273
Owner/Occupant	1100 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	1103 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1111 CLEVELAND AVE STE 203	MOUNT VERNON	WA	98273
Owner/Occupant	1111 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1115 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1117 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	112 W LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	1129 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	113 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	114 S BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	114 W HIGHLAND ST	MOUNT VERNON	WA	98273
Owner/Occupant	115 S BALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	115 W HIGHLAND ST	MOUNT VERNON	WA	98273
Owner/Occupant	117 W LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	118 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	120 S 15TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	120 S WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1200 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1201 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	1201 SOUTH FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1203 CROW LN	MOUNT VERNON	WA	98273
Owner/Occupant	1204 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1204 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1206 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1209 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	121 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	1210 N 16TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	1210 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1211 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1213 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1215 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1215 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1219 QUENTIN AVE	MOUNT VERNON	WA	98273
Owner/Occupant	122 SOUTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1221 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	1221 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1224 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1225 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1225 S 11TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	1228 CLEVELAND AVE	MOUNT VERNON	WA	98273

Owner/Occupant	1228 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1229 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1229 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	1229 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1229 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	123 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	123 S BALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	123 SOUTH BALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	124 E LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	1243 S 10TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	125 W STEWART ST	MOUNT VERNON	WA	98273
Owner/Occupant	12742 THILLBERG RD	MOUNT VERNON	WA	98273
Owner/Occupant	12746 THILLBERG RD	MOUNT VERNON	WA	98273
Owner/Occupant	12797 THILLBERG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1301 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1301 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1302 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1302 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1303 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1305 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1305 VIRGINIA ST #D	MOUNT VERNON	WA	98273
Owner/Occupant	1307 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1308 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1309 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1310 WALTER	MOUNT VERNON	WA	98273
Owner/Occupant	1310 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1312 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1313 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1314 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1314 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1315 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1315 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	1315 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1315 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1315 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1317 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	13178 THILLBERG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1319 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1320 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1320 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1321 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	13225 FARM TO MARKET RD	MOUNT VERNON	WA	98273
Owner/Occupant	13564 RIVERS CT	MOUNT VERNON	WA	98273
Owner/Occupant	1401 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	14015 RIVER BEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	14015 RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	1405 E BERNIECE ST	MOUNT VERNON	WA	98273
Owner/Occupant	1405 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1410 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	1411 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1411 HOAG RD	MOUNT VERNON	WA	98273

Owner/Occupant	1411 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1414 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1414 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1415 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1415 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	1415 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1416 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1417 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1418 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1419 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	1420 ROOSEVELT AVE STE 3	MOUNT VERNON	WA	98273
Owner/Occupant	1425 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	1426 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	14577 LA CONNER WHITNEY RD	MOUNT VERNON	WA	98273
Owner/Occupant	14577 LACONNER WHITNEY RD	MOUNT VERNON	WA	98273
Owner/Occupant	14764 JACK POT LANE	MOUNT VERNON	WA	98273
Owner/Occupant	14764 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14765 JACK POT LN	MOUNT VERNON	WA	98273
Owner/Occupant	14786 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14787 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14806 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14807 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14808 JACK POT LANE	MOUNT VERNON	WA	98273
Owner/Occupant	14819 RIVER BEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	14823 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14827 JACK POT LANE	MOUNT VERNON	WA	98273
Owner/Occupant	14910 DUNBAR CT	MOUNT VERNON	WA	98273
Owner/Occupant	1500 E COLLEGE WAY STE 562	MOUNT VERNON	WA	98273
Owner/Occupant	1500 E COLLEGE WAY STE A PMB 277	MOUNT VERNON	WA	98273
Owner/Occupant	1500 E COLLEGE WAY STE A PMB 473	MOUNT VERNON	WA	98273
Owner/Occupant	1500 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1501 RIVERVIEW LN	MOUNT VERNON	WA	98273
Owner/Occupant	1503 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1507 E PACIFIC	MOUNT VERNON	WA	98273
Owner/Occupant	1507 E PACIFIC PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1509 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1514 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1515 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	1515 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	15203 BARRETT RD	MOUNT VERNON	WA	98273
Owner/Occupant	15230 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	15230 WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	15238 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1525 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	15307 BAKER HEIGHTS RD	MOUNT VERNON	WA	98273
Owner/Occupant	15910 ANDAL LANE	MOUNT VERNON	WA	98274
Owner/Occupant	15962 BEAVER MARSH RD	MOUNT VERNON	WA	98273
Owner/Occupant	1600 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	1605 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1611 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1623 HOAG RD	MOUNT VERNON	WA	98273

Owner/Occupant	16274 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	16288 JUNGQUIST RD	MOUNT VERNON	WA	98273
Owner/Occupant	16305 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16309 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16319 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16325 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16331 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16357 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16394 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16410 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16411 DIKE RD	MOUNT VERNON	WA	98274
Owner/Occupant	16414 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16419 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16422 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16450 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16498 FIR ISLAND RD	MOUNT VERNON	WA	98273
Owner/Occupant	1700 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1701 SANDALWOOD ST	MOUNT VERNON	WA	98273
Owner/Occupant	1702 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1704 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1704 W MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1705 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1705 SANDALWOOD ST	MOUNT VERNON	WA	98273
Owner/Occupant	17059 KOKANEE COURT	MOUNT VERNON	WA	98274
Owner/Occupant	1706 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1708 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1709 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1710 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1711 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1711 SANDALWOOD ST	MOUNT VERNON	WA	98273
Owner/Occupant	1712 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1713 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1714 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	17145 AVON ST	MOUNT VERNON	WA	98273
Owner/Occupant	17174 THEODORSON LN	MOUNT VERNON	WA	98273
Owner/Occupant	17189 COHO CT	MOUNT VERNON	WA	98273
Owner/Occupant	17208 BRADSHAW RD	MOUNT VERNON	WA	98273
Owner/Occupant	17243 GARDEN RIDGE LN	MOUNT VERNON	WA	98274
Owner/Occupant	17278 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17307 DUNBAR RD	MOUNT VERNON	WA	98273
Owner/Occupant	17370 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17406 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17431 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17432 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17495 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17530 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17587 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17621 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	1800 CONTINENTAL PL	MOUNT VERNON	WA	98273
Owner/Occupant	18019 BRADSHAW RD	MOUNT VERNON	WA	98273
Owner/Occupant	1810 E DIVISION ST APT 239	MOUNT VERNON	WA	98273

Owner/Occupant	1821 WINDSOR DR	MOUNT VERNON	WA	98273
Owner/Occupant	18318 PERIWINKLE LN	MOUNT VERNON	WA	98274
Owner/Occupant	18380 HICKOX RD	MOUNT VERNON	WA	98273
Owner/Occupant	18414 DUNBAR RD	MOUNT VERNON	WA	98273
Owner/Occupant	18417 BURKLAND RD	MOUNT VERNON	WA	98274
Owner/Occupant	1901 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1913 PACIFIC PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	19570 SMILEY DR	MOUNT VERNON	WA	98274
Owner/Occupant	19674 W RIDGE LANE	MOUNT VERNON	WA	98274
Owner/Occupant	19682 ANDERSON RD	MOUNT VERNON	WA	98274
Owner/Occupant	19696 LANDING RD	MOUNT VERNON	WA	98273
Owner/Occupant	201 N 10TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	201 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	202-206 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	203 N 5TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	203 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	20391 OLEARY RD	MOUNT VERNON	WA	98273
Owner/Occupant	20479 COMET LANE	MOUNT VERNON	WA	98274
Owner/Occupant	205 N 8TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	205 W HIGHLAND ST	MOUNT VERNON	WA	98273
Owner/Occupant	205 W KINCAID ST	MOUNT VERNON	WA	98273
Owner/Occupant	205 W STEWART ST	MOUNT VERNON	WA	98273
Owner/Occupant	206 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	206 SOUTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	206 W HIGHLAND ST	MOUNT VERNON	WA	98273
Owner/Occupant	207 W LAWRENCE ST APT C	MOUNT VERNON	WA	98273
Owner/Occupant	20765 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	20814 HERMWAY HEIGHTS RD	MOUNT VERNON	WA	98274
Owner/Occupant	20849 CASCADE RIDGE DR	MOUNT VERNON	WA	98274
Owner/Occupant	20933 LAKE SIXTEEN RD	MOUNT VERNON	WA	98274
Owner/Occupant	210 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2108 S 15TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	214 S WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	215 RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	215 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	215 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	215 S RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	217 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	219 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	219 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2201 MONICA DR	MOUNT VERNON	WA	98273
Owner/Occupant	2209 MONICA DR	MOUNT VERNON	WA	98273
Owner/Occupant	221 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	221 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	221 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	221 SOUTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2215 MONICA DR	MOUNT VERNON	WA	98273

Owner/Occupant	2219 MONICA DR	MOUNT VERNON	WA	98273
Owner/Occupant	222 N BAKER	MOUNT VERNON	WA	98273
Owner/Occupant	222 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2228 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	22331 SHADY LN	MOUNT VERNON	WA	98274
Owner/Occupant	224 MAPLE LN	MOUNT VERNON	WA	98273
Owner/Occupant	224 STEWART RD	MOUNT VERNON	WA	98273
Owner/Occupant	22666 GUNDERSON RD	MOUNT VERNON	WA	98273
Owner/Occupant	230 MAPLE LN	MOUNT VERNON	WA	98273
Owner/Occupant	2300 MARKET ST	MOUNT VERNON	WA	98273
Owner/Occupant	2301 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2303 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2305 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2306 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2306 NORTH 18TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2306 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2306 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2307 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2307 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2307 N 18TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2307 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2308 HORIZON ST	MOUNT VERNON	WA	98273
Owner/Occupant	2308 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2308 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2310 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2310 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2312 HORIZON ST	MOUNT VERNON	WA	98273
Owner/Occupant	2312 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2313 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2314 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	23172 LANYARD LANE	MOUNT VERNON	WA	98274
Owner/Occupant	2319 19TH PL N	MOUNT VERNON	WA	98273
Owner/Occupant	2319 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2319 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2319 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2319 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2320 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2320 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2323 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2324 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2324 NORTH 19TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2325 N 20TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2325 NORTH 20TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2329 MARKET ST	MOUNT VERNON	WA	98273
Owner/Occupant	2330 E PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2330 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2330 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2331 W PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2331 WEST PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2340 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	23871 NOOKACHAMP HILLS DR	MOUNT VERNON	WA	98274

Owner/Occupant	2400 E PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2400 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2400 RIVERSIDE DR	MOUNT VERNON	WA	98273
Owner/Occupant	2401 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2401 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2401 W PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2401 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2401 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2402 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2402 HORIZON ST	MOUNT VERNON	WA	98273
Owner/Occupant	2402 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2402 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2404 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2405 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2407 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2407 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2407 N 20TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	2407 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2407 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2408 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2408 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2408 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2409 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2410 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2412 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2412 N 19TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	2413 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2413 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2413 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2414 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2414 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2414 NORTH 18TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2415 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2416 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2416 EAST MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2418 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2419 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2419 N 20TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2419 N 20TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	2419 NORTH 19TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2419 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2420 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2420 HORIZONS AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2420 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2420 NORTH 18TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2420 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2421 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2421 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2422 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2423 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2424 E MEADOW BLVD	MOUNT VERNON	WA	98273

Owner/Occupant	2424 EAST MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2425 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2426 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2429 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2430 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	250 N FRONT ST	MOUNT VERNON	WA	98273
Owner/Occupant	2500 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2501 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2503A RIVER VISTA PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2505 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2507 RIVER VISTA PLACE UNIT B	MOUNT VERNON	WA	98273
Owner/Occupant	2509 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2511 RIVER VISTA PLACE UNIT B	MOUNT VERNON	WA	98273
Owner/Occupant	2511A RIVER VISTA PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2513 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2515 RIVER VISTA COURT NO A	MOUNT VERNON	WA	98273
Owner/Occupant	2515 RIVER VISTA CT NO C	MOUNT VERNON	WA	98273
Owner/Occupant	2516 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2517 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2519 RIVER VISTA COURT UNIT A	MOUNT VERNON	WA	98273
Owner/Occupant	2519 RIVER VISTA CT	MOUNT VERNON	WA	98273
Owner/Occupant	2521 A RIVER VISTA COURT	MOUNT VERNON	WA	98273
Owner/Occupant	2521 B RIVER VISTA COURT	MOUNT VERNON	WA	98273
Owner/Occupant	2529 LAVENTURE	MOUNT VERNON	WA	98273
Owner/Occupant	2529 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2541 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2564 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2601 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2601 RUFOUS LANE	MOUNT VERNON	WA	98273
Owner/Occupant	2603 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2604 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2605 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2605 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2605 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2606 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2606 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2606 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2607 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2607 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2608 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2609 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2609 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2609 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2610 E SECTION ST UNIT 103	MOUNT VERNON	WA	98274
Owner/Occupant	2610 RIVER VISTA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	2611 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2611 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2612 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2612 RIVER VISTA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	2613 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2614 A RIVER VISTA LN #34A	MOUNT VERNON	WA	98273

Owner/Occupant	2614 RIVER VISTA LN SP 34B	MOUNT VERNON	WA	98273
Owner/Occupant	2615 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2615 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2616 RIVER VISTA LANE UNIT A	MOUNT VERNON	WA	98273
Owner/Occupant	2616 RIVER VISTA LN UNIT B	MOUNT VERNON	WA	98273
Owner/Occupant	2617 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2619 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2701 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2702 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2703 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2704 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2705 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2706 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2707 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2708 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2709 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2711 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2715 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2717 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2718 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2724 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2726 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2727 LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	300 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	300 S 1ST ST STE 208	MOUNT VERNON	WA	98273
Owner/Occupant	3004 PINE CREEK DR	MOUNT VERNON	WA	98273
Owner/Occupant	3017 ERIKA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	302 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	303 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	303 NORTH 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	303 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3044 PINE CREEK DR	MOUNT VERNON	WA	98273
Owner/Occupant	305 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	305 W STEWART RD	MOUNT VERNON	WA	98273
Owner/Occupant	306 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	307 N 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	307 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	308 MAPLE LN	MOUNT VERNON	WA	98273
Owner/Occupant	308 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	308 W GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	309 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	310 MYRTLE ST	MOUNT VERNON	WA	98273
Owner/Occupant	3100 N 30TH ST BOX 2	MOUNT VERNON	WA	98273
Owner/Occupant	3100 N 30TH ST UNIT 2	MOUNT VERNON	WA	98273
Owner/Occupant	311 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	311 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	311 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3111 CHEROKEE LANE	MOUNT VERNON	WA	98273
Owner/Occupant	3113 ERIKA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	312 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	314 N BAKER ST	MOUNT VERNON	WA	98273

Owner/Occupant	314 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	314 PINE ST STE 208	MOUNT VERNON	WA	98273
Owner/Occupant	315 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	315 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	315 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	315 RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	315 SNOQUALMIE ST	MOUNT VERNON	WA	98273
Owner/Occupant	317 MCCORMICK LN	MOUNT VERNON	WA	98273
Owner/Occupant	317 N 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	317 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	317 S 2ND ST STE 116	MOUNT VERNON	WA	98273
Owner/Occupant	317 SOUTH SECOND ST	MOUNT VERNON	WA	98273
Owner/Occupant	318 MCCORMACK LN	MOUNT VERNON	WA	98273
Owner/Occupant	318 MCCORMICK LN	MOUNT VERNON	WA	98273
Owner/Occupant	319 N 3RD ST	MOUNT VERNON	WA	98273
Owner/Occupant	319 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	320 KINCAID	MOUNT VERNON	WA	98273
Owner/Occupant	320 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	320 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	321 E LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	321 NORTH 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	324 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	324 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	3240 E COLLEGE WAY	MOUNT VERNON	WA	98273
Owner/Occupant	325 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	325 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	326 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	329 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	330 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3309 ERIKA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	3309 ERIKA LN	MOUNT VERNON	WA	98273
Owner/Occupant	3310 APACHE DR	MOUNT VERNON	WA	98273
Owner/Occupant	334 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	335 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	336 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3400 E FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	3420 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3475A E DIVISION ST	MOUNT VERNON	WA	98274
Owner/Occupant	3733 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3789 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3796 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3797 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3800 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	400 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	400 WEST FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 S FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	402 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	402 N WALL ST	MOUNT VERNON	WA	98273

Owner/Occupant	402 NORTH WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	403 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	403 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	403 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	404 N WALL	MOUNT VERNON	WA	98273
Owner/Occupant	405 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	405 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	405 W FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	406-410 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	407 MILWAUKEE	MOUNT VERNON	WA	98273
Owner/Occupant	407 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	407 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	407 S FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	408 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	408 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	409 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	409 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	410 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	410-412 MYRTLE ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 LILAC DR	MOUNT VERNON	WA	98273
Owner/Occupant	412 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 NORTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 SNOQUALMIE	MOUNT VERNON	WA	98273
Owner/Occupant	412-416 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	413 E HIGHLAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	413 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	413 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	414 PARK	MOUNT VERNON	WA	98273
Owner/Occupant	414 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 MILWAUKEE ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	416 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	416 MYRTLE ST	MOUNT VERNON	WA	98273
Owner/Occupant	416 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	418 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	418 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	419 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 MILWAUKEE ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 S 6TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	421 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	422 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	428 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	4615 MONTE VISTA DR	MOUNT VERNON	WA	98273
Owner/Occupant	500 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 N BARKER ST	MOUNT VERNON	WA	98273

Owner/Occupant	500 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	501 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	501 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	501 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	501 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	501-503 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	503 W FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	503 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	503 WEST FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	504 N 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	504 N WALL	MOUNT VERNON	WA	98273
Owner/Occupant	504 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	504 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	505 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	505 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	507 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	508 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	508 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	509 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	509 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	51 ALDER LANE	MOUNT VERNON	WA	98273
Owner/Occupant	51 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	510 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	510 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	512 MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	512 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	512 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	513 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	513 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	514 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	514 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	515 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	515 PACIFIC PLACE UNIT 3	MOUNT VERNON	WA	98273
Owner/Occupant	515 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	516 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	516 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	519 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	519 SOUTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	520 E HOAG RD	MOUNT VERNON	WA	98273

Owner/Occupant	520 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	520 NORTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	520 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	521 SOUTH SECOND ST	MOUNT VERNON	WA	98273
Owner/Occupant	525 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	525 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	525 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	527 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	530 N 16TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	531 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	600 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	601 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 S FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 S SECOND ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 WEST DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	601-607 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	602 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	602 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	602 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	605 COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	605 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	606 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	606 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	606 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	606-612 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	607 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	607 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	607 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	607B SOUTH FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	608 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	609 & 611 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	609 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	609 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	609A S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	610 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	611 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	611 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	612 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	612 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	613 & 615 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	613 WEST DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	614 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	615 S 1ST ST	MOUNT VERNON	WA	98273

Owner/Occupant	615 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	615 WEST DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	616 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	616 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	617 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	617 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	618 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	618 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	619 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	619 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	619 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	620 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	620 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	621 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	69 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	700 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	700 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	700 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	702 MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	702 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	702 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	704 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	704 N 1ST ST UNIT AB	MOUNT VERNON	WA	98273
Owner/Occupant	704 W DIVISION	MOUNT VERNON	WA	98273
Owner/Occupant	704 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	705 BEHRENS MILLETT RD	MOUNT VERNON	WA	98273
Owner/Occupant	705 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	707 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	707 W LINCLON ST	MOUNT VERNON	WA	98273
Owner/Occupant	707 W LINCOLN	MOUNT VERNON	WA	98273
Owner/Occupant	708 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	708 N FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	709 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	709-711 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	710 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	710 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 N FIRST	MOUNT VERNON	WA	98273
Owner/Occupant	712 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	714 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W LINCOLN ST	MOUNT VERNON	WA	98273

Owner/Occupant	716 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	717 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	717 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	718 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	718 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 WEST GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 NORTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	725 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	725 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	725.5 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	726 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	729 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	73 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	74 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	78 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	79 ALDER LANE	MOUNT VERNON	WA	98273
Owner/Occupant	79 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	800 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	801 GARFIELD	MOUNT VERNON	WA	98273
Owner/Occupant	801 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	801 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	801 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	803 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	803 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	804 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	805 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	807 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	809 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	809 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	809 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	810 E HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	810 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	811 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	811 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	814 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	815 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	815 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	818 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	818 WEST HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	819 W HAZEL ST	MOUNT VERNON	WA	98273

Owner/Occupant	819 WEST HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	820 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	820 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	820 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	821 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	821 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	823 N 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	824 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	825 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	825 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	826 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	827 DUNBAR RD	MOUNT VERNON	WA	98273
Owner/Occupant	827 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	828 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	830 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	834 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	84 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	88 WILLOW LANE	MOUNT VERNON	WA	98273
Owner/Occupant	900 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	901 S CLEVELAND	MOUNT VERNON	WA	98273
Owner/Occupant	901 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	901 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	902 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	904 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	904 N WAUGH RD	MOUNT VERNON	WA	98274
Owner/Occupant	905 S 3RD ST	MOUNT VERNON	WA	98273
Owner/Occupant	907 VERA COURT	MOUNT VERNON	WA	98273
Owner/Occupant	908 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	909 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	91 ALDER LANE	MOUNT VERNON	WA	98273
Owner/Occupant	91 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	910 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	910 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	911 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	914 W HAZEL	MOUNT VERNON	WA	98273
Owner/Occupant	914 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	916 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	916 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	917 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	919 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	920 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	921 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	922 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	924 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	924 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	924 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	925 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	928 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	93 WILLOW LANE	MOUNT VERNON	WA	98273
Owner/Occupant	932 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	933 SUMMERLYND LANE	MOUNT VERNON	WA	98273

Owner/Occupant	94 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	940 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	941 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	99 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	P O BOX 2926	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2926	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1010	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1127	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1167	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1203	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1342	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1375	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1436	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 144	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1923	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1933	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1946	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2011	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2297	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2444	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2452	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2597	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2614	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2788	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2816	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2926	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2962	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 487	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 699	MOUNT VERNON	WA	98273
Owner/Occupant	17737 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	14944 DUNBAR CT	MOUNT VERNON	WA	98273
Owner/Occupant	20416 E STACKPOLE RD	MT VERNON	WA	98274
Owner/Occupant	2305 N 18TH PLACE	MT VERNON	WA	98273
Owner/Occupant	262 CENTRAL PARK WEST UNIT 6B	NEW YORK	NY	10024
Owner/Occupant	PO BOX 1050	NORTH BEND	WA	98045
Owner/Occupant	1900 SW 16TH AVE	OAK HARBOR	WA	98277
Owner/Occupant	600 N CAPITOL WAY	OLYMPIA	WA	98501
Owner/Occupant	6402 TROON LN SE	OLYMPIA	WA	98501
Owner/Occupant	8049 SOMERSET BLVD	PARAMOUNT	CA	90723
Owner/Occupant	9202 176TH ST E APT 97	PUYALLUP	WA	98375
Owner/Occupant	PO BOX 673	RAVENSDALE	WA	98051
Owner/Occupant	17351 NE 70TH ST	REDMOND	WA	98052
Owner/Occupant	18105 NE 23RD ST	REDMOND	WA	98052
Owner/Occupant	3940 MEADOW AVE N	RENTON	WA	98056
Owner/Occupant	195 SOUTH 15TH ST	SAINT HELENS	RI	97051
Owner/Occupant	1804 MCKEE ST UNIT B5	SAN DIEGO	CA	92110
Owner/Occupant	PO BOX 303	SEAHURST	WA	98062
Owner/Occupant	100 23RD AVE S	SEATTLE	WA	98144
Owner/Occupant	11435 80TH PL S	SEATTLE	WA	98178
Owner/Occupant	18940 11TH NE	SEATTLE	WA	98155
Owner/Occupant	2151 N NORTHLAKE WAY STE 200	SEATTLE	WA	98103

Owner/Occupant	2342 22ND AVE S	SEATTLE	WA	98144
Owner/Occupant	2479 PERKINS LN W	SEATTLE	WA	98199
Owner/Occupant	4111 EAST MADISON ST UNIT 490	SEATTLE	WA	98112
Owner/Occupant	PO BOX 330310	SEATTLE	WA	98133
Owner/Occupant	135 EAST STATE ST	SEDRO WOOLLEY	WA	98284
Owner/Occupant	19808 PARSON CREEK RD	SEDRO WOOLLEY	WA	98284
Owner/Occupant	20799 HARTRY LN	SEDRO WOOLLEY	WA	98284
Owner/Occupant	21265 PLAZA DR	SEDRO WOOLLEY	WA	98284
Owner/Occupant	29727 LYMAN HAMILTON HWY	SEDRO WOOLLEY	WA	98284
Owner/Occupant	9426 PIERCE LANE	SEDRO WOOLLEY	WA	98284
Owner/Occupant	P O BOX 619	SEDRO WOOLLEY	WA	98284
Owner/Occupant	4311 BLANK RD	SEDRO WOOLLEY	WA	98284
Owner/Occupant	20237 ECHO HILL RD	SEDRO-WOOLLEY	WA	98284
Owner/Occupant	1361 NW ROCKFORD CIR	SILVERDALE	WA	98383
Owner/Occupant	7522 188TH ST SE	SNOHOMISH	WA	98296
Owner/Occupant	110 S FERRALL ST	SPOKANE	WA	99202
Owner/Occupant	1010 SILVER SPRINGS WAY	STANWOOD	WA	98292
Owner/Occupant	31110 33RD DR NW	STANWOOD	WA	98292
Owner/Occupant	PO BOX 1078	STANWOOD	WA	98292
Owner/Occupant	26612 LAKESIDE	SUN LAKES	AZ	85248
Owner/Occupant	3303 RIDGEWOOD PATH	THE VILLAGES	FL	32163
Owner/Occupant	13821 CORNFLOWER CT	WELLINGTON	FL	33414
Owner/Occupant	15621 BEACH BLVD	WESTMINSTER	CA	92683
Owner/Occupant	PO BOX 615	WESTPORT	WA	98595
Owner/Occupant	PO BOX 2324	WOODINVILLE	WA	98072
City of Mount Vernon, Development Services Department	910 Cleveland Ave	Mount Vernon	WA	98273
The Watershed Company, Attn: Leila Willoughby-Oakes	750 6th St S	Kirkland	WA	98033
WA Department of Ecology, Attn: Lauren Bromley	4601 N. Monroe Street	Spokane	WA	99205
Owner/Occupant	14112 TRITES ROAD	SURREY	BC	V3X3E8
Owner/Occupant	3740 SWAN RD	Mount Vernon	WA	98273
Owner/Occupant	3100 N 30TH ST BOX 2	Mount Vernon	WA	98273
Owner/Occupant	3315 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3272 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3265 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3300 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3100 N 30TH ST	Mount Vernon	WA	98273
Owner/Occupant	3121 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	2383 ORIOLE ST	Oak Harbor	WA	98277
Owner/Occupant	3125 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3127 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	24337 WALKER VALLEY RD	Mount Vernon	WA	98274
Owner/Occupant	3129 ARBOR ST	Mount Vernon	WA	98273
Owner/Occupant	3201 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3205 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3209 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3211 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	2609 N 34TH PL	Mount Vernon	WA	98273
Owner/Occupant	2617 34TH PL N	Mount Vernon	WA	98273

Owner/Occupant	2618 N 34TH PL	Mount Vernon	WA	98273
Owner/Occupant	2610 N 34TH PL	Mount Vernon	WA	98273
Owner/Occupant	2322 NORTH MARTIN ROAD	Mount Vernon	WA	98273
Owner/Occupant	PO BOX 1017	Mount Vernon	WA	98273
Owner/Occupant	124 E Lawrence	Mount Vernon	WA	98273
Tony Pickering	3400 E Fir Street	Mount Vernon	WA	98273
David Waterman	210 S Baker St	Mount Vernon	WA	98273
Wendy LaRocque	1415 Freeway Dr	Mount Vernon	WA	98273
Hansell Mitzel, LLC	1111 Cleveland Ave, Ste 203	Mount Vernon	WA	98273
Bjorling, LLC	3420 Francis Road	Mount Vernon	WA	98273

Mailed to:

Owner/Occupant	14112 TRITES ROAD	SURREY	BC	V3X3E8

Emailed to Party of Record: Alexander4612@comcast.net

AGENCY	NAME	EMAIL
Washington State Department of Ecology	Lauren Bromley	labr461@ecy.wa.gov;
	Chad Yunge	cyun461@ecy.wa.gov;
	David Radabaugh	drad461@ecy.wa.gov;
	NA	sepaunit@ecy.wa.gov;
Washington State Department of Fish and Wildlife	NA	SEPAdesk@dfw.wa.gov;
	Wendy Cole	Wendy.cole@dfw.wa.gov;
	Robert Warinner	Robert.warinner@dfw.wa.gov;
Washington State Department of Commerce	NA	reviewteam@commerce.wa.gov;
Washington State Department of Natural Resources	NA	sepacenter@dnr.wa.gov;
Washington State Department of Transportation	Roland Storme	roland.storme@wsdot.wa.gov;
	Jay Drye	DryeJ@wsdot.wa.gov;
	Todd Carlson	CarlsoT@wsdot.wa.gov
Northwest Clear Air Authority		Agatam@nwcleanairwa.gov;
U.S. Army Corps of Engineers	Daisy Douglass	Daisy.P.Douglass@usace.army.mil
	Matthew Bennett	Matthew.J.Bennett@usace.army.mil;
Skagit County (Planning and Development Services)	Hal Hart	hhart@co.skagit.wa.us;
	Betsy Stevenson	betsyds@co.skagit.wa.us;
	NA	pds@co.skagit.wa.us;
Skagit County Public Works	Dan Berentson	pw@co.skagit.wa.us;
Skagit County Assessor		assessor@co.skagit.wa.us
Skagit Council of Governments	Kevin Murphy	kevinm@scog.net;
Skagit Transit		iwatson@skagittransit.org;
Skagit Conservation District		skagitcd@skagitcd.org;
DAHP	NA	sepa@dahp.wa.gov;
Skagit Fisheries Enhancement Group		sfeg@skagitfisheries.org;
Dike District 1	Jason Vanderkooy	jasonvkooy@gmail.com;
Dike District 3	Dave Olson	djolson27@gmail.com
Dike District 17	Daryl Hamburg	dhamburgs@msn.com;
Dike District 20	Fred and Alice DeVries	danddr20skagit@gmail.com;
Drainage District 17	NA	skagitdiid17@gmail.com;
Drainage District 20	Fred and Alice DeVries	
City of Mount Vernon	Jennifer Berner, Parks Director	jenniferb@mountvernonwa.gov;
	Esco Bell, PW Director	escob@mountvernonwa.gov;
	Bill Bullock, Cap. Programs Manager	billb@mountvernonwa.gov;
City of Burlington	Brad Johnson, Planning Director	bradmj@burlingtonwa.gov;
	Greg Young	administration@burlingtonwa.gov;
Port of Skagit County	Patsy Martin	sara@portofskagit.com;
	Sara	patsym@portofskagit.com;
Skagit River Systems Cooperative		thyatt@skagitcoop.org;
		jmeyer@skagitcoop.org;
		nkammer@skagitcoop.org;
Swinomish Tribe		tmitchell@swinomish.nsn.us;
Upper Skagit Indian Tribe		scotts@upperskagit.com;
Samish Tribe		jferry@samishtribe.nsn.us;
Sauk-Suiattle Tribe		Kjoseph@sauk-suiattle.com;
Tulalip Tribe		ryoung@tulaliptribes-nsn.gov;
Stillaguamish Tribe		klyste@stillaguamish.com;
Skagit Public Utility District #1	Bill Trueman	trueman@skagitpud.org;
	Mike Demers	demers@skagitpud.org;
Puget Sound Energy	Jeff Mcmeekin	jeff.mcmeekin@pse.com;
	Robert Knoll	Robert.knoll@pse.com;
Zipley (fka Frontier)	David Glein	David.Glein@ziply.com;
	Dennis Keller	Dennis.keller@ziply.com;
	Bryan Escamilla	bryan.escamilla1@ziply.com
Cascade Natural Gas	Adam Sad	Addam.sad@cngc.com;
	Don Pearcy	don.pearcy@cngc.com;
Comcast	Dave Brooks	Dave_Brooks@comcast.com;
	Jacob Friedman	Jacob_friedman@cable.comcast.com;
	Teresa Stemler	Teresa_Stemler@comcast.com;

EXHIBIT 1e, SMP Update

ADVERTISING PROOF

1215 Anderson Rd,
Mount Vernon,WA 98274
Ph. Fax: (907) 452-5054

SKAGIT PUBLISHING STANWOOD CAMANO NEWS

BILLING DATE:	ACCOUNT NO:
07/26/21	46751

CITY OF MOUNT VERNON
910 CLEVELAND AVE
MOUNT VERNON, WA 98273

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
126108	CITY OF MOUNT VERNON	07/30/21	07/30/21	2	$279.76

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount

Discount: **$0.00**
Surcharge: **$0.00**
Credits: **$0.00**

Gross:**$279.76**
Paid Amount:**$0.00**

Amount Due:**$279.76**

We Appreciate Your Business!

AD# 126108

CITY OF MOUNT VERNON NOTICE OF PUBLIC MEETING PERIODIC REVIEW OF SHORELINE MASTER PROGRAM AMENDMENTS CITY FILE NO: PLAN21(CA)-0002

PROJECT DESCRIPTION: The City of Mount Vernon and Washington Department of Ecology are accepting comments on the City's periodic review of its shoreline master program (SMP) under RCW 90.58.080(4). The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

Mount Vernon has elected to use the optional joint review process to combine the local and Ecology comment periods, as allowed under WAC 173-26-104. No additional comment period will occur during the state review process. Comments provided to the City of Mount Vernon will be reviewed by both the City and DOE.

The proposed amendments to the City's SMP are available for review at http://mountvernonwa.gov/1059/SMP-Update and at City Hall located at 910 Cleveland Ave, Mount Vernon, WA

PROJECT LOCATION: City-wide

LOCAL GOVERNMENT: City of Mount Vernon and the Department of Ecology Comments need to be addressed to the below-identified City Contact. Comments sent to the City will be forwarded to the Department of Ecology. As such, there is no

need to send comments directly to Ecology.

CITY CONTACT:
Development Services Department
Rebecca Lowell, Principal Planner
910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214

PUBLIC MEETING: A joint local-state public meeting is set before the Mount Vernon Planning Commission on **TUESDAY, AUGUST 17, 2021** at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon, starting at 6 PM.

PUBLIC COMMENTS: Written public comments will be accepted on the proposed SMP amendments from **AUGUST 1, 2021 to AUGUST 30, 2021** at 5 p.m. Comments should be as specific as possible and those submitting comments are required to comply with the following:

· All comments must include: (1) your full name, (2) your mailing address, and (3) the name of the proposal you are commenting on.

· If you wish to submit comments electronically you must upload your comments into the city's online permit portal because comments are NOT accepted via email. To upload comments into the City's permit portal navigate to: https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home, once on this page you must create a user account by clicking "Sign Up" located at the upper right corner of the webpage. Once you have created and verified your user account log into the system and click on "Go" in the My Portal box, and then on the next page that appears click on "Apply" in the Apply Online box. On the new page that appears under Step 1 select "Public Comments" and on Step 2 select "Public Comments for Land Use Permits"

· Comments submitted on paper are required to be mailed to, or delivered to, the address provided for the Contact Person listed within this notice.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Items submitted not meeting the requirements of this section are considered as not being received by the city. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department (360-336-6214 or PermitTech@mountvernonwa.gov) and ask to become a party of record.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: The City is committed to providing equal access to its facilities, programs and services for persons with disabilities. City Hall (910 Cleveland Ave) and the Police/Court Campus (1805 Continental Place) buildings are wheelchair accessible. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City should contact the ADA Coordinator as soon as possible, but no later than 48-hours before the scheduled event. The City's ADA Coordinator is Michele Myers, 1024 Cleveland Ave, Mount Vernon, WA; 360-336-6204.

Published
July 30, 2021
SVH-126018

City of MOUNT VERNON
DEVELOPMENT SERVICES

NOTICE OF PUBLIC HEARINGS
PERIODIC REVIEW OF SHORELINE MASTER PROGRAM AMENDMENTS
CITY FILE NO: PLAN(CA)21-0002

PROJECT DESCRIPTION: The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

The proposed amendments to the City's SMP are available for review at http://mountvernonwa.gov/1059/SMP-Update and at City Hall located at 910 Cleveland Ave, Mount Vernon, WA

PROJECT LOCATION: City-wide

CITY CONTACT:
Development Services Department
Rebecca Lowell, Principal Planner
910 Cleveland Ave, Mount Vernon, WA
98273
360-336-6214

PUBLIC HEARINGS: A virtual public hearing on the above-described project will be held by the Mount Vernon Planning Commission on **OCTOBER 19, 2021** via Zoom starting at 6 PM. To virtually attend this meeting you need to contact the City at 360-336-6214 or PermitTech@mountvernonwa.gov and ask to receive the information needed to attend this hearing no later than 1PM on October 19, 2021. The Planning Commission will be making a recommendation on this project to the City Council who will make a final decision.

A second public hearing on the above-described project will be held by the Mount Vernon City Council on **OCTOBER 27, 2021** at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon starting at 7 PM.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department (360-336-6214 or PermitTech@mountvernonwa.gov) and ask to become a party of record.

ISSUED: October 1, 2021
PUBLISHED: October 2, 2021

EXHIBIT 1f, SMP Update

ADVERTISING PROOF

1215 Anderson Rd,
Mount Vernon,WA 98274
Ph. Fax: (907) 452-5054

SKAGIT PUBLISHING STANWOOD CAMANO NEWS

BILLING DATE:	ACCOUNT NO:
09/30/21	46751

CITY OF MOUNT VERNON
910 CLEVELAND AVE
MOUNT VERNON, WA 98273

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
153440	CITY OF MOUNT VERNON	10/02/21	10/02/21	2	$134.50

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount

Discount: **$0.00**
Surcharge: **$0.00**
Credits: **$0.00**

Gross:**$134.50**
Paid Amount:**$0.00**

Amount Due:**$134.50**

We Appreciate Your Business!

AD# 153440

CITY OF MOUNT VERNON NOTICE OF PUBLIC HEARINGS PERIODIC REVIEW OF SHORELINE MASTER PROGRAM AMENDMENTS CITY FILE NO: PLAN(CA)21-0002

PROJECT DESCRIPTION: The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

The proposed amendments to the City's SMP are available for review at http://mountvernonwa.gov/1059/SMP-Update and at City Hall located at 910 Cleveland Ave, Mount Vernon, WA

PROJECT LOCATION: City-wide
CITY CONTACT: Development Services Department
Rebecca Lowell, Principal Planner
910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214

PUBLIC HEARINGS: A virtual public hearing on the above-described project will be held by the Mount Vernon Planning Commission on **OCTOBER 19, 2021** via Zoom starting at 6 PM. To virtually attend this meeting you need to contact the City at 360-336-6214 or PermitTech@mountvernonwa.gov and ask to receive the information needed to attend this hearing no later than 1PM on October 19, 2021. The Planning Commission will be making a recommendation on this project to the City Council who will make a final decision.

A second public hearing

on the above-described project will be held by the Mount Vernon City Council on **OCTOBER 27, 2021** at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon starting at 7 PM.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department (360-336-6214 or PermitTech@mountvernonwa.gov) and ask to become a party of record.

Published
October 2, 2021
SVH-153440

City of MOUNT VERNON

AFFIDAVIT OF MAILING

I, **Rebecca Lowell**, hereby declare as follows:

1. I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.

2. On **09/30/2021** I scheduled mailing on 10/01/2021 to the parties on the attached list and emailed to the parties on the attached list.

   PROJECT DESCRIPTION: SMP Update

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Mount Vernon this **30th day of September, 2021.**

Rebecca S. Lowell

	A	B	C	D	E	F
1	Name	Address	City	State	Zip	Email
2	Tony Pickering	3400 E Fir Street	Mount Vernon	WA	98273	tonypick@comcast.net
3	David Waterman	210 S Baker St	Mount Vernon	WA	98273	pescawa1939@gmail.com
4						Alexander4612@comcast.net
5	Wendy LaRocque	1415 Freeway Dr	Mount Vernon	WA	98273	larocque@skagitpud.org
6	Hansell Mitzel, LLC	1111 Cleveland Ave, Ste 203	Mount Vernon	WA	98273	
7	Bjorling, LLC	3420 Francis Road	Mount Vernon	WA	98273	
8						
9						
10						

City of MOUNT VERNON
DEVELOPMENT SERVICES

REVISED NOTICE OF PUBLIC HEARINGS
PERIODIC REVIEW OF SHORELINE MASTER PROGRAM AMENDMENTS
CITY FILE NO: PLAN(CA)21-0002

PROJECT DESCRIPTION: The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

The proposed amendments to the City's SMP are available for review at http://mountvernonwa.gov/1059/SMP-Update and at City Hall located at 910 Cleveland Ave, Mount Vernon, WA

PROJECT LOCATION: City-wide

CITY CONTACT: Development Services Department
Rebecca Lowell, Principal Planner
910 Cleveland Ave, Mount Vernon, WA
98273
360-336-6214

PUBLIC HEARINGS: The previously scheduled virtual public hearing on the above-described project to be held by the Mount Vernon Planning Commission has been rescheduled from OCTOBER 19, 2021 to **NOVEMBER 16, 2021**. This meeting will be held via Zoom starting at 6 PM. To virtually attend this meeting you need to contact the City at 360-336-6214 or PermitTech@mountvernonwa.gov and ask to receive the information needed to attend this hearing no later than 1PM on November 16, 2021. The Planning Commission will be making a recommendation on this project to the City Council who will make a final decision.

The previously scheduled second public hearing on the above-described project to be held by the Mount Vernon City Council has been rescheduled from OCTOBER 27, 2021 to **DECEMBER 1, 2021** at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon starting at 7 PM.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department (360-336-6214 or PermitTech@mountvernonwa.gov) and ask to become a party of record.

ISSUED & PUBLISHED: October 20, 2021

EXHIBIT 1f, SMP Update

ADVERTISING PROOF

1215 Anderson Rd,
Mount Vernon,WA 98274
Ph. Fax: (907) 452-5054

SKAGIT PUBLISHING STANWOOD CAMANO NEWS

BILLING DATE:	ACCOUNT NO:
10/15/21	46751

CITY OF MOUNT VERNON
910 CLEVELAND AVE
MOUNT VERNON, WA 98273

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
159014	CITY OF MOUNT VERNON	10/20/21	10/20/21	2	$139.88

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount

Discount: **$0.00**
Surcharge: **$0.00**
Credits: **$0.00**

Gross:**$139.88**
Paid Amount:**$0.00**

Amount Due:**$139.88**

We Appreciate Your Business!

AD# 159014

CITY OF MOUNT VERNON REVISED NOTICE OF PUBLIC HEARINGS PERIODIC REVIEW OF SHORELINE MASTER PROGRAM AMENDMENTS CITY FILE NO: PLAN(CA)21-0002

PROJECT DESCRIPTION: The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

The proposed amendments to the City's SMP are available for review at http://mountvernonwa.gov/1059/SMP-Update and at City Hall located at 910 Cleveland Ave, Mount Vernon, WA

PROJECT LOCATION: City-wide

CITY CONTACT: Development Services Department, Rebecca Lowell, Principal Planner, 910 Cleveland Ave, Mount Vernon, WA 98273, 360-336-6214

PUBLIC HEARINGS: The previously scheduled virtual public hearing on the above-described project to be held by the Mount Vernon Planning Commission has been rescheduled from OCTOBER 19, 2021 to **NOVEMBER 16, 2021**. This meeting will be held via Zoom starting at 6 PM. To virtually attend this meeting you need to contact the City at 360-336-6214 or PermitTech@mountvernonwa.gov and ask to receive the information needed to attend this hearing no later than 1PM on November 16, 2021. The Planning Commission will be making a recommendation on this project to the City Council who will make a final decision.

The previously scheduled second public hearing on the above-described project to be held by the Mount Vernon City Council has been rescheduled from OCTOBER 27, 2021 to **DECEMBER 1, 2021** at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon starting at 7 PM.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department (360-336-6214 or PermitTech@mountvernonwa.gov) and ask to become a party of record.

Published
October 20, 2021
SVH-159014

City of MOUNT VERNON

AFFIDAVIT OF MAILING

I, **Shawna Gossett**, hereby declare as follows:

I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.

On **October 18, 2021** I mailed to property owners on the attached lists and email to the agencies on the attached list.

PROJECT DESCRIPTION: The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).

PUBLIC HEARINGS: The previously scheduled virtual public hearing on the above-described project to be held by the Mount Vernon Planning Commission has been rescheduled from OCTOBER 19, 2021 to NOVEMBER 16, 2021. This meeting will be held via Zoom starting at 6 PM. To virtually attend this meeting you need to contact the City at 360-336-6214 or PermitTech@mountvernonwa.gov and ask to receive the information needed to attend this hearing no later than 1PM on November 16, 2021. The Planning Commission will be making a recommendation on this project to the City Council who will make a final decision.

The previously scheduled second public hearing to be held by the Mount Vernon City Council has been rescheduled from OCTOBER 27, 2021 to DECEMBER 1, 2021 at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon starting at 7 PM.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Mount Vernon this **18th** day of **October, 2021.**

Shawna Gossett

Name

Owner/Occupant	Address	City	State	Zip
Owner/Occupant	PO BOX 2540	ALAMEDA	CA	94501
Owner/Occupant	PO BOX 3610	ALBANY	GA	31706
Owner/Occupant	1004 COMMERICAL AVE BOX 567	ANACORTES	WA	98221
Owner/Occupant	1012 17TH ST	ANACORTES	WA	98221
Owner/Occupant	1310 11TH ST	ANACORTES	WA	98221
Owner/Occupant	13632 SLICE ST	ANACORTES	WA	98221
Owner/Occupant	1501 12TH ST UNIT C	ANACORTES	WA	98221
Owner/Occupant	15193 DORIS ST	ANACORTES	WA	98221
Owner/Occupant	2218 32ND ST	ANACORTES	WA	98221
Owner/Occupant	3711 W 6TH ST	ANACORTES	WA	98221
Owner/Occupant	5850 BUTTRAM LN	ANACORTES	WA	98221
Owner/Occupant	5889 SR 20	ANACORTES	WA	98221
Owner/Occupant	PO BOX 1981	ANACORTES	WA	98221
Owner/Occupant	14318 164TH ST NE	ARLINGTON	WA	98223
Owner/Occupant	908 278TH ST NE	ARLINGTON	WA	98223
Owner/Occupant	32229 WEYERHAEUSER WAY S	AUBURN	WA	98001
Owner/Occupant	5810 134TH PL SE	BELLEVUE	WA	98006
Owner/Occupant	PO BOX 97034	BELLEVUE	WA	98009
Owner/Occupant	1006 LONE TREE COURT	BELLINGHAM	WA	98229
Owner/Occupant	1104 12TH ST	BELLINGHAM	WA	98225
Owner/Occupant	1375 N PARKSTONE CT	BELLINGHAM	WA	98229
Owner/Occupant	2525 ERIE ST	BELLINGHAM	WA	98226
Owner/Occupant	2950 NEWMARKET ST STE 101-243	BELLINGHAM	WA	98226
Owner/Occupant	3113 MCKENZIE AVE	BELLINGHAM	WA	98225
Owner/Occupant	3901 AIRPORT WAY	BELLINGHAM	WA	98226
Owner/Occupant	4012 NORTHRIDGE WAY	BELLINGHAM	WA	98226
Owner/Occupant	424 SUDDEN VALLEY DR	BELLINGHAM	WA	98229
Owner/Occupant	505 12TH ST	BELLINGHAM	WA	98225
Owner/Occupant	600 S STATE ST APT 404	BELLINGHAM	WA	98225
Owner/Occupant	829 SAMISH WAY	BELLINGHAM	WA	98229
Owner/Occupant	PO BOX 31914	BELLINGHAM	WA	98228
Owner/Occupant	PO BOX 8042	BENTONVILLE	AR	72716
Owner/Occupant	1360 BENNETT AVE	BLAINE	WA	98230
Owner/Occupant	20933 37TH AVE SE	BOTHELL	WA	98021
Owner/Occupant	12708 LEATHERWOOD LANE	BOW	WA	98232
Owner/Occupant	17208 COOK RD	BOW	WA	98232
Owner/Occupant	9701 SAMISH ISLAND RD	BOW	WA	98232
Owner/Occupant	9868 WINDY RIDGE LN	BOW	WA	98232
Owner/Occupant	PO BOX 216	BOW	WA	98232
Owner/Occupant	11048 VIEW RIDGE DR	BURLINGTON	WA	98233
Owner/Occupant	11857 BAY RIDGE DR	BURLINGTON	WA	98233
Owner/Occupant	120 E GEORGE HOPPER RD NO 200	BURLINGTON	WA	98233
Owner/Occupant	12257 BAYHILL DR	BURLINGTON	WA	98233
Owner/Occupant	1317 S ANACORTES ST	BURLINGTON	WA	98233
Owner/Occupant	1650 PORT DR	BURLINGTON	WA	98233
Owner/Occupant	1777 S BURLINGTON BLVD NO 137	BURLINGTON	WA	98233
Owner/Occupant	204 N SKAGIT ST	BURLINGTON	WA	98233
Owner/Occupant	237 SOUTH SECTION ST	BURLINGTON	WA	98233
Owner/Occupant	401 E MAGNOLIA AVE	BURLINGTON	WA	98233
Owner/Occupant	611 EAST WASHINGTON AVE	BURLINGTON	WA	98233
Owner/Occupant	810 MAGNOLIA AVE	BURLINGTON	WA	98233
Owner/Occupant	950 S ANACORTES ST	BURLINGTON	WA	98233
Owner/Occupant	PO BOX 1009	BURLINGTON	WA	98233
Owner/Occupant	PO BOX 78	BURLINGTON	WA	98233

Owner/Occupant	1077 ZEPHYR LANE	CAMANO ISLAND	wa	98282
Owner/Occupant	801 MARTIN RD	CAMANO ISLAND	WA	98292
Owner/Occupant	PO BOX 655	CONCRETE	WA	98237
Owner/Occupant	PO BOX 586	CONWAY	WA	98238
Owner/Occupant	PO BOX 324	CONWAY	WA	98238
Owner/Occupant	PO BOX 553	CONWAY	WA	98238
Owner/Occupant	PO BOX 586	CONWAY	WA	98238
Owner/Occupant	PO BOX 594	CONWAY	WA	98238
Owner/Occupant	PO BOX 648	CONWAY	WA	98238
Owner/Occupant	19305 OLYMPIC VIEW DR	EDMONDS	WA	98020
Owner/Occupant	48077 HALL AVE E	EDWALL	WA	99008
Owner/Occupant	11025 52ND AVE SE	EVERETT	WA	98208
Owner/Occupant	2602 59TH ST SW	EVERETT	WA	98203
Owner/Occupant	3232 OAKES AVE	EVERETT	WA	98201
Owner/Occupant	3525 COLBY AVE STE 333	EVERETT	WA	98201
Owner/Occupant	3709 SHORE AVE	EVERETT	WA	98203
Owner/Occupant	802 SE EVERETT MALL WAY STE A	EVERETT	WA	98208
Owner/Occupant	38673 SUPALE RANCH RD	FALLBROOK	CA	92028
Owner/Occupant	916 SW 298TH ST	FEDERAL WAY	WA	98023
Owner/Occupant	PO BOX 3270	FERNDALE	WA	98248
Owner/Occupant	4515 PHELPS CREEK DR	HOOD RIVER	OR	97031
Owner/Occupant	135 LAKE ST S, STE 155	KIRKLAND	WA	98033
Owner/Occupant	12516 68TH ST NE	LAKE STEVENS	WA	98258
Owner/Occupant	15315 B 84TH ST NE	LAKE STEVENS	WA	98258
Owner/Occupant	18111 S TAPPS DR E	LAKE TAPPS	WA	98391
Owner/Occupant	PO BOX 234	LAKEWOOD	WA	98259
Owner/Occupant	6242 PARAMOUNT BLVD	LONG BEACH	CA	90805
Owner/Occupant	1898 BAYSHORE RD	LOPEZ ISLAND	WA	98261
Owner/Occupant	3465 FISHERMAN BAY RD	LOPEZ ISLAND	WA	98261
Owner/Occupant	42010 MATIA VIEW	LUMMI ISLAND	WA	98262
Owner/Occupant	16520 43RD AVE W	LYNNWOOD	WA	98037
Owner/Occupant	7127 196TH ST SW STE 201	LYNNWOOD	WA	98036
Owner/Occupant	1801 GROVE ST UNIT B	MARYSVILLE	WA	98270
Owner/Occupant	8040 NE 8TH ST	MEDINA	WA	98039
Owner/Occupant	23704 150TH ST SE	MONROE	WA	98272
Owner/Occupant	7550 DUNE LAKE RD SE	MOSES LAKE	WA	98837
Owner/Occupant	1617 HOAG RD	MOUNT VENRON	WA	98273
Owner/Occupant	1001 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1003 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1003 CLEVELAND AVE STE C	MOUNT VERNON	WA	98273
Owner/Occupant	1005 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1007 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1010 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1010 WEST HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1011 S 1ST AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1011 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1013 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1015 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	1019 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1020 MCLEAN RD	MOUNT VERNON	WA	98273
Owner/Occupant	1020 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1021 RIVERSIDE DR	MOUNT VERNON	WA	98273
Owner/Occupant	1023 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1030 EAST COLLEGE WAY	MOUNT VERNON	WA	98273
Owner/Occupant	1030 W HAZEL ST	MOUNT VERNON	WA	98273

Owner/Occupant	1041 CHESTNUT LOOP	MOUNT VERNON	WA	98274
Owner/Occupant	110 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	110 STEWART RD	MOUNT VERNON	WA	98273
Owner/Occupant	1100 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	1103 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1111 CLEVELAND AVE STE 203	MOUNT VERNON	WA	98273
Owner/Occupant	1111 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1115 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1117 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	112 W LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	1129 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	113 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	114 S BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	114 W HIGHLAND ST	MOUNT VERNON	WA	98273
Owner/Occupant	115 S BALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	115 W HIGHLAND ST	MOUNT VERNON	WA	98273
Owner/Occupant	117 W LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	118 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	120 S 15TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	120 S WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1200 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1201 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	1201 SOUTH FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1203 CROW LN	MOUNT VERNON	WA	98273
Owner/Occupant	1204 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1204 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1206 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1209 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	121 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	1210 N 16TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	1210 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1211 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1213 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1215 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1215 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1219 QUENTIN AVE	MOUNT VERNON	WA	98273
Owner/Occupant	122 SOUTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1221 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	1221 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1224 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1225 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1225 S 11TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	1228 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1228 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1229 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1229 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	1229 HEMLOCK PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1229 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	123 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	123 S BALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	123 SOUTH BALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	124 E LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	1243 S 10TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	125 W STEWART ST	MOUNT VERNON	WA	98273
Owner/Occupant	12742 THILLBERG RD	MOUNT VERNON	WA	98273

Owner/Occupant	12746 THILLBERG RD	MOUNT VERNON	WA	98273
Owner/Occupant	12797 THILLBERG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1301 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1301 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1302 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1302 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1303 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1305 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1305 VIRGINIA ST #D	MOUNT VERNON	WA	98273
Owner/Occupant	1307 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1308 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1309 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1310 WALTER	MOUNT VERNON	WA	98273
Owner/Occupant	1310 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1312 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1313 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1314 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1314 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1315 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	1315 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	1315 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1315 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1315 WALTER ST	MOUNT VERNON	WA	98273
Owner/Occupant	1317 HARRISON	MOUNT VERNON	WA	98273
Owner/Occupant	13178 THILLBERG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1319 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1320 HARRISON ST	MOUNT VERNON	WA	98273
Owner/Occupant	1320 VIRGINIA ST	MOUNT VERNON	WA	98273
Owner/Occupant	1321 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	13225 FARM TO MARKET RD	MOUNT VERNON	WA	98273
Owner/Occupant	13564 RIVERS CT	MOUNT VERNON	WA	98273
Owner/Occupant	1401 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	14015 RIVER BEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	14015 RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	1405 E BERNIECE ST	MOUNT VERNON	WA	98273
Owner/Occupant	1405 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1410 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	1411 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1411 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1411 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1414 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1414 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1415 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1415 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	1415 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1416 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1417 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1418 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1419 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	1420 ROOSEVELT AVE STE 3	MOUNT VERNON	WA	98273
Owner/Occupant	1425 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	1426 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	14577 LA CONNER WHITNEY RD	MOUNT VERNON	WA	98273
Owner/Occupant	14577 LACONNER WHITNEY RD	MOUNT VERNON	WA	98273
Owner/Occupant	14764 JACK POT LANE	MOUNT VERNON	WA	98273

Owner/Occupant	14764 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14765 JACK POT LN	MOUNT VERNON	WA	98273
Owner/Occupant	14786 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14787 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14806 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14807 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14808 JACK POT LANE	MOUNT VERNON	WA	98273
Owner/Occupant	14819 RIVER BEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	14823 VALLEY VIEW DR	MOUNT VERNON	WA	98273
Owner/Occupant	14827 JACK POT LANE	MOUNT VERNON	WA	98273
Owner/Occupant	14910 DUNBAR CT	MOUNT VERNON	WA	98273
Owner/Occupant	1500 E COLLEGE WAY STE 562	MOUNT VERNON	WA	98273
Owner/Occupant	1500 E COLLEGE WAY STE A PMB 277	MOUNT VERNON	WA	98273
Owner/Occupant	1500 E COLLEGE WAY STE A PMB 473	MOUNT VERNON	WA	98273
Owner/Occupant	1500 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1501 RIVERVIEW LN	MOUNT VERNON	WA	98273
Owner/Occupant	1503 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1507 E PACIFIC	MOUNT VERNON	WA	98273
Owner/Occupant	1507 E PACIFIC PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	1509 DOUGLAS ST	MOUNT VERNON	WA	98273
Owner/Occupant	1514 WEST ST	MOUNT VERNON	WA	98273
Owner/Occupant	1515 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	1515 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	15203 BARRETT RD	MOUNT VERNON	WA	98273
Owner/Occupant	15230 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	15230 WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	15238 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	1525 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	15307 BAKER HEIGHTS RD	MOUNT VERNON	WA	98273
Owner/Occupant	15910 ANDAL LANE	MOUNT VERNON	WA	98274
Owner/Occupant	15962 BEAVER MARSH RD	MOUNT VERNON	WA	98273
Owner/Occupant	1600 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	1605 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1611 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1623 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	16274 BRITT RD	MOUNT VERNON	WA	98273
Owner/Occupant	16288 JUNGQUIST RD	MOUNT VERNON	WA	98273
Owner/Occupant	16305 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16309 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16319 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16325 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16331 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16357 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16394 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16410 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16411 DIKE RD	MOUNT VERNON	WA	98274
Owner/Occupant	16414 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16419 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16422 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16450 DIKE RD	MOUNT VERNON	WA	98273
Owner/Occupant	16498 FIR ISLAND RD	MOUNT VERNON	WA	98273
Owner/Occupant	1700 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1701 SANDALWOOD ST	MOUNT VERNON	WA	98273
Owner/Occupant	1702 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1704 MEADOW DR	MOUNT VERNON	WA	98273

Owner/Occupant	1704 W MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1705 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1705 SANDALWOOD ST	MOUNT VERNON	WA	98273
Owner/Occupant	17059 KOKANEE COURT	MOUNT VERNON	WA	98274
Owner/Occupant	1706 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1708 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1709 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1710 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1711 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1711 SANDALWOOD ST	MOUNT VERNON	WA	98273
Owner/Occupant	1712 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1713 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	1714 MEADOW DR	MOUNT VERNON	WA	98273
Owner/Occupant	17145 AVON ST	MOUNT VERNON	WA	98273
Owner/Occupant	17174 THEODORSON LN	MOUNT VERNON	WA	98273
Owner/Occupant	17189 COHO CT	MOUNT VERNON	WA	98273
Owner/Occupant	17208 BRADSHAW RD	MOUNT VERNON	WA	98273
Owner/Occupant	17243 GARDEN RIDGE LN	MOUNT VERNON	WA	98274
Owner/Occupant	17278 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17307 DUNBAR RD	MOUNT VERNON	WA	98273
Owner/Occupant	17370 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17406 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17431 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17432 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17495 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17530 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17587 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	17621 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	1800 CONTINENTAL PL	MOUNT VERNON	WA	98273
Owner/Occupant	18019 BRADSHAW RD	MOUNT VERNON	WA	98273
Owner/Occupant	1810 E DIVISION ST APT 239	MOUNT VERNON	WA	98273
Owner/Occupant	1821 WINDSOR DR	MOUNT VERNON	WA	98273
Owner/Occupant	18318 PERIWINKLE LN	MOUNT VERNON	WA	98274
Owner/Occupant	18380 HICKOX RD	MOUNT VERNON	WA	98273
Owner/Occupant	18414 DUNBAR RD	MOUNT VERNON	WA	98273
Owner/Occupant	18417 BURKLAND RD	MOUNT VERNON	WA	98274
Owner/Occupant	1901 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	1913 PACIFIC PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	19570 SMILEY DR	MOUNT VERNON	WA	98274
Owner/Occupant	19674 W RIDGE LANE	MOUNT VERNON	WA	98274
Owner/Occupant	19682 ANDERSON RD	MOUNT VERNON	WA	98274
Owner/Occupant	19696 LANDING RD	MOUNT VERNON	WA	98273
Owner/Occupant	201 N 10TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	201 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	202 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	202-206 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	203 N 5TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	203 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	20391 OLEARY RD	MOUNT VERNON	WA	98273
Owner/Occupant	20479 COMET LANE	MOUNT VERNON	WA	98274
Owner/Occupant	205 N 8TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	205 W HIGHLAND ST	MOUNT VERNON	WA	98273

Owner/Occupant	205 W KINCAID ST	MOUNT VERNON	WA	98273
Owner/Occupant	205 W STEWART ST	MOUNT VERNON	WA	98273
Owner/Occupant	206 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	206 SOUTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	206 W HIGHLAND ST	MOUNT VERNON	WA	98273
Owner/Occupant	207 W LAWRENCE ST APT C	MOUNT VERNON	WA	98273
Owner/Occupant	20765 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	20814 HERMWAY HEIGHTS RD	MOUNT VERNON	WA	98274
Owner/Occupant	20849 CASCADE RIDGE DR	MOUNT VERNON	WA	98274
Owner/Occupant	20933 LAKE SIXTEEN RD	MOUNT VERNON	WA	98274
Owner/Occupant	210 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2108 S 15TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	214 S WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	215 RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	215 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	215 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	215 S RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	217 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	219 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	219 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2201 MONICA DR	MOUNT VERNON	WA	98273
Owner/Occupant	2209 MONICA DR	MOUNT VERNON	WA	98273
Owner/Occupant	221 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	221 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	221 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	221 SOUTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2215 MONICA DR	MOUNT VERNON	WA	98273
Owner/Occupant	2219 MONICA DR	MOUNT VERNON	WA	98273
Owner/Occupant	222 N BAKER	MOUNT VERNON	WA	98273
Owner/Occupant	222 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	2228 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	22331 SHADY LN	MOUNT VERNON	WA	98274
Owner/Occupant	224 MAPLE LN	MOUNT VERNON	WA	98273
Owner/Occupant	224 STEWART RD	MOUNT VERNON	WA	98273
Owner/Occupant	22666 GUNDERSON RD	MOUNT VERNON	WA	98273
Owner/Occupant	230 MAPLE LN	MOUNT VERNON	WA	98273
Owner/Occupant	2300 MARKET ST	MOUNT VERNON	WA	98273
Owner/Occupant	2301 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2303 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2305 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2306 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2306 NORTH 18TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2306 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2306 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2307 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2307 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2307 N 18TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2307 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2308 HORIZON ST	MOUNT VERNON	WA	98273
Owner/Occupant	2308 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2308 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2310 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2310 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2312 HORIZON ST	MOUNT VERNON	WA	98273
Owner/Occupant	2312 HORIZONS ST	MOUNT VERNON	WA	98273

Owner/Occupant	2313 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2314 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	23172 LANYARD LANE	MOUNT VERNON	WA	98274
Owner/Occupant	2319 19TH PL N	MOUNT VERNON	WA	98273
Owner/Occupant	2319 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2319 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2319 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2319 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2320 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2320 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2323 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2324 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2324 NORTH 19TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2325 N 20TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2325 NORTH 20TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2329 MARKET ST	MOUNT VERNON	WA	98273
Owner/Occupant	2330 E PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2330 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2330 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2331 W PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2331 WEST PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2340 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	23871 NOOKACHAMP HILLS DR	MOUNT VERNON	WA	98274
Owner/Occupant	2400 E PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2400 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2400 RIVERSIDE DR	MOUNT VERNON	WA	98273
Owner/Occupant	2401 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2401 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2401 W PARKWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	2401 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2401 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2402 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2402 HORIZON ST	MOUNT VERNON	WA	98273
Owner/Occupant	2402 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2402 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2404 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2405 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2407 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2407 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2407 N 20TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	2407 WOODRIDGE AV	MOUNT VERNON	WA	98273
Owner/Occupant	2407 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2408 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2408 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2408 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2409 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2410 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2412 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2412 N 19TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	2413 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2413 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2413 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2414 HORIZONS ST	MOUNT VERNON	WA	98273
Owner/Occupant	2414 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2414 NORTH 18TH PLACE	MOUNT VERNON	WA	98273

Owner/Occupant	2415 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2416 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2416 EAST MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2418 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2419 N 19TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2419 N 20TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2419 N 20TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	2419 NORTH 19TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2419 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2420 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2420 HORIZONS AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2420 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2420 NORTH 18TH PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2420 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2421 N 18TH PL	MOUNT VERNON	WA	98273
Owner/Occupant	2421 WOODRIDGE AVE	MOUNT VERNON	WA	98273
Owner/Occupant	2422 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2423 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2424 E MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2424 EAST MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2425 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2426 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2429 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	2430 W MEADOW BLVD	MOUNT VERNON	WA	98273
Owner/Occupant	250 N FRONT ST	MOUNT VERNON	WA	98273
Owner/Occupant	2500 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2501 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2503A RIVER VISTA PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2505 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2507 RIVER VISTA PLACE UNIT B	MOUNT VERNON	WA	98273
Owner/Occupant	2509 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2511 RIVER VISTA PLACE UNIT B	MOUNT VERNON	WA	98273
Owner/Occupant	2511A RIVER VISTA PLACE	MOUNT VERNON	WA	98273
Owner/Occupant	2513 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2515 RIVER VISTA COURT NO A	MOUNT VERNON	WA	98273
Owner/Occupant	2515 RIVER VISTA CT NO C	MOUNT VERNON	WA	98273
Owner/Occupant	2516 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2517 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2519 RIVER VISTA COURT UNIT A	MOUNT VERNON	WA	98273
Owner/Occupant	2519 RIVER VISTA CT	MOUNT VERNON	WA	98273
Owner/Occupant	2521 A RIVER VISTA COURT	MOUNT VERNON	WA	98273
Owner/Occupant	2521 B RIVER VISTA COURT	MOUNT VERNON	WA	98273
Owner/Occupant	2529 LAVENTURE	MOUNT VERNON	WA	98273
Owner/Occupant	2529 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2541 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2564 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	2601 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2601 RUFOUS LANE	MOUNT VERNON	WA	98273
Owner/Occupant	2603 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2604 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2605 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2605 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2605 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2606 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2606 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273

Owner/Occupant	2606 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2607 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2607 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2608 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2609 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2609 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2609 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2610 E SECTION ST UNIT 103	MOUNT VERNON	WA	98274
Owner/Occupant	2610 RIVER VISTA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	2611 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2611 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2612 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2612 RIVER VISTA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	2613 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2614 A RIVER VISTA LN #34A	MOUNT VERNON	WA	98273
Owner/Occupant	2614 RIVER VISTA LN SP 34B	MOUNT VERNON	WA	98273
Owner/Occupant	2615 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2615 NORTHWOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2616 RIVER VISTA LANE UNIT A	MOUNT VERNON	WA	98273
Owner/Occupant	2616 RIVER VISTA LN UNIT B	MOUNT VERNON	WA	98273
Owner/Occupant	2617 NORTH WOODS LOOP RD	MOUNT VERNON	WA	98273
Owner/Occupant	2619 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2701 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2702 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2703 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2704 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2705 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2706 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2707 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2708 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2709 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2711 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2715 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2717 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2718 RIVER VISTA LOOP	MOUNT VERNON	WA	98273
Owner/Occupant	2724 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2726 N LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	2727 LAVENTURE RD	MOUNT VERNON	WA	98273
Owner/Occupant	300 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	300 S 1ST ST STE 208	MOUNT VERNON	WA	98273
Owner/Occupant	3004 PINE CREEK DR	MOUNT VERNON	WA	98273
Owner/Occupant	3017 ERIKA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	302 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	303 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	303 NORTH 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	303 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3044 PINE CREEK DR	MOUNT VERNON	WA	98273
Owner/Occupant	305 FREEWAY DR	MOUNT VERNON	WA	98273
Owner/Occupant	305 W STEWART RD	MOUNT VERNON	WA	98273
Owner/Occupant	306 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	307 N 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	307 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	308 MAPLE LN	MOUNT VERNON	WA	98273
Owner/Occupant	308 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	308 W GATES ST	MOUNT VERNON	WA	98273

Owner/Occupant	309 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	310 MYRTLE ST	MOUNT VERNON	WA	98273
Owner/Occupant	3100 N 30TH ST BOX 2	MOUNT VERNON	WA	98273
Owner/Occupant	3100 N 30TH ST UNIT 2	MOUNT VERNON	WA	98273
Owner/Occupant	311 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	311 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	311 S BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3111 CHEROKEE LANE	MOUNT VERNON	WA	98273
Owner/Occupant	3113 ERIKA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	312 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	314 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	314 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	314 PINE ST STE 208	MOUNT VERNON	WA	98273
Owner/Occupant	315 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	315 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	315 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	315 RIVERBEND RD	MOUNT VERNON	WA	98273
Owner/Occupant	315 SNOQUALMIE ST	MOUNT VERNON	WA	98273
Owner/Occupant	317 MCCORMICK LN	MOUNT VERNON	WA	98273
Owner/Occupant	317 N 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	317 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	317 S 2ND ST STE 116	MOUNT VERNON	WA	98273
Owner/Occupant	317 SOUTH SECOND ST	MOUNT VERNON	WA	98273
Owner/Occupant	318 MCCORMACK LN	MOUNT VERNON	WA	98273
Owner/Occupant	318 MCCORMICK LN	MOUNT VERNON	WA	98273
Owner/Occupant	319 N 3RD ST	MOUNT VERNON	WA	98273
Owner/Occupant	319 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	320 KINCAID	MOUNT VERNON	WA	98273
Owner/Occupant	320 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	320 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	321 E LAWRENCE ST	MOUNT VERNON	WA	98273
Owner/Occupant	321 NORTH 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	324 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	324 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	3240 E COLLEGE WAY	MOUNT VERNON	WA	98273
Owner/Occupant	325 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	325 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	326 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	329 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	330 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3309 ERIKA LANE	MOUNT VERNON	WA	98273
Owner/Occupant	3309 ERIKA LN	MOUNT VERNON	WA	98273
Owner/Occupant	3310 APACHE DR	MOUNT VERNON	WA	98273
Owner/Occupant	334 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	335 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	336 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	3400 E FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	3420 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3475A E DIVISION ST	MOUNT VERNON	WA	98274
Owner/Occupant	3733 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3789 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3796 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3797 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	3800 FRANCIS RD	MOUNT VERNON	WA	98273
Owner/Occupant	400 S 1ST ST	MOUNT VERNON	WA	98273

Owner/Occupant	400 WEST FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	401 S FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	402 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	402 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	402 NORTH WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	403 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	403 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	403 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	404 N WALL	MOUNT VERNON	WA	98273
Owner/Occupant	405 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	405 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	405 W FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	406-410 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	407 MILWAUKEE	MOUNT VERNON	WA	98273
Owner/Occupant	407 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	407 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	407 S FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	408 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	408 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	409 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	409 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	410 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	410-412 MYRTLE ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 LILAC DR	MOUNT VERNON	WA	98273
Owner/Occupant	412 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 NORTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	412 SNOQUALMIE	MOUNT VERNON	WA	98273
Owner/Occupant	412-416 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	413 E HIGHLAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	413 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	413 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	414 PARK	MOUNT VERNON	WA	98273
Owner/Occupant	414 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 MILWAUKEE ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 PINE ST	MOUNT VERNON	WA	98273
Owner/Occupant	415 S 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	416 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	416 MYRTLE ST	MOUNT VERNON	WA	98273
Owner/Occupant	416 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	418 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	418 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	419 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 GATES ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 MILWAUKEE ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	420 S 6TH ST	MOUNT VERNON	WA	98274
Owner/Occupant	421 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	422 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	428 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	4615 MONTE VISTA DR	MOUNT VERNON	WA	98273

Owner/Occupant	500 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	500 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	501 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	501 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	501 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	501 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	501-503 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	503 W FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	503 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	503 WEST FIR ST	MOUNT VERNON	WA	98273
Owner/Occupant	504 N 1ST	MOUNT VERNON	WA	98273
Owner/Occupant	504 N WALL	MOUNT VERNON	WA	98273
Owner/Occupant	504 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	504 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	505 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	505 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	506 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	507 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	508 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	508 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	509 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	509 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	51 ALDER LANE	MOUNT VERNON	WA	98273
Owner/Occupant	51 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	510 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	510 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 NORTH BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	511 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	512 MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	512 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	512 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	513 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	513 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	514 N WALL ST	MOUNT VERNON	WA	98273
Owner/Occupant	514 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	515 N BAKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	515 PACIFIC PLACE UNIT 3	MOUNT VERNON	WA	98273
Owner/Occupant	515 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	516 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	516 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	519 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	519 SOUTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	520 E HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	520 N 1ST ST	MOUNT VERNON	WA	98273

Owner/Occupant	520 NORTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	520 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	521 SOUTH SECOND ST	MOUNT VERNON	WA	98273
Owner/Occupant	525 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	525 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	525 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	527 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	530 N 16TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	531 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	600 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	601 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 NORTH BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 S FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 S SECOND ST	MOUNT VERNON	WA	98273
Owner/Occupant	601 WEST DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	601-607 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	602 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	602 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	602 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	603 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	605 COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	605 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	606 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	606 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	606 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	606-612 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	607 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	607 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	607 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	607B SOUTH FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	608 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	609 & 611 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	609 N BARKER ST	MOUNT VERNON	WA	98273
Owner/Occupant	609 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	609A S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	610 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	611 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	611 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	612 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	612 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	613 & 615 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	613 WEST DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	614 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	615 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	615 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	615 WEST DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	616 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	616 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	617 N 1ST ST	MOUNT VERNON	WA	98273

Owner/Occupant	617 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	618 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	618 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	619 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	619 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	619 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	620 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	620 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	621 PARK ST	MOUNT VERNON	WA	98273
Owner/Occupant	69 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	700 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	700 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	700 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	701 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	702 MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	702 S MAIN ST	MOUNT VERNON	WA	98273
Owner/Occupant	702 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	704 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	704 N 1ST ST UNIT AB	MOUNT VERNON	WA	98273
Owner/Occupant	704 W DIVISION	MOUNT VERNON	WA	98273
Owner/Occupant	704 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	705 BEHRENS MILLETT RD	MOUNT VERNON	WA	98273
Owner/Occupant	705 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	707 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	707 W LINCLON ST	MOUNT VERNON	WA	98273
Owner/Occupant	707 W LINCOLN	MOUNT VERNON	WA	98273
Owner/Occupant	708 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	708 N FIRST ST	MOUNT VERNON	WA	98273
Owner/Occupant	709 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	709-711 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	710 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	710 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 N FIRST	MOUNT VERNON	WA	98273
Owner/Occupant	712 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	712 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	714 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	715 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	716 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	717 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	717 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	718 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	718 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	720 WEST GARFIELD ST	MOUNT VERNON	WA	98273

Owner/Occupant	721 COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 NORTH 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	721 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	725 N 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	725 S 1ST ST	MOUNT VERNON	WA	98273
Owner/Occupant	725.5 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	726 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	729 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	73 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	74 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	78 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	79 ALDER LANE	MOUNT VERNON	WA	98273
Owner/Occupant	79 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	800 HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	800 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	801 GARFIELD	MOUNT VERNON	WA	98273
Owner/Occupant	801 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	801 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	801 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	803 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	803 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	804 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	805 W DIVISION ST	MOUNT VERNON	WA	98273
Owner/Occupant	807 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	809 LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	809 W COSGROVE ST	MOUNT VERNON	WA	98273
Owner/Occupant	809 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	810 E HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	810 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	811 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	811 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	814 W LINCOLN ST	MOUNT VERNON	WA	98273
Owner/Occupant	815 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	815 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	818 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	818 WEST HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	819 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	819 WEST HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	820 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	820 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	820 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	821 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	821 W GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	823 N 4TH ST	MOUNT VERNON	WA	98273
Owner/Occupant	824 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	825 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	825 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	826 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	827 DUNBAR RD	MOUNT VERNON	WA	98273
Owner/Occupant	827 HOAG RD	MOUNT VERNON	WA	98273

Owner/Occupant	828 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	830 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	834 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	84 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	88 WILLOW LANE	MOUNT VERNON	WA	98273
Owner/Occupant	900 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	901 S CLEVELAND	MOUNT VERNON	WA	98273
Owner/Occupant	901 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	901 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	902 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	904 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	904 N WAUGH RD	MOUNT VERNON	WA	98274
Owner/Occupant	905 S 3RD ST	MOUNT VERNON	WA	98273
Owner/Occupant	907 VERA COURT	MOUNT VERNON	WA	98273
Owner/Occupant	908 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	909 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	91 ALDER LANE	MOUNT VERNON	WA	98273
Owner/Occupant	91 ALDER LN	MOUNT VERNON	WA	98273
Owner/Occupant	910 CLEVELAND AVE	MOUNT VERNON	WA	98273
Owner/Occupant	910 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	911 HOAG RD	MOUNT VERNON	WA	98273
Owner/Occupant	914 W HAZEL	MOUNT VERNON	WA	98273
Owner/Occupant	914 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	916 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	916 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	917 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	919 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	920 S 2ND ST	MOUNT VERNON	WA	98273
Owner/Occupant	921 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	922 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	924 GARFIELD ST	MOUNT VERNON	WA	98273
Owner/Occupant	924 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	924 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	925 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	928 W HAZEL ST	MOUNT VERNON	WA	98273
Owner/Occupant	93 WILLOW LANE	MOUNT VERNON	WA	98273
Owner/Occupant	932 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	933 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	94 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	940 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	941 SUMMERLYND LANE	MOUNT VERNON	WA	98273
Owner/Occupant	99 WILLOW LN	MOUNT VERNON	WA	98273
Owner/Occupant	P O BOX 2926	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2926	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1010	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1127	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1167	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1203	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1342	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1375	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1436	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 144	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1923	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1933	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 1946	MOUNT VERNON	WA	98273

Owner/Occupant	PO BOX 2011	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2297	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2444	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2452	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2597	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2614	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2788	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2816	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2926	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 2962	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 487	MOUNT VERNON	WA	98273
Owner/Occupant	PO BOX 699	MOUNT VERNON	WA	98273
Owner/Occupant	17737 STATE ROUTE 536	MOUNT VERNON	WA	98273
Owner/Occupant	14944 DUNBAR CT	MOUNT VERNON	WA	98273
Owner/Occupant	20416 E STACKPOLE RD	MT VERNON	WA	98274
Owner/Occupant	2305 N 18TH PLACE	MT VERNON	WA	98273
Owner/Occupant	262 CENTRAL PARK WEST UNIT 6B	NEW YORK	NY	10024
Owner/Occupant	PO BOX 1050	NORTH BEND	WA	98045
Owner/Occupant	1900 SW 16TH AVE	OAK HARBOR	WA	98277
Owner/Occupant	600 N CAPITOL WAY	OLYMPIA	WA	98501
Owner/Occupant	6402 TROON LN SE	OLYMPIA	WA	98501
Owner/Occupant	8049 SOMERSET BLVD	PARAMOUNT	CA	90723
Owner/Occupant	9202 176TH ST E APT 97	PUYALLUP	WA	98375
Owner/Occupant	PO BOX 673	RAVENSDALE	WA	98051
Owner/Occupant	17351 NE 70TH ST	REDMOND	WA	98052
Owner/Occupant	18105 NE 23RD ST	REDMOND	WA	98052
Owner/Occupant	3940 MEADOW AVE N	RENTON	WA	98056
Owner/Occupant	195 SOUTH 15TH ST	SAINT HELENS	RI	97051
Owner/Occupant	1804 MCKEE ST UNIT B5	SAN DIEGO	CA	92110
Owner/Occupant	PO BOX 303	SEAHURST	WA	98062
Owner/Occupant	100 23RD AVE S	SEATTLE	WA	98144
Owner/Occupant	11435 80TH PL S	SEATTLE	WA	98178
Owner/Occupant	18940 11TH NE	SEATTLE	WA	98155
Owner/Occupant	2151 N NORTHLAKE WAY STE 200	SEATTLE	WA	98103
Owner/Occupant	2342 22ND AVE S	SEATTLE	WA	98144
Owner/Occupant	2479 PERKINS LN W	SEATTLE	WA	98199
Owner/Occupant	4111 EAST MADISON ST UNIT 490	SEATTLE	WA	98112
Owner/Occupant	PO BOX 330310	SEATTLE	WA	98133
Owner/Occupant	135 EAST STATE ST	SEDRO WOOLLEY	WA	98284
Owner/Occupant	19808 PARSON CREEK RD	SEDRO WOOLLEY	WA	98284
Owner/Occupant	20799 HARTRY LN	SEDRO WOOLLEY	WA	98284
Owner/Occupant	21265 PLAZA DR	SEDRO WOOLLEY	WA	98284
Owner/Occupant	29727 LYMAN HAMILTON HWY	SEDRO WOOLLEY	WA	98284
Owner/Occupant	9426 PIERCE LANE	SEDRO WOOLLEY	WA	98284
Owner/Occupant	P O BOX 619	SEDRO WOOLLEY	WA	98284
Owner/Occupant	4311 BLANK RD	SEDRO WOOLLEY	WA	98284
Owner/Occupant	20237 ECHO HILL RD	SEDRO-WOOLLEY	WA	98284
Owner/Occupant	1361 NW ROCKFORD CIR	SILVERDALE	WA	98383
Owner/Occupant	7522 188TH ST SE	SNOHOMISH	WA	98296
Owner/Occupant	110 S FERRALL ST	SPOKANE	WA	99202
Owner/Occupant	1010 SILVER SPRINGS WAY	STANWOOD	WA	98292
Owner/Occupant	31110 33RD DR NW	STANWOOD	WA	98292
Owner/Occupant	PO BOX 1078	STANWOOD	WA	98292
Owner/Occupant	26612 LAKESIDE	SUN LAKES	AZ	85248
Owner/Occupant	3303 RIDGEWOOD PATH	THE VILLAGES	FL	32163

Owner/Occupant	13821 CORNFLOWER CT	WELLINGTON	FL	33414
Owner/Occupant	15621 BEACH BLVD	WESTMINSTER	CA	92683
Owner/Occupant	PO BOX 615	WESTPORT	WA	98595
Owner/Occupant	PO BOX 2324	WOODINVILLE	WA	98072
City of Mount Vernon, Development Services Department	910 Cleveland Ave	Mount Vernon	WA	98273
The Watershed Company, Leila Willoughby-Oakes	750 6th St S	Kirkland	WA	98033
WA Department of Ecology, Lauren Bromley	4601 N. Monroe Street	Spokane	WA	99205
Owner/Occupant	14112 TRITES ROAD	SURREY	BC	V3X3E8
Owner/Occupant	3740 SWAN RD	Mount Vernon	WA	98273
Owner/Occupant	3100 N 30TH ST BOX 2	Mount Vernon	WA	98273
Owner/Occupant	3315 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3272 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3265 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3300 VILLAGE COURT	Mount Vernon	WA	98273
Owner/Occupant	3100 N 30TH ST	Mount Vernon	WA	98273
Owner/Occupant	3121 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	2383 ORIOLE ST	Oak Harbor	WA	98277
Owner/Occupant	3125 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3127 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	24337 WALKER VALLEY RD	Mount Vernon	WA	98274
Owner/Occupant	3129 ARBOR ST	Mount Vernon	WA	98273
Owner/Occupant	3201 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3205 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3209 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	3211 ARBOR STREET	Mount Vernon	WA	98273
Owner/Occupant	2609 N 34TH PL	Mount Vernon	WA	98273
Owner/Occupant	2617 34TH PL N	Mount Vernon	WA	98273
Owner/Occupant	2618 N 34TH PL	Mount Vernon	WA	98273
Owner/Occupant	2610 N 34TH PL	Mount Vernon	WA	98273
Owner/Occupant	2322 NORTH MARTIN ROAD	Mount Vernon	WA	98273
Owner/Occupant	PO BOX 1017	Mount Vernon	WA	98273
Owner/Occupant	124 E Lawrence	Mount Vernon	WA	98273
Tony Pickering	3400 E Fir Street	Mount Vernon	WA	98273
David Waterman	210 S Baker St	Mount Vernon	WA	98273
Wendy LaRocque	1415 Freeway Dr	Mount Vernon	WA	98273
Hansell Mitzel, LLC	1111 Cleveland Ave, Ste 203	Mount Vernon	WA	98273
Bjorling, LLC	3420 Francis Road	Mount Vernon	WA	98273
William Gregory	816 Thurmond Ave	Sedro-Woolley	WA	98284
Van Ness Feldman LLP, Matthew J Vivian	1191 Second Ave Ste 1800	Seattle	WA	98101-2996

AGENCY	NAME	EMAIL
Washington State Department of Ecology	Lauren Bromley	labr461@ecy.wa.gov;
	Chad Yunge	cyun461@ecy.wa.gov;
	David Radabaugh	drad461@ecy.wa.gov;
	NA	sepaunit@ecy.wa.gov;
Washington State Department of Fish and Wildlife	NA	SEPAdesk@dfw.wa.gov;
	Wendy Cole	Wendy.cole@dfw.wa.gov;
	Robert Warinner	Robert.warinner@dfw.wa.gov;
Washington State Department of Commerce	NA	reviewteam@commerce.wa.gov;
Washington State Department of Natural Resources	NA	sepacenter@dnr.wa.gov;
Washington State Department of Transportation	Roland Storme	roland.storme@wsdot.wa.gov;
	Jay Drye	DryeJ@wsdot.wa.gov;
	Todd Carlson	CarlsoT@wsdot.wa.gov
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	Matthew Bennett	Matthew.J.Bennett@usace.army.mil;
Skagit County (Planning and Development Services)	Hal Hart	hhart@co.skagit.wa.us;
	Betsy Stevenson	betsyds@co.skagit.wa.us;
	NA	pds@co.skagit.wa.us;
Skagit County Public Works	Dan Berentson	pw@co.skagit.wa.us;
Skagit County Assessor		assessor@co.skagit.wa.us
Skagit Council of Governments	Kevin Murphy	kevinm@scog.net;
Skagit Transit		iwatson@skagittransit.org;
Skagit Conservation District		skagitcd@skagitcd.org;
DAHP	NA	sepa@dahp.wa.gov;
Skagit Fisheries Enhancement Group		sfeg@skagitfisheries.org;
Dike District 1	Jason Vanderkooy	jasonvkooy@gmail.com;
Dike District 3	Dave Olson	djolson27@gmail.com
Dike District 17	Daryl Hamburg	dhamburgs@msn.com;
Dike District 20	Fred and Alice DeVries	danddr20skagit@gmail.com;
Drainage District 17	NA	skagitdiid17@gmail.com;
Drainage District 20	Fred and Alice DeVries	
City of Mount Vernon	Jennifer Berner, Parks Director	jenniferb@mountvernonwa.gov;
	Esco Bell, PW Director - removed 10-18-2021	
	Bill Bullock, Cap. Programs Manager	billb@mountvernonwa.gov;
City of Burlington	Brad Johnson, Planning Director	bradmj@burlingtonwa.gov;
	Greg Young	administration@burlingtonwa.gov;
Port of Skagit County	Patsy Martin	sara@portofskagit.com;
	Sara	patsym@portofskagit.com;
Skagit River Systems Cooperative		thyatt@skagitcoop.org;
		jmeyer@skagitcoop.org;
		nkammer@skagitcoop.org;
Swinomish Tribe		tmitchell@swinomish.nsn.us;
Upper Skagit Indian Tribe		scotts@upperskagit.com;
Samish Tribe		jferry@samishtribe.nsn.us;
Sauk-Suiattle Tribe		Kjoseph@sauk-suiattle.com;
Tulalip Tribe		ryoung@tulaliptribes-nsn.gov;
Stillaguamish Tribe		klyste@stillaguamish.com;
Skagit Public Utility District #1	Bill Trueman	trueman@skagitpud.org;
	Mike Demers	demers@skagitpud.org;
Puget Sound Energy	Jeff Mcmeekin	jeff.mcmeekin@pse.com;
	Robert Knoll	Robert.knoll@pse.com;
Zipley (fka Frontier)	David Glein	David.Glein@ziply.com;
	Dennis Keller	Dennis.keller@ziply.com;
	Bryan Escamilla	bryan.escamilla1@ziply.com
Cascade Natural Gas	Adam Sad	Addam.sad@cngc.com;
	Don Pearcy	jenni.wilson@cngc.com
Comcast	Dave Brooks	Dave_Brooks@comcast.com;
	Jacob Friedman	Jacob_friedman@cable.comcast.com;
	Teresa Stemler	Teresa_Stemler@comcast.com;

Federal Army CORPS of Engineers	1	Ronald.j.wilcox@usace.army.mil;
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WA Department of Corrections	1	efheinitz@doc1.wa.gov;
WA EFSEC	1	sposner@utc.wa.gov;
WA State Department of Health	1	sepa.reviewteam@doh.wa.gov;
Puget Sound Partnership	1	SEPAinfo@psp.wa.gov;
Puget Sound Regional Council	1	eharris@psrc.org;
WA State Parks/Parks and Recreation Commission	1	Sepa@parks.wa.gov
WA State DOE NW Region	1	NWSEPA@ecy.wa.gov;
WA State DSHS	1	Robert.hubenthal@dshs.wa.gov;
	1	jmacdonald@SkagitTransit.org;
Skagit County PDS	1	brandonb@co.skagit.wa.us;
	1	dkdist12@cnw.com;
	1	peter@ojalalaw.com;
		Daisy.P.Douglass@usace.army.mil;
DAHP - (DAHP) –		sepa@dahp.wa.gov;
WA State Dept. of Commerce		reviewteam@commerce.wa.gov;
Fish and Wildlife		SEPAdesk@dfw.wa.gov;
		Wendy.cole@dfw.wa.gov;
Dept. of Natural Resources		sepacenter@dnr.wa.gov;
WA State Department of Transportation		roland.storme@wsdot.wa.gov;
NW Clean Air Authority		Agatam@nwcleanairwa.gov;
Dept. of Ecology		USE DOE PORTAL Follow this link for instructions
SKAT		iwatson@skagittransit.org;
COUNTY CONTACTS		
		pds@co.skagit.wa.us;
Skagit County Assessor		**assessor@co.skagit.wa.us;**
Dike & Drainage Districts:		Skagitdiid17@gmail.com;
Skagit Council of Governments		kevinm@scog.net;
PORT CONTACTS		
Port of Skagit		sara@portofskagit.com;

Shawna Gossett

From: Shawna Gossett
Sent: Monday, October 18, 2021 12:12 PM
To: labr461@ecy.wa.gov; cyun461@ecy.wa.gov; drad461@ecy.wa.gov; sepaunit@ecy.wa.gov; SEPAdesk@dfw.wa.gov; Wendy.cole@dfw.wa.gov; Robert.warinner@dfw.wa.gov; reviewteam@commerce.wa.gov; sepacenter@dnr.wa.gov; roland.storme@wsdot.wa.gov; DryeJ@wsdot.wa.gov; CarlsoT@wsdot.wa.gov; Agatam@nwcleanairwa.gov; Daisy.P.Douglass@usace.army.mil; Matthew.J.Bennett@usace.army.mil; hhart@co.skagit.wa.us; betsyds@co.skagit.wa.us; pds@co.skagit.wa.us; pw@co.skagit.wa.us; assessor@co.skagit.wa.us; kevinm@scog.net; iwatson@skagittransit.org; skagitcd@skagitcd.org; sepa@dahp.wa.gov; sfeg@skagitfisheries.org; jasonvkooy@gmail.com; djolson27@gmail.com; dhamburgs@msn.com; danddr20skagit@gmail.com; skagitdiid17@gmail.com; Jennifer Berner; Bill Bullock; bradmj@burlingtonwa.gov; administration@burlingtonwa.gov; sara@portofskagit.com; patsym@portofskagit.com; thyatt@skagitcoop.org; jmeyer@skagitcoop.org; nkammer@skagitcoop.org; tmitchell@swinomish.nsn.us; scotts@upperskagit.com; jferry@samishtribe.nsn.us; Kjoseph@sauk-suiattle.com; ryoung@tulaliptribes-nsn.gov; klyste@stillaguamish.com; trueman@skagitpud.org; demers@skagitpud.org; jeff.mcmeekin@pse.com; Robert.knoll@pse.com; David.Glein@ziply.com; Dennis.keller@ziply.com; bryan.escamilla1@ziply.com; Addam.sad@cngc.com; jenni.wilson@cngc.com; Dave_Brooks@comcast.com; Jacob_friedman@cable.comcast.com; Teresa_Stemler@comcast.com; Ronald.j.wilcox@usace.army.mil; kmclain@agr.wa.gov; efheinitz@doc1.wa.gov; sposner@utc.wa.gov; sepa.reviewteam@doh.wa.gov; SEPAinfo@psp.wa.gov; eharris@psrc.org; Sepa@parks.wa.gov; NWSEPA@ecy.wa.gov; Robert.hubenthal@dshs.wa.gov; jmacdonald@SkagitTransit.org; brandonb@co.skagit.wa.us; dkdist12@cnw.com; peter@ojalalaw.com
Cc: DS-Planning; Permit Tech
Subject: Revised Notice of Public Hearings - Periodic Review of Shoreline Master Program Amendments
Attachments: Revised Notice of Public Hearings, SMP.pdf

TYPE OF DOCUMENT:	Revised Notice of Public Hearings - Periodic Review of Shoreline Master Program Amendments, City File No: PLAN(CA)21-0002
DESCRIPTION OF PROPOSAL:	The City has prepared draft SMP amendments to keep the SMP current with changes in state law, changes in other City plans and regulations, and other changed local circumstances. The City's SMP regulations are adopted by reference within Chapter 15.07 of the Mount Vernon Municipal Code (MVMC).
LOCATION:	City Wide
APPLICANT:	City of Mount Vernon, Development Services Department 910 Cleveland Ave Mount Vernon, WA 98273
HEARING DATES	Planning Commission – November 16, 2021 City Council – December 1st, 2021

LEAD AGENCY CONTACT:	Rebecca Lowell, Principal Planner 910 Cleveland Ave Mount Vernon, WA 98273 (360) 336-6214
FOR MORE INFORMATION:	The proposed amendments to the City's SMP are available for review at http://mountvernonwa.gov/1059/SMP-Update and at City Hall located at 910 Cleveland Ave, Mount Vernon, WA

Shawna Gossett, CPT
Senior Permit Technician

City of MOUNT VERNON

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: https://ci-mountvernon-wa.smartgovcommunity.com

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AGENCY	NAME	EMAIL
Washington State Department of Ecology	Lauren Bromley	labr461@ecy.wa.gov;
	Chad Yunge	cyun461@ecy.wa.gov;
	David Radabaugh	drad461@ecy.wa.gov;
	NA	sepaunit@ecy.wa.gov;
Washington State Department of Fish and Wildlife	NA	**SEPAdesk@dfw.wa.gov;**
	Wendy Cole	**Wendy.cole@dfw.wa.gov;**
	Robert Warinner	Robert.warinner@dfw.wa.gov;
Washington State Department of Commerce	NA	**reviewteam@commerce.wa.gov;**
Washington State Department of Natural Resources	NA	**sepacenter@dnr.wa.gov;**
Washington State Department of Transportation	Roland Storme	**roland.storme@wsdot.wa.gov;**
	Jay Drye	DryeJ@wsdot.wa.gov;
	Todd Carlson	CarlsoT@wsdot.wa.gov
Northwest Clear Air Authority		**Agatam@nwcleanairwa.gov;**
U.S. Army Corps of Engineers	Daisy Douglass	**Daisy.P.Douglass@usace.army.mil**
	Matthew Bennett	Matthew.J.Bennett@usace.army.mil;
Skagit County (Planning and Development Services)	Hal Hart	hhart@co.skagit.wa.us;
	Betsy Stevenson	betsyds@co.skagit.wa.us;
	NA	pds@co.skagit.wa.us;
Skagit County Public Works	Dan Berentson	pw@co.skagit.wa.us;
Skagit County Assessor		assessor@co.skagit.wa.us
Skagit Council of Governments	Kevin Murphy	**kevinm@scog.net;**
Skagit Transit		**iwatson@skagittransit.org;**
Skagit Conservation District		skagitcd@skagitcd.org;
DAHP	NA	**sepa@dahp.wa.gov;**
Skagit Fisheries Enhancement Group		sfeg@skagitfisheries.org;
Dike District 1	Jason Vanderkooy	jasonvkooy@gmail.com;
Dike District 3	Dave Olson	djolson27@gmail.com
Dike District 17	Daryl Hamburg	**dhamburgs@msn.com;**
Dike District 20	Fred and Alice DeVries	danddr20skagit@gmail.com;
Drainage District 17	NA	**skagitdiid17@gmail.com;**
Drainage District 20	Fred and Alice DeVries	
City of Mount Vernon	Jennifer Berner, Parks Director	jenniferb@mountvernonwa.gov;
	Esco Bell, PW Director - removed 10-18-2021	
	Bill Bullock, Cap. Programs Manager	billb@mountvernonwa.gov;
City of Burlington	Brad Johnson, Planning Director	bradmj@burlingtonwa.gov;
	Greg Young	administration@burlingtonwa.gov;
Port of Skagit County	Patsy Martin	**sara@portofskagit.com;**
	Sara	patsym@portofskagit.com;
Skagit River Systems Cooperative		thyatt@skagitcoop.org;
		jmeyer@skagitcoop.org;
		nkammer@skagitcoop.org;
Swinomish Tribe		**tmitchell@swinomish.nsn.us;**
Upper Skagit Indian Tribe		**scotts@upperskagit.com;**
Samish Tribe		**jferry@samishtribe.nsn.us;**
Sauk-Suiattle Tribe		**Kjoseph@sauk-suiattle.com;**
Tulalip Tribe		**ryoung@tulaliptribes-nsn.gov;**
Stillaguamish Tribe		**klyste@stillaguamish.com;**
Skagit Public Utility District #1	Bill Trueman	trueman@skagitpud.org;
	Mike Demers	demers@skagitpud.org;
Puget Sound Energy	Jeff Mcmeekin	jeff.mcmeekin@pse.com;
	Robert Knoll	Robert.knoll@pse.com;
Zipley (fka Frontier)	David Glein	David.Glein@ziply.com;
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	Bryan Escamilla	bryan.escamilla1@ziply.com
Cascade Natural Gas	Adam Sad	**Addam.sad@cngc.com;**
	Don Pearcy	**jenni.wilson@cngc.com**
Comcast	Dave Brooks	**Dave_Brooks@comcast.com;**
	Jacob Friedman	**Jacob_friedman@cable.comcast.com;**
	Teresa Stemler	**Teresa_Stemler@comcast.com;**
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WA Department of Corrections		efheinitz@doc1.wa.gov;
WA EFSEC		sposner@utc.wa.gov;
WA State Department of Health		sepa.reviewteam@doh.wa.gov;
Puget Sound Partnership		SEPAinfo@psp.wa.gov;
Puget Sound Regional Council		eharris@psrc.org;
WA State Parks/Parks and Recreation Commission		Sepa@parks.wa.gov
WA State DOE NW Region		NWSEPA@ecy.wa.gov;
WA State DSHS		Robert.hubenthal@dshs.wa.gov;
		jmacdonald@SkagitTransit.org;
Skagit County PDS		brandonb@co.skagit.wa.us;
		dkdist12@cnw.com;
		peter@ojalalaw.com;

Click2Mail

Order No.14012632105

Order Total: $627.77

Order Date
Oct 18, 2021, 10:41:21 PM

Account
cityofmvds

Payment Method
Credit Card

Credit Card Type	Visa
Credit Card Number	XXXX-1727

Number of Jobs
1

Billing Address
Shawna Gossett
City of Mount Vernon
910 Cleveland Ave
Mount Vernon Washington 98273-4212
United States
T: 360-336-6214

Job and Product Information	Requsted Fulfillment Date	Actual Fulfillment Date	Quantity	Sub total
Job ID: **12611621** Postcard - 4.25 x 6 - Single Side Product SKU: PC21-P Job Source: PMUI Product Type: Postcard 4.25 X 6 , Paper Type: White Matte With Gloss UV Finish, Print Color: Full Color, Print Options: Printing Both Sides, Mail Class: First Class, Production Time: Next Day. Base Document Name: Postcard_PLAN_CA_21_0002_NPH_PC_and_CC_5 Job Address List Name: SMP_Prop_Owners_Sta Production Cost for 1031 Pieces: $267.03 First Class Automated card Postage for 1012 Pieces: $329.91 First Class Unsorted card Postage for 19 Pieces: $7.60 Postage for 0 Pieces: $0.00	10/19/2021		1031	$604.54

Invoice Subtotal:	**$604.54**
Tax:	**$23.23**
Total Invoice:	**$627.77**

Shawna Gossett

From: Shawna Gossett
Sent: Monday, October 18, 2021 2:30 PM
To: Permit Tech
Cc: DS-Planning
Subject: PLAN(CA)21-0002 - Revised Notice of Public Hearing - Periodic Review of Shoreline Master Program Amendments
Attachments: Revised Notice of Public Hearings, SMP.pdf

Hello,

You are receiving this email because you have requested to be a Party of Record for the above program.

Attached please find a Notice of Public Hearings for the City of Mount Vernon Planning Commission and City Council.

Please let me know if you have any questions.

Thank you,

Shawna Gossett, CPT
Senior Permit Technician

City of MOUNT VERNON
Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: https://ci-mountvernon-wa.smartgovcommunity.com

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From: Barney, Stephanie (ECY)
To: Rebecca Lowell
Cc: Dan Nickel; Leila Willoughby-Oakes; Yunge, Chad (ECY)
Subject: RE: Mount Vernon"s SMP Update
Date: Tuesday, October 12, 2021 5:14:10 PM
Attachments: image001.png

Caution External Message

Evening Rebecca,

We believe it best to reschedule the hearing dates. After reviewing the proposed changes to the Mount Vernon SMP, we have a few questions which may result in minor required or recommended changes to the proposed draft. I apologize for the late notice. Chad and I wish to discuss our questions with you prior to finalizing the initial determination. We will not have enough time to address the questions before noon, tomorrow.

Do you have time available next week to discuss? Our calendars show availability between 2-4 PM Tu-Thur (Oct 19, 20, 21). Please reply with a time that works best for you within that window and I'll set something up. Alternatively, if this window will not work for you, please propose another time.

Thanks!
-Steph

From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Monday, October 11, 2021 12:12 PM
To: Barney, Stephanie (ECY) <BARS461@ECY.WA.GOV>; Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>; Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Subject: RE: Mount Vernon's SMP Update

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Hi Stephanie:

I have to send out packets on Thursday the 14th which I could easily do if your comments were minimal and I received them by noon (or so) on Wednesday the 13th.

Thanks,

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: https://ci-mountvernon-wa.smartgovcommunity.com

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From: Barney, Stephanie (ECY) <BARS461@ECY.WA.GOV>
Sent: Monday, October 11, 2021 12:08 PM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>; Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>; Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Subject: RE: Mount Vernon's SMP Update

Caution External Message

Hi Rebecca.

October 19th is approaching quick! When do you need to hear from us about rescheduling the hearing dates?

Thanks!
-Steph

From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Monday, October 11, 2021 10:38 AM
To: Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>; Barney, Stephanie (ECY) <BARS461@ECY.WA.GOV>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>; Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Subject: RE: Mount Vernon's SMP Update

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Good Morning Chad and Stephanie:

I have our adoption hearings scheduled for October 19th and 27th of this month. Since I have not received DOE's comments yet I am anticipating needing to move these hearings to November.

I don't mind moving the hearings; however, it is costly in terms of staff time and publication/postage costs for the City so I don't want to move the hearings more than once. Can you please give me an approximate ETA of your comments so that I can re-schedule appropriately.

Thanks,

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: https://ci-mountvernon-wa.smartgovcommunity.com

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From: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Sent: Friday, October 1, 2021 9:23 AM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>; Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>; Barney, Stephanie (ECY) <BARS461@ECY.WA.GOV>
Subject: Mount Vernon's SMP Update

Caution External Message

Hi there! I am glad you touched base! Yes, the ID will be out to you this upcoming week. Also, we are doing a little bit of a hand-off for the NWRO projects as the next round of SMP's (47!) just hit my desk. I will still be around but one of the NWRO planners will finish up your SMP. Since it's in the final stages it's going to be a very clean hand-off and the NW staff will just be taking it across the finish line. Stephanie and Chad are both amazing to work with and the knowledge is immense. You will be in very good hands.
Stephanie Barney @ BARS461@ECY.WA.GOV will be your primary contact with Chad Yunge as a second CYUN461@ECY.WA.GOV, both are CC'd.

I am happy to set up a team meeting for all of us if you would like to do a meet and greet and ask any questions you might have. I'm not leaving so you area always welcome to reach out to me as well ☺
Let me know if you would like a meeting and be on the lookout for that ID next week. Thank you for all of your hard work on the SMP!

Lauren Bromley
Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance
Eastern Region,4601 N. Monroe Street, Spokane, WA 99205
Work: (509) 329-3550 | Mobile: (509) 220-7750 | lauren.bromley@ecy.wa.gov

"The birds have all vanished into the sky and now the last cloud drains away. We sit together the mountain and me, until only the mountain remains." - **Li Po**

DEPARTMENT OF ECOLOGY State of Washington

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From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Thursday, September 30, 2021 1:21 PM
To: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>
Subject: RE: Mount Vernon's SMP Update

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Hello Lauren:

Sorry to bug you - I have a note on my calendar to touch base with you tomorrow regarding DOE's initial determination. Is this something you think you will be able to send out later this week or early next week?

I'm asking b/c I'm trying to approve vacation requests for staff I manage but I can't until I can quantify how much time I am going to be devoting to revisions on the SMP.

Thank you!

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

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From: Rebecca Lowell
Sent: Thursday, September 2, 2021 1:01 PM
To: 'Bromley, Lauren (ECY)' <labr461@ECY.WA.GOV>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>
Subject: RE: Mount Vernon's SMP Update

Hello again:

Attached is documentation of the noticing we completed that includes an affidavit from our staff and verification from our local newspaper regarding the legal notice they published.

If there is a separate affidavit we need to complete please let me know where to download it and I'll send it over ASAP.

Also attached is our acknowledgement letter from Commerce regarding their 60-day review which will toll around September 8th.

Thank you!

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

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From: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Sent: Thursday, September 2, 2021 12:44 PM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>
Subject: RE: Mount Vernon's SMP Update

Caution External Message

Hi Rebecca,
First, can you send over the affidavit/notice for the public hearing and comment period?
Did you already send a notice to the Dept. of Commerce of your intent to adopt? This prompts a 60-day review from them.

If yes, I don't need anything else right now and will start my initial determination.

Lauren Bromley
Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance
Eastern Region,4601 N. Monroe Street, Spokane, WA 99205
Work: (509) 329-3550 | Mobile: (509) 220-7750 | lauren.bromley@ecy.wa.gov

"The birds have all vanished into the sky and now the last cloud drains away. We sit together the mountain and me, until only the mountain remains." - **Li Po**

DEPARTMENT OF ECOLOGY State of Washington

To conserve paper please don't print this e-mail unless you really need to.

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From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Thursday, September 2, 2021 11:30 AM
To: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Cc: Dan Nickel <DNickel@watershedco.com>; Leila Willoughby-Oakes <LWilloughby-Oakes@watershedco.com>
Subject: Mount Vernon's SMP Update

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Hello Lauren:

The City received no comments during the 30-day joint comment period that ended on August 30th.

How would you like us to proceed from this point?

Thank you!

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: https://ci-mountvernon-wa.smartgovcommunity.com

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EXHIBIT 2:
PUBLIC PARTICIPATION PROGRAM

DEVELOPMENT SERVICES DEPARTMENT
910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214 | PermitTech@mountvernonwa.gov

CITY OF MOUNT VERNON SHORELINE MASTER PROGRAM: 2021 PERIODIC REVIEW PUBLIC PARTICIPATION PLAN

INTRODUCTION

The City of Mount Vernon (City) is undertaking a Periodic Review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the State Legislature. This review ensures the SMP stays current with changes in laws and rules, remains consistent with other City plans and regulations, and is responsive to changed circumstances, new information, and improved data.

A Public Participation Plan is required to describe how the City will encourage early and continuous public participation throughout the process of reviewing the SMP.

This Public Participation Plan describes the steps that the City will take to provide opportunities for public engagement and public comment, as well as the City's contact information. This plan is in addition to any other minimum requirements for public participation required by the City. This plan is a working document and will be adjusted as needed to ensure the greatest and broadest public participation.

1.0 PUBLIC PARTICIPATION GOALS

- Provide interested parties with timely information, an understanding of the process, and multiple opportunities to review and comment on proposed amendments to the SMP.
- Actively solicit information from citizens, property owners, and stakeholders about their concerns, questions, and priorities for the Periodic Review process.
- Encourage interested parties to review and comment on proposed changes to the SMP throughout the process.
- Provide forums for formal public input at project milestones prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

2.0 PUBLIC PARTICIPATION OPPORTUNITIES

The City is committed to providing multiple opportunities for public participation throughout the SMP periodic review process. The City will use a variety of communication tools to inform the public and encourage participation, including, but not limited to the following:

2.1 City Website

The City's website includes a Periodic Review webpage where interested parties can access status updates, draft documents, official notices, and other project information. The webpage will be the primary repository of all information related to the Periodic Review process. The page will include who to contact for more information and an email link for questions and comments.

The City's webpage can be accessed by clicking HERE or using this web address: http://mountvernonwa.gov/1059/Shoreline-Master-Program-SMP-Update

2.3 Mail and Email notifications

A letter will be mailed to all property owners and residents/tenants of properties within the shoreline jurisdiction, notifying them of the upcoming SMP review and inviting them to join an email list for interested parties. The list will be maintained by the Development Services Department and will be used to notify interested parties about Periodic Review progress and participation opportunities, including the open house.

Interested parties can be added to the list by contacting the Development Services Department at (360) 336-6214 or PermitTech@mountvernonwa.gov.

2.4 Joint City and Washington Department of Ecology Public Comment Periods and Hearings

The Planning Commission will be the primary forum for detailed review and recommendations to the City Council. The Planning Commission will conduct a public comment period and at least one public hearing to solicit input on the Periodic Review. The City Council will also hold at least one public hearing before final adoption, this public hearing will be a joint hearing. The City will coordinate with the Department of Ecology on public notification of comment periods and hearings to take advantage of Ecology's optional SMP amendment process that allows for a combined state-local comment period (WAC 173-26-104). Interested parties are encouraged to attend and provide comments during the Planning Commission and/or City Council public hearings.

Notices for all hearings will be emailed to those that have requested to be part of the City's email notification list, posted on the City's website, and published in the classifieds section of the Skagit Valley Herald. All joint-hearing notices with the City and Department of Ecology for the SMP Periodic Update will provide information on the duration of the comment period, and the time and location of any joint-public hearing. Notices will be published as required in City code and will comply with all other legal requirements such as the Americans with Disabilities Act. All notices will be provided to the Department of Ecology.

Interested parties will be encouraged to provide comments to the City by letter or through the City's permit portal. All comments will be provided to the Planning Commission and City Council. The Periodic Review webpage will be the central repository for information under consideration. Documents will be available for review at the City's Development Services Department by appointment only, and copies will be provided at the established copying cost.

Due to the COVID-19 pandemic, all public meetings and hearings will take place via telephone and/or video-conferencing formats until further notice.

2.5 News media

The local news media will be kept up-to-date on the Periodic Review process and receive copies of all official notices.

3.0 STAKEHOLDERS

The City will engage the following stakeholders:

- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Commerce
- Washington State Department of Natural Resources
- Washington State Department of Transportation
- Northwest Clear Air Authority
- U.S. Army Corps of Engineers
- Skagit River System Cooperative
- Skagit County (Planning and Development Services and Assessor)
- Skagit Council of Governments
- Skagit Transit
- Skagit Conservation District
- Skagit Fisheries Enhancement Group
- Dike Districts 1, 3, 17, and 20
- Drainage Districts 20 and 17
- City of Mount Vernon (Public Works and Parks & Enrichment Services)
- City of Burlington
- Port of Skagit County
- Skagit River Systems Cooperative
- Swinomish Tribe
- Upper Skagit Indian Tribe
- Samish Tribe
- Sauk-Suiattle Tribe
- Tulalip Tribe
- Stillaguamish Tribe
- Skagit Public Utility District #1
- Puget Sound Energy
- Cascade Natural Gas
- Zipley Fiber
- Comcast

4.0 PUBLIC PARTICIPATION TIMELINE

The following is a general timeline including anticipated public participation opportunities. The City will coordinate with the Department of Ecology throughout the process. A detailed timeline will be posted on the Periodic Review webpage as additional information becomes available.

2021 PRELIMINARY SMP UPDATE SCHEDULE	
March	• Public Participation Plan sent to Ecology
March - April	• Email notification sent to stakeholders and interested parties • Review existing SMP and other relevant City codes and policies
April – Early July	• SMP update overview with City Council • SMP Update Periodic Checklist and preliminary draft amendments on website
July	• Planning Commission to review draft amendments • Post amendments on City website • Edits and revisions suggested by DOE are made to draft • SEPA (Environmental Review)
August – September	• 30-day public comment period on draft revisions • Public Hearing before Planning Commission during 30-day public comment period
September - November	• Ecology initial determination (up to 30 days) • City Council adoption • Submit locally adopted SMP to Ecology

EXHIBIT 3:
FAQ HANDOUT

City of MOUNT VERNON

DEVELOPMENT SERVICES DEPARTMENT
910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214 | PermitTech@mountvernonwa.gov

FREQUENTLY ASKED QUESTIONS: SHORELINE MASTER PROGRAM PERIODIC UPDATE

WHAT IS A SHORELINE MASTER PROGRAM (SMP)?

A Shoreline Master Program (SMP) is a set of policies and regulations required by state law that has three basic principles:

1. **Encourages reasonable and appropriate development of shorelines** with an emphasis on water-dependent uses, which when developed are consistent with the control of pollution and prevention of damage to the natural environment, recreational facilities, or industries and commercial uses that require a shoreline location and support economic development.
2. **Protects the natural resources and character of the shorelines**, the land, vegetation, wildlife, water, and aquatic life within shoreline environment.
3. **Promotes public access** and provides opportunities to enjoy the aesthetic qualities of the natural shorelines and recreational activities in shoreline areas.

WHERE DO SHORELINE RULES APPLY?

"Shorelines of the state" include rivers and streams with mean annual flow more than 20 cubic feet per second, lakes 20 acres or larger, and all marine shorelines. Shorelines of the state in the City of Mount Vernon are limited to portions of the Skagit River that occur within the City's corporate limits.

The minimum shoreline jurisdiction is the greater of lands extending 200 feet landward in all directions from the ordinary high water mark (OHWM) of the Skagit River, or the floodway plus contiguous floodplain extending 200 feet landward from the floodway, plus associated wetlands and river deltas. The floodway is that area established by FEMA, or one that is mapped to meet the requirements of the SMA (identified by "soil, vegetation, topography or other indicators" as the area where flood waters are carried.) Lands protected by publicly-maintained dikes are not included in the floodway.

WHAT IS A PERIODIC UPDATE OF THE SMP?

The City of Mount Vernon completed a comprehensive update of its Shoreline Master Program in 2011. To attain state approval, Washington state law (WAC 173-26-090) requires jurisdictions review and update their SMPs every eight years in accordance with the Shoreline Management Act (SMA), and its current guidelines and legislative rules.

The City received a grant from the Washington Department of Ecology to support this update. The grant timeline calls for completing this periodic update by June 30, 2021. The City intends to complete the bulk of the review by June and finalize its adoption by the end of 2021.

This periodic update will focus on:

- Reviewing relevant legislative updates since the 2011 SMP update and incorporating any applicable amendments
- Ensuring consistency with Mount Vernon's Comprehensive Plan Update
- Ensuring compatibility with other City regulations

This periodic update will NOT:

- Re-evaluate the ecological baseline that was established as part of the 2011 SMP update
- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition

HOW DO SHORELINE REGULATIONS APPLY TO LAND USE AND DEVELOPMENT ACTIVITIES?

Shoreline regulations apply to any change in land use or development activity that occurs within the shoreline jurisdiction, as defined in the SMP. Included in those modifications and uses regulated in the SMP are:

- New or expanded structures, such as houses, sheds, and decks
- Land development and alteration, such as clearing, grading, dredging, or filling
- Other activities along the shorelines, including restoration (e.g. riparian planting, bank stabilization), trail construction, and public access

WHAT IS A SHORELINE EXEMPTION AND WHAT IS REQUIRED TO OBTAIN APPROVAL?

Certain land uses and development activities are exempt from the requirement to obtain a Shoreline Substantial Development Permit, but are not exempt from compliance with the Shoreline Master Program. Exemptions are issued in writing by the City after the submission of a complete application, including a site plan. Even though an activity is exempt from requiring a Substantial Development Permit, a conditional use or variance permit may be required. Exemptions under the SMP are different than exemptions under the State Environmental Policy Act (SEPA).

HOW DOES THE SMP AFFECT EXISTING USES AND DEVELOPMENT?

SMP regulations are not retroactive. SMP regulations apply to *new* development and uses as of its adoption. Existing uses and developments legally established may be repaired, maintained, and operated, but the SMP does apply to proposals for expansion or alteration of existing uses and structures.

Structures and uses that were legally established in the past may become legally nonconforming due to new shoreline rules that are adopted over time. Current SMP regulations allow these previously built structures and established uses to continue as they are presently operating.

Additionally, current SMP regulations allow the footprint of legally established single-family homes to be excluded from a new shoreline setback or vegetation management area. Such homes can therefore avoid the nonconforming designation and are considered "conforming, expansion limited" in the current SMP.

WHAT IS PUBLIC ACCESS TO SHORELINES? WHEN IS IT REQUIRED?

Public access is a preferred use per the SMA. Public access can be physical access (e.g. trail) and/or visual access (e.g. view corridors). Public access standards apply to new development, not existing development. Generally, new public access is only required for private uses of certain sizes (e.g. large subdivisions, resorts, etc.) and for public uses. Public access requirements do not allow for trespass on private property.

WHAT IS NO NET LOSS?

The SMP Guidelines establish the standard of no net loss. No net loss means that over time, the Citywide existing condition of shoreline ecological functions should, at a minimum, remain the same as when the SMP is implemented. Simply stated, the no net loss standard uses mitigation and restoration to balance impacts to shoreline ecological functions resulting from new development. The City must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future. Any amendments to the SMP that may occur through the periodic update process would need to comply with the no net loss standard.

HOW CAN I GET MORE INFORMATION?

1. CITY WEBSITE: the City's webpage can be accessed by clicking HERE or using this web address: http://mountvernonwa.gov/1059/Shoreline-Master-Program-SMP-Update
2. BECOME A PARTY OF RECORD: contact the Development Services Department at (360) 336-6214 or PermitTech@mountvernonwa.gov and ask to be a party of record for the SMP update

EXHIBIT 4:
DOE CHECKLIST

Mount Vernon SMP Periodic Review Checklist

This document is intended for use by counties, cities, and towns subject to the Shoreline Management Act (SMA) to conduct the "periodic review" of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at RCW 90.58.080(4). Ecology's rule outlining procedures for conducting these reviews is at WAC 173-26-090.

This checklist summarizes amendments to state law, rules, and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language. Local governments should coordinate with their assigned Ecology regional planner for more information on how to use this checklist and conduct the periodic review.

At the beginning of the periodic review

- Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).
- Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process

- Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Prepared By	Jurisdiction	Date
The Watershed Company: Devin Melville, Environmental Planner Heather Rogers, Geologist/Planner Leila Willoughby-Oakes, Associate Planner	City of Mount Vernon, Development Services Department	June 2021

Row	Summary of Change	Review	Action
		2019	
a.	Washington State Office of Financial Management (OFM) adjusted the **cost threshold for building freshwater docks**.	Section III(B)(1)(vii) contains an outdated cost threshold for docks. It also doesn't clarify whether the provision is referencing freshwater docks or saltwater docks, though this may be implied as there are no saltwater shorelines within the City of Mount Vernon.	**Mandatory:** The City will update the cost threshold for freshwater docks under Section III(B)(1)(vii) using Ecology's recommended language for consistency.
b.	The Legislature removed the requirement for a shoreline permit for **disposal of dredged materials at Dredged Material Management Program sites**.	There are no Dredged Material Management Program sites on the City's shoreline.	No action necessary.
c.	The Legislature added **restoring native kelp, eelgrass beds and native oysters** as fish habitat enhancement projects.	There are no saltwater shorelines in City limits. Therefore, this legislative amendment does not apply.	No action necessary.
		2017	
a.	OFM adjusted the cost threshold for substantial development to $7,047.	SMP Section III(B) includes the outdated value, but also relies on a reference to the statute (WAC 173-27-040). The SMP defines substantial development under this section, but does not include within Section IX 'Definitions'.	**Mandatory**: Update cost threshold in Section III(B)(1)(a)(i) to reflect adjusted cost threshold of $7,047.
b.	Ecology permit rules clarified the **definition of "development"** does not include dismantling or removing structures.	The current SMP definition for development under Section IX does not include the amended rule.	**Recommended:** Revise the definition of 'Development' to be consistent with Ecology's recommended language to exclude dismantling or removing structures.

Row	Summary of Change	Review	Action
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The SMP does not reference all of the statutory exceptions to local review under the SMA, though several of them are listed as exemptions in Section III(B)(1)(b).	**Mandatory:** Revise SMP to include reference to all statutory exceptions to local review identified in WAC 173-27-044 and -045. **Recommended:** Remove existing partial references to project types identified in WAC 173-27-045, which indicate that these are exempt from the permitting process but must still comply with SMA requirements, rather than properly identifying as exceptions to local review under the SMA. This could be accomplished by amending the definition of "Exempt Development" and/or by removing the current text in Section III(B)(1)(b), and replacing it with a new section titled "Exceptions to Local Review."
d.	Ecology amended rules clarifying **permit filing procedures** consistent with a 2011 statute.	The SMP does not explicitly describe the permit filing procedures. Date of receipt of final decisions involving approval or denial of a substantial development permit, variance, or conditional use permit are defined in Section IX 'Definitions'.	**Recommended:** Add a section for Permit Filing Procedures using Ecology's recommended language and remove the incomplete definitions for date of receipt of final decisions, or update the existing definitions to be consistent with Ecology's language and incorporate RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period. • Added definition for 'date of filing' to SMP Section IX. • Revise 'date of receipt' to 'date of filing throughout SMP. • Added 21 day appeal period to SMP Section III(B)(5). • Added Section III (F) Permitting Filing Procedures to SMP.
e.	Ecology amended **forestry use regulations** to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	The current SMP does not address forest practices. Mount Vernon does not contain forest lands.	No action necessary.
f.	Ecology clarified the SMA does not apply to lands under **exclusive federal jurisdiction**.	The SMP does not address federal lands.	No action necessary.
g.	Ecology clarified "default" provisions for **nonconforming uses and development**.	SMP Section III(E) establishes the City's provisions for nonconforming uses and developments. Section IX 'Definitions' of the SMP does not include definitions for nonconforming structures, uses, or lots.	No action necessary.

Row	Summary of Change	Review	Action
h.	Ecology adopted rule amendments to clarify the scope and process for conducting **periodic reviews**.	This is optional. The current SMP does not address the periodic review provision.	No action necessary.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The SMP does not address the amendment process, nor is it required.	No action necessary.
j.	**Submittal** to Ecology of proposed SMP amendments.	The SMP does not address submittal of proposed SMP amendments to Ecology, nor is it required to.	No action necessary.
		2016	
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the **Americans with Disabilities Act (ADA)**.	The SMP does not address the new ADA exemption.	**Recommended:** Update Section III(B)(1)(a) to include the new ADA exemption as xvii.
b.	Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system.	The SMP incorporates applicable sections of the CAO pertaining to wetlands and incorporates the Critical Areas Regulations in Appendix C. The CAO, last updated in 2010, refers to the outdated wetland rating system (2004).	**Mandatory:** Revise shoreline critical areas regulations to reference the 2014 wetland rating system. This could be accomplished by updating the CAO concurrently with the SMP or by incorporating specific shoreline critical areas regulations within the SMP.
		2015	
a.	The Legislature adopted a **90-day target** for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this.	**Recommended:** The City may want to incorporate this update for consistency with the statute. Location: SMP III (B)(12)
		2014	
a.	The Legislature created a new definition and policy for **floating on-water residences** legally established before 7/1/2014.	The SMP prohibits overwater residences and floating homes. There are no existing floating homes in Mount Vernon.	No action necessary.
		2012	
a.	The Legislature amended the SMA to clarify **SMP appeal procedures**.	The current SMP does not address SMP update appeal procedures, nor is it required to when an SMP does not outline the SMP appeal process.	No action necessary

Row	Summary of Change	Review	Action
		2011	
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved **federal wetland delineation manual**.	The SMP incorporates applicable sections of the CAO pertaining to wetlands and incorporates the Critical Areas Regulations in Appendix C. The CAO, last updated in 2010, references RCW 36.70A.175 in Section IV(A) but refers to the 2004 Washington State Wetland Rating System for Western Washington in IV(C).	**Mandatory:** Revise shoreline critical areas regulations to reference the approved federal wetland delineation manual. Accomplished by updating Appendix, with the City's current critical areas ordinance . Note* Provide in SMP CAO striking sections of CAO which cannot be included in the SMP. Per Ecology if the CAO is amended and it is cross-referenced without an ordinance no. or date of adoption, the CAO must go through the SMA approval process. Accordingly, SMP will state related ordinance numbers and dates of adoption.
b.	Ecology adopted rules for new commercial **geoduck aquaculture**.	The City only contains freshwater shorelines, therefore this update does not apply.	No action necessary.
c.	The Legislature created a new definition and policy for **floating homes** permitted or legally established prior to January 1, 2011.	The SMP prohibits floating homes and houseboats. There are no existing floating-on-water residences in Mount Vernon.	No action necessary.
d.	The Legislature authorized a new **option to classify existing residential structures as conforming**.	SMP Section III(E)(1)(c) classifies uses and development that were legally established and are non-conforming with regard to the use regulations of the SMP as legal nonconforming uses. The City choose maintain existing SMP regulations.	No action necessary
		2010	
a.	The Legislature adopted **Growth Management Act – Shoreline Management Act clarifications**.	The current SMP was adopted in 2011 and the City's CAO was updated in 2010. The SMP incorporates applicable sections of the CAO pertaining to wetlands and incorporates the Critical Areas Regulations in Appendix C. The SMP includes no net loss provisions. However, the SMP doesn't describe the "effective date" of SMP amendments.	**Recommended:** Add number item to Section III(A) to include that SMP amendments are effective 14 days from Ecology's written notice of final action.
		2009	
a.	The Legislature created new "relief" procedures	The SMP does not address this.	**Recommended:** Adopt Ecology rule by reference to include relief procedure for

Row	Summary of Change	Review	Action
	for instances in which a **shoreline restoration project within a UGA** creates a shift in Ordinary High Water Mark.		shoreline restoration projects within a UGA (WAC 173-27-215). Section VIII(G)3 is a good location.
b.	Ecology adopted a rule for certifying wetland mitigation banks.	The SMP does not include authorization of certified mitigation banks. The CAO includes a section (Section IV(G)(8)) on wetland mitigation banks that references WAC 173-700 the use of certified mitigation banks.	**Recommended**: Consider using Ecology's recommended language for consistency: *Credits from a certified mitigation bank may be used to compensate for unavoidable impacts.*
c.	The Legislature added **moratoria authority** and procedures to the SMA.	The SMP does not address moratoria authority in the SMP, nor with the City opt to include the provision.	No action necessary.
		2007	
a.	The Legislature clarified options for defining **"floodway"** as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	Floodway is defined in Section IX, 'Definitions'.	No action necessary.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a **list and map of streams and lakes** that are in shoreline jurisdiction.	No new shoreline waterbodies have been identified since the comprehensive update. Mount Vernon's shorelines under the SMP are limited to portions of the Skagit River "Big Bend Reach" that occur within the City's corporate limits. The SMP identifies the Skagit River as the only waterbody within shoreline jurisdiction in Section IV(A). Subsequent Shoreline Environment Designation maps also illustrate this.	No action necessary.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include **fish habitat enhancement projects** that conform to the provisions of RCW 77.55.181.	SMP Section III(B)(1)(xv) lists public or private projects designed to improve fish or wildlife habitat or fish passage projects as exempt from the requirement for an SDP.	**Recommended:** Consider using Ecology's recommended language for clarity and consistency: *Consistent with WAC 173-27-040, a public or private project designed to improve fish or wildlife habitat or fish passage, that conforms to the provisions of RCW 77.55.181.*

Additional amendments

Modify this section, as needed, to reflect additional review issues and related amendments. The summary of change could be about Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data.

Issue No.	SMP Section	Summary of change(s)	Discussion
1.	Mount Vernon Shoreline Master Program Shoreline Environment Designation (SED) Official Map, Appendix E	Update SED inset map and create an Official SED Map to incorporate two undesignated areas defined under the SMA as shoreline jurisdiction landward of the ordinary highwater mark: • Areas associated with Barney Lake in Unincorporated Skagit County • Expanded Nookachamps Areas	There are areas within the City of Mount Vernon's shoreline jurisdiction errantly omitted during the City's Comprehensive Shoreline Master Program Update. Several shorelines of the state are located in unincoporated Skagit County, impacting areas within city limits. Please see the Mount Vernon Cumulative Impacts Analysis Addendum for further discussion.
2.	Table of Contents	Create an automatic table of contents incorporated into the primary document versus being a separate document.	N/A
3.	Appendix C 'Shoreline Critical Area Regulations'	Revise existing SMP Critical Areas Ordinance by striking existing superseded CAO and inputting up to date CAO, removing all non-compliant SMA provisions.	The City's critical areas ordinance was comprehensively updated in 2016 with a subsequent update in 2017. Certain provisions in Appendix C do not comply with current Ecology guidance and Best Available Science.

4.	I. Introduction	Add statement to clarify that references to State and City code regulations, RCWs, and WACs throughout the SMP are intended to refer to the code/regulation as it is currently written and as it may be amended in the future.	City staff initiated amendments in order to improve section flow and document clarity.
5.	Section I. Introduction	Add Table 1. 'Abbreviations used in this document.	Abbreviations used throughout document, good to have a central location on meaning.
6.	Section III.A.2.	Remove the following provision: ~~*"The City will periodically review the cumulative effect of actions taken within the shoreline to ensure that the goal of no net loss of shoreline environmental functions is being met. "*~~	A review of the cumulative effect of shoreline actions will be a required component of the next Comprehensive SMP update; however, it is not required to be explicitly stated in the City's SMP.
7.	Section III.A.5-6	Relocate and consolidate permit classifications and approval processes for developments subject to the SMP into one provision. Remove permit classification types in other locations.	City staff initiated amendments in order to improve section flow and document clarity, making frequently used information easier to find and current with present permit processing.
8.	Section III.A.13-14	Relocate Permit Review Procedures from Section III.B.11 to Section III.A.5-6.	City initiated amendments in order to improve section flow and document clarity.

9.	Section VI.A. 2 'General Provisions- Policies and Regulations Applicable to All Shorelines'.	Strike the following SMP provisions: ~~*Director of the Development Services Department will periodically initiate review of conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:*~~ ~~*i. Water quality;*~~ ~~*ii. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions);*~~ ~~*iii. Upland vegetation;*~~ ~~*iv. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices; and*~~ v. ~~*Shoreline stabilization and modifications.*~~	A cumulative effect of actions on the shoreline will be a required component of the next comprehensive SMP update (WAC 173-26-201), however it is not required to be explicitly stated the City's SMP.

10.	Throughout SMP	Community and Economic Development Department (CEDD) stricken and replaced with Development Services Department in SMP. Remove definition of CEDD in definitions (Section IX).	Revise department name throughout the document for organizational consistency and accuracy.
11.	Throughout SMP	Several SMP sections were re-arranged without substantive changes to the provision.	City initiated several amendments to improve section flow, clarity, formatting errors and typos. This is will make the SMP more user friendly for development applicants and staff.
12.	Section III.A.12 Section III.B.1.b.i-xvi Section XI, Wetlands definition	Omit text to consolidate section by relying solely on a reference to the applicable RCW, WAC, or MVMC.	Housekeeping amendment. Per discussions with the Department of Ecology and City, amendments aim to simplify SMP and avoid necessary amendments as a result of legislative updates to the Shoreline Management Act. The City staff during shoreline permit review reference online and updated state law (RCW and WAC).
13.	Section IV	Revise description and purpose of shoreline jurisdiction. Include statement that shorelines not found to be mapped or designated will be assigned the Urban Conservancy designation.	City initiated amendment

14.	Sections VI, VII, and VIII	Added and clairified shoreline modification provisions to ensure this sub-section is consistent with currently adopted Federal and State regulations and with the requirements of the portions of the City's CAO adopted within Appendix C.	City initiated amendments
15.	XI Definitions	Associated jurisdictional wetlands' amended to include *Associated wetlands* and the subsequent definition. 'Setback' definition expanded with an illustration. "Ecological", "Ecosystem-wide processes", "Fill", "Floodplain", and Hyporheic zone" definitions amended to be consistent with Appendix C.	City initiated amendments, both definitions updated for additional clarity.

EXHIBIT 5:
SMP UPDATE MATERIALS

CITY OF MOUNT VERNON

SHORELINE MASTER PROGRAM

Approved on November ____, 2021 via City Ordinance _____

Font in red underline represents new text. Font in ~~red strikethrough~~ represents text being removed.
Font in red underline highlighted in yellow represents new text from the last version of this document. Font in ~~red strikethrough highlighted in yellow~~ represents text being removed from the last version of this document.
Text moved to different locations in this document is not identified in this draft; however, previous versions of this document do identify text that was rearranged within this document.

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I. INTRODUCTION

The Shoreline Management Act (SMA) was adopted in 1971 and in the following year the Washington Department of Ecology (DOE) formally adopted a set of shoreline management guidelines. The SMA set out several overarching polices to guide the development and use of the State's shorelines. They are:

- **Encourage water-dependent uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."
- **Protect shoreline natural resources**, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."
- **Promote public access:** "To the greatest extent feasible, consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water." (WAC 173-26-221 (4)(b)(iii))

The Shoreline Master Program Guidelines are standards adopted by the DOE that local governments must follow in drafting their local Shoreline Master Programs (SMPs). These guidelines translate the broad and varied policies of the SMA into standards for locally regulating shoreline use. In 1995, the State Legislature directed the DOE to update the state's guidelines to ensure consistency with the SMA and the Washington State Growth Management Act (GMA). The guidelines had not been updated since their original adoption in 1972. In December 2003, DOE adopted revised Shoreline Master Program Guidelines.

The amended DOE guidelines provide a greater level of specificity in what local SMPs should include in the development of goals, policies, and regulations; they offer a broader range of possible shoreline designations for local jurisdictions to characterize local conditions; and identify specific issues to be included and reviewed in the SMP development. In addition to the overall goals articulated in the original SMA, local SMPs must now address a number of environmental considerations including, but not limited to the following:

1. Restoration of impaired ecological function through comprehensive planning and voluntary implementation
2. No net loss of ecological functions
3. Critical areas
4. Flood hazard reduction
5. Shoreline vegetation conservation
6. Water quality, stormwater, and nonpoint pollution

The Mount Vernon Shoreline Master Program (hereinafter "SMP" or "Master Program") consists of environmental designations for the shoreline segments and goals, policies, and regulations applicable to uses and modifications within the Shoreline Management Zone. Appendices to the SMP include an inventory of existing shoreline conditions; analysis and characterization of the shorelines of the City; a cumulative impacts report; a shorelines restoration planning report; shoreline wetland regulations; and a compilation of resources available.

Section IX includes ~~contains~~ definitions of terminology ~~words~~ used within the SMP. These definitions are used to describe in detail the meaning of key words used to implement the regulations found in this SMP. The ~~Community and Economic~~ Development Services Department Director (Director) shall provide an administrative determination of a key word's definition in the event that the word is not defined within Section IX or elsewhere in the SMP or the City's municipal code.

This SMP includes many references to State codes/regulations, i.e. the Revised Code of Washington (RCW) Washington Administrative Code (WAC). Unless stated otherwise, all of these references are intended to refer to the code/regulation as it is currently written and as it may be amended in the future.

Appendices A through F are hereby adopted by reference and are hereby made part of this document.

Abbreviations used throughout this document are listed below with their associated meanings:

Abbreviation	Meaning
Director	Development Services Department Director
MVMC	Mount Vernon Municipal Code
CAO	Critical Area Ordinance
City	City of Mount Vernon
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
OHWM	Ordinary High Water Mark
RCW	Revised Code of Washington
SMP	Shoreline Master Program
WAC	Washington Administrative Code
SMZ	Shoreline Management Zone
SED	Shoreline Environment Designation

II. SHORELINE MASTER PROGRAM GOALS

The following Shoreline Master Program goals are based on the requirements in RCW 90.58.100(2), the City of Mount Vernon's Comprehensive Plan, and Downtown and Waterfront Master Plan.

A. ECONOMIC DEVELOPMENT GOALS

1. Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in the Shoreline Management Zone (SMZ) that will be an asset to the community and local economy, are consistent with life safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.
2. Protect current economic activity and uses in the SMZ that are consistent with the objectives of the Comprehensive Plan and the City of Mount Vernon Downtown and Waterfront Master Plan, and provide environmentally sensitive redevelopment and new development.
3. Seek opportunities that use both economic and environmental analyses to reduce flood risk, support development within the SMZ, and where appropriate, provide improvement of environmental functions.
4. Ensure that economic activity in the SMZ does not harm the quality of the site's environment or adjacent shorelands.
5. Encourage mixed-use development with public access along Mount Vernon's downtown waterfront and in those areas adjacent to the downtown waterfront that are suitable for compatible future redevelopment, consistent with the City's Comprehensive Plan and the 2008 City of Mount Vernon Downtown and Waterfront Master Plan.

B. SHORELINE USE GOALS

1. Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.
2. Ensure that activities and facilities are located on shorelines in a manner so as to achieve flood damage reduction and support of flood risk management projects.
3. Encourage shoreline uses that maintain or improve and enhance the quality of the environment as it is designated for that area by employing innovative features for purposes consistent with this program.
4. Encourage joint-use activities in proposed shoreline developments.
5. Encourage mixed-use development with public access on Mount Vernon's downtown waterfront consistent with the 2008 City of Mount Vernon Downtown and Waterfront Master Plan and the City's Comprehensive Plan.

6. Ensure that planning, zoning, and other regulatory programs governing lands adjacent to areas of shoreline jurisdiction are consistent with Shoreline Management Act and Growth Management Act policies and regulations and the provisions of the SMP.
7. In determining use priorities in cases where (i) competing uses of the same property are possible, and (ii) such competing uses are consistent with the City's Comprehensive Plan, give preference to uses that protect and restore ecological functions (where such protection or restoration is technically and economically feasible) and to water-dependent and water-related uses where such new uses will not displace existing lawful, non-water-oriented uses.
8. Note that mixed-use projects combining two or more of the categories above are encouraged and should be evaluated with respect to the degree that they achieve a balance of the priorities above and the provisions of the Master Program.

C. PUBLIC ACCESS GOALS

1. To protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.
2. Base public access on demand projections that take into account the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.
3. Provide, protect, and enhance the public trail system that provides physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State's shorelines consistent with the natural shoreline character, private rights, and public safety.
4. To the extent feasible, construct a continuous pedestrian path along the Skagit River shoreline while providing protection of ecological functions.
5. Integrate public access to shorelines as a part of the City public trail system consistent with the adopted Park, Recreation & Open Space Plan.

D. CIRCULATION GOALS

1. Provide, protect, and enhance the existing public trail system that provides physical and visual access to shorelines, utilizing public lands as much as possible, and private lands only in those cases where public access requirements have not already been satisfied through the prior acquisition of private property for construction of flood risk management and related public access projects, all consistent with the character of the natural shoreline, protection of private property rights, and public safety.
2. To the extent feasible, site land circulation systems that are not shoreline dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses.

E. CONSERVATION GOALS

1. As a long-term goal, seek no further degradation of environmental functions.

2. Ensure that utilization of a natural resource takes place with minimum adverse impact to natural systems and quality of the shoreline environment.
3. Preserve the scenic quality of shoreline areas and vistas to the greatest extent feasible in areas outside of the urban core, within the Shoreline Residential, Urban Conservancy, Natural, and Aquatic environmental designations.
4. Minimize the loss of native vegetation and preserve tree cover in riparian areas by using conservation best management practices.
5. To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage owners of shoreline property to control populations of invasive or noxious plants and animals as identified by the State of Washington Invasive Species Council.

F. RESTORATION GOALS

1. Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.
2. Where appropriate, undertake the restoration of natural ecological functions within the SMZ and associated jurisdictional waters/wetlands.
3. Reclaim and restore areas that are biologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.
4. Support a comprehensive program of City-initiated ecological enhancements as identified in the Shoreline Restoration Report. (Appendix B)

G. RECREATION GOALS

1. Base recreational opportunities on demand projections consistent with the Mount Vernon Park, Recreation & Open Space Plan and the Countywide UGA Open Space Plan.
2. Increase opportunities in shoreline areas that can reasonably tolerate active or passive recreational uses without diminishing or degrading the integrity and character of the shoreline.
3. Coordinate with the City Department of Parks and Recreation to implement the goals of the Park, Recreation & Open Space Plan by optimizing opportunities for water-oriented recreation.
4. Integrate shoreline-related recreational elements into other regional trail systems and into federal, state, and local park and recreation planning.

H. HISTORIC AND CULTURAL GOALS

1. Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in the SMZ for educational and scientific purposes and enjoyment of the general public.

2. Encourage educational projects and programs that foster an appreciation of the importance of shoreline management, water-related activities, environmental conservation, and local history.

I. FLOOD RISK MANAGEMENT GOALS

1. Continue to work closely with the Dike Districts, Skagit County, and business and property owners in flood risk management planning.
2. Implement the flood risk management planning objectives and projects in the City of Mount Vernon Downtown and Waterfront Master Plan, approved Flood Protection Project, and approved engineering plans.
3. Participate in watershed-wide programs to reduce flood hazards and improve shoreline ecology.

III. SHORELINE MASTER PROGRAM ADMINISTRATIVE PROVISIONS

A. GENERAL

1. All proposed uses and development occurring within the shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and the provisions of this SMP, whether or not a permit is required.

2. The City will periodically review the cumulative effect of authorized development ~~actions taken~~ within ~~the~~ shoreline jurisdiction. ~~to ensure that the goal of no net loss of shoreline environmental functions~~. The City will conduct this review in preparation for periodic updates of this master program. This process may involve a joint effort by local governments, state resource agencies, affected Indian tribes, and/or other parties.

3. "The City," for the purposes of making administrative decisions and processing permits as may be required by the SMP, means the ~~Community and Economic~~ Development Services Department ~~and~~ its Director, and the Director's designee. ~~or Administrator.~~

4. The process of reviewing proposals shall be designed to assure that regulatory or administrative actions do not unconstitutionally infringe upon private property rights in accordance with WAC 173-26-186(5).

5. As per RCW 36.70B.110(11), the City of Mount Vernon has adopted procedures for administrative interpretation of its development regulations (MVMC 14.05.060 and MVMC 17.09.080). Such procedures shall include Shoreline Master Program regulations. Administrative interpretations are Type I processes.

6. Consistent with Chapter 14.05, Procedures, of the Mount Vernon Municipal Code (MVMC) following are the permit classification and approval processes for development subject to the SMP:

   a. Exemptions and revisions to substantial development permits are Type I permits (administrative decision without public notice).

   b. Shoreline substantial development permits are ~~subject to~~ Type II permits (administrative decision with public notice). Type II applications are those

applications where a final decision is made by the Director or the Director's designee after public notice, but without a public hearing. The decision may be appealed in an open record appeal hearing to the Hearing Examiner. (MVMC 14.05.180)

c. ~~review; shoreline exemptions and substantial development permit revisions are Type I permits; and~~ Shoreline conditional use permits and variances ~~require~~ are Type III permits (Hearing Examiner decision with public hearing). ~~review. The Hearing Examiner shall, following an open record public hearing, have the authority to make the final decision.~~ The Hearing Examiner decision may be appealed in a closed record appeal to the City Council.

7. All projects proposed within the SMZ require a Pre-Application Meeting in accordance with the requirements of MVMC 14.05.110. .

8. Applications for Shoreline Substantial Development Permits, Conditional Use Permits, and/or Variances shall be accompanied by the materials listed in MVMC 14.05.210~~(B),~~ unless waived by the ~~Community and Economic~~ Development Services Department ~~(CEDD)~~ according to the process outlined within MVMC 14.05.110~~(B)(6).~~

9. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project.

   a. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

10. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below:
    a. For projects that only require a Substantial Development Permit: the date that Ecology receives the City decision.
    b. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and City.

    For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

    The "effective date of a Substantial Development Permit" is the date of filing ~~receipt~~. The date of filing ~~receipt~~ is the date the Department of Ecology receives the City's final decision and all required documents. The date of filing ~~receipt~~ starts the two-year clock for beginning of construction and establishes the appeal period of the permit to the Shoreline Hearings Board. The effective date does not include periods of pendency for other related permits or legal actions.

~~11. The "effective date of variances and conditional use permits" is the date of the Department of Ecology's decision letter.~~

11. Upon the review of materials submitted by an applicant the Director can, at their discretion, require peer review be completed by a consultant chosen by the Director, at the sole expense of the applicant.

12. Notification of the public shall be as required by MVMC 14.05.150, "Notice Requirements."

13. Time requirements for Substantial Development Permits are as outlined within WAC 173-27-090. ~~are as follows (See WAC 173-27-090 for complete language.):~~

    ~~a. Construction activities shall commence, or where no construction activities are involved, the use or activity shall commence within two years of the effective date of a Substantial Development Permit.~~

    ~~b. The period for commencement of construction or use may be extended once for a one year period, if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record.~~

    ~~c. The authorization to conduct development activities shall terminate five years after the effective date of a Substantial Development Permit.~~

    ~~d. The authorization period to conduct development activities may be extended once for a one year period, if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record.~~

    ~~e. The time periods in sections (a) and (c), above, do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.~~

14. Permit Review Procedures shall be as follows:

    a. The ~~Community and Economic~~ Development Services Department maintains records of project review actions resulting in issuance of permits, including shoreline substantial development permits.

    b. Copies of Shoreline Management Act Permit Data Sheet and Transmittal Letters forwarded to the Department of Ecology, and other permit or exempt permit-related information shall be utilized for evaluation of the potential cumulative effects of ~~previous and proposed~~ authorized developments ~~actions~~ in shoreline areas as per Part III.A.2 of this Program.

15. Appeals to the Shorelines Hearings Board, as per MVMC 14.05.190.C, shall be consistent with RCW 90.58.140.

16. SMP amendments are effective 14-days from the Department of Ecology's written notice of final action.

17. The regulations of the SMP shall be used in conjunction with the regulations contained in the ~~Mount Vernon Municipal Code (~~MVMC~~)~~. Where there is a conflict between the MVMC and the SMP, the SMP shall control.

B. SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS

1. A shoreline substantial development permit shall be required for projects occurring within the City's shoreline jurisdiction pursuant to the requirements and procedures contained in Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures); except that:

   a. A substantial development permit is not required for developments listed in WAC 173-27-040(2). ~~as not requiring substantial developments permits in projects that are below the threshold levels established in ,"Developments Exempt from Substantial Development Permit Requirement," as follows:~~

   b. ~~A substantial development permit~~ Shoreline review is not required for those actions, developments and improvements listed in WAC 173-27-044. Developments not subject to the Shoreline Management Act are included in WAC 173-27-045. ~~and173-27-045.~~

      ~~i. Any development of which the total cost or fair market value, whichever is higher, does not exceed $5,718, if such development does not materially interfere with the normal public use of the water or shorelines of the state. [Note: The State of Washington requires that every five years the dollar threshold for this exemption be adjusted for inflation by the Washington Office of Financial Management (OFM). The adjustment is based upon changes in the Consumer Price Index during that time period. (see Section IX, Definitions) The OFM must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. WAC 173-27-040(2)(a)] 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 the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;~~

      ~~ii. 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, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as 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;~~

      ~~iii. 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 applicable chapter (Chapter 173-27 WAC);~~

~~iv. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to head gates, pumping facilities, and irrigation channels. Provided, that a feedlot of any size; all process plants; other activities of a commercial nature; alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities;~~

~~v. Construction or modification of navigational aids such as channel markers and anchor buoys;~~

~~vi. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW;~~

~~vii. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. This exception applies if the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;~~

~~viii. 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 from the irrigation of lands;~~

~~ix. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;~~

~~x. 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 a part of an agricultural drainage or diking system;~~

~~xi. Any project with a certification from the governor pursuant to Chapter 80.50 RCW;~~

~~xii. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization, 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;~~

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; and~~

e) ~~The activity is not subject to the permit requirements of RCW 90.58.550.~~

xiii. ~~The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW;~~

xiv. ~~Watershed restoration projects as defined within the SMP (Appendix B);~~

xv. ~~A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply;~~

a) ~~The project has been approved in writing by the Department of Fish and Wildlife;~~

b) ~~The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter 77.55 RCW; and~~

c) ~~The project has been determined to be substantially consistent with the Shoreline Master Program.~~

xvi. ~~Standard subdivisions and short plats; however, physical improvements being made as part of a plat's conditions of approval that meet the definition of substantial development, require a shoreline permit before any construction activities can occur.~~

c. ~~A substantial development permit is not required for those actions described in WAC 173-27-045 (Developments Not Subject to the Shoreline Management Act), as follows:~~

i. ~~Pursuant to RCW 90.58.485, regarding Environmental Excellence Program agreements, notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and pre-placed in accordance with the terms and provisions of an Environmental Excellence Program agreement, entered into under Chapter 43.21K RCW.~~

~~ii. Pursuant to RCW 90.58.355 regarding hazardous substance remedial actions, the procedural requirements of the SMA shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter 70.105D RCW.~~

~~iii. The holder of a certification from the governor pursuant to Chapter 80.50 RCW shall not be required to obtain a permit under Chapter 90.58 RCW.~~

~~2. A shoreline substantial development permit application is a Type II permit, as per MVMC 14.05.060, "Permit Classifications."~~

~~3. All projects proposed within the SMZ require a Pre-Application Meeting in accordance with the requirements of MVMC 14.05.110.~~

C. CONDITIONAL USE PERMITS

1. The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of the Master Program in a manner consistent with the policies of the SMA. Conditional use permits may also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA.

2. The application for a shoreline conditional use permit shall be processed pursuant to:

   a. The legislative policies stated in the Shoreline Management Act, RCW 90.58.020 (Legislative Findings—State Policy Enunciated—Use Preference) and

   b. The Shoreline Master Program of the City of Mount Vernon.

3. The criteria for approving conditional uses shall be consistent with WAC 173-27-160 (Review Criteria for Conditional Use Permits) and include the following:

   a. That the proposed use is consistent with the policies of RCW 90.58.020, the Master Program, and the MVMC;

   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 the SMP;

   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 suffers no substantial detrimental effect.

   f. Other uses that are not classified or set forth in the Master Program may be authorized as conditional uses provided that the applicant can demonstrate, in addition to the criteria set forth in subsection 'a' of this section and RCW 90.58.020, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the permitted use regulations of the Master Program.

   g. When reviewing conditional use permit applications, consideration shall be given to the cumulative impact of 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.

h. Uses which are specifically prohibited or not allowed by the Master Program may not be authorized pursuant to either subsections 'a' or 'b' of this section.

4. To ensure compliance with the applicable criteria stated in the Mount Vernon Municipal Code, the Hearing Examiner shall have the authority to require and approve a specific plan for a proposed use, to impose performance standards in the form of conditions of approval that make the use compatible with other permitted uses in the area, and to expand the requirements set forth in the Mount Vernon Municipal Code, by means of conditions that are applicable to the proposed use. In no case shall the City have the authority to decrease the requirements of the City's municipal code when considering an application for a conditional shoreline development permit; any such decrease shall only be granted upon the issuance of a variance.

5. Where plans are required to be submitted and approved as part of the application for a shoreline conditional use permit, modifications of the original plans may be made only after a review has been conducted and approval granted by the Hearing Examiner.

D. VARIANCES

1. The purpose of a shoreline variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardship on the applicant or thwart the policies set forth in the SMA.

2. Variances from the use regulations of the Master Program are prohibited.

~~3. Shoreline variances are Type III permits, as per MVMC 14.05.060.~~

~~4. The Hearing Examiner shall, following an open record public hearing, have the authority to make the final decision. The Hearing Examiner decision may be appealed to the City Council.~~

3. The criteria for granting shoreline variances shall be consistent with WAC 173-27-170 (Review Criteria for Variance Permits) and include the following:

   a. Shoreline variances should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in the SMA. In all instances, extraordinary circumstances should be shown, and the public interest shall suffer no substantial detrimental effect.

   b. Variances for development that will be located landward of the ordinary high water mark may be authorized provided the applicant can demonstrate all of the following:

      i. That the strict application of the bulk, dimensional, or performance standards as set forth in the Master Program precludes or significantly interferes with a reasonable permitted use of the property.

ii. That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the Master Program and not, for example, from deed restrictions or the applicant's own actions.

iii. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environmental designation.

iv. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.

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

c. Variances for development that will be located waterward of the OHWM may be authorized, provided the applicant can satisfy all of the criteria specified in Subsection 'b' of this section. The applicant must also demonstrate that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance, and that the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes all reasonable use of the property.

d. In granting of all shoreline variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

E. NONCONFORMING USE AND DEVELOPMENT

1. The following definitions and standards shall apply to nonconforming structures and uses regulated by this Master Program:

a. "Nonconforming use or development" means a shoreline use or development that was lawfully constructed or established prior to the effective date of the City of Mount Vernon Shoreline Master Program or amendments thereto, but does not conform to current regulations or standards of the program.

b. Structures that were legally established and are used for a conforming use, but are nonconforming with regard to shoreline setback requirements may be maintained and repaired and may be enlarged or expanded provided that any such enlargement or expansion:

i. will not extend the footprint of the structure any closer to the shoreline than the current design;

ii. will not interfere with, or obstruct dedicated public access routes to the shoreline, per applicable requirements set out herein;

iii. will meet any construction standards enacted by the City to protect adjacent flood risk management structures,

iv. will be consistent with the current, or another authorized, conforming use; and

v. will adhere to underlying Municipal Code and building regulations.

c. Uses and development that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal

nonconforming uses. Such uses shall not be enlarged or expanded unless otherwise permitted in Subsection E except that nonconforming single-family residences that are located landward of the OHWM may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g), "Developments Exempt from Substantial Development Permit Requirement, Single-family Residence," upon approval of a shoreline conditional use permit.

d. A use that is listed as a shoreline conditional use, but existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

e. A use that is listed as a shoreline conditional use, but 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.

f. 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.

g. A structure that is being used, or has been used for a nonconforming use, may be used for a different nonconforming use only upon the approval of a shoreline conditional use permit. A shoreline conditional use permit for any such new nonconforming use may be approved only upon a finding that:

    i. No reasonable alternative conforming use is practical; and

    ii. The proposed use will be at least as consistent with the policies and provisions of the SMA and the Master Program and as compatible with the uses in the area as the preexisting use.

    In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act, and to assure that the use will not become a nuisance or a hazard.

h. A nonconforming structure that is moved within the SMZ must be brought into conformance with the Master Program, unless such relocation has been expressly authorized through a previous shoreline permit.

i. If a nonconforming structure is damaged or destroyed by fire, explosion, act of God or act of the public enemy, it may be reconstructed to the extent of 100 percent of the replacement cost of the building. (MVMC 17.102.020) Such damaged or destroyed building may be reconstructed to a size not to exceed the existing footprint at the time of the damage or destruction and within the height at the time of the damage or destruction, and except for the shoreline setback provision in section (b) above, must conform to those specifications required by the current building code and applicable zoning requirements for reconstruction of non conforming structures, provided that:

    i. application is made for the permits necessary to restore the development within six months of the date the damage occurred,

    ii. all permits are obtained, and

iii. the restoration is completed within two years of permit issuance, excluding any period during which reconstruction activities are prevented by *force majeure* events beyond the control of the owner,

j. Excluding

i. the time necessary for acquisition of permits,
ii. the reconstruction of nonconforming structures pursuant to subsection (i) above, and
iii. any period during which continued use is prevented by *force majeure* events beyond the control of the owner, if a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the rights to such use shall expire and any subsequent use of such structure shall be conforming. A use authorized pursuant to subsection 'f' of this section shall be considered a legal nonconforming use for purposes of this section.

k. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that was established in accordance with local and state subdivision requirements prior to the effective date of the City of Mount Vernon Shoreline Master Program, but does not conform to the present lot size standards or is not configured to allow for reasonable use that would meet current shoreline setback requirements, may be developed if permitted by other land use regulations of the MVMC and so long as such development conforms to all other requirements of the Master Program and the SMA. In this case, a SMP variance shall be required.

F. REVISIONS TO PERMITS

1. When an applicant seeks to revise a shoreline substantial development permit, conditional use permit, or variance, whether such permit or variance was granted under this SMP, or under the Skagit County SMP in effect prior to adoption of the Mount Vernon SMP, the ~~Community and Economic~~ Development Services Department shall request from the applicant detailed plans and text describing the proposed changes to the project. If the staff determines that the proposed changes are within the general scope and intent of the original substantial development permit, conditional use permit or variance, as the case may be, the revision may be approved ~~by the CEDD Director~~ as a Type I administrative permit described in Section III.A (above), without the need for the applicant to file a new Substantial Development Permit application, provided the development is consistent with the SMA, WAC 173-27-100 (Revisions to Permits), and the Master Program.

2. "Within the scope and intent of the original permit" means the following:

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

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

   c. Additional or revised landscaping is consistent with the conditions attached to the original permit and with the Shoreline Master Program.

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

e. No adverse environmental impact will be caused by the project revision.

f. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of the Master Program except as authorized under a variance granted as the original permit or a part thereof.

3. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the ~~Community and Economic~~ Development Services Department shall require the applicant to apply for a new shoreline substantial development or conditional use permit or variance, as appropriate, in the manner provided for herein.

4. If proposed revisions to the original permit involve a conditional use or variance, the City shall submit the proposed revision to the DOE for review. The DOE shall respond with its final decision on the proposed revision request within 15 days of the date of filing ~~receipt~~ by the DOE. WAC 173-27-100(6)

G. ENFORCEMENT

1. In the event of failure to comply with the plans approved by the City or with any conditions imposed upon the shoreline development permit, the permit shall immediately become void and any continuation of the use activity shall be construed as being in violation of Mount Vernon Municipal Code and subject to the provisions of Title 19 MVMC, "Code Enforcement."

2. Any person failing to conform to the terms of a permit issued in accordance with the SMP or who undertakes development on the shorelines of the state without first obtaining any permit required by the SMP shall be subject to a civil penalty as per RCW 90.58.210 and WAC 173-27-280.

IV. SHORELINE JURISDICTION, MAPPING & ENVIRONMENTAL DESIGNATIONS

A. Shoreline Jurisdiction & Mapping ~~Environment Applicability~~

1. Shorelines subject to this SMP are limited to areas within the city's corporate limits. The official Shoreline Map (hereinafter "Map") is located in Appendix E. For illustrative purposes portions of this map have been embedded into this document identified as Figures 2 - 5.

   Official copies of this map are available for public review at the Development Services Department. A copy of this Map is also available to view on the City's website.

   Appendix F includes maps of areas subject to shoreline jurisdiction with tax parcel numbers identified because these tax parcel numbers are used to describe areas subject to shoreline jurisdiction.

2. The primary purpose of the Map is to identify shoreline environmental designations. At current mapping scales, the Map does not identify or depict the aerial extent of shoreline jurisdiction because there are variables the City is not able to accurately identify and map until site specific activities/developments are proposed. The

variables the City is not able to accurately identify and map features such as: ~~include:~~ the location of the ordinary high water mark (OHWM), the physical characteristics of existing levees, ~~and~~ the existence, location, and characteristics of waters/wetlands, and whether or not wetlands are associated with shorelines of the state subject to RCW 90.58.030.

This means the Map is the City's best interpretation as to the aerial extent of shoreline jurisdiction and when site specific activities/developments are proposed the City will require submittal of technical information to enable accurate determinations of the extent of shoreline jurisdiction.

As stated above, the aerial extent of shoreline jurisdiction, or the Shoreline Management Zone (SMZ), will be determined on a case-by-case basis and will be established using the below-listed criteria that results in the maximum aerial extent of shoreline jurisdiction:

a. Those lands extending 200 feet upland in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM) or floodways and contiguous floodplain areas landward 200 feet from such floodways, whichever is greater ~~of the Skagit River; or,~~ and
b. ~~200 feet upland from the OHWM of the Skagit River plus~~ All ~~associated~~ wetlands associated with shorelines of the state subject to ~~(but not wetland buffers) and all floodways as defined in~~ RCW 90.58.030.
    i. The City will issue a determination regarding shoreline jurisdiction if wetlands associated with shorelines of the state are not identified on those properties with the overlay zone. The overlay zone identifies properties that could be subject to shoreline jurisdiction if the property contains wetlands associated with shorelines of the state.

See Figure 1, below, that illustrates how the aerial extent of shoreline jurisdiction will be determined. The illustrations below depict the most common sets of circumstances and are not intended to be the only circumstances that could exist.

~~Mount Vernon's shorelines under the Shoreline Master Program (SMP) [Figure 1] are limited to those portions of the Skagit River "Big Bend Reach" that occur within the City's corporate limits. This encompasses approximately seven miles of the River's shoreline.~~

~~The regulatory jurisdiction, the Shoreline Management Zone (SMZ), extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk management devices maintained by or maintained under license from~~

~~the federal government, the state, or a political subdivision of the state. (The SMZ is further identified in Section E.3, "Natural Environment," below.)~~

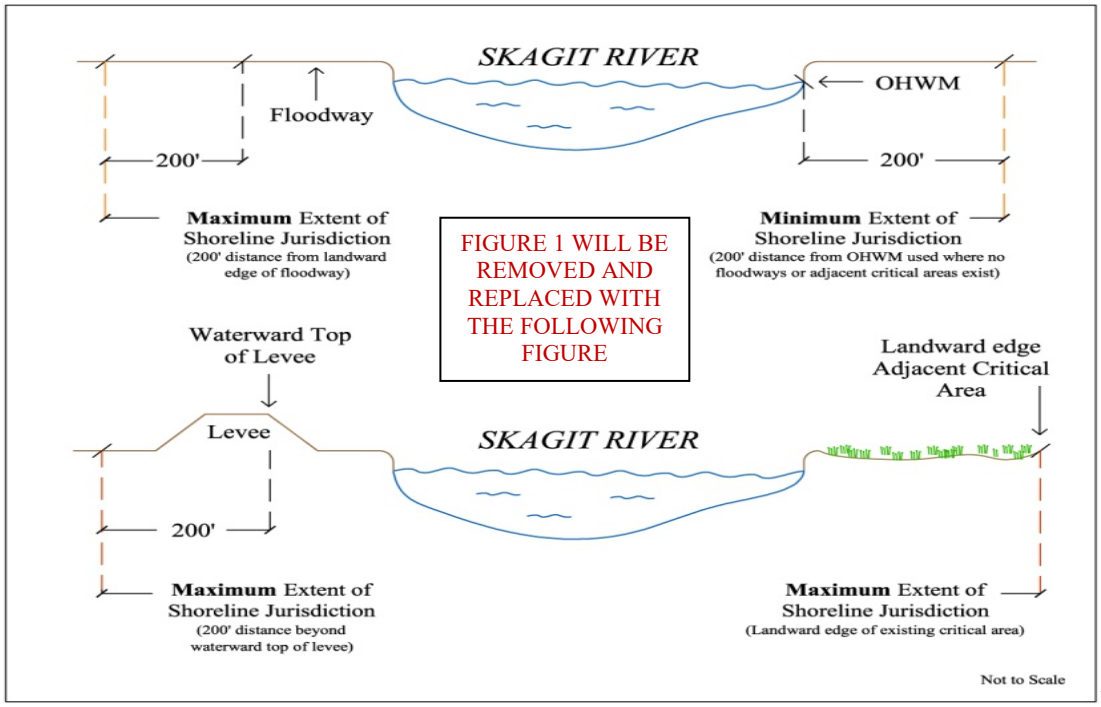

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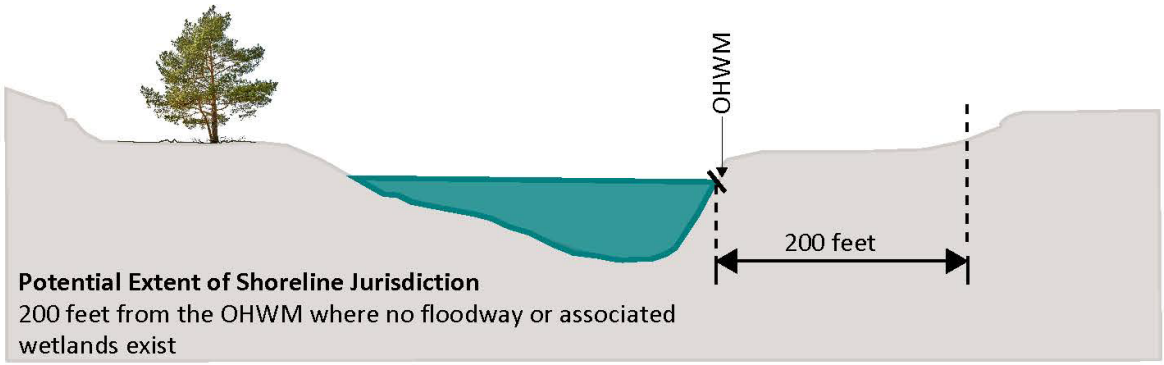
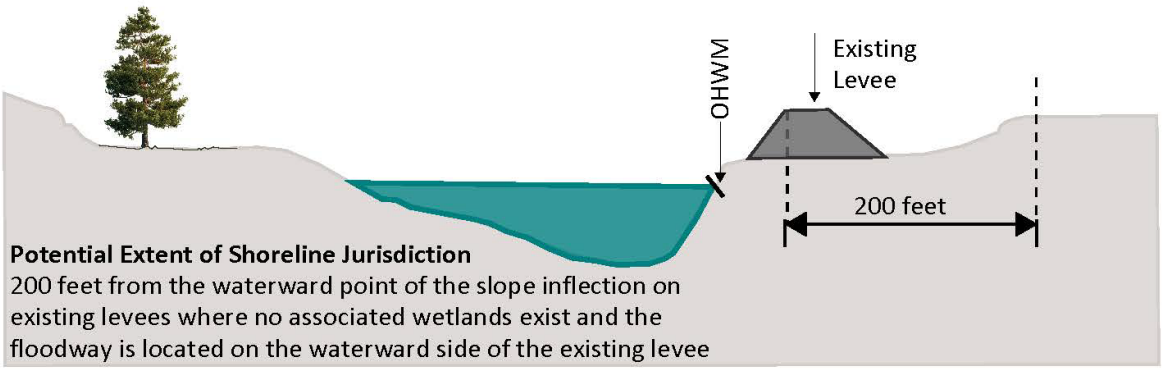
Figure 1 Shoreline Management Zone

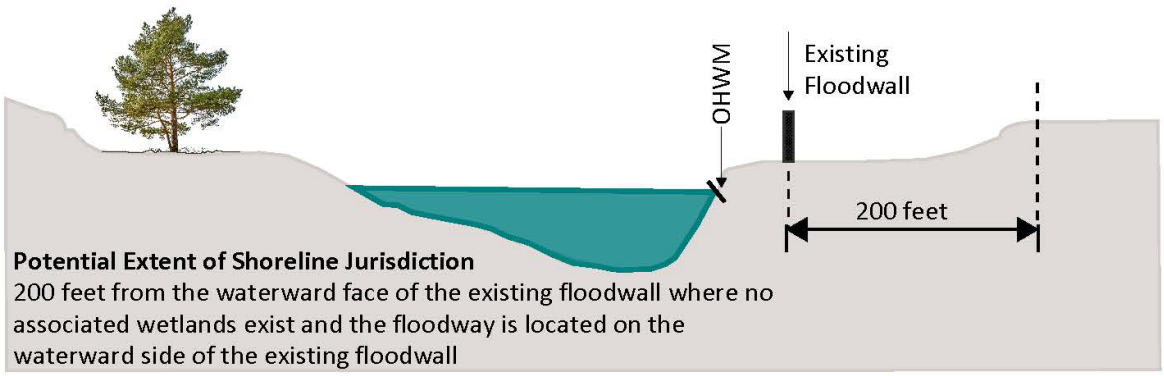
Figure 1 consists of a series of conceptual diagrams illustrating the different variables that must be taken into account when determining the aerial extent of shoreline jurisdiction. Figure 1 is not a specific description of particular river locations. True floodway and jurisdictional extent will be determined at the time of permitting.



Potential Extent of Shoreline Jurisdiction
200 feet from the OHWM where no floodway or associated wetlands exist

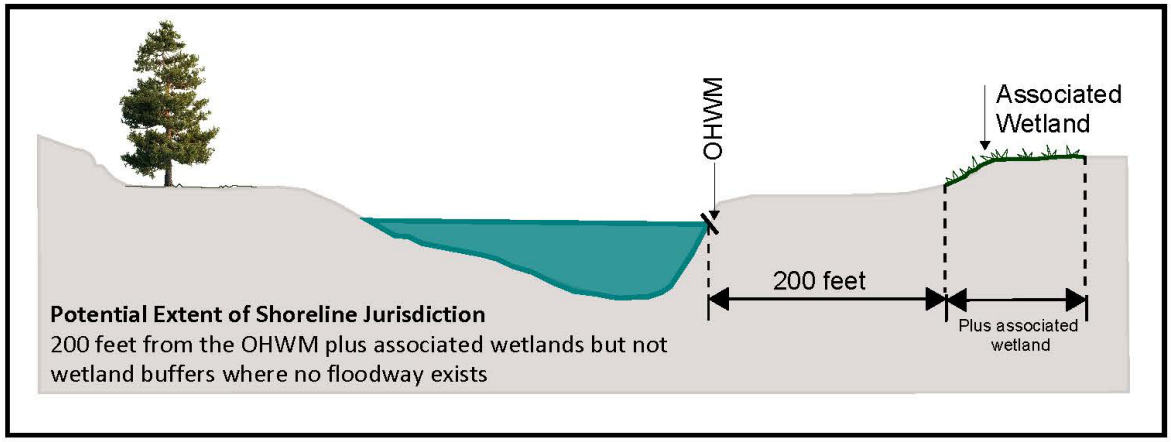


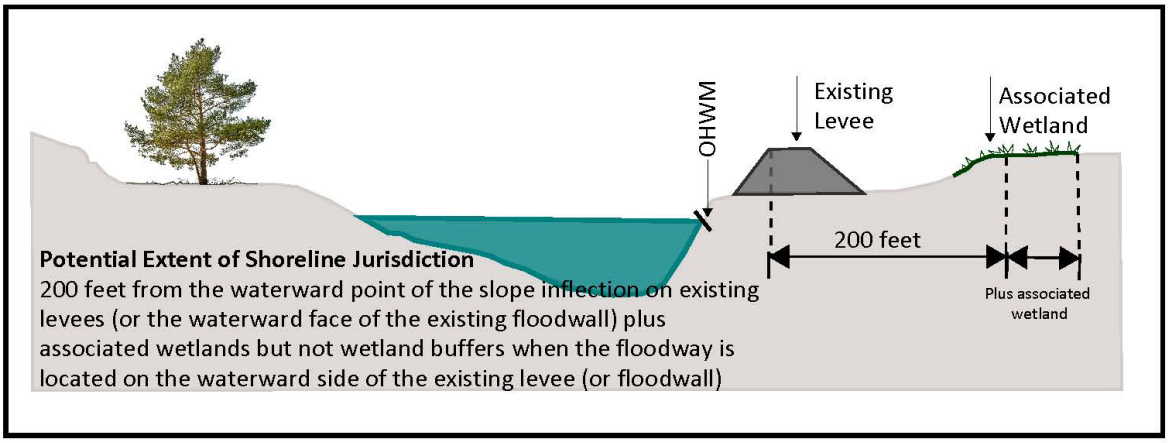
Potential Extent of Shoreline Jurisdiction
200 feet from the waterward point of the slope inflection on existing levees where no associated wetlands exist and the floodway is located on the waterward side of the existing levee



Potential Extent of Shoreline Jurisdiction
200 feet from the waterward face of the existing floodwall where no associated wetlands exist and the floodway is located on the waterward side of the existing floodwall

FIGURE 1 WILL BE REMOVED AND REPLACED WITH THE ILLUSTRATIONS ON THIS PAGE





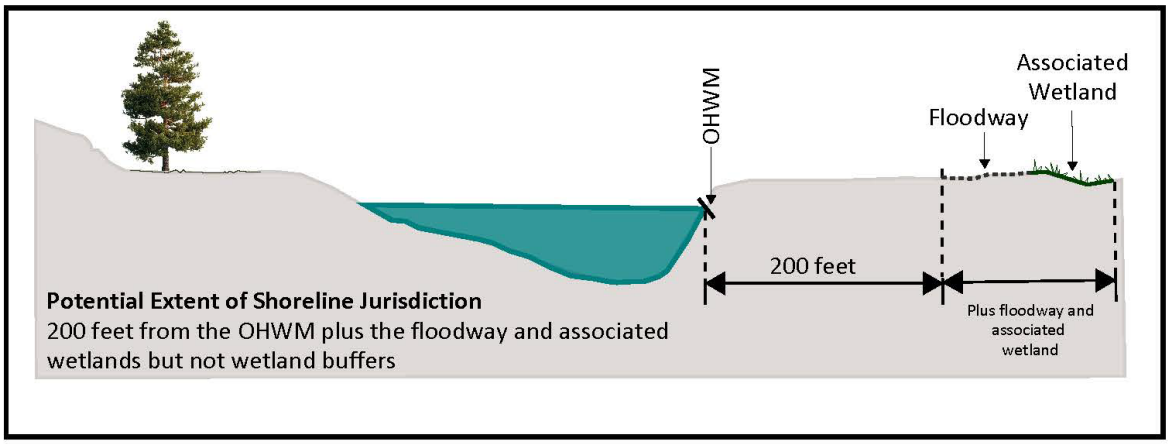
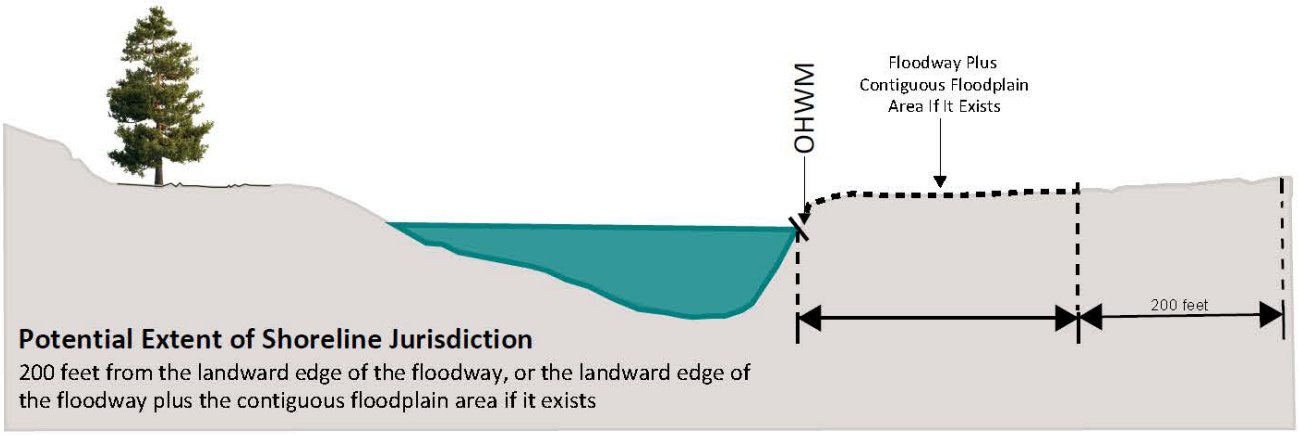


FIGURE 1 WILL BE REMOVED AND REPLACED WITH THE ILLUSTRATIONS ON THIS PAGE

The illustrative example below is a new addition to this version of the draft SMP



B. Environmental Designations

This SMP assigns environmental designations to the City's jurisdictional shorelines to regulate the use and development. The environmental designations are based on the below-listed factors. ~~The Shoreline Management Act requires that each identified shoreline environment be given a designation, based on its physical condition and development pattern.~~ The environmental designations provide a framework for implementing shoreline policies and regulations specific to each shoreline environment.

1. The ~~Mount Vernon Shoreline Master Program has~~ environmental designations of this SMP are based on the following:
   a. Ecosystem characteristics, structure, and ~~environmental~~ functioning
   b. Restoration potential
   c. Existing uses
   ~~d.~~ Development and redevelopment potential ~~and~~
   e. Existing Zoning and Comprehensive Plan Designations
   f. Public and private plans

C. Mapping

~~1. An up-to-date and accurate map of the shoreline area, delineating the environmental designations, is maintained at the Community and Economic Development Services Department.~~

~~2. A list of shoreline properties, identified by Skagit County Tax Assessor Parcel Number, with their environmental designations, is maintained at the Community and Economic Development Services Department.~~

1. Shorelines not found to be mapped or designated, such as through an annexation, will be assigned an Urban Conservancy environmental designation until such time that the SMP can be updated to include analysis and appropriate designation of those shorelines.
2. In the event of a mapping error, the designation criteria in conjunction with specific locational descriptions included ~~contained~~ in this Section shall prevail. The environmental designation boundaries, physical features, explicit criteria, or "common" boundary descriptions that define and distinguish the environments are included in subsections D through H of this Section.

D. Aquatic Environment

1. Purpose

   The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of the area waterward of the ordinary high water mark (OHWM).

2. Designation Criteria

   The Aquatic environment designation has been assigned to shoreline areas waterward of the OHWM.

3. Location of Environment

   a. In Mount Vernon the Aquatic Environment is applicable only to the main stem of the Skagit River waterward of the OHWM [Figures 2, ~~3, and~~ 4 and 5].

   b. The City's jurisdiction spans the River, except where the city limit line is coincident with the midpoint of the River [Figures 2 and 4].

   c. Where the city limit line is the midpoint of the river, the Shoreline Management Zone shall extend to that line [Figures 2 and 4].

   d. Where the city limit line is at the OHWM, per RCW 35.21.160, the City's jurisdiction shall extend to the midpoint of the river [Figures 2 and 4].

4. Management Guidelines

   a. New over-water structures should be prohibited except for water-dependent uses, recreation, public access, or ecological restoration.

   b. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

   c. Provisions for the Aquatic Environment should be directed towards maintaining and restoring habitat for priority aquatic species.

   d. Uses that cause significant ecological impacts to Skagit River habitats should be discouraged.

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

   f. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish whose life cycles are dependent on such migration.

E. Natural Environment

1. Purpose

   The purpose of the Natural Environment is to protect those shoreline areas that either currently provide intact ecological functions or represent opportunities where these functions can be largely restored.

2. Designation Criteria

   The Natural Environment has been assigned to those shoreline areas that meet the following criteria:

   a. The shoreline is primarily free of dikes, or is waterward of dikes

   b. The shoreline is relatively undeveloped with structures and roads

   c. The shoreline has not historically been in recreation or urban uses

   d. There is existing, or the potential for restoration of ecological functions and connectivity to the adjacent floodplain and associated waters/wetlands

3. Location of Environment

The Natural Environment applies to the following locations:

a. ~~At the~~ The Nookachamps Wetland Mitigation Bank consisting of the following parcels: P24186, P111844, P24135, P24133, P24368, P24366, P112375, P24132, P24123, P23532, P23501, P23499, P23513, and P112375 P~~between the north side of Lindegren Creek to the north City boundary~~ [Figure 2];

b. From the northwest corner of tax parcel P24970 east approximately 133 feet to the northeast corner of said tax parcel and then south approximately 140 feet [Figure 3].

c. At the intersection of the River Bend Road and the east City limit line east approximately 1,375 linear feet then south approximately 970 linear feet along the west side of Freeway Drive then northwest along the Skagit River approximately 1,920 linear feet to the east City limit line and then north approximately 135 feet. ~~At Lions Park on the east side of the Skagit River , from the City limit line to the boundary between the 15.4 acre undeveloped Lions Park North and 1.6 acre developed Lions Park South~~ [Figure ~~4~~ 5];

d. In West Mount Vernon, on the west side of the Skagit River in the vicinity of Young's Bar, east of the dike from the city limit line south to the north boundary of parcel P26432. [Figure ~~4~~ 5]; and

e. At the south portion of Edgewater Park, south and east of the dike to the OHWM and from the City limit line north to the south edge of the Edgewater Park boat launch area [Figure ~~4~~ 5].

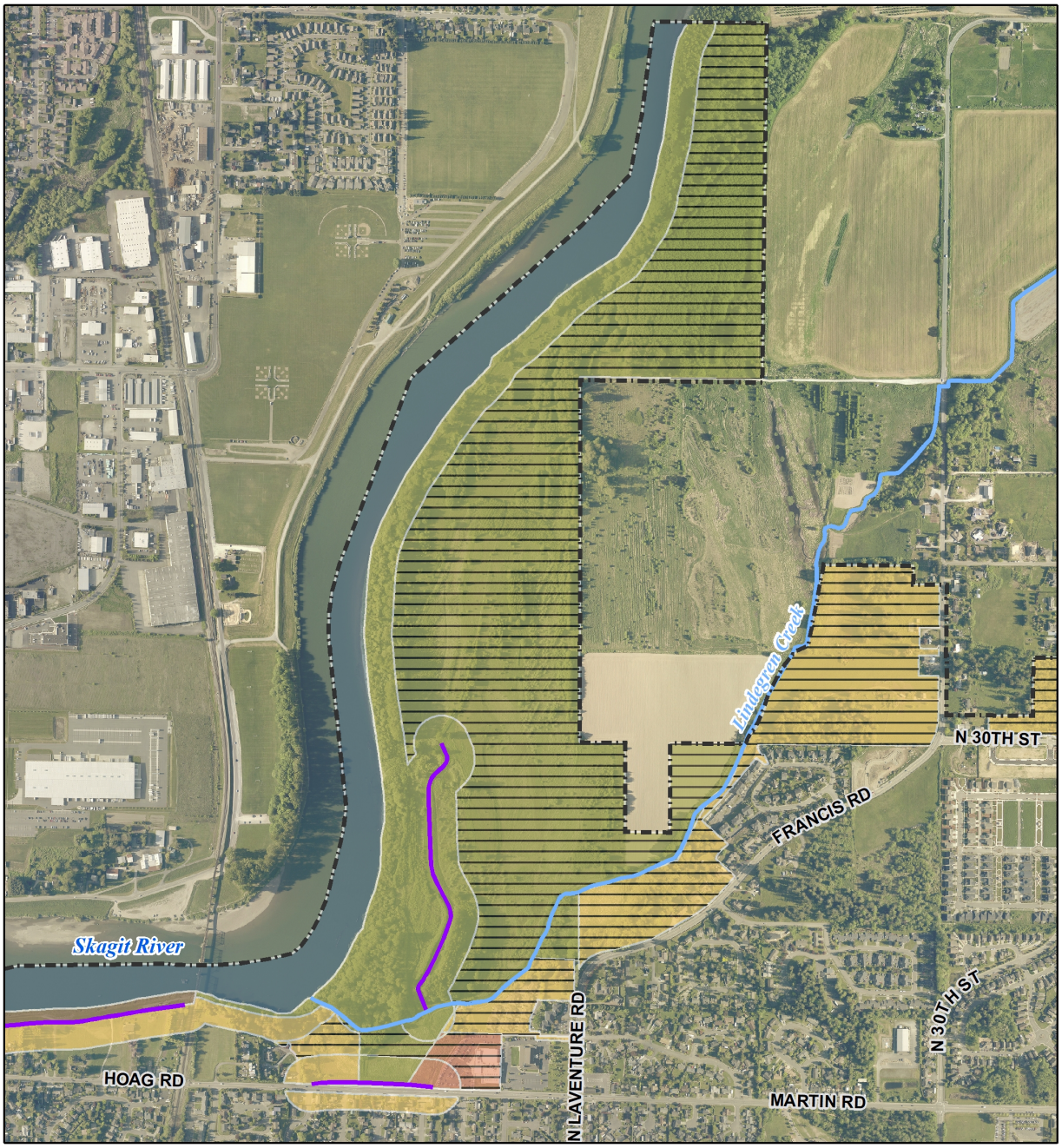
f. The property north of the levee abutting the City's Wastewater treatment plant north to the Skagit River and east to the point where the levee and the floodwall meet [Figure 5].

4. Management Guidelines

a. Residential, commercial, industrial, and active recreation (sport fields) uses should not be allowed.

b. Passive recreation uses such as trails and viewpoints and low-intensity water-dependent recreational access may be allowed where feasible and ecological impacts can be mitigated.

c. Scientific, historical, cultural, educational, and research uses may be allowed, provided that no significant ecological impact on the area would result.



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Figure 2 North Mount Vernon Environmental Designations

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

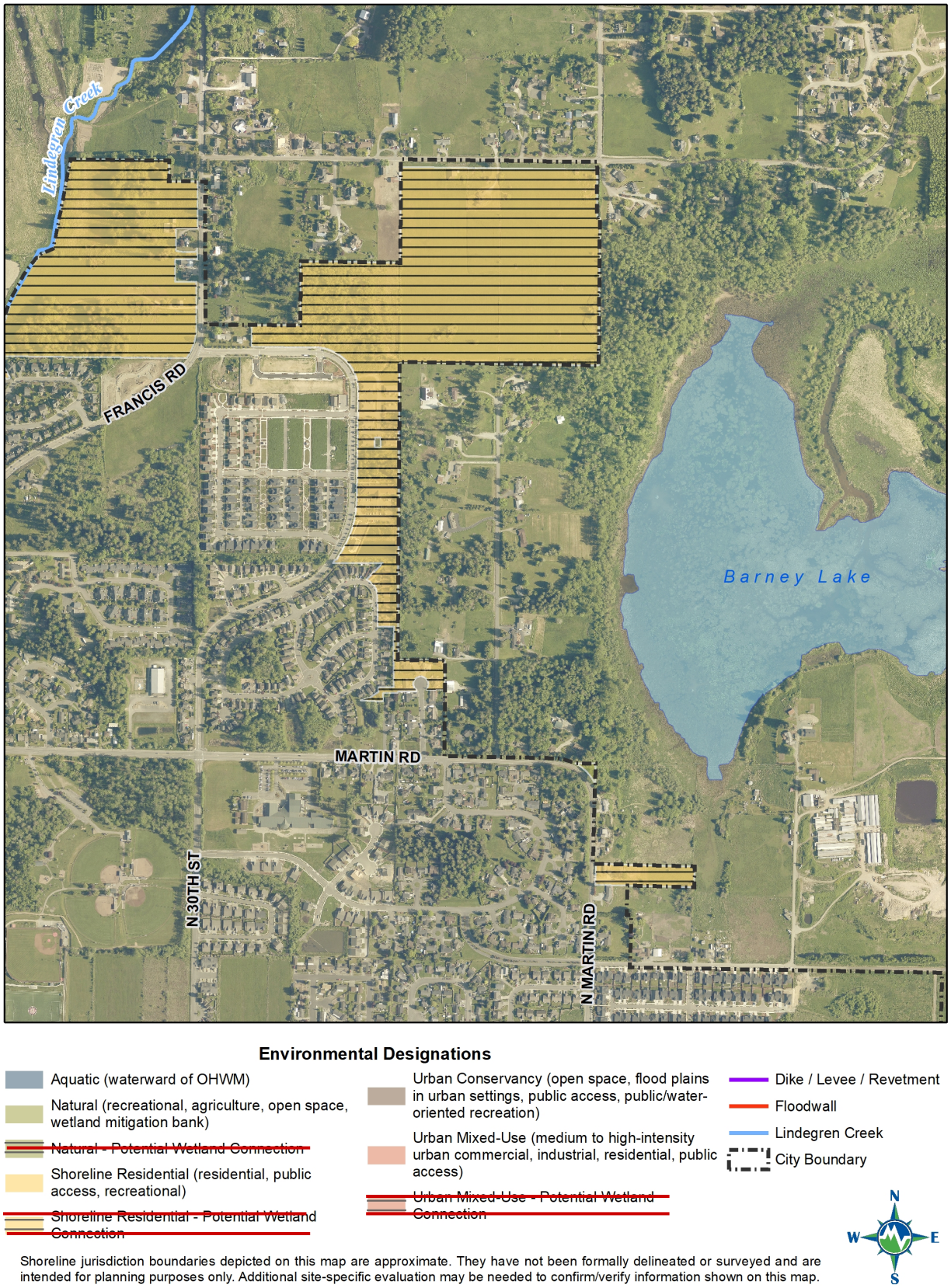


Figure 3 Northeast Mount Vernon Environmental Designations

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

F. Urban Conservancy Environment

1. Purpose

   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 developed shoreline settings, while allowing for compatible uses and public access.

2. Designation Criteria

   The Urban Conservancy environmental designation has been assigned to those shorelines where the levees are set back significant distance upland from the river's edge, creating open space within the floodplain. The Urban Conservancy Environment has the following characteristics:

   a. Existing open space within the floodplain

   b. Existing and/or restored shoreline habitat

   c. Potential for additional restoration

   d. Existing or potential for water-related recreation and public access

3. Location of Environment

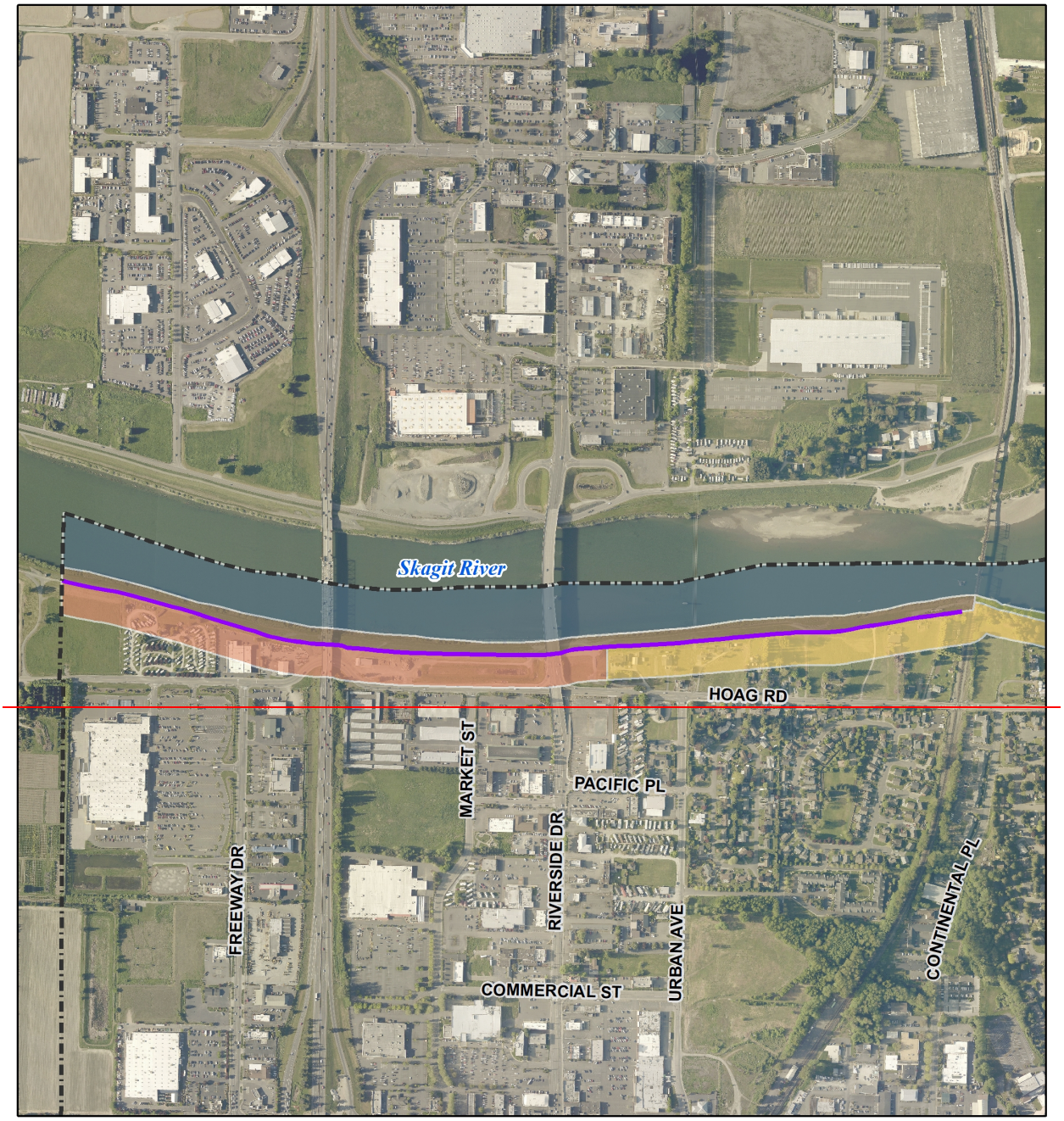
   The Urban Conservancy environmental designation applies to the following areas:

   a. Between the OHWM and the landward toe of the dike running approximately parallel to Stewart and Hoag Roads from the west side of the railroad bridge to the west city limit line [Figure ~~3~~ 4];

   ~~b. East of the dike at Lions Park North southward including Lions Park South [Figure 4];~~

   b. On the west side of the Skagit River, east of the levee ~~dike~~, south from the north boundary of parcel P26432 to the south edge of the Edgewater Park boat launch area, including the Edgewater Park sports fields; [Figure ~~4~~ 5] and

   ~~c. On the east side of the River, from the city limit line west of the wastewater treatment plant generally to the east boundary of tax parcel P28974, north of the intersection of South First Street and West Hazel Street. At the wastewater treatment plant the Urban Conservancy Environment is on both sides of the dike [Figure 4].~~



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Figure 4 North Central Mount Vernon Environmental Designations

4. Management Guidelines

a. Uses that preserve the natural character of the area or promote preservation of open space, floodplain, or sensitive lands either directly or over the long term should be the primary allowed uses.

b. Public utilities, including the Mount Vernon Wastewater Treatment Plant, are allowed in the Urban Conservancy environmental designation.

c. Where dikes are located within the Urban Conservancy environmental designation, additional new flood risk reduction measures may be constructed.

d. New residential, commercial, or industrial uses should not be allowed in the Urban Conservancy environmental designation.

e. Public access and public recreation objectives should be implemented whenever feasible and where significant ecological impacts can be mitigated.

f. During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.

G. Shoreline Residential Environment

1. Purpose

The purpose of the Shoreline Residential environmental designation is to accommodate residential development and appurtenant structures that are consistent with this SMP.

2. Designation Criteria

The Shoreline Residential Environment has been assigned to those shoreline areas that are characterized by existing residential development or platted lots that are wholly or partially located within the Shoreline Management Zone.

3. Location of Environment

The Shoreline Residential environmental designation applies:

a. ~~Between the south side of Lindegren Creek west to~~ From the east ~~west~~ side of the railroad bridge where it abuts the Skagit River east approximately 900 linear feet across tax parcels P24191, P24188, P24189, P24222, and P24187; then south east approximately 345 linear feet, then south approximately 384 linear feet to Hoag Road [Figure~~s~~ 2 ~~and~~];

b. On the south side of Hoag Road extending from the east boundaries of tax parcels P80767 and P80768 west to the west boundaries of tax parcels P82041and P82042 [Figure 2].

c. From the northwest corner of tax parcel P24350 south approximately 4,660 feet to the southwest corner of tax parcel P111843 [Figure 2].

d. From the northeast corner of tax parcel P24340 south approximately 1,355 feet to the southeast corner of tax parcel P24340 then west approximately 1,320 feet to the southwest corner of tax parcel P24340 [Figure 3].

e. From the northwest corner of tax parcel P24826 east approximately 670 feet then south approximately 640 feet to encompass tax parcels P24826, P24829, and P24824 [Figure 3].

f. On the north and east side of N 30th Street including tax parcels P124125, P128006, P24341, P24340, and from the north property line of P127981 south approximately 1,650 linear feet to the south property line of tax parcel P121928.

g. Lots 5 - 8 of the Centennial Grove plat recorded in Volume 15 of Plats, Page 26, Records of Skagit County, Washington and tax parcel P24826 located on the east side of North Martin Road [Figure 3].

h. From the west side of the railroad bridge westward to the east property line of tax parcel P24206 (east of the Riverside Bridge) from the existing levee landward ~~landward toe of the dike~~ [Figure ~~3~~ 4].

i. On the west side of the SR 536 bridge over the Skagit River ~~In West Mount Vernon~~, landward of the dike from the northeast corner of tax parcel P26402 south to the southwest corner of tax parcel P26638 excluding the areas described below that are designated with an environmental designation of Urban Mixed-Use [Figure 5]. ~~from the north City limit line to Edgewater Park, except for the jurisdictional area landward of the dike on both sides of West Division Street, south of Cosgrove Street to the south side of P54832 [Figure 4]; and~~

j. ~~North of the Park, from the west boundary of parcel P26659, if extended north, to the City limit line [Figure 4].~~

4. Management Guidelines

a. Densities and other development standards not specified within this SMP shall be based on the development standards of the underlying zoning district.

b. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where feasible, restore ecological functions over time.

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

H. Urban Mixed-Use Environment

1. Purpose

The purpose of the Urban Mixed-use environmental designation is to both acknowledge the historical presence and allow for the continuation of retail, commercial, office, and industrial uses that currently exist on the City's shoreline. This designation also recognizes that Mount Vernon no longer has water-dependent commercial, industrial, or transportation uses, or the water-related uses that characterized its "working waterfront" during the nineteenth and early twentieth centuries. Although the Downtown has changed significantly, as have similar riverfront towns, there are existing uses of an industrial nature that remain important to the economic vitality of the City that will continue to operate at their current locations for the foreseeable future.

2. Designation Criteria

An Urban Mixed-use Environment has been assigned to areas that are characterized primarily by a mix of retail, commercial, office, and industrial development, and/or areas with the potential for redevelopment to similar uses in the future. In addition, the presence of dikes, a revetment, and shoreline stabilization essentially precludes, or makes it unlikely, that new water-dependent or water-related commercial, transportation, or industrial development will occur in the SMZ.

3. Location of Environment

The Urban Mixed-use environmental designation applies to the following shoreline:

a. From the northwest corner of tax parcel P116052 south approximately 515 feet to the right-of-way of Hoag Road [Figure 2].

b. From the southwest corner of tax parcel P26054 east to Interstate-5 and then south on the landward side of the existing levee and floodwall to the west City limits located near the west boundary of tax parcel P28805 [Figure 5].

c. The commercially zoned properties located west of South Ball Street consisting of tax parcels P54827, P54828, P54829, P54830, P54381, P54832, P54833, and P54834 [Figure 5].

d. The properties north of the existing levee where the Behrens-Millett Road trail exists that are owned by the Mount Vernon School District identified as tax parcels P26391 and P26397 [Figure 5].

~~e. Landward from the landward toe of the dike that parallels Stewart Road, between the east boundary of tax parcel P24206 (east of the Riverside Bridge) and the west city limit [Figure 3].~~

~~f. North of the dike at Lions Park North from the City limit line to the west side of Freeway Drive [Figure 4];~~

~~g. From the south end of Lions Park South generally to the east boundary of tax parcel P28974, north of the intersection of South First Street and West Hazel Street. [Figure 4]; and~~

~~h. In West Mount Vernon the area landward of the dike on both sides of West Division Street, south of Cosgrove Street to the south side of P54832.~~

4. Management Guidelines

   a. Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development.

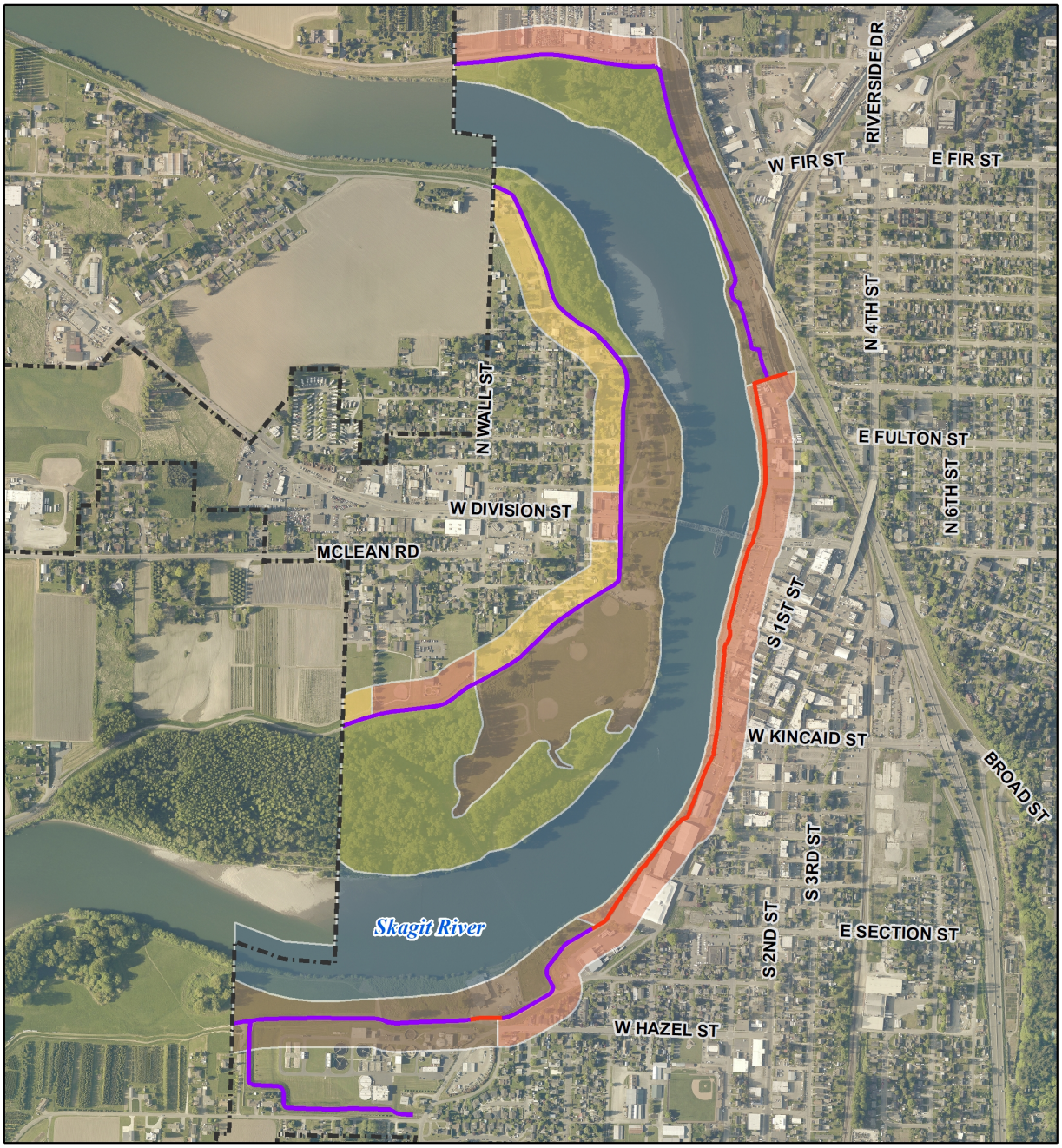
   b. Where applicable and feasible, development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

   c. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).

   d. Design objectives should be implemented by means such as sign regulations, appropriate scale and massing of buildings, architectural standards, landscaping, and maintenance of natural vegetative buffers.

   e. Development in the Urban Mixed-use Environment should be managed so that it enhances and maintains the shorelines for a variety of urban uses, with priority given to water-enjoyment uses and public access.

   f. New development and redevelopment within the area described in the City of Mount Vernon Downtown and Waterfront Master Plan shall be consistent with the objectives and implementation of the City of Mount Vernon Downtown and Waterfront Master Plan.



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- City Boundary

N W E S

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Figure ~~4~~ 5 Central Mount Vernon Environmental Designations

V. SHORELINE USE, MODIFICATION, AND DEVELOPMENT STANDARDS TABLES

The following tables indicate the allowable shoreline uses, modifications, and development standards applicable to the environmental designations. Where there is a conflict between the tables and the written provisions of this Master Program, the written provisions shall apply. When determining if a use is allowed within an environmental designation, the permitted and prohibited uses of the underlying zoning of the property shall be considered.

The charts are coded according to the following legend:

P = May be permitted

C = May be permitted as a conditional use only

X = Prohibited; the use is not permitted nor is it eligible for a variance or conditional use permit

n/a = Not applicable

See also Notes to Tables following Table 3.

TABLE 1, SHORELINE USE:

SHORELINE USE ↓	Shoreline Designations:				
	Aquatic	Natural	Urban Conservancy	Shoreline Residential	Urban Mixed-use
Agriculture[17]	X	X	P	X	X
Aquaculture	X	X	X	X	X
Boating Facilities[7]	P[1]	X	C[3]	P[3]	P[3]
Commercial:					
Water-dependent	P	X	X	X	P
Water-related, Water-enjoyment	X	X	X	X	P
Non-water-oriented	X	X	X	X	P[2]
Flood Hazard Reduction	C	C[3]	P[3]	P	P
Industrial:					
Water-dependent	X	X	X	X	P[2]
Water-related, Water-enjoyment	X	X	X	X	P[2]
Non-water-oriented	X	X	X	X	P[2]
Mining	X	X	X	X	X
Recreation:					
Water-dependent	P[3]	P[3]	P[3]	P	P
Water-related, Water-enjoyment	P[3]	C	P[3]	P	P
Non-water-oriented	n/a	X	P	P	P

Residential:					
Single-family, Detached	X	X	X	P	X
Multi-family, Attached	X	X	X	X	P[2, 15]
Transportation facilities:					
Roads, highways, bikeways, and trails	n/a	X[20]	P[20]/C[4,]	P[4, 20]	P[4, 20]
Bridges, causeways, railroad related	C	C	C	P[4]	P[4]
Parking - Accessory use	X	X	P	P	P
Primary use, including commercial	X	X	X	X	X
Signs:					
On-premises	X	P[8]	P[8]	P	P
Off-premises	X[9]	X	X[9]	X[9]	X[9]
Utilities (primary)	C[4]	C[4]	C[4]	P[4]	P[4]

TABLE 2, SHORELINE MODIFICATIONS:

SHORELINE MODIFICATIONS ↓	Shoreline Designations:				
	Aquatic	**Natural**	**Urban Conservancy**	**Shoreline Residential**	**Urban Mixed-use**
Shoreline Stabilization:					
Bioengineering	C[5]	C[5]	C[5]	P[5]	P[5]
Revetment	X	X	C[5]	P	P
Dikes/Levees	C	P	P	P	P
Dredging	C[6]	n/a	n/a	n/a	n/a
Dredge material disposal	C[14]	C[14]	C[14]	P	P
Hazardous Waste Cleanup	P	P	P	P	P
Fill	C[5]	C[5]	C[5]	P	P
Piers and Docks	P[1]	X	C	P	P
Breakwaters, jetties, and weirs	P[13]/C[13]	X	X	X	X

TABLE 3, DEVELOPMENT STANDARDS:

DEVELOPMENT STANDARDS ↓	Shoreline Designations:				
	Aquatic	Natural	Urban Conservancy	Shoreline Residential	Urban Mixed-use
Boating Facilities:					
Water-dependent Setback	n/a	n/a	0	0	0
Water-related Building Setback	n/a	n/a	50 feet	See note 10	See note 11
Commercial Development:					
Water-dependent Setback	n/a	n/a	n/a	n/a	0[11, 20]
Water-related, Water-enjoyment Setback	n/a	n/a	n/a	n/a	See note 11
Non-water-oriented Setback	n/a	n/a	n/a	n/a	See note 11
Building Height	n/a	n/a	n/a	n/a	55 feet
Flood Risk Reduction Measures:					
Setback	n/a	See note 12	See note 12	See note 12	See note 12
Industrial Development:					
Water-dependent Setback	n/a	n/a	n/a	n/a	See note 11
Water-related, Water-enjoyment Setback	n/a	n/a	n/a	n/a	See note 11
Non-water-oriented Setback	n/a	n/a	n/a	n/a	See note 11
Building Height	n/a	n/a	n/a	n/a	35 feet
Parking – Accessory:					
Setback	n/a	n/a	See note 10	See note 10	See note 16
Recreation:					
Water-dependent setback	n/a	0	0	0	0
Water-related, water enjoyment setback	n/a	50 feet[20]	50 feet[20]	50 feet[20]	0
Non-water-oriented setback	n/a	n/a	50 feet	See note 10	See note 11
Height	n/a	15 feet	15 feet	35 feet	35 feet
Residential Development:					
Setback	n/a	n/a	n/a	See note 10	See note 11
Density (max. and min. determined by underlying zoning district ~~20~~ 19)	n/a	n/a	n/a	Max 1.24 to 7.26 du/a	See note 19
Building Height, single-family	n/a	n/a	n/a	35 feet	n/a
Building Height, multi-family	n/a	n/a	n/a	n/a	55 feet

NOTES TO TABLES:

1. The use or shoreline modification may be allowed in the Aquatic Environment if, and only if, permitted in the adjacent upland environment.
2. Public access, as approved by the City, is a condition of approval for development except (i) if such access requirement has already been satisfied pursuant to a prior transfer of property owned by the applicant (or applicant's predecessor in interest) where such property has been used by the City to provide public access as part of a flood risk reduction project or (ii) as provided in "Public Access" section of the SMP.
3. The use may be allowed provided it does not cause significant adverse ecological impacts.
4. Transportation facilities or utilities may be allowed providing there is no other feasible route or location.
5. The shoreline modification may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions. Consistency with "Flood Hazard Reduction" provisions is also required.
6. Dredging may be allowed only in support of a water-dependent use or restoration when the City finds that the need is demonstrated. Dredging to establish, expand, relocate or reconfigure navigation channels allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.
7. Piers or docks may be allowed if significant adverse ecological impacts are avoided. Boating facilities may not be used for extended moorage and/or live aboard vessels.
8. Interpretive signs allowed only as part of a park or public access facility.
9. Off-premise, free-standing signs for community identification, information, or directional (way-finding) purposes are allowed and other non-commercial, off-premises signs may be allowed if they are displayed according to the sign regulations, Chapter 17.87 MVMC.
10. Setback shall be no less than 50 feet landward of the landward toe of dikes and levees, with the following exceptions (MVMC 15.36.270):
    a. Minimum setback shall not apply to dikes and levees themselves, or improvements designed to aid in flood risk reduction;
    b. Facilities intended for or likely to be used primarily as residential care for the elderly or the disabled, or other persons with a limited ability to evacuate quickly in an emergency, shall be prohibited between the riverward toe of dikes and levees along the Skagit River and a line 1,000 feet landward of the landward toe of said dikes and levees; and
    c. Dike setbacks in the AO depth one-foot zone, as indicated on Flood Insurance Rate Maps (FIRM), shall be evaluated on an individual basis by the City of Mount Vernon building official and the city engineer. With their concurrence, zero dike setback may be allowed, however flood-fighting access must be provided.
11. For the Urban Mixed-use environmental designation at Stewart Road, at West Division Street in West Mount Vernon, and at parcels 26054, 26202, 26096, and 26095 abutting Riverbend Road, the setback shall be the same is in Note 10 (above). In the Urban Mixed-use environmental designation from parcel 26644 to parcel P26505, inclusively, where a new flood risk reduction measure is to be constructed subject to engineering plans approved by FEMA on August 24, 2010,

and utilized subject to filing ~~receipt~~ of a final Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA), the minimum setback shall be 10 feet from the landward side of the new flood risk reduction measure *except* in those cases where the design of the flood risk reduction measure, as approved by FEMA pursuant to the LOMR granted to the City, provides for a setback of less than ten feet from:

a. Existing structures, and/or
b. Any new, replacement structures that have been authorized pursuant to a separate agreement between the property owner and the City to facilitate completion of the flood risk reduction measure.
c. Subject to "Mount Vernon Levee/Floodwall Riverbank Slope Encroachment Area Restrictions," as follows:

A. Floodwall Riverbank Slope Encroachment Area Established. The provisions of this section shall apply to any land use application seeking approval of new structures, modifications to existing structures, the placement of fill, and/or new construction (collectively "improvements") that will encroach within **forty feet** of the floodwall. This area **shall extend from a line forty feet from the landward toe of identified levees or floodwalls as shown by official shoreline, zoning, or floodplain maps of the City**, except that this section shall not apply to improvements to the levees and floodwalls themselves, or improvements designed to aid in flood proofing. No floodplain permit, shoreline permit, or building permit shall be issued until plans filed with the City show full compliance with this section and are approved by the City.

B. Floodwall Riverbank Slope Encroachment Area Restrictions - Compliance with FEMA Standards. A land use application shall not be approved nor permit issued until it is demonstrated by the applicant that the proposed improvement, including any cumulative impacts resulting there from, within the **forty-foot floodwall riverbank slope encroachment area** (as shown conceptually in Figure 5, below, and as verified in the field at the time of application) complies with all certification standards required for the Mount Vernon levee/floodwall from FEMA's National Flood Insurance Program (NFIP) as set forth in Title 44 of the Federal Code of Regulations, "Emergency Management and Assistance," which is hereby adopted now, or as hereafter amended by reference, as if set forth in full as mandatory supplemental design criteria. Demonstration of compliance with FEMA standards shall include, but is not limited to, the following:

1. **Foundation, Embankment and Slope Stability.** The applicant must demonstrate through an engineering analysis by a licensed professional engineer evaluating levee embankment slope and foundation stability, that the proposed improvement will be designed and constructed in a manner that complies with FEMA's National Flood Insurance Program design criteria for embankment, slope, and foundation stability in effect at the time a legally sufficient

application is submitted. As of the date of adoption of this SMP, FEMA's embankment, slope, and foundation stability criteria is currently specified in Title 44 CFR Section 65.10 as follows:

> *"The analyses provided shall evaluate expected seepage during loading conditions associated with the base flood and shall demonstrate that seepage into or through the levee foundation and embankment will not jeopardize embankment or foundation stability. An alternative analysis demonstrating that the levee is designed and constructed for stability against loading conditions for Case IV, as defined in the U.S. Army Corps of Engineers (COE) manual, "Design and Construction of Levees" (EM 1110–2–1913, Chapter 6, Section II), may be used. The factors that shall be addressed in the analysis include: depth of flooding, duration of flooding, embankment geometry and length of seepage path at critical locations, embankment and foundation materials, embankment compaction, penetrations, other design factors affecting seepage (such as drainage layers), and other design factors affecting embankment and foundation stability (such as berms)."*

In addition to the required analysis set out above, a licensed professional engineer shall certify that any proposed improvement to be constructed within the forty-foot floodwall riverbank slope encroachment area will not compromise the foundation, slope, or embankment stability of the Mount Vernon levee/floodwall according to FEMA standards. Any reports or analysis completed by the City related to the Mount Vernon levee/floodwall embankment foundation or slope stability may be referenced or incorporated in the applicant's submittal. Unless otherwise prohibited or exempt by law, the City shall make those reports or analysis available to the applicant upon request.

2. **Structural Integrity.** The applicant must demonstrate through an engineering analysis by a licensed professional engineer evaluating the Mount Vernon levee/floodwall structural integrity, that any proposed improvement will be designed and constructed in a manner that complies with FEMA's National Flood Insurance Program design criteria for structural integrity in effect at the time a legally sufficient application is submitted. As of the date of adoption of this SMP, FEMA's structural requirements and design criteria are currently detailed in Title 44 Section CFR 65.10(b) paragraphs (1) through (7) of the NFIP regulations. Such demonstration shall

include, but not be limited to: a) certification by a licensed professional engineer that the proposed improvement will not compromise the structural integrity of the Mount Vernon levee/floodwall according to FEMA standards, and b) evidence of compliance with all other applicable development regulations of the City of Mount Vernon in effect at the time a legally sufficient application is submitted including all buildings codes adopted by the City of Mount Vernon that set forth standards for construction or improvements near foundations.

3. **Exceptions - *de minimis* structures/activities.** Unless the City determines additional review is required under Section C, hereof, or determines that the FEMA certification standards required for the Mount Vernon levee/floodwall in place on the date of adoption of this SMP have materially changed requiring the improvements to meet different standards, the following improvements are exempt from the provisions of Sections B1 and B2 above, and shall be approved if the applicant provides certification from a licensed professional engineer that: a) the Skagit River bank geometry within the project area has not changed significantly from the conditions described in the *Report on Mt. Vernon Flood Protection Project, Geotechnical Assessment, Mount Vernon, Washington,* prepared by Golder Associates, dated January 9, 2009; b) the prevailing FEMA regulations setting out design criteria for structural integrity and river bank stability assessments have not materially changed from those in place on the date this SMP was adopted; c) that all relevant soils data have been examined and are sufficient with respect to site investigation and requirements of applicable building codes and that additional investigations are unwarranted; and d) the proposed improvement will meet the following applicable design standards:

   i. Sidewalks, pedestrian walkways and other paved areas (a) located at least ten feet from the flood wall or levee that (b) do not require excavation of more than two feet below existing grade for their construction and (c) utilize no more than twelve inches of rock fill/paving materials above existing grade for their construction (overlaying existing pavements with new asphalt, or replacing existing on-grade sidewalks or walkways in kind may extend to the flood wall or levee);

   ii. Buildings and other structural improvements (a) located at least ten feet from the flood wall or levee, (b) that otherwise meet the requirements of the Mount Vernon City Code, and (c) are constructed on drilled shafts, auger cast piles (as opposed to driven piles), helical piles, or micro-piles. The installation of these deep foundation elements shall be completed with cranes and other construction equipment that can be positioned outside the setback area itself or which do not exceed the weight limits

set out in subsection (v) below, and which do not cause strong ground vibrations that could decrease the stability of the underlying soil;

iii. The excavation, installation and backfilling of utility lines and related structures (a) located at least ten feet from the flood wall or levee, (b) completed during low river flow periods, and (c) utilizing backfill material that is of low permeability and requiring little or no compaction (e.g. crushed rock or control density fill (CDF)). Excavation shoring shall be provided to prevent trench wall instability for excavations of more than three feet within no less than a 2:1 (horizontal:vertical) zone of the flood wall or levee;

iv. Improvements that are constructed on existing building foundations located within the applicable setback that were in place prior to issuance of the Conditional Letter of Map Revision by FEMA, dated August 24, 2010, for the City's flood risk reduction system, provided that the load placed on such foundations does not exceed the loads for which such foundations were originally designed and certified;

v. Other activities/structural improvements that are (a) located at least ten feet from the flood wall or levee, (b) will not require excavation of more than two feet below existing grade, (c) are constructed during low flow conditions, (d) do not exert more than 150 pounds per square foot of vertical load on the existing soil, and (e) do not require construction equipment within the forty-foot setback area weighing more than 26,000 pounds, which is the average weight of a medium-sized track hoe (PC120 or equivalent); and

vi. Improvements to existing or replacement structures located within ten feet of the flood risk reduction structure where the design of the flood risk reduction structure, as approved by FEMA through the Conditional Letter of Map Revision ("CLOMR") granted to the City, provides for a setback of less than ten feet from (a) the existing structures and/or (b) any new, replacement structures that have been authorized pursuant to a separate agreement between the property owner and the City to facilitate completion of the flood risk reduction structure.

C. Additional Engineering Review.

1. All improvements subject to review under this section may be subject to additional review, at the option of the City and at the cost of the applicant, by a registered engineering professional retained by the City who is familiar with FEMA regulations and standards for the certification of flood projects designated by the City of Mount Vernon. As a condition of approval, the registered engineering professional shall determine there is: a) compliance with FEMA standards involving structural integrity of the floodwall/levee so as not to result in decertification; b) compliance with FEMA standards for slope, foundation, and embankment stability so as not to result in decertification; and c) the project overall is designed and proposed to be constructed in a manner that complies with all applicable development regulations of the City of Mount Vernon in effect at the time a legally sufficient application is submitted including compliance with FEMA's National Flood Insurance Program so as not to result in decertification of the Mount Vernon levee/floodwall from FEMA's National Flood Insurance Program as set forth in Title 44 of the Federal Code of Regulations.

2. In lieu of the additional review determination set forth above for those improvements subject to review under Section B3, the City may, at the option of the City, and at the cost of the applicant, require as a condition for approval a determination from a registered professional engineer retained by the City who is familiar with FEMA regulations that there is: a) compliance with the standards set forth in Section B3; and b) that those standards satisfy FEMA standards in effect at the time a legally sufficient application is submitted.

3. Any decision by the City to require additional engineering review under this Section C shall be neither arbitrary nor capricious.

D. Certification Defined. Certifications by licensed engineers required under the provisions of this section shall be those required from FEMA's National Flood Insurance Program as set forth in Title 44 of the Federal Code of Regulations, as now or hereafter amended. As of the date of adoption of this SMP, certifications involving the identification and mapping of special hazard areas and the mapping of areas protected by levees are currently specified in Title 44 Section CFR 65.2 as follows:

> *"For the purpose of this part [Part 65], a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. 'Certification of data' is a statement that the data is accurate to the best of*

the certifier's knowledge. 'Certification of analyses' is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. 'Certification of structural works' is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. 'Certification of "as built" conditions' is a statement that the structure(s) has/have been built according to the plans being certified, is/are in place, and is/are fully functioning.

In the event the flood risk reduction measure is: i) not constructed or ii) does not receive a LOMR, the setback in this area shall be the same as in Note 10 (above). The setback at the Urban Mixed-use environmental designation at parcels P28950 and P28951 (approximately South First Street at Virginia Street) shall be the same is in Note 10 (above).

12. Determined by geotechnical analysis or Chapter 15.36 MVMC.
13. Breakwaters, jetties, groins, and weirs located waterward of the OHWM are allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose, such as fish and wildlife habitat enhancement. A conditional use permit shall be required, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence defined in WAC 173-26-201(2)(e).
14. Use of dredge materials may be allowed only in conjunction with an approved habitat restoration project.
15. Residential, multi-family is only allowed in the Urban Mixed-use designation between parcel 26644 and parcel P26505, inclusively (Downtown Mount Vernon) and in the Urban Mixed-use designation located in West Mount Vernon.
16. If parking is within a structure, refer to Note 11, if surface parking without an associated structure, the setback is 0 feet from the toe of the landward side of the dike.

17. Established agricultural use may be maintained as a legal, non-conforming use. Development on agricultural land that does not meet the definition of agricultural activities, and the conversion of agricultural land to nonagricultural uses, shall be consistent with the environment designation, and the general and specific use regulations applicable to the proposed use and shall not result in a net loss of ecological functions associated with the shoreline.
18. Multi-family allowed above ground or at ground level, if not visible from the street, at 36 ~~76~~ or more units with a Conditional Use Permit (if in the C-1 District).
19. ~~Residential density,~~ The minimum and maximum residential density (as ~~if~~ applicable) is measured ~~per~~ in net dwelling units per acre (du/a), and in the Shoreline Residential environmental designations is as follows:

    R-A zone: 1.24 du/acre (minimum 35,000 sf lot ~~size~~)
    R-1, 3.0 zone: 3.23 du/acre (minimum 9,000 sf lot)
    R-1, 4.0 zone: 4.0 to 4.54 du/acre (minimum 7,500 sf lot)
    R-1, 5.0 zone: 4.0 to 5.73 du/acre (minimum 6,000 sf lot)
    R-1, 7.0 zone: 4.0 to 7.26 du/acre (minimum 4,500 sf lot)

    The above-listed minimum and maximum densities and minimum lot sizes can be deviated from when a development is permitted under Chapter 17.73 MVMC, Regulations to Encourage Affordable Housing.
20. Trails for pedestrians and non-motorized vehicles are permitted. There is no minimum setback for pedestrian and non-motorized vehicle trails.
21. For water-dependent commercial use in the Aquatic Environmental Designation, if an element of the project, i.e. pedestrian access, connects landward of the OHWM, Note 11 shall apply.

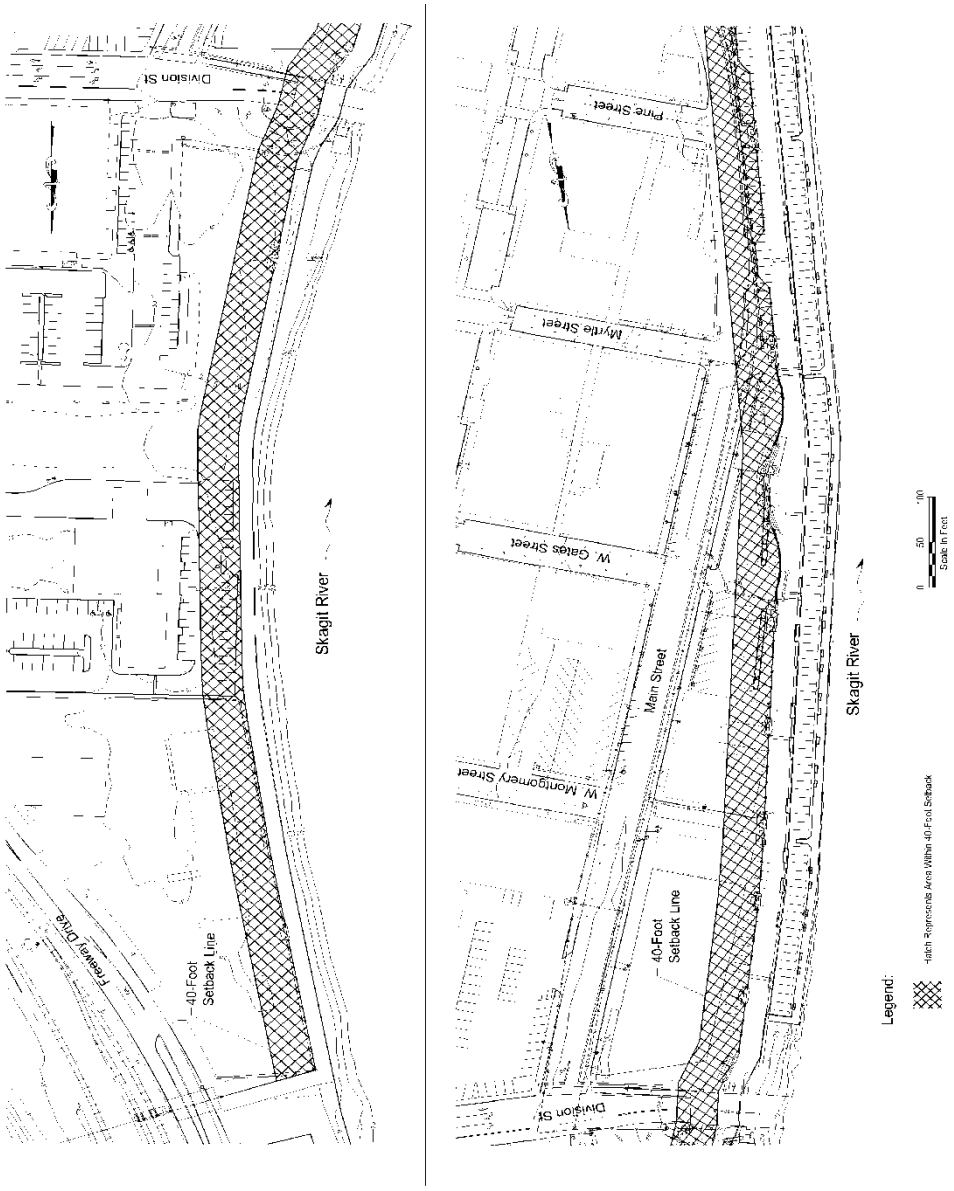

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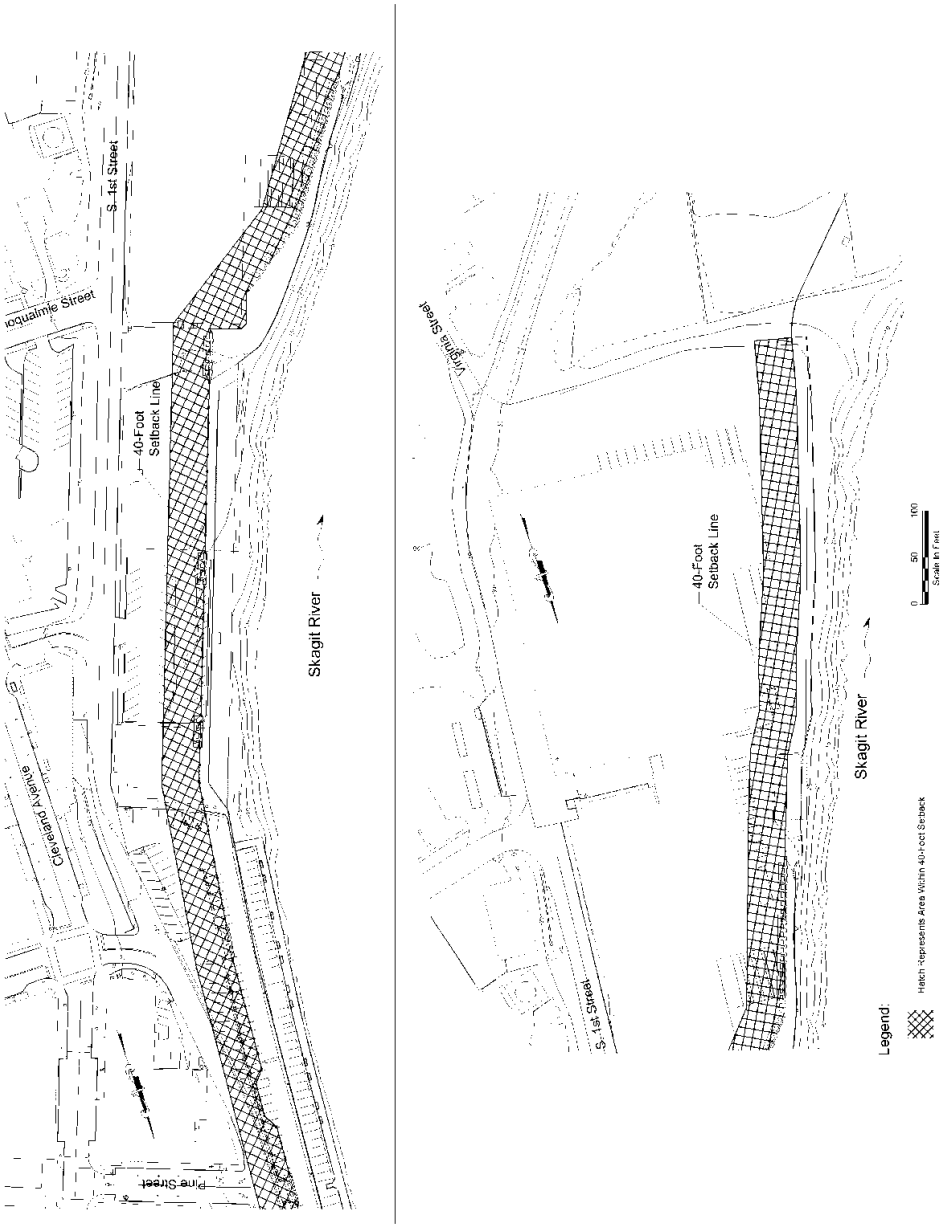
Figure ~~5~~ 6
Forty-foot Setback Area from Floodwall (north)
A full size version of this map is available at the ~~Community and Economic~~ Development Services Department.



A BETTER, CLEARER COPY OF THIS MAP WILL BE INSERTED HERE IF IT CAN BE DIGITIZED

Figure ~~6~~ 7
Forty-foot Setback Area from Floodwall (south)
A full size version of this map is available at the ~~Community & Economic~~ Development Services Department.

VI. GENERAL PROVISIONS

A. Policies and Regulations Applicable to all Shorelines

1. Applicability

   a. The goals listed in Section II of this Master Program provide broad guidance and direction and have been used by the City in developing the SMP policies.

   b. The goals and policies, taken together, constitute the Shoreline Element of the Mount Vernon Comprehensive Plan.

   c. The SMP policies are implemented by the regulations. The regulations describe the standards required for all shoreline uses and modifications in all environmental designations and are part of the Mount Vernon Municipal Code.

2. Policies

   ~~a. The Director of the Community and Economic Development Services Department will periodically initiate review of conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:~~

   ~~i. Water quality;~~

   ~~ii. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions);~~

   ~~iii. Upland vegetation;~~

   ~~iv. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices; and~~

   ~~v. Shoreline stabilization and modifications.~~

   a. Where appropriate, the ~~Community and Economic~~ Development Services Department will implement the policies of this Master Program in all land use activities, such as development permitting, public construction, and public health and safety. Specifically, such activities include, but are not limited to:

      i. Water quality and storm water management activities, including those outside shoreline jurisdiction, but affecting the shorelines of statewide significance;

      ii. Aquatic vegetation management;

      iii. Health and safety activities; and

      iv. Public works and utilities development.

   b. The ~~Community and Economic~~ Development Services Department will notify affected federal, state, county, and tribal governments through the Notice of Application process codified in MVMC Chapter 14.05 when shoreline permit

~~development~~ applications are processed that are not administrative (Type I) permits.. ~~submitted~~.

3. Regulations

   a. All proposed shoreline uses and developments, including those uses and developments that do not require a shoreline permit, shall conform to the provisions of the Shoreline Management Act, Chapter 90.58 RCW, as such provisions are implemented by the specific regulations of the Master Program applicable to such uses, as more fully described herein.

   b. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of the Master Program. Except as otherwise noted herein, all proposed shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.

   c. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or for a shoreline conditional use permit.

   d. Where regulations included in this Master Program appear to produce conflicting requirements, the shoreline regulations that are most consistent with the City's existing zoning requirements and its Comprehensive Plan shall be applied, absent clear and convincing evidence that application of such regulations would violate the provisions of the Shoreline Management Act, as expressed in RCW 90.58.020.

   e. See Administrative Provisions (Section III, above) for regulations pertaining to shoreline exemptions, variances, conditional uses, and nonconforming uses.

B. Archaeological and Historic Resources

1. Applicability

   The following provisions apply to archaeological and historic resources that are either recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP) or are revealed during the course of development or modification activity within the SMZ.

2. Policies

   Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

3. Regulations

   a. Archaeological sites located in the SMZ are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit), as well as the provisions of the Master Program.

b. All shoreline permits shall contain provisions that require developers to immediately stop work and notify the ~~Community and Economic~~ Development Services Department if any sites or items of possible archaeological value are uncovered during excavation. In such cases, the developer shall be required to provide a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.

c. All shoreline permits and exemptions issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected tribes.

d. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office, and the DAHP of such a waiver.

e. Archaeological excavations may be permitted, subject to the provisions of this program.

C. Critical Areas

1. Applicability

a. Wetlands occurring in the City's shoreline jurisdiction, [Note: The City is not opting for the expansion of the shoreline jurisdiction to include critical area buffers, as provided for in RCW 90.58.030(2)(d)(ii)];

b. Delineated fish and wildlife habitat conservation areas are regulated by MVMC 15.40.080, "Fish and Wildlife Habitat Conservation Areas," has been incorporated into Appendix C – "Shoreline Critical Areas Regulations" ~~[Note: MVMC 15.40.080, "Fish and Wildlife Habitat Conservation Areas," adopted by Ord. 3444 Critical Areas Ordinance, as codified August 4, 2010.]~~ Within the Shoreline Management Zone, Lindegren Creek and Kulshan Creek, which are Type F streams; and,

c. The main stem of the Skagit River, which is designated an Aquatic Environment in section IV.D of this SMP, and provides the critical ecological function of fish passage to upstream spawning and rearing habitats.

d. The language adopted as part of this SMP has been reviewed and determined to meet the standard of no net loss of ecological functions.

2. Policies

In addition to the requirements of the General Provisions section, above, the following policies and regulations apply to all uses and development in areas of shoreline jurisdiction:

a. In implementing this Master Program, the ~~Community and Economic~~ Development Services Department will take necessary steps to ensure compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.

b. All significant adverse impacts to the shoreline should follow recommended mitigation sequencing provided for in the portion of Chapter 15.40 MVMC that is adopted by reference in Appendix C. ~~Appendix C – III. (G).~~

c. Applicable sections of the Critical Area Ordinance (CAO) pertaining to wetlands have been incorporated into the SMP and have been included as Appendix C, Shoreline Wetland Regulations.

d. If provisions of the Shoreline Wetland Regulations (Appendix C), and other parts of the Master Program seem to conflict, the regulations most directly implementing the objectives of the Shoreline Management Act, as determined by the ~~Community and Economic~~ Development Services Department, shall apply unless specifically stated otherwise.

e. In as much as the main stem of the Skagit River serves the critical function of fish passage, the SMP shall be applicable for the purposes of protection of this function by minimizing and avoiding any adverse impacts waterward of the ordinary high water mark.

3. Regulations

a. All project proposals that occur within the Shoreline Management Zone (see Figure 1), shall comply with Chapter 15.36 MVMC, Floodplain Management Standards and the provisions of this SMP.

b. All project proposals that involve alteration of wetlands within the SMZ must comply with Appendix C of the SMP, "Shoreline Wetland Regulations."

c. All project proposals that may alter fish and wildlife conservation areas shall comply with MVMC 15.40.080, Fish and Wildlife Habitat Conservation Areas, the complete text of which is contained in Appendix C ~~[Note: Ord. 3444 as codified August 4, 2010],~~ and the provisions of this SMP.

d. All project proposals shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.

D. Flood Hazard Reduction

1. Applicability

a. The provisions in this section apply to those areas within the SMZ lying along the Skagit River floodplain corridor and as identified on Federal Emergency Management Agency (FEMA) floodplain maps. The provisions in this section are intended to address two concerns especially relevant to river shorelines:

i. Protecting human safety and minimizing flood hazard to human activities and property; and

ii. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin.

2. Policies

   a. Implement a comprehensive program to manage the City's floodplain corridor that integrates the following City ordinances and activities:

      i. Regulations of the Master Program as codified in the MVMC;

      ii. The Floodplain Management Standards, Chapter 15.36 MVMC;

      iii. The development standards of the underlying zoning district;

      iv. The City stormwater management plan and implementing regulations;

      v. The City of Mount Vernon Downtown and Waterfront Master Plan;

      vi. City, County, and Dike District approved flood risk reduction measures; and

      vii. The City's participation in flood risk management programs, including the Federal Emergency Management Act and the Washington State Flood Control Assistance Account Program.

   b. In regulating development on shorelines within SMA jurisdiction, endeavor to achieve the following:

      i. Maintenance of human safety;

      ii. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes;

      iii. Protection of water quality and natural groundwater movement;

      iv. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain;

      v. Protection of existing legal uses unless the City determines, in the exercise of its reasonable discretion, that relocation of an existing, non-conforming use or structure is the only feasible option based on a written determination of the State Department of Ecology that such use presents a substantial and imminent hazard to the shoreline, and violates the requirements of the Shoreline Management Act; and

      vi. Protection of recreational resources and scenic values.

   c. Continue to undertake flood risk management planning in a coordinated manner with affected property owners, dike districts, and public agencies.

   d. In designing publicly financed or subsidized works, give consideration to providing public pedestrian access to the shoreline, particularly along the City's downtown waterfront.

3. Regulations

   a. New, structural, public flood risk management projects that are continuous in nature, such as dikes or levees, shall provide public access to the shoreline unless such access is not feasible or desirable according to the criteria in the Public Access section of the SMP.

b. Designs for flood hazard management and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers, geologists, and/or hydrologists who have expertise in local riverine processes.

c. Existing hydrological connections to the floodplain and associated wetlands shall be maintained where feasible.

d. Removal of gravel from the Skagit River for purposes of flood risk reduction is not allowed.

e. Uses that may be appropriate and/or necessarily located in the channel migration zone or floodway include uses delineated in WAC 173-26-221(3)(c)(i) when consistent with language elsewhere in the SMP.

E. Public Access

1. Applicability

a. Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing platforms, boat launches, and improved street ends.

b. The City has prepared the City of Mount Vernon Downtown and Waterfront Master Plan that, in part, is intended to increase public access to the shoreline. Existing and proposed trails and public access points are also shown on the trail network maps in the Mount Vernon Park, Recreation & Open Space Plan.

2. Policies

a. Public access should be considered in the review of all private and public developments with the exception of the following:

i. Residential developments of four or fewer lots;

ii. Accessory use to a primary permitted use in the Urban Mixed-use Designation; or

iii. Where deemed inappropriate due to health, safety, and environmental concerns.

b. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's right to access the water or the rights of navigation.

c. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.

d. Opportunities for public access should be identified on publicly-owned shorelines.

e. Public access should be designed to provide for public safety and comfort and to ensure no adverse impacts on adjoining private property and the individual privacy of such property owners. Where public access is provided, a physical barrier or other means of separation should be utilized that clearly delineates

public and private space, and which will discourage trespass onto adjoining private property.

f. Views from the upland areas adjacent to the shoreline should be enhanced and preserved to the extent practical and where they do not conflict with other goals and provisions of the Master Program. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.

g. Development projects should demonstrate that views from public properties, public streets, and/or a significant number of residences are not adversely impacted.

h. Public access and interpretive displays should be provided as part of publicly-funded restoration projects where significant adverse ecological impacts can be avoided.

i. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible, except in those cases where such access has already been provided due to the prior acquisition by the City of property from the applicant (or the applicant's predecessor) to provide public access as part of the City's flood risk reduction project.

j. The acquisition of suitable upland properties to provide access to publicly-owned shorelands should be encouraged where feasible and practical.

3. Regulations

a. Except as provided in regulations 'b' and 'c' below, shoreline substantial developments and/or shoreline conditional uses shall provide public access where any of the following conditions are present:

i. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact;

ii. Where a development or use will interfere with existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses;

iii. Where a use that is not a priority shoreline use under the Shoreline Management Act locates on a shoreline of statewide significance, the use or development shall provide public access to mitigate this impact;

iv. Where a use or development will interfere with a public use of lands or waters subject to the Public Trust Doctrine, the development shall provide public access to mitigate this impact; or

v. Where the development is proposed by a public entity or on public lands.

b. An applicant need not provide public access where the ~~Community and Economic~~ Development Services Department determines that one or more of the following conditions apply:

i. Residential developments of four or fewer lots;

ii. The new use is accessory to an existing primary permitted use

iii. The City's adopted Park, Recreation & Open Space Plan indicates that public access is not required;

iv. If access were provided, unavoidable health or safety hazards to the public would exist that cannot be prevented by any practical means;

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

vi. The cost, as determined by the ~~Community and Economic~~ Development Services Department, of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;

vii. Significant ecological impacts would result from the public access that cannot be mitigated;

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

ix. Public access requirements have already been satisfied via prior transfer of property rights to the City by the applicant, or the applicant's predecessor in interest, which property rights have been or will be used, to provide public access to the Skagit River as part of the City's flood risk reduction project.

c. ~~In order to~~ To meet any of the conditions 'i' through 'ix' above, the applicant must first demonstrate, and the ~~Community and Economic~~ Development Services Department determine in its findings, that all reasonable alternatives have been exhausted, including, but not limited to:

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

ii. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and

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

d. Public access provided by shoreline street ends, public utilities, and rights-of-way shall not be diminished.

e. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.

f. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition of approval of the authorized land use, in perpetuity.

g. Minimum width of public access easements shall be 20 feet, unless the City determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.

h. Approved signs that indicate the public's right of access and hours of access shall be installed, and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.

i. Future actions by the successors in interest or other parties shall not diminish the usefulness or value of the public access provided.

j. Public access shall be required for all shoreline development by public entities, including the City of Mount Vernon, Port District, county and state agencies, and public utility districts, unless the public access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

k. Public access improvements shall be designed to prevent interference with the Dike Districts' ability to prevent flooding.

F. Signage

1. Applicability

The following provisions apply to any commercial advertising or non-commercial information sign within the SMZ directing attention to a place, business, professional service, or community event to be held, conducted, or sold either on- or off-premises.

2. Policies

a. Signs should be designed and placed so that they are compatible with the scenic quality of the existing shoreline and adjacent land and water uses.

b. Signs should not block or otherwise interfere with visual access to the water or shore lands.

3. Regulations

a. Regulations are to be used in conjunction with Chapter 17.87 MVMC, "Signs," however, the regulations outlined below shall control in the case of a conflict between the two.

b. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline.

c. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.

d. Light from signs shall be directed to prevent light spillage onto water surfaces.

e. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height, from existing average grade. When feasible, signs shall be flush-mounted against existing buildings.

f. Temporary or obsolete signs shall be removed within 10 days of elections, closures of business, or termination of any other function.

g. No signs shall be placed in a required view corridor.

h. Allowable Signs: The following types of signs may be allowed in all shoreline environments and view corridors:

   i. Water navigational signs and highway and railroad signs necessary for operation, safety, and direction.

   ii. Public information signs directly relating to a shoreline use or activity.

   iii. Off-premise, free-standing signs for community identification, information, or directional purposes.

   iv. National, site, and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.

   v. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.

i. Prohibited Signs: The following types of signs are prohibited:

   i. Commercial signs for products, services, or facilities located off-site, except way-finding signs as authorized by the City or state.

   ii. Signs placed on trees or other natural features.

   iii. Signs placed on utility poles or light standards, except as may be allowed under "h" above.

   iv. Over-water signs and signs on floats or pilings, except those providing navigational information/safety, directional, and/or public information.

G. Accessory Utilities

1. Applicability

   Accessory utilities that provide small-scale distribution services connected directly to uses along the shoreline. Accessory utilities concern all types of development and have the potential to impact the quality of the shoreline and its waters.

2. Policies

   a. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation.

   b. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible.

   c. When utility lines require a shoreline location, they should be placed underground.

   d. Accessory utility facilities should be designed and located in a manner that preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

3. Regulations

   a. In shoreline areas, accessory utility transmission lines, pipelines, and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing or alternate routes.

   b. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple use of sites and rights-of-way. Such uses include shoreline access points and trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.

   c. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.

   d. Utility discharges and outfalls should be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.

H. Vegetation Conservation

1. Applicability

   a. The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit, except as noted herein. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities.

   b. Management of vegetation as a function of flood risk reduction structure maintenance shall comply with standards of the Rehabilitation and Inspection Program for non-federal levees conducted by the U.S. Army Corps of Engineers or other agencies with jurisdiction over such structures.

2. Policies

   a. Vegetation within the City shoreline areas, waterward of dikes and levees or where no such structures exist, should be restored or enhanced over time to provide a greater level of ecological functioning, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of the Master Program, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in the Shoreline Inventory and Characterization Report of the SMP (Appendix A).

   b. The Master Program, in conjunction with other City of Mount Vernon development regulations, should establish a coordinated and effective set of provisions and programs to protect and restore functions provided by shoreline vegetation.

c. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weeds.

3. Regulations

a. All development, including clearing and grading, shall minimize vegetation removal in areas of shoreline jurisdiction to that necessary to accommodate the proposed development. ~~In order to~~ To implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within areas of shoreline jurisdiction waterward of dikes and levees must provide, as a part of a Substantial Development Permit application or a shoreline exemption certificate application, a site plan drawn to scale, indicating existing and proposed land contours, dimensions and locations of all existing and proposed structures and improvements, a general indication of the character of vegetation found on the site, and the extent of proposed clearing and/or grading. (WAC173-27-180(9)) The City may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions. Note that this provision does not apply to the removal of noxious and invasive plant species.

b. Vegetation restoration of disturbed shorelines waterward of dikes and levees shall use diverse native plant material similar to, or better than that which originally occurred on-site, unless the City finds that such material is not appropriate.

c. A condition of all development shall be that those shorelands on the site not occupied by structures, landscaping, accessory uses, or other areas dedicated to human activities shall be revegetated with native vegetation, to the extent reasonably practicable given the applicable shoreline conditions and the likelihood of long term survival of such vegetation if it is reintroduced; except that such revegetation is not required landward of a flood risk reduction structure.

d. The enhancement of vegetation shall be a condition of all development in the shoreline environments, except where the City finds that:

i. Vegetation enhancement is not feasible on the project site or necessary, due to location landward of dikes and levees.

ii. The restoration of ecological processes and functions can be better achieved through other measures.

iii. Sufficient native vegetation already exists

e. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable federal, state and City laws and standards.

f. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens shall be considered normal maintenance and repair

and, therefore, exempt from the requirement to obtain a shoreline substantial development permit.

g. Use of U.S. EPA approved herbicides to control aquatic weeds shall be prohibited, except where no reasonable alternative exists and weed control is demonstrated to be in the public interest. A conditional use permit shall be required in such case.

h. Selective pruning of trees for purposes of safety and protection of public views of the river is allowed, provided such pruning is the minimum necessary.

I. Water Quality

1. Applicability

The following section applies to all development and uses in areas of shoreline jurisdiction that may affect water quality.

2. Policies

~~a.~~ All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of the chemical, physical, and/or biological characteristics of waters/wetland systems. ~~water quality, quantity, or hydrologic conditions. y.~~

b. The City should require reasonable setbacks, buffers, stormwater storage and, where appropriate, encourage low impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.

c. All measures for controlling erosion, stream flow rates, or flood waters through the use of flood risk reduction works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade existing water quality.

d. As a general policy, the City should seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within the SMZ.

e. The City should implement the most recently adopted Washington Department of Ecology Stormwater Design Manual.

f. All measures for the treatment of runoff for the purpose of maintaining and/or enhancing water quality should be completed on-site before shoreline development impacts waters off-site.

3. Regulations

a. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that the receiving water quality and shoreline properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, and planted buffers.

b. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with the Master Program.

VII. SHORELINE USE POLICIES AND REGULATIONS

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they may occur within the SMZ. All uses and development must be consistent with the provisions of the environmental designation in which they are located and the general regulations of the Master Program.

B. General Use Policies

1. The ~~Community and Economic~~ Development Services Department will give preference to those uses that control pollution and prevent damage to the natural environment, or are unique to or dependent upon uses of the state's shorelines.
2. The ~~Community and Economic~~ Development Services Department will ensure that all proposed shoreline development will not diminish the public health, safety, and welfare, as well as the land or its vegetation and wildlife, and will endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
3. The City will reduce use conflicts by prohibiting or applying special conditions to those uses that are not consistent with the control of pollution and prevention of damage to the existing natural environment. In implementing this provision, preference will be given first to water-dependent uses then to water-related uses and water-enjoyment uses.
4. At the time of adoption of the SMP, there are no water-dependent or water-related commercial, transportation, or industrial land uses on the City's shorelines and the extensive nature of flood risk reduction structures, their location relative to the shoreline, and the limited navigability of the Skagit River essentially preclude the development of such uses. It is the City's policy to continue to allow non-water-oriented uses landward of flood risk reduction structures within the Shoreline Residential and Urban Mixed-use environmental designation consistent with the Mount Vernon Comprehensive Plan, Downtown and Waterfront Master Plan, and the provisions of this SMP.

C. Mixed-Use Development

1. Applicability

   For the purposes of this Master Program, mixed-use development means the combining of more than one use that might otherwise be separated by different zoning classifications, into a single development.

2. Policies

   a. Mixed-use commercial projects that include two or more business or residential uses, public access, open space, and recreation should be encouraged in the Urban Mixed-use Environment consistent with the City of Mount Vernon Comprehensive Plan and Downtown and Waterfront Master Plan.

b. Public access, open space, and recreation should be encouraged in the Urban Mixed-use Environment consistent with the City of Mount Vernon Comprehensive Plan and Downtown and Waterfront Master Plan.

c. Although direct physical access to the water may be limited in the Urban Mixed-use developments, water enjoyment in the form of views should be encouraged.

3. Regulations

a. Uses may include retail and other commercial businesses, professional offices, hotels, restaurants, personal services, recreational uses, cultural resources, open space, and above ground level residential uses.

b. Shared parking facilities are encouraged and parking may be off-site, as per Chapter 17.84 MVMC. Parking should be in multi-level structures as accessory uses.

c. Circulation, outdoor storage, waste and recycling collection areas, and loading areas should be properly sized, located, and designed so that public safety and scenic values are not negatively impacted.

D. Commercial Development

1. Applicability

a. Commercial development means those uses that are involved in business trade including, but are not limited to occupied building space used for the conducting of retail, office, artisan, restaurant, lodging, childcare, professional business, government services, entertainment, and privately operated recreational uses.

b. Privately operated water-dependent uses for recreation or entertainment, such as sight-seeing boats or other passenger-carrying water craft, are considered commercial uses for the purposes of the SMP.

c. At the time of adoption of the SMP, existing commercial uses in the SMZ consist of non-water-oriented uses.

d. Piers and docks, bulkheads, shoreline stabilization, flood risk management measures, and other shoreline modifications are sometimes associated with commercial development and are subject to shoreline modification regulations, in addition to the standards for commercial development established herein.

2. Policies

a. New commercial development on shorelines should be encouraged to locate in those areas with existing commercial uses and in a manner that will minimize sprawl and the inefficient use of shoreline areas.

b. Commercial development should be encouraged to utilize existing transportation corridors and minimize the number of ingress/egress points. Ingress/egress should be designed to minimize potential conflicts with and impact on regular corridor traffic.

c. Multiple use concepts, which include open space and recreation, should be encouraged in commercial developments.

d. Commercial development should be visually compatible with the surrounding area.

e. Structures should not significantly impact existing views of the aquatic zone from upland properties or from public roadways and other public areas.

3. Regulations

a. The ~~Community and Economic~~ Development Services Department shall require and utilize the following information in its review of commercial development proposals:

i. The nature of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented), including an accounting of specific shoreline use components;

ii. The economic and land use justification for a shoreline location;

iii. Design measures to take advantage of the proposed location;

iv. Provisions for public visual and/or physical access to the shoreline;

v. Provisions to ensure that the development will not cause significant adverse environmental impacts;

vi. Layout, size, height, materials, colors, and general appearance, including massing, bulk, and relative scale of all proposed structures;

vii. Pedestrian and vehicular circulation, public access, site furniture and other features, pavement, landscaping, view corridors; and

viii. For mixed-use proposals, the mix of water-oriented and non-water-oriented uses and activities, structure locations, site design, massing and bulk considerations, enhancements for physical and/or visual public access to the shoreline (both public and private space), and other design measures that address the goals and policies of the Master Program.

b. Non-water-oriented commercial developments shall be permitted in accordance with the provisions of the Master Program, where at least two of the following three criteria are satisfied:

i. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, applicable zoning code restrictions, incompatible surrounding land uses, physical features, or the site's separation from the water (such as separation by the City's proposed flood wall along the Skagit River);

ii. The proposed development does not displace existing, authorized water-oriented uses;

iii. The proposed development will be of appreciable public benefit by improving or providing public use, enjoyment, or access to the shoreline.

c. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the area's visual qualities. To this end, the ~~Community and Economic~~ Development Services Department may adjust the

project dimensions and/or prescribe operation intensity and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

d. Non-water-dependent commercial development shall be required to provide physical or visual access to the shoreline or other opportunities for the public to enjoy the shorelines of the state.

e. All new commercial development and redevelopment proposals will be reviewed by the ~~Community and Economic~~ Development Services Department for ecological restoration and public access opportunities where practical and feasible. When restoration and/or public access plans indicate opportunities exist, the ~~Community and Economic~~ Development Services Department may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

f. All commercial loading and service areas shall be located on the upland side of the commercial activities, or provisions must be made to set back and screen the loading and service area from the shoreline and water body.

g. New commercial development is prohibited in all shoreline environments, except in the Urban Mixed-use environment and water-dependent uses in the Aquatic environment.

E. Industrial Development

1. Applicability

a. The City believes that future industrial development is unlikely along the Skagit River shoreline and encourages the redevelopment of existing industrial sites to mixed-uses compatible with its Comprehensive Plan., The City acknowledges, however, that some non-water-oriented, limited light industrial-type reprocessing activities currently exist, and are likely to continue, and new water-dependent and/or water-oriented industrial uses may be proposed in the future.

b. Industrial uses include facilities for processing, manufacturing and storing finished or semi-finished goods.

2. Policies

a. Expansion, replacement, or redevelopment of existing legally established industrial uses, facilities, and services should be encouraged over the addition of new industrial facilities.

b. Joint use of parking and other accessory facilities among private or public entities should be required or strongly encouraged in waterfront industrial areas.

c. Ecological restoration should be a condition of redevelopment of existing industrial uses where practical.

3. Regulations

a. Existing non-water-oriented industrial uses may be repaired, reconstructed, or expanded, provided the ~~Community and Economic~~ Development Services Department determines that there will be no material further reduction in

existing on-site ecological functions directly caused by such use. In the event the Development Services Department ~~CEDD~~ determines that (i) a material reduction in existing ecological functions may occur from the repair, reconstruction or expansion of existing industrial uses, and (ii) that it is not technically or economically feasible for the property owner to mitigate such losses, the property owner shall be given the opportunity to provide roughly commensurate, off-setting ecological function benefits at an alternate site along the affected shoreline, and thereby retain its existing industrial use rights.

b. The amount of impervious surface shall be the minimum necessary to provide for the intended use.

c. Water-oriented industry, should such use locate on the shoreline in the future, shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and channel maintenance activities.

d. Storage and/or disposal of industrial wastes are prohibited within the SMZ.

e. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water and optimum means shall be employed for prompt and effective cleanup of those spills that do occur.

f. Display and other exterior lighting shall be designed, shielded, and operated to minimize glare, avoid illuminating nearby properties, prevent light spillage onto water surfaces, and prevent hazards for public traffic.

g. Stormwater BMPs shall be followed (see the City's stormwater management ordinance).

h. New industrial development is prohibited in all shoreline environments except Urban Mixed-use.

i. Where industrial development is allowed, it shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions such that it does not have significant adverse impacts to other shoreline resources and values.

j. New and redeveloped industrial uses shall provide for shoreline public access, unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property

k. New non-water-oriented industrial development shall be prohibited within shoreline jurisdiction except when:

   i. The use is located in the Urban Mixed-use environment, and

   ii. The use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and ecological restoration.

F. Recreational Development

1. Applicability

a. Recreational development includes public and private (commercial) facilities for passive recreational activities such as hiking, fishing, photography, viewing, and bird-watching. It also includes facilities for active or more intensive uses, such as parks with sports facilities, and other outdoor recreation areas.

b. This section applies to both public and privately-owned shoreline facilities intended for use by the public or private club, group, association or individual.

2. Policies

a. Shoreline recreational development should be given priority and should be primarily related to access, enjoyment, and use of the water and shorelines.

b. The coordination of local, state, and federal recreation planning should meet projected demand by anticipating future levels of service. Shoreline recreational developments should be consistent with the City's Park, Recreation & Open Space Plan.

c. Recreational developments and plans should promote the primacy of preserving the natural character, resources, and ecological functions and processes of shoreline environments.

d. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.

e. Water-dependent recreational uses, such as fishing, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking. Water-enjoyment uses should have priority over non-water-oriented recreational uses, such as baseball or soccer.

f. The linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking trails, bicycle paths, and easements should be encouraged.

g. Recreational facilities should be integrated with public access systems.

3. Regulations

a. Non-water-oriented recreational developments may be permitted only where it can be demonstrated that:

i. A water-oriented use is not reasonably expected to locate on the proposed site due to topography and/or other physical features, surrounding land uses, or the site's separation from the water.

ii. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.

iii. The proposed use will be of appreciable public benefit by increasing ecological functions together with public use, enjoyment, or access to the shoreline.

b. Accessory structures and parking associated with recreational uses shall not be located in the SMZ unless the City determines there is no other feasible option.

c. All new recreational development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or

public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

d. All new non-water-oriented recreational development, where allowed, shall be conditioned with the requirement to provide public access and ecological restoration where practical.

e. Recreation facilities shall demonstrate that they are located, designed and operated in a manner consistent with the purpose of the environmental designation in which they are located and will result in no net loss of shoreline ecological functions or ecosystem-wide processes.

G. Residential Development

1. Applicability

a. The Shoreline Management Act identifies single-family residences as a priority use when (and only when) developed in a manner consistent with the control of pollution and prevention of damage to the natural environment. Although some owner-occupied, single-family residences are exempt from the substantial development permit process, they still must comply with all of the provisions of the Master Program. Subdivisions and short subdivisions must also comply with all of the provisions of this section and the Master Program. All development is subject to the variance and conditional use requirements and permit processes, when indicated.

b. Existing single-family residential development along the shoreline is limited in extent and is primarily located ~~only~~ at the City's north end between the Riverside Bridge and Lindegren Creek. The majority of these residential lots, those between the Riverside and railroad bridges, are separated from the river by dikes.

2. Policies

a. Recognizing the single-purpose, irreversible, and space-consumptive nature of single-family, detached residential development in the SMZ, new development of this type should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, to protect and restore ecological functions and ecosystem-wide processes where feasible, to preserve views, and to minimize use conflicts.

b. New residential development should be designed so as to not cause significant ecological impacts or significant adverse impacts to shoreline characteristics, public access and views, and to improve public use of the shoreline and the water.

c. Multi-family and single-family attached residential development should be designed to take advantage of public access opportunities to the shoreline, including joint use for community recreation facilities, provided such access does not conflict with residential privacy, and does not present a life safety or security issue.

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

3. Regulations

a. Over-water residences and floating homes are prohibited.

b. Multi-family and single-family attached residential are allowed where identified as permitted uses in the underlying zoning district, providing public access shall be a requirement for new multi-family residential development and for subdivision of land for more than four parcels, except when there are demonstrated security and/or life safety issues consistent with the Public Access section of this Master Program.

c. The creation of new lots shall be prohibited unless all of the following can be demonstrated.

i. A primary residence can be built on each new lot without any of the following being necessary:

a) New structural shoreline stabilization;

b) New structures in the required shoreline setback, geologically hazardous areas, wetland, required wetland buffer, critical habitat, or critical habitat buffer;

c) Causing significant erosion or reduction in slope stability; and

d) Causing increased flood risk or erosion in the new development or to other properties.

ii. Adequate sewer, water, access, and utilities can be provided.

iii. The intensity and type of development is consistent with the Comprehensive Plan and development regulations.

iv. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions.

H. Utilities

1. Applicability

a. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, natural gas, water, sewage, solid waste, telecommunications, etc.

b. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high tension utility lines on public property or easements, power generating or transfer facilities, gas distribution lines and storage facilities, and wireless telecommunications.

2. Policies

a. New utility facilities should be located so as not to require extensive shoreline protection works.

b. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.

c. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

3. Regulations

a. Applications for new or expanded utility facility development in areas of shoreline jurisdiction shall include the following:

i. Demonstration of the need for the facility;

ii. An analysis of alternative alignments or routes including, where feasible, alignments or routes outside the SMZ;

iii. An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes or locations;

iv. Description of construction, including location, construction type, and materials;

v. Location of other utility facilities in the vicinity of the proposed project and plans to include the facilities of other types of utilities in the project;

vi. Plans for reclamation of areas disturbed during construction;

vii. Plans for control of erosion and turbidity during construction and operation; and

viii. Identification of potential for locating the proposed facility at an existing utility facility site or within an existing utility right-of-way.

b. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The ~~Community and Economic~~ Development Services Department may require the relocation or redesign of proposed utility development ~~in order~~ to ensure no net loss of ecological functions.

c. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the SMZ where feasible.

d. Utilities should be located in existing rights-of-way and corridors whenever possible.

e. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.

f. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility

operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

g. Existing above-ground lines shall be moved underground during normal replacement processes.

h. 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.

i. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition or better.

j. Wireless telecommunication towers, such as radio and cell phone towers, are specifically prohibited in the SMZ.

I. In-Stream Structures

1. Applicability

a. In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment, ~~or~~ diversion or deflection, obstruction, or modification of water flow.

b. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood risk reduction, transportation, utility service transmission, fish habitat enhancement, or other purpose. (WAC 173-26-241(3)(g))

c. This section is applicable to both the structures themselves and their support facilities and applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.

2. Policies

a. In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, hydrologic ~~geologic~~ processes, and natural scenic vistas.

b. ~~Within the City of Mount Vernon,~~ In-stream structures should be allowed only for the purposes of environmental restoration and maintaining the existing bridges crossing the Skagit River. Stormwater management facilities, such as flood gates and culverts, can be permitted in cases where the City finds these facilities are necessary, essential, and there are no other less impactful means, methods or facilities that can be used/installed.

3. Regulations

a. Unless specifically allowed elsewhere in the SMP, in-stream structures are permitted only for the purposes of environmental restoration and bridge maintenance.

b. In-stream structures may be required to provide public access, if public access improvements do not create significant ecological impacts or other adverse

environmental impacts to and along the affected shoreline or create a safety hazard to the public.

c. Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities.

d. In-stream structures shall be designed and constructed to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, hydrogeologic processes, and natural scenic vistas.

J. Agriculture

1. Applicability

a. Agriculture includes, but is not limited to, the production of horticultural, vinicultural, floricultural, livestock, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees; the operation and maintenance of farm and stock ponds, drainage ditches, or irrigation systems; normal crop rotation and crop change; and the normal maintenance and repair of existing structures, facilities, and lands currently under production or cultivation. Excluded are agricultural processing facilities. ~~industries.~~

b. Uses and shoreline modifications associated with agriculture that are identified as separate use activities in this program, such as industry, shoreline stabilization, and flood risk management, are subject to the regulations established for those uses in addition to the standards established in this section.

2. Policies

a. ~~A~~ ~~The minimum~~ Vegetative buffers ~~allowed under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C~~ should be maintained between agricultural lands and water bodies or wetlands ~~in order~~ to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood risk, and maintain habitat for fish and wildlife.

b. Animal feeding operations, retention and storage ponds associated with agricultural activities, and feedlot waste and manure storage should be located out of the SMZ and constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.

c. Appropriate farm management techniques and new development construction should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.

d. Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration as required under MVMC 15.40.080(D)(4), 15.40.090(E)(3), and 15.40.110(E)(2)(b) and (c) the complete text of which is contained in Appendix C.

3. Regulations

a. Agricultural uses are allowed in the Urban Conservancy environment as a permitted use.

b. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this Master Program.

c. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within the SMZ.

d. A buffer of natural or planted native vegetation shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The City will determine the extent and composition of the buffer when the application for a permit or letter of exemption is submitted. The minimum vegetative buffer allowed is defined under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C.

e. Stream banks and water bodies shall be protected from damage due to concentration and overgrazing of livestock by providing the following:

   i. Suitable bridges, culverts, or ramps for stock crossing.

   ii. Ample supplies of clean fresh water in tanks on dry land for stock watering.

   iii. Fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation.

f. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.

g. Agricultural chemicals shall be applied in a manner that prevents the direct runoff of chemical-laden waters into water bodies or aquifer recharge areas.

h. The creation of new agricultural lands by diking, draining, or filling channel migration zones and associated wetlands shall be prohibited.

K. Transportation

1. Applicability

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

   b. The policies and regulations identified in this section pertain to any project, within any environment, that proposes to change existing transportation facilities or introduce new such facilities.

2. Policies

   a. Circulation routes to and on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate.

   b. Circulation systems should support existing and proposed shoreline uses that are consistent with the Master Program.

c. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.

d. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

e. Abandoned or unused road or railroad rights-of-way that offer opportunities for public access to the water should be acquired and/or retained for such use.

3. Regulations

a. Applications for redevelopment of transportation facilities in the SMZ shall include the following information:

i. Demonstration of the need for the facility.

ii. An analysis of alternative alignments or routes including, where feasible, alignments or routes outside the SMZ.

iii. An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes.

iv. Description of construction, including location, construction type, and materials.

v. If needed, description of mitigation and restoration measures.

b. All new and expanded transportation facilities development shall be conditioned with the requirement to mitigate significant adverse impacts consistent with this Master Program.

c. All redeveloped transportation facilities in the SMZ shall be consistent with the Comprehensive Plan and applicable Capital Improvement Plans.

d. Redeveloped transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the City.

e. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the Master Program.

f. Redeveloped transportation facilities shall not diminish, but may modify public access to the shoreline.

g. Parking is only allowed in support of an allowed use.

VIII. SHORELINE MODIFICATION PROVISIONS

A. Introduction

1. Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet.

2. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, docks, and floats. Actions such as clearing, grading,

land filling, and dredging are also considered shoreline modifications. Generally, shoreline modification activities are undertaken for the following reasons:

a. To prepare a site for a shoreline use

b. To provide shoreline stabilization or shoreline protection

c. To support developed upland areas.

3. The policies and regulations in this section are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. This chapter provides policies and regulations for shoreline modification features including shoreline stabilization measures, flood hazard reduction, piers and docks, dredging, fill, and shoreline restoration.

B. General Policies and Regulations

1. Applicability

The following provisions apply to all shoreline modification activities, whether such proposals address a single property or multiple properties.

2. Policies

a. Structural shoreline modifications should be limited in number and extent and allowed only where they are demonstrated to be necessary to support or protect existing development and uses that are in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

b. The ~~Community and Economic~~ Development Services Department should ensure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and by requiring mitigation of identified impacts resulting from shoreline modifications.

c. Where applicable, the ~~Community and Economic~~ Development Services Department should require provisions be based on "best available science," scientific and technical information, and a comprehensive analysis of site specific conditions for river and stream systems.

d. Ecological functions impaired by development activities should be enhanced and/or restored where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, the ~~Community and Economic~~ Development Services Department should incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

e. When shoreline modifications are necessary, they should be as compatible as possible with ecological shoreline processes and functions.

3. Regulations

a. In reviewing shoreline permits, the ~~Community and Economic~~ Development Services Department shall require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e) (Environmental Impact Mitigation).

b. In areas where the river system is not constrained by existing flood risk reduction structures, structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose. Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation, and vegetation enhancement.

c. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.

d. In addition to the permit information required by WAC 173-27-190 (Permits for Substantial Development, Conditional Use, or Variance), the City shall require and consider the following information when reviewing shoreline modification proposals:

   i. Construction materials and methods;

   ii. Project location relative to the ordinary high water mark;

   iii. General direction and speed of prevailing winds;

   iv. Profile rendition of beach and uplands;

   v. Upland soil type, slope, and material;

   vi. Physical or geologic stability of uplands; and

   vii. Potential impact to natural shoreline processes, adjacent properties, and upland stability.

e. Shoreline modification materials shall be only those approved by applicable state agencies. No toxic (e.g. creosote) or quickly degradable materials, or those that deteriorate under ultraviolet exposure (plastic or fiberglass) shall be used.

f. Only shoreline activities that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed shall be allowed.

C. Shoreline Stabilization (Including Flood Hazard Reduction)

1. Applicability

a. Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures caused by natural processes, such as current, flood, wind, or wave action. These include both nonstructural and structural methods.

b. Nonstructural methods include building setbacks, relocation of the structure to be protected, groundwater management, and planning and regulatory measures to avoid the need for structural stabilization.

c. In Mount Vernon dikes and levees are the primary form of structural shoreline stabilization. The dike system has been in place since the nineteenth century and will continue to be a permanent feature of the City's shoreline areas. These

flood risk management structures are necessary for the protection of developed areas of the City and to further the goals and polices of the Mount Vernon Downtown and Waterfront Master Plan and the Comprehensive Plan.

d. WAC 173-27-040(2)(b) (Developments Exempt from Substantial Development Permit Requirement) defines normal replacement and repair of existing structures and notes that normal maintenance and repair actions are not exempt from substantial development permits if they are anticipated to "cause substantial adverse effects to shoreline resources or the environment."

2. Policies

a. Shoreline stabilization and flood risk management measures would be allowed only when adequate evidence is presented that one of the following conditions exist:

i. High water or erosion threatens public works and properties, including roads, bridges, railroads, and utility systems.

ii. High water or significant erosion damages or threatens existing homes and residential areas.

iii. High water or significant erosion damages or threatens to damage existing commercial and industrial uses and developments.

b. Dikes, levees, revetments and other flood risk reduction structures should be designed and constructed primarily as a means to minimize damage to existing development. [Note: To effectively protect urban areas, a levee system must be far-reaching in its design and location. It is also important to protect major transportation corridors, i.e. railroad lines and the interstate highway system.]

c. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.

3. Regulations

a. New or replacement structural shoreline stabilization measures are allowed when part of approved flood risk management measures.

b. Shoreline stabilization measures along the shoreline that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed.

c. Repair of existing shoreline stabilization measures is allowed.

d. No work may commence without the responsible person or agency having obtained either a shoreline permit or statement of exemption from the ~~Community and Economic~~ Development Services Department.

e. Flood risk reduction structures shall conform to all City, state, and federal policies and regulations including the U.S. Army Corps of Engineers criteria for design.

f. The City may require and utilize the following information, in addition to the standard permit information required by WAC 173-27 (Shoreline Management

Permit and Enforcement Procedures), in its review of all bioengineering projects:

i. Proposed construction timing;

ii. Hydrologic analysis, including predicted flood flows;

iii. Site vegetation, soil types, and slope stability analysis;

iv. Proposed project materials, including rock size, shape, and quantity; plant types; and soil preparation;

v. Existing and proposed slope profiles, including location of OHWM;

vi. Proposed designs for transition areas between the project site and adjacent properties; and

vii. Documentation (including photographs) of existing (preconstruction) shoreline characteristics.

g. Bioengineering projects shall use native trees, shrubs, and/or grasses, unless such an approach is infeasible. The City will review and approve all proposed changes from native plantings on a case-by-case basis.

h. Cleared areas shall be replanted within 30 days following completion of construction. Vegetation shall be fully reestablished within three years. The CEDD shall monitor such areas twice yearly in the early Spring and in Autumn at the end of the growing season. Areas that fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.

i. All bioengineering projects shall include a program for monitoring and maintenance.

j. All stabilization projects must comply with the Clean Water Act and the Endangered Species Act.

k. No structures will be permitted or constructed without consulting with all local flood agencies (i.e. City of Mount Vernon, Dike Districts, and Skagit County).

l. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need, although the structure shall be the minimum size necessary.

D. Boating Facilities - Piers and Docks

1. Applicability

a. At the time of adoption of the SMP, boating facilities in Mount Vernon consist of piers and docks that abut the shoreline and are used as a landing or moorage place for small water craft. Piers are built on fixed platforms above the water, while docks float upon the water. In Mount Vernon, the few existing multiple slip piers and docks are utilized for recreational purposes (e.g. private angling club facilities).

b. The beds and shores (aquatic lands) of all navigable waters in the state, except those sold according to law, are under the ownership of the State of Washington. Prior authorization for their use must be obtained from the Department of Natural Resources.

2. Policies

   a. Pier and dock construction should be restricted to the minimum size necessary to meet the needs of the proposed use.

   b. Multiple-use and expansion of legally existing piers, wharves, and docks should be encouraged over the addition of new facilities. Joint-use facilities are preferred over new single-use piers, docks, and floats.

   c. Piers and docks should be sited and designed to avoid or minimize potentially significant ecological impacts, including impacts on sediment movement, water circulation and quality, and fish and wildlife habitat.

   d. The proposed size of the structure and intensity of use or uses of any pier or dock should be compatible with the surrounding environment and land and water uses.

   e. Signage in the Aquatic Designation should be limited non-commercial, directional type signs.

3. Regulations

   a. Proposals for piers or docks shall include, at a minimum, the following information:

      i. Description of the proposed structure, including its size, location, design, and any shoreline stabilization or other modification required by the project;

      ii. Ownership of shorelands and/or bedlands;

      iii. Proposed location of piers or docks relative to property lines and the OHWM; and

      iv. Location, width, height, and length of piers or docks on adjacent properties within 300 feet.

   b. Piers and docks shall not be allowed in critical freshwater aquatic habitats, unless it can be established that the dock or pier project, including auxiliary impacts and established mitigation measures, will not be detrimental to the natural habitat or species of concern, and will not result in loss of ecological function.

   c. Piers and docks shall not significantly interfere with use of navigable waters.

   d. Boating facilities may not be used for extended moorage and/or live aboard vessels.

   e. The length of piers and docks shall be limited in constricted water bodies to assure navigability and protect public use of the river. The ~~Community and Economic~~ Development Services Department may require reconfiguration of pier and dock proposals, where necessary, to protect navigation, public use, or ecological functions.

   f. New piers and docks shall be allowed only for water-dependent uses or public access. Water-related and water-enjoyment uses may be allowed as part of

mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated. New pier or dock construction shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.

g. New residential development of more than two dwellings shall provide joint use or community docks, rather than individual docks.

h. Piers and docks shall use construction techniques and be constructed of materials and use coatings that conform to best management practices for the situation as recommended by the appropriate state and federal agencies, as well as conform to City of Mount Vernon building codes.

i. All piers and docks shall be maintained in a safe and sound condition so as to not constitute a hazard to the public.

j. Abandoned or unsafe piers and docks shall be removed or repaired promptly by the owner. No over-water field applications of paint, preservative treatment, or other chemical compounds shall be permitted, except in accordance with best management practices set forth by applicable state agencies.

j. Pilings employed shall be installed so that the top elevation is at least one foot above extreme high water.

k. When potentially toxic or hazardous materials are used in pier or dock construction, precautions shall be taken to ensure their containment.

l. Overhead wiring or plumbing is not permitted on piers or docks.

m. Signs on piers or docks shall be limited to water craft navigation information and directional and/or public safety information.

n. Lighting shall be the minimum necessary to locate the dock at night. Lights shall be directed to prevent light spillage onto water surfaces.

o. Other than safety railings and safety equipment and lighting, no structures are allowed on over-water portions of piers and docks.

p. No piers or docks shall be designed or constructed without consulting with all local flood risk reduction authorities (City of Mount Vernon, Dike Districts, and Skagit County).

q. Permit applications for new piers or docks shall demonstrate that no increase in potential flood damage would result from construction, use, or maintenance of the proposed structures, including during seasonal changes in stream flow.

r. No piers or docks proposed on beds or shores owned by the State of Washington shall be designed or constructed without prior authorization of the Department of Natural Resources, which is the leasing authority. (RCW 79.105.210)

s. All piers and docks must comply with the Clean Water Act and the Endangered Species Act.

E. Dredging

1. Applicability

   Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a river, stream, or associated water or wetland.

2. Policies

   a. Dredging operations should be planned and conducted to so as to avoid adverse impacts to other shoreline uses, properties, and values.

   b. When allowed, dredging and dredge material disposal within the SMZ should be limited to the minimum amount necessary.

   c. Dredging usually involves obtaining a series or permits from federal, state, and City regulatory agencies.

3. Regulations

   a. Dredging will only be permitted in the following situations:

      i. In conjunction with a water-dependent use of water bodies or adjacent shorelands; and

      ii. For projects associated with MTCA, RCRA, or CERCLA habitat restoration, or

      iii. Any other significant restoration effort approved by a shoreline CUP.

   b. Dredging in wetlands is prohibited unless it is part of an approved habitat restoration or enhancement project.

   c. Dredged materials must be deposited on an approved upland site outside of the shoreline jurisdiction.

   d. Dredging and dredge disposal within the SMZ shall be permitted only where it is demonstrated that the proposed actions will not:

      i. Result in significant and/or ongoing damage to water quality, fish, and other essential aquatic biological elements;

      ii. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities; or

      iii. Cause other significant adverse ecological impacts.

   e. Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material.

   f. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use and unavoidable impacts shall be mitigated.

   g. Permit applications for shoreline dredging and dredge material disposal may be required to include the following information:

      i. Physical, chemical, and biological assessment of the proposed dredged material applicable to the particular dredging site.

      ii. Specific data to be considered include:

a) Physical - Grain size, clay, silt, sand, or gravel as determined by sieve analysis;
b) Chemical - Including conventional parameters, metals, and organics;
c) Biological - Bioassays to determine the suitability of dredged material for a selected disposal option;
d) Dredging volumes, methods, schedule, frequency, hours of operation and procedures;
e) Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;
f) Stability of bedlands adjacent to proposed dredging area;
g) Hydraulic analyses, including tidal fluctuation, current flows, direction and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects, in order to identify existing hydrological and geological patterns and probable effects of dredging;
h) Assessment of water quality impacts; and
i) Biological assessment including migratory, seasonal, and spawning use areas for aquatic and semi-aquatic faunal species.

h. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.

i. Maintenance dredging of established navigation channels, public access facilities, and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

j. Dredging of beds or shores of navigable waters owned by the State of Washington shall require prior authorization of the Washington Department of Natural Resources.

F. Fill

1. Applicability

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

b. Any fill activity conducted within the SMZ must comply with the provisions herein.

2. Policies

a. Fills waterward of OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses, cleanup and disposal of contaminated sediments, consistent with this Master Program.

b. Filling activities in waters/wetlands and shorelines may require permitting at federal, state, and City levels of jurisdiction.

3. Regulations

a. Applications for fill permits shall include the following:

i. Proposed use of the fill area;

ii. Physical, chemical and biological characteristics of the fill material;

iii. Source of fill material;

iv. Method of placement and compaction;

v. Location of fill relative to natural and/or existing drainage patterns and waters/wetlands;

vi. Location of the fill perimeter relative to the OHWM;

vii. Perimeter erosion control or stabilization means; and

viii. Type of surfacing and runoff control devices.

b. Fill waterward of OHWM may be permitted only when:

i. In conjunction with a water-dependent use or public access permitted by this Master Program;

ii. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or

iii. As part of an approved shoreline restoration project.

c. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.

d. Fills are prohibited in floodways, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use, specified in regulation 'b' above.

e. Fills landward of the OHWM should be allowed as part of the construction and reconstruction of dikes, levees, revetments and other flood risk reduction structures consistent with Dike District plans, the City of Mount Vernon Downtown and Waterfront Master Plan, and the City's Flood Protection Project.

f. Fills landward of flood risk reduction measures may be permitted, subject to Section V, Notes 10 and 11, above.

g. Shoreline fill shall be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters that would result in a hazard to adjacent life, property, and natural resource systems.

h. Environmental cleanup action involving excavation/fill, as part of an interagency environmental clean-up plan, as authorized by the ~~Community and Economic~~ Development Services Department, may be permitted.

i. Sanitary fills shall not be located in areas of shoreline jurisdiction.

j. A shoreline conditional use permit is required for fill in the Aquatic, Natural, and Urban Conservancy shoreline environments.

k. Proposed fills on beds and/or shores of navigable waters owned by the State of Washington shall require prior authorization of the Washington Department of Natural Resources.

G. Shoreline Restoration and Ecological Restoration and/or Enhancement

1. Applicability

   a. Shoreline restoration and/or enhancement consists of projects or activities that are designed and executed with the overall intent of ~~is the~~ improvement of the natural character and ecological functioning ~~s~~ of the shoreline.

   b. Where appropriate, using native vegetation is encouraged. The materials used are dependent on the intended use of the restored or enhanced shoreline area.

   c. The Shoreline Restoration/Engancement Report (Appendix B) identifies ecological restoration or enhancement measures. It notes that the type and scope of ~~significant~~ restoration or enhancement activities that have taken place within ~~has recently occurred on~~ the shoreline and in adjacent/abutting uplands. ~~of Edgewater Park and that the Nookachamps Wetlands Mitigation Bank is under construction. It also notes that opportunities for additional significant restoration actions are limited. The extensive flood risk reduction system and existing urban development will constrain both the type and extent of restoration and enhancement projects~~

2. Policies

   a. Shoreline enhancement and/or restoration using bioengineering and soft shoreline design approaches should be considered as the preferred ~~an~~ alternative to structural shoreline stabilization and protection measures. ~~where feasible.~~

   b. All shoreline restoration and/or enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.

   c. Where possible, shoreline restoration and/or enhancement should use maintenance-free or low-maintenance designs.

   d. The recommendations of the Shoreline Restoration Report, prepared as part of the SMP, should be promoted wherever feasible.

   e. Shoreline restoration and/or enhancement should not extend waterward more than necessary to achieve the intended results.

3. Regulations

   a. Shoreline restoration and enhancement may be permitted if the project proponent demonstrates that no significant change to sediment transport or river current will result that would adversely affect ecological processes, properties, or faunal habitat conditions and functioning.

   b. Shoreline restoration and/or enhancement projects shall use best available science and best management practices.

   c. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:

      i. The project's purpose is the restoration of natural character and ecological functions of the shoreline, and

ii. It is consistent with the implementation of an approved comprehensive restoration plan, or the project will provide a proven ecological benefit and is consistent with this Master Program.

d. Shoreline restoration and ecological enhancement must meet the U.S. Army Corps of Engineers PL8499 flood structure maintenance regulations.

e. The relief provided for shoreline restoration projects within WAC 173-27-215 is hereby adopted by reference.

IX. DEFINITIONS

Accessory Use is any structure or use incidental and subordinate to a primary use or development.

Accessory Utility (see Utility, Accessory).

Agricultural activities means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow (plowed and tilled, but left unseeded); allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

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

Agricultural equipment and **agricultural facilities** includes, but is not limited to:

a. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains;

b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;

c. Farm residences and associated equipment, lands, and facilities; and

d. Roadside stands and on-farm markets for marketing fruit or vegetables.

Agricultural land means those specific land areas on which agriculture activities are conducted.

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

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Potential locations for aquaculture are relatively restricted within the SMZ of Mount Vernon due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, and commercial navigation. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, or significantly conflict with navigation and other water-dependent uses. Aquaculture facilities should be designed and located so as not to cause significant ecological impacts, or significantly impact the scenic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.

Associated jurisdictional wetlands **or Associated wetlands** are those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State and are, therefore, subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by, ~~the Skagit River, Barney Lake, or~~ any ~~other~~ waterbody defined as a shoreline of the State within Chapter 90.58 RCW. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. Hydraulic continuity is defined in WAC 173-545-030(9) as "the interrelation between groundwater (water beneath land surfaces or surface water bodies) and surface water (water above ground, such as lakes and streams)." For example, hydraulic continuity can consist of surface or shallow subsurface water connection(s) that may be permanent, or which occur seasonally (e.g., during the wet winter/spring season) with intermittent flow characteristics.

Average grade level (see the definition of 'Grade' below).

Batture means the alluvial land between a river at low-water stage and a levee. ~~elevation of the bed of a river under the surface of the water; sometimes used to signify the same elevation when it has risen above the surface.~~

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

Boating facilities for the purposes of this master program, boating facilities means publicly accessible launch sites for hand-carried watercraft (kayak, canoe, etc.) or boats hauled by trailers; piers and docks suitable for temporary moorage of small watercraft; boat storage or rental facilities; vehicle and trailer parking areas; accessory structures such as maintenance buildings and public restrooms. Such facilities may include auxiliary, related functions such as swimming, fishing, and observation of wildlife. May also include commercially run facilities for larger vessels, such as tour boats, cruise ships, ferries, and special-interest watercraft. Excludes docks serving four or fewer single-family, residential dwellings.

Buffer means an area adjacent to a wetland, river, or stream that, generally, functions to protect the public from loss suffered when the functions ~~and values~~ of the wetland, river, or stream are degraded. Specifically, a buffer may:

a. Physically isolate the wetland, river, or stream from surrounding areas using distance, height, visual and/or sound barriers;

b. Act to minimize risk to the public from loss of life, well-being or property damage resulting from natural disasters associated with the wetland, river, or stream;

c. Protect the functions and values of the wetland, river, or stream from adverse impacts of adjacent activities;

d. Provide shading, input of organic debris, and coarse sediments, room for variation and changes in natural wetland, river, or stream characteristics,

e. Provide habitat for wildlife, and/or

f. Provide protection from harmful intrusion.

Building is a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of any use or occupancy.

Building height means the vertical distance between grade (see "Grade") and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building. See also "Height," below.

Bulkhead is a solid or open pile wall, usually constructed of poured-in-place concrete and located parallel to the shore, which has as its primary purpose to contain and prevent the loss of soil by erosion, wave, or current action.

~~**CEDD** means the Community and Economic Development Department of the City of Mount Vernon.~~

Channel Migration Zone (CMZ) means the area within which a river channel is likely to move over a period of time.

Commercial development means those uses that are involved in wholesale, retail, personal service, and business trade. Examples include hotels, motels, banking and other financial services, grocery stores, restaurants, shops, professional offices, and private or public indoor recreation facilities.

Conditional use is a use, development, or substantial development that is classified as a conditional use or is not classified within the Master Program.

Consumer Price Index means for any calendar year, that year's annual average consumer price index, Seattle Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor.

County is Skagit County outside the city limits of Mount Vernon.

Critical areas, for the purposes of the SMP, are wetlands within the SMZ, delineated Fish and Wildlife Habitat Conservation Areas [as per MVMC 15.40.080 contained in Appendix C~~, Ord.~~

~~3444 as codified on August 4, 2010~~]; Lindegren and Kulshan Creeks within the SMZ, and the main stem of the Skagit River.

Cumulative impacts are the results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed significant, even though they may be comprised of individual actions having relatively minor impacts. Examples of cumulative impacts include fragmentation (nibbling), time or space crowded perturbations, or synergistic impacts where the combination of impacts is greater than each measured separately.

Date of filing ~~receipt~~ of a final decision involving approval or denial of a Substantial Development Permit is the date of actual receipt by the Department of Ecology ~~the applicant receives written notice of filing the receipt by the Department of Ecology~~ of the City's final decision on the permit. Filing is not complete until all the required documents have been received by the Department of Ecology.

Date of filing ~~receipt~~ involving approval or denial of a variance or conditional use permit or substantial development permit transmitted simultaneously with a shoreline conditional use permit or variance, or both is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant. ~~is the date the applicant and the City both receive the Department of Ecology's final written decision on the applicant's request for a variance or conditional use permit, as the case may be.~~

Development is a use requiring the construction or exterior alteration of structures; dredging, drilling, dumping, filling, removal of sand, gravel, or minerals; placement of bulkheads, revetments, or similar in-water, over-water, or near-water containment systems; obstructions or any other project of a permanent or temporary nature. Development does not include dismantling or removing structure when such activity is not associated with other development or re-development.

Development regulations means the controls placed on development or land uses by the City, 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 Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Dredging is the removal of earth, sand, gravel, silt, or debris from the bottom of a river, stream, wetland, or other water body.

Dwelling is any building or portion thereof designed or used primarily for residential occupancy, including single-family units, duplex, triplex, and fourplex units, and multi-family units, but not including hotels or motels (see also "Multi-family" and "Single-family").

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

Ecosystem-wide processes means the suite of naturally occurring hydrologic, biogeochemical, plant community, and faunal support/habitat functions that occur ~~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.~~

Emergency is an unanticipated and/or imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with the Master Program. Emergency construction is defined as that necessary to protect property and facilities from the elements. All emergency construction shall be consistent with the SMA and the Master Program (see RCW 90.58.030(3eiii)).

Environmental Excellence Program [agreement]: An environmental excellence program agreement (entered into under Chapter 43.21K RCW) must achieve more effective or efficient environmental results than the results that would be otherwise achieved.

Exempt development is development listed in WAC 173-27-040 as exempt from the definition of "substantial development," and, 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 SMA and the Master Program. Conditional use and/or variance permits may still be required even though the activity does not need a substantial development permit (RCW 90.58.030(3e)).

Exemption Certificate is a letter issued by the ~~Community and Economic~~ Development Services Department verifying that a project has been deemed exempt from the substantial development permit requirements in accordance with the SMA and the Master Program.

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.

Feasible means, for the purpose of this chapter, that an action, such as a development project, mitigation, or restoration requirement, meets all of the following conditions:

a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

b. The action provides a reasonable likelihood of achieving its intended purpose; and

c. The action does not physically preclude achieving the project's primary intended legal use.

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

Fill means the addition or redistribution of soil, sand, rock, gravel, sediment, concrete, earth retaining structure, or other material to an area: (a) waterward of the OHWM or an approved

flood risk reduction structure (if applicable), (b) ~~o~~in wetlands, or ~~o~~in shorelands in a manner that raises the bottom elevation of the water/wetlands or shoreline or creates dry land.

Final Decision means an order or ruling on a Substantial Development Permit by the City of Mount Vernon, whether it is an approval or denial, established after all local administrative appeals related to the Substantial Development Permit have concluded or the opportunity to initiate such appeals has lapsed.

Flood Risk Management is a program intended to provide protection from encroachment by floodwaters by means of conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream/river overflow.

Flood Hazard Reduction is an action taken to reduce flood damage or hazard to uses, development, and shoreline modifications. Flood hazard reduction measures may consist of nonstructural measures such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs. Structural measures may include dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Floodplain is the hundred-year floodplain, meaning that land area susceptible to being inundated by stream or river-derived waters 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, detailed analyses of pertinent hydrographs and USGS (or equivalent) gauge date or ~~a~~ other reasonable methods that meets the objectives of the SMA.

Floodway means ~~the area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps; or (ii) consists of~~ those portions of a river valley lying waterward 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 conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. In the event that the Federal Emergency Management Agency (FEMA) completes floodway mapping throughout all or portions of the City, such maps will be used for those mapped portions of the Skagit River.

Force Majeure means events or circumstances that prevent or delay compliance with the provisions of the Shoreline Master Program, where such events were (i) beyond that party's control, (ii) reasonably unforeseeable, and (iii) occurred without the fault or negligence of the affected person, including, but not necessarily limited to, acts of God, earthquakes, fires, lightning, floods and similar natural disasters.

Geotechnical report or geotechnical analysis means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, estimates of rate of erosion, urgency (damage within three years) for proposed project,

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.

Grade means an elevation determined by averaging the finished ground elevations within 6 feet of points situated every 10 feet along an imaginary line located between the building and the lot line; or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building, this is also known as "Average Grade".

Grading or **Graded** means 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.

Height (as per WAC 173-27-030) is measured from average grade level to the highest point of a structure: provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: provided further, that temporary construction equipment is excluded in this calculation.

Hyporheic zone is the area beneath and lateral to, or otherwise adjacent to a stream or river bed, where shallow groundwater and surface water are mixed. The flow dynamics and behavior in this zone (termed hyporheic flow) are recognized to be important for surface water and groundwater interactions, as well as fish and macroinvertebrate spawning and growth.

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow.

Marinas is defined as commercial or private docks or piers serving five or more vessels.

Master Program means the City of Mount Vernon Shoreline Master Program.

May means the action is acceptable, provided it conforms to the provisions of the SMP.

Multi-family attached residential is a building containing two or more residential units attached at common walls and located above or below similar units or other uses in a mixed-use development or in a stand-alone residential building without other uses.

Must means a mandate; the action is required.

Non-water-oriented use means those uses that are not water-dependent, water-related, or water-enjoyment.

Ordinary High Water Mark (OHWM) is that mark along the river or other bodies of water that can 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 the City of Mount Vernon, Skagit County, or the Washington State Department of Ecology; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water.

Permit means any form of permission required under the SMA prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions.

Priority Shoreline Use is a use given preference by the Shoreline Management Act and the Master Program. These uses are water-dependent or water-related, and provide public access and recreational use of the shoreline. Priority shoreline use includes single-family residential and other uses that provide an opportunity for substantial numbers of people to enjoy the shoreline.

Priority species means 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 Washington 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 proposed, threatened, or endangered.

Provisions mean policies, regulations, standards, guideline criteria, or environment designations.

Public access is a means of physical and/or visual approach to and along the shoreline available to the general public.

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

Public Trust Doctrine is the principle 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. Protection of the trust is a duty of the State, and the Shoreline Management Act is one of the primary means by which that duty is carried out. The doctrine requires a careful evaluation of the public interest served by any action proposed. This requirement is fulfilled in major part by the planning and permitting requirements of the Shoreline Management Act.

Recreational development means commercial and public facilities designed and used to provide recreational opportunities to the public.

Replacement stabilization measure 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.

Residential development means one or more buildings, structures, lots, parcels or portions thereof that are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, other detached dwellings, multi-family residences, apartments, townhouses, mobile home parks, other similar attached dwellings, condominiums, subdivisions and short subdivisions, together with accessory uses and structures normally applicable to residential uses including, but not limited to garages, sheds, parking areas, fences, and guest cottages, Residential development does not include hotels, motels or any other type of overnight or transient housing, recreational vehicle parks, or camping facilities.

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

SMA is the Shoreline Management Act of 1971.

SMP is the City of Mount Vernon Shoreline Master Program.

SMZ is the Shoreline Management Zone and is the same as **Shorelands or shoreland areas**..

Setback means a measured distance from the ordinary high water mark (OHWM) of Shorelines of the State ~~the Skagit River~~, the waterward inflection point of an existing levee, or the waterward face of an existing floodwall and shall include floodways and associated wetlands. See Figure 1 for an illustration of how these setbacks are required to be measured. ~~unless specifically indicated otherwise, i.e. a setback measured from the toe of the landward side of a dike or top of the waterward side of a dike.~~

Shall means a mandate; the action must be done.

Shorelands or **shoreland areas** means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of RCW 90.58.030; the same as to location by the Department of Ecology.

Shoreline areas mean all "shorelines of the state" and "shorelands."

Shoreline Management Act of 1971 (SMA) is the state law codified as Chapter 90.58 RCW.

~~**Shoreline Management Zone (SMZ)** extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.~~

Shoreline Master Program or **Master Program** means the comprehensive use plan for a described area (see Shorelands), 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 approved under Chapter 90.58 RCW shall be considered an element of the city's comprehensive plan (City of Mount Vernon Comprehensive Plan). All other portions of the shoreline master program adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the city's development regulations (Mount Vernon Municipal Code).

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

Shoreline Setback Line is the line that establishes the limits of all buildings, structures, and fencing along the shoreline.

Shorelines of statewide significance with respect to the City of Mount Vernon are identified as the Skagit River within the city limits, shorelands, and wetlands associated with the Skagit River (see RCW 90.58.030(2)(e)).

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 chapter, against taking the action. The Director, in consultation with the DOE, shall make the determination about whether or not an applicant has demonstrated that there is a compelling reason against taking an action.

Sign is a device of any material or medium, including structural component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs and signs advertising a sale or promotional event.

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

Single-family attached residential units are townhouses, attached at a common wall, but not above or below another unit (see Multi-family attached residential units).

Single-family detached residential unit, when considering shoreline exemptions, is a structure designed for and occupied exclusively by one family and the household employees of that family.

State Master Program means the cumulative total of all shoreline master programs and amendments thereto approved or adopted by rule by the department.

Stormwater BMPs are science-based "best management practices" for controlling surface water runoff.

Structure means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Substantial Development means any development where/that:

a. The total cost or fair market value exceeds the amount specified in WAC 173-27-040(2)(a); or
b. Materially interferes with the normal public use of the water or shorelines of the state.

See Section III(B)(1) for a list of activities not considered substantial development.

Transmit means to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of filing ~~receipt~~ at the destination.

Upland is the area above and landward of the ordinary high water mark.

Utility means a public or private agency which provides a service that is utilized or available to the general public (or a location-specific population thereof) such services may include, but are not limited to, storm water detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utility, Accessory means utilities that are small-scale distribution services connected directly to the uses along the shoreline and are not carrying significant capacity to serve other users that are not located in the shoreline jurisdiction.

Variance is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

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

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

Water-enjoyment use means 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 enjoyment or recreational use 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 visual and physical qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

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

Water Quality means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, esthetic, recreation-related, and biological characteristics. Where used in this master program, 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 master program, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use means 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.

Wetlands see of definition found in Chapter 15.40 MVMC that is found in Appendix C. ~~mean areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those~~

~~artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetland~~

APPENDIX A

SHORELINE INVENTORY, CHARACTERIZATION, & CUMULATIVE IMPACTS REPORT

Once this documents' 2021 update is complete this Appendix will be collated within this SMP. While in its draft form this document needs to be downloaded separately from the rest of the SMP.

APPENDIX B

SHORELINE RESTORATION REPORT

Once this documents' 2021 update is complete this Appendix will be collated within this SMP. While in its draft form this document needs to be downloaded separately from the rest of the SMP. There were no changes to this Appendix during this 2021 update.

APPENDIX C

SHORELINE CRITICAL AREA REGULATIONS

Once this documents' 2021 update is complete this Appendix will be collated within this SMP. While in its draft form this document needs to be downloaded separately from the rest of the SMP.

APPENDIX D

RESOURCES

Once this documents' 2021 update is complete this Appendix will be collated within this SMP. While in its draft form this document needs to be downloaded separately from the rest of the SMP.

APPENDIX E

OFFICIAL SHORELINE MASTER PROGRAM MAP

Once this documents' 2021 update is complete this Appendix will be collated within this SMP. While in its draft form this document needs to be downloaded separately from the rest of the SMP.

APPENDIX F

SHORELINE ENVIRONMENTAL DESIGNATION LOCATION MAPS

Once this documents' 2021 update is complete this Appendix will be collated within this SMP. While in its draft form this document needs to be downloaded separately from the rest of the SMP.

Font in red underline highlighted in yellow represents new text from the last version of this document. Font in ~~red strikethrough highlighted in yellow~~ represents text being removed from the last version of this document.

City of MOUNT VERNON DEVELOPMENT SERVICES

MEMORANDUM

DATE: June 15, 2021

FROM: Lyndon C. Lee, Ph.D., PWS, City's Consulting Biologist
Rebecca Lowell, Principal Planner

SUBJECT: SMP, Appendix A Update

BACKGROUND:
The City's Shoreline Master Program (SMP) is required by State law to include goals, policies, and regulations designed to direct development activities and uses in a manner that will prevent degradation of ecological functions compared to existing conditions. It must address adverse cumulative impacts, and fairly allocate the burden of addressing these impacts among development opportunities. These requirements are found in the Revised Code of Washington (RCW) 90.58.020, the Washington Administrative Code (WAC) Chapter 173-26-176, WAC 173-26-201(2)(c).

The City's 2011 SMP includes the accompanying Appendix A that met the above-identified requirements related to preventing the degradation of ecological functions, addressing adverse cumulative impacts, and allocating the burden of these impacts.

The current update to the City's 2011 SMP is required to include the analyses in this memo. In completing the 2021 update, we have ensured that the updates/changes made in 2021 do not result in substantive changes to the analyses included in Appendix A (accompanying this memo) that was completed in 2011.

CHANGES/UPDATES TO THE 2011 SMP:
Following is a summary of the changes/updates made in 2021 to the previously adopted 2011 SMP. This summary is provided because the analyses included in this memo are limited to the changes made in 2021 to the 2011 SMP:

- References to the Community and Economic Development Department or Director have been changed to the Development Services Department or Director.

- The procedural requirements for the different types of shoreline permits are organized into one section (versus several) and clarified. No changes were made to the way shoreline permits are processed.

- The type of development not requiring a shoreline permit is cross-referenced to State law (WAC 173-27-044 and 173-37-045) and the text of the State law is removed from the SMP.

- The description of how shoreline jurisdiction is determined is elaborated upon to ensure jurisdictional areas are properly and consistently identified.

- Existing zoning and comprehensive plan designations were added to the list of factors that determine environmental designations.

- Figures 2 and 3 within the 2021 SMP map several areas being subject to shoreline jurisdiction that were not identified in the 2011 SMP. Importantly, these areas would have been subject to shoreline jurisdiction under the 2011 plan; however, they were not mapped as potentially being subject to the SMP. These areas are potentially subject to shoreline jurisdiction due to wetlands, that if present, could be associated with, influence, or be influenced by, either the Skagit River or Barney Lake.

  In the 2021 update, the City has identified these parcels that could be subject to shoreline jurisdiction due to the presence of associated wetlands by using cartographically distinct hatching patterns on the revised maps to differentiate these areas from other mapped environmental designations.

  Staff analyzed these areas and assigned environmental designations based on the following factors that are listed under sub-section III(B) of the SMP: ecosystem characteristics, environmental functions, restoration potential, existing uses, development and redevelopment potential, existing Zoning and Comprehensive Plan Designations, and public and private plans.

- There are four (4) general areas where the environmental designations were updated or changed to ensure the designations were consistent with the factors listed in sub-section III(B) of the SMP (these factors are also listed in the paragraph immediately above). Descriptions of these areas and the reasons why their designations were changed are provided below. These areas are described in much greater detail in the parcel-by-parcel SMP Mapping Update Summary that is attached to this memo.

  <u>Area 1</u> (mapped on Figures 2 and 3) is located at the far north and northeast portions of the City. Following adoption of the 2011 SMP a new levee was completed along the north side of Hoag Road, east of the Burlington Northern Santa Fe railroad tracts. This new levee is identified on the SMP maps along with areas waterward of the levee, and areas 200 feet landward of the levee as subject to SMP jurisdiction. See the Mapping Update Summary attached to this memo for the justification for the shoreline environmental designations assigned in this location.

  Other areas are identified on Figures 2 and 3 as potentially being subject to shoreline jurisdiction, but only if wetlands are found on these areas that influence, or are influenced by, the Skagit River or Barney Lake. These areas were identified following a site-specific review where wetlands were found on a site that were influenced by the Skagit River; and this site was not shown as

being subject to shoreline jurisdiction in the City's 2011 SMP. The accompanying Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell, contains a detailed background and analysis of this site. Once one site was identified staff had Dr. Lee complete an exercise of all nearby properties to see whether or not wetlands on these properties could influence, or be influenced by, the Skagit River or Barney Lake. These properties are shown on Figures 2 and 3 with horizontal lines through them. The justification for the environmental designations for these properties is detailed in the accompanying Mapping Update Summary. Importantly, these areas would have been subject to shoreline jurisdiction under the City's 2011 SMP; but they would have been assigned an environmental designation of Urban Conservancy until the City could update the shoreline map. This 2021 update eliminates the potential for multiple piecemeal map amendments by completing a comprehensive review and update of these areas.

Area 2 (mapped on Figure 5) consists of areas on the east and south side of the Skagit River. Following the adoption of the 2011 SMP the City completed additional portions of a floodwall and levee system that are updated on Figure 5. The newly constructed portions of the floodwall and levee slightly changed the areas subject to shoreline jurisdiction because this jurisdiction is identified as extending 200 feet landward from these areas. The environmental designations in these areas remained as Urban Conservancy on the properties owned by the City on and near the wastewater treatment plant and was kept as Urban Mixed Use on the landward side of the new floodwall and levee of the properties not owned by the City.

Area 3 (mapped on Figure 5) consists of areas waterward of the existing levee within and surrounding the City's Edgewater Park. The 2021 update modified the boundary between the Shoreline Natural and Shoreline Urban Conservancy Environmental Designations such that the Urban Conservancy designation encompasses the portions of Edgewater Park that are used by the public and actively maintained (i.e. mowed and trimmed) by the City's Park and Recreation Department. The Shoreline Urban Conservancy Environmental Designation in this area was also updated such that it extends between the Ordinary High Water Mark (OHWM) of the Skagit River to the existing levee – in the existing SMP this shoreline area is identified as extending from the OHWM but does not extend to the existing levee. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

Area 4 (mapped on Figure 5) consists of two tax parcels owned by the Mount Vernon School District that are developed as part of Washington Elementary School. The parcel numbers are P26397 and P26391. The 2011 SMP identified the area of these parcels 200 feet landward of the existing levee designated as Shoreline Residential. Because these two parcels are developed as part of an elementary school their designation has been changed to Urban Mixed Use. See the accompanying Mapping Update Summary for additional details regarding the updates in this location.

- The following General policy has been removed from the SMP because it mirrors requirements in existing State law thereby making it unnecessary to have in the City's SMP. This policy is as follows:

    a. The Director of the Community Development Services Department will periodically initiate review of conditions on the shoreline and conduct appropriate analyses to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade visual qualities, and enhance residential, commercial, and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:
        i. Water quality
        ii. Conservation of aquatic vegetation (e.g. control of noxious weeds and enhancement of vegetation that supports more desirable ecological functions and recreational conditions)
        iii. Upland vegetation
        iv. Changing visual character as a result of new development, including redevelopment and individual vegetation conservation practices
        v. Shoreline stabilization and modifications

- The currently adopted version of the City's critical areas ordinance is adopted into Appendix C sans the provisions DOE requires be removed.

- The relief for shoreline restoration projects from WAC 173-27-215 is adopted by reference into the updated SMP.

- The definition of associated jurisdictional wetlands is expanded to include the definition of such found in WAC 173-22-040.

- The date of receipt of the final decision is updated to the date of filing of a final decision throughout the plan.

- A definition for Substantial Development is added to the SMP.

ANALYSIS OF SMP UPDATES/CHANGES TO APPENDIX A OF 2011 SMP:
The City's 2021 SMP updates/changes to Appendix A focused on refinement of Environmental Designations and associated mapping protocols to ensure City-wide consistency of designations and mapping results. Areas of interest are highlighted for edited designations in the 2021 revised and edited Shoreline Master Program document. They include the Natural Environment, Urban Conservancy, and Urban Mixed-Use environments. For example, the SMP updates offers edits for the Natural Environment Designation to include specific properties such as areas:

a. Within the City limits near Lions Park

b. Near the Nookachamps Wetland Mitigation Bank and the intersection of Lindegren Creek with the Skagit River

c. North of the levee abutting the City's Wastewater treatment plant north to the Skagit River and east to the point where the levee and the floodwall meet

d. At the intersection of the River Bend Road and the east City limit line east approximately 1,375 linear feet then south approximately 970 linear feet along the west side of Freeway Drive then northwest along the Skagit River approximately 1,920 linear feet to the east City limit line and then north approximately 135 feet

e. Due west of Barney Lake. Note: Barney Lake is approximately 147 acres in size, has a shoreline length of approximately 4.3 miles, and is located northeast of the city limits within unincorporated Skagit County.

The Barney Lake shoreline area is largely undeveloped on its east and south sides and has dispersed single-family residential development on its north and west sides. Between 1995 and 2016 the Skagit Land Trust acquired nearly 370 acres around the west and south sides of Barney Lake. [Barney Lake Property - Skagit Land Trust]

Since Barney Lake is not located within the incorporated portions of the city an analysis was not completed by the City. However, the City did review Skagit County's Draft Shoreline Analysis Report dated September 1, 2011.

In the 2021 SMP update, the City also focused on interpretations of "Associated jurisdictional wetlands or Associated wetlands"**,** defining them as those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State. These wetlands are subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by the Skagit River, Barney Lake, or any other waterbody defined as a shoreline of the State within Chapter 90.58 RCW. Within the City, this influence includes but is not limited to one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. Hydraulic continuity is generally defined in WAC 173-545-030(9) as "the interrelation between groundwater (water beneath land surfaces or surface water bodies) and surface water (water above ground, such as lakes and streams)." For example, hydraulic continuity can consist of surface or shallow subsurface water connection(s) that may be permanent, or which occur seasonally (e.g., during the wet winter/spring season) with intermittent flow characteristics.

The City's biologist, Dr. Lyndon Lee, has reviewed all the proposed changes to the 2021 SMP update and finds with these changes the City's SMP remains consistent with the requirements RCW 90.58.020, the WAC Chapter 173-26-176, and WAC 173-26-201(2)(c) because it remains a regulatory document that prevents degradation of ecological functions compared to existing conditions, it addresses adverse cumulative impacts, and it fairly allocates the burden of addressing these impacts among development opportunities.

ATTACHMENTS:

- Appendix A of City's 2011 SMP
- Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell
- Dr. Lyndon Lee's CV
- SMP Mapping Updates

Appendix A of City's 2011 SMP

When this document is finalized this document will be incorporated here – while in its draft form this document is separate.

SHORELINE INVENTORY, CHARACTERIZATION, AND CUMULATIVE IMPACTS REPORT

I. INTRODUCTION

The Skagit River drains an area of 3,140 square miles and flows for 162 miles from its headwaters in the Cascade Mountains, through low-lying valleys, and finally through the broad Skagit Delta to Puget Sound. The Skagit River is the largest in the Puget Sound basin and possesses the most abundant and diverse populations of salmon, steelhead trout, and bull trout in the region. It is the sixth largest drainage on the west coast of the continental United States.

A. EXTENT OF CITY SHORELINES

Mount Vernon's shorelines regulated by the Shoreline Master Program (SMP) are limited to those portions of the Skagit River "Big Bend Reach" that occur within the City's corporate limits. This encompasses approximately seven miles of the river's shoreline. Shoreline regulatory jurisdiction within Mount Vernon varies in width as shown in Figure A-1 dependent upon the proximity of wetlands within and adjacent to the Shoreline Management Act-mandated 200-foot jurisdiction area and flood-prone areas between the ordinary high water mark (OHWM) and topographic or manmade features that mark the landward edges of the 100-year floodplain.

Mount Vernon and the Skagit River are located on a large alluvial plain that was created by geological forces including glacial advance and retreat, hydrology, and periodic vulcanization. As such, the portions of the Skagit River within the City's jurisdiction are adjacent to floodplains. A comprehensive summary of flooding and flood history in the Mount Vernon area is provided on pages 9 through 13 of the Skagit River Big Bend Reach Habitat Restoration Feasibility Study, December 2004, prepared by the Skagit River System Cooperative. [Note: Information on current FEMA floodplain mapping is available from the Mount Vernon Community and Economic Development Department]

B. SCIENTIFIC AND TECHNICAL INFORMATION

In preparing the SMP, the City identified and assembled the most current, accurate, and complete scientific and technical information available. Information was collected from a variety of sources including City plans and studies, Skagit River watershed plans and studies from the Washington Department of Ecology and local planning groups, Dike Districts, private plans, and aerial photographs. Prior to incorporation into the shoreline inventory, the context, scope, magnitude, significance, and potential limitations of the information was considered. For a complete list of resources, see Appendix D of the SMP.

During the public participation process, additional information was provided by property owners and the several Dike Districts having jurisdiction over shorelines within Mount Vernon (Dike Districts 1, 3, and 17).

Due to the amount of information available, the consistency of the data, and the contained nature of the shorelines within the City, it is assumed that the SMP provisions are based on analyses of accurate information that can be readily verified on a case-by-case basis at the time a land use action is proposed.

Figure A-1

Mount Vernon Shoreline Jurisdiction

II. SHORELINE MASTER PROGRAM INFORMATION SOURCES

This Shoreline Master Program relies substantially on existing information that has been developed since the year 2000. Following is a list of the primary sources used in this Report. A complete list of the resources used in the SMP, with a description of the information provided, is provided in Appendix D.

- River Basin Analysis of the Skagit and Samish Basins: Tools for Salmon Habitat Restoration and Protection, February 2000
- Skagit River Shoreline Inventory & Restoration Plan, June 2003
- Edgewater Park Restoration Project – Phase I, September 2003
- Skagit River Big Bend Reach Habitat Restoration Feasibility Study, December 2004
- Mount Vernon Downtown Flood Protection Alternatives, Draft EIS, January 2007
- Final EIS: Mount Vernon Downtown Flood Protection Alternatives, July 2007
- Mount Vernon Downtown Flood Protection Biological Assessment, December 2007
- Downtown and Waterfront Master Plan, July 15, 2008
- City of Mount Vernon 2005 Comprehensive Plan (as amended)
- City of Mount Vernon 2008 Parks, Recreation & Open Space Plan
- Aerial Photographs, 2003, 2007, and 2009

There has been little change in the conditions of the Skagit River shoreline or in the level of development and land use mix in adjacent upland areas during the time these sources of information were being developed. This has been confirmed by a comparative review of the aerial photographs and discussions with staff and consultants familiar with the City's development. As a result, the assumption in this SMP is that these information sources remain valid for shoreline planning purposes.

In addition, the Big Bend Reach of the Skagit River has undergone extensive environmental study over the last decade by both public and private organizations, assessing existing conditions, restoration potential, and impacts from known plans and projects. At this time, there are no identified information gaps that would affect the development of SMP goals, policies, and regulations. Site specific information would be provided during the normal permitting of individual projects.

III. SHORELINE INVENTORY SUMMARY

The City's Skagit River shoreline has been divided into four geographic units for purposes of the shoreline inventory and characterization of conditions. The units represent locations where landscape processes, land use, river function, and habitat exhibit more or less similar attributes. These units are generally based on the six inventory areas defined in the 2003 Skagit River Shoreline Inventory & Restoration Plan (Inventory), prepared by Graham Bunting & Associates. Adjustments have been made in the width of the units of the inventory to include adjacent upland areas. While not necessarily part of the City's Shoreline Management Zone (SMZ), activities on adjacent uplands have potential for affecting shoreline conditions and functions.

Most of the information summarized below is from the Inventory. The Inventory was organized around three groups of categories: physical, biological, and man-made. Environmental baselines were determined for each category in each inventory unit. These, in turn, are based on an assessment of individual features that either provide or impact ecological functions within those categories. Individual features are discussed further in the Characterization of Ecological Functions section of this SMP.

What follows is a descriptive summary of the physical conditions found on and adjacent to the City's shorelines organized by inventory unit.

A. INVENTORY UNIT #1:

Location: East bank of the Skagit River from river mile (RM) 18 downstream to RM 16.25, from Mount Vernon's northerly limit south to the east edge of the railroad right-of-way at the railroad bridge. Included is the adjacent floodplain and upland between the river and Hoag Road. [Figure A-2]

Description: This is the most significant section of the Skagit River shoreline within Mount Vernon where there is a direct connection between the river and adjacent floodplain (see also discussion of Lions Park North in Unit #4, below). There is a relatively intact band of trees and riparian vegetation at the shoreline that extends the entire length of this reach, widening at the north end, to form a significant stand of floodplain forest at the area known as Ten Dollar Bar. Several existing wetlands are located at the south end of this unit. Historically, this area had a more extensive complex of wetlands and back channels providing freshwater fish habitat. Lindegren Creek enters the Skagit at the south end of this inventory unit.

There has been little development within this unit. At the south end, immediately east of the railroad bridge between Hoag Road and the river, there are several single-family homes. Historic uses within the floodplain have been primarily agriculture and the seasonal flooding has discouraged conversion to other types of land uses. As a result, less than 5 percent of this unit is encumbered with impervious surfaces. There is an approximately 1,900 foot long segment of levee between the shoreline and Hoag Road.

The majority of the properties in this unit have been purchased by Nookachamps LLC, which has established a wetland mitigation bank (the Nookachamps Wetland Mitigation Bank) and is implementing a restoration plan at the site. This is discussed in more detail in the Appendix B of the SMP, "Shoreline Restoration Planning."

B. INVENTORY UNIT #2:

Location: Along the south bank of the river from RM 16.24 to RM 15.25, starting at the west edge of the railroad right-of-way at the railroad bridge and proceeding downstream to approximately 1,200 feet west of the Interstate 5 bridge. The inventory area includes the properties between the shoreline and Stewart/Hoag Road. [Figure A-2]

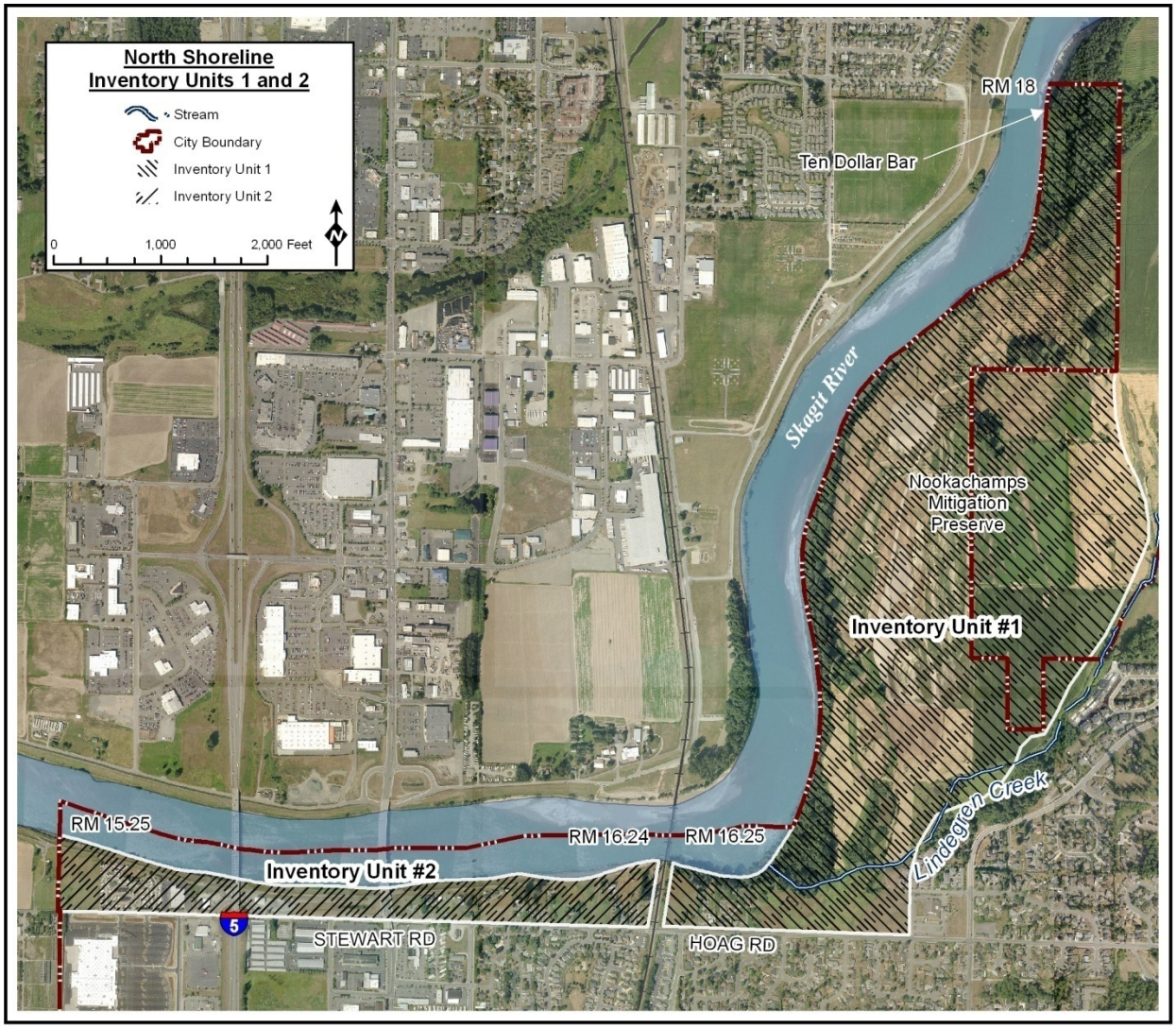


Figure A-2
Inventory Units 1 and 2

Description: The bank of the Skagit River within Inventory Unit #2 is armored with riprap its entire length. A levee that prevents direct connection to the historic floodplain is located immediately adjacent to the shoreline. There are no tributaries or wetlands that connect to the river within this unit and no intact riparian vegetation.

The land between the levee and Stewart/Hoag Road has historically been an area of development. Ownership is private, Dike District, and City. There are three river crossings: at the railroad, at Riverside Drive, and at Interstate 5. Between the railroad and Riverside Drive, development consists primarily of single-family structures on large lots. There are, however, undeveloped lots between the developed parcels.

West of Riverside Drive, the City owns a large parcel of land that is used for stormwater control, a storage garage, and has paved surfaces for parking and access. West of I-5 to the City limit, development consists of an existing recreational vehicle park and a commercial establishment, which is surrounded by parking. Impervious surfaces within this unit currently account for approximately 50 percent of the land area.

C. INVENTORY UNIT #3:

Location: West bank of the river from approximately RM 12 to RM 10.5, starting at the City boundary at Dunbar Road and proceeding downstream past the Division Street bridge to the westerly City boundary at Edgewater Park. [Figure A-3]

Description: This unit contains a natural shoreline area known as Young's Bar, which is privately-owned land, and the City's Edgewater Park. The levee in this unit has been set back from the shoreline from 150 feet at the north end of the unit to approximately 1,000 feet at the south end of Edgewater Park at the City's west boundary. The levee setback in the vicinity of the Division Street Bridge ranges from 300 to 400 feet. During high flows, connectivity to the floodplain is restricted to the area waterward of the levee. There are no tributaries entering the river in this unit.

This unit offers a variety of habitats. There is large woody debris (LWD) at the upstream end of the unit adjacent to Young's Bar and accumulations of it south of the Division Street Bridge along the Edgewater Park shoreline. A large stand of trees is located at the north end of the unit and a well-established riparian zone extends south into Edgewater Park just north of the bridge. Approximately 800 feet south of the bridge another riparian zone begins that extends to the south end of the park and west beyond the City limits into the adjacent Goodrich Bar. A floodplain forest exists between the levee and the shoreline on Goodrich Bar and the southern portion of Edgewater Park.

A significant amount of the development in West Mount Vernon occurs immediately adjacent to and landward of the levees on either side of West Division Street. Land uses are retail and other commercial establishments along West Division Street, with residential uses located north and south of the commercial core.

Recreational use within this unit consists of both active and passive activities associated with Young's Bar and the Park. Young's Bar is an extensive sand bar located just north of the park along the shoreline. Although this is private property, it is regularly used by the community for fishing, sunbathing, and shoreline access.

Edgewater Park has been developed to provide both active recreational use and conservation of on-site riparian habitat. The active use portion of the park is approximately 28 acres and includes a playground, picnic area, covered stage, three multi-use ballfields, restrooms, and 150 parking spaces. A boat launch with 14 boat trailer parking stalls is located at the south end of the active use area. Primitive campsites that are used seasonally, usually in conjunction with special events, are also located at the south end of the Park. The park includes about 38 acres of wetland and woodland conservation area at the south end along the river. This area has been restored to include re-establishment of a historic back channel for salmon habitat enhancement.

The Mount Vernon 2008 Parks, Recreation & Open Space Plan notes that both Young's Bar and Goodrich Bar would be logical extensions of Edgewater Park. Both are characterized by having forested riparian habitat, natural shoreline, and sand bar accretion that could support additional off-channel salmon refuge and rearing habitat.

Figure A-3
Inventory Units 3 and 4

D. INVENTORY UNIT #4:

Location: East bank of the river from RM 12.3 to RM 10.4, starting at the north end of Lions Park North and proceeding downstream past the Division Street Bridge to the City boundary just west of Riverview Lane. This unit includes the adjacent Downtown located between the river and Interstate 5 to the east and the areas waterward of Britt Road and Dike Road at the south end of the unit. [Figure A-3]

Description: North of Division Street this unit has a range of shoreline types. The portion just north of the Division Street Bridge is low in plant diversity and high in adjacent development. The upstream portion has a greater diversity of plants and includes a remnant of floodplain forest within the batture at Lions Park North. Kulshan Creek enters the Skagit River at Lions Park.

Immediately north of Division Street, there is a mixture of auto-oriented retail and office uses with on-site surface parking. Between these commercial uses and Lions Park South are auto-oriented businesses that have surface parking adjacent to the river, an armored riverbank, levee, and trail. The 1.6 acre Lions Park South is located on a high bank shoreline overlooking the river and Downtown. It has been developed with a kiosk, picnic shelters and tables, a multipurpose trail, playground and restrooms, RV dump station, and 33 parking spaces. The 15.4 acre triangular-shaped portion of the park, Lions Park North, has a low bank shoreline as one leg of the triangle, a levee along the north, and I-5 along the third side to the east. The site is dominated by a remnant floodplain forest within the batture. Old pilings and similar structural remnants, which date from when the Park was a site for loading goods and moorage, are visible along the riverfront. Lions Park North has been improved with dirt trails and a 2.5 acre open space, but sees relatively light use, except by day hikers.

South of Division Street, the area within the Shoreline Management Zone (SMZ) is dominated by a revetment, built over an armored, sloped bank that provides flood risk reduction to the City's Downtown and surface parking for 350 vehicles.

Moving south beyond the Downtown, the shoreline is protected by riprap and a levee from Kincaid Street south and west to the city limit. The levee setback from the river varies from approximately 150 feet at the north to between 300 and 400 feet at the south end of this unit.

The area south of Downtown is a mix of industrial and commercial uses, surface parking, and residential. South to Section Street is a neighborhood in transition that has a mix of auto-oriented commercial, institutions, residences converted to businesses, vacant land, surface parking, government offices, and multi-family and single-family residences. Between Section Street and Hazel Street, immediately east of First Street, land uses are primarily residential. South of Kincaid Street, a large cold storage facility is located between the river and the levee and farther south, the wastewater treatment plant is immediately landward of the levee.

IV. CHARACTERIZATION OF ECOLOGICAL FUNCTIONS

The concept of ecological functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical, and biological components that are interdependent to varying degrees and scales and that produce the landscape and habitats as they exist at any given time. Ecological functions are the work performed or role played individually or collectively within ecosystems by these individual components. Managing shorelines for protection of their natural resources depends on sustaining the functions provided by:

- **Ecosystem-wide processes,** such as those associated with the flow and movement of water, sediment and organic materials, the presence and movement of fish and wildlife, and the maintenance of water quality.
- **Localized individual components and processes,** such as those associated with shoreline vegetation, soils, water movement through the soil and across the land surface, and the composition and configuration of the beds and banks of water bodies.

The loss or degradation of the functions associated with ecosystem-wide processes and localized individual components and processes can significantly impact shoreline natural resources and may also adversely impact human health and safety. Shoreline master programs are required to address ecological functions associated with applicable ecosystem-wide processes, and localized individual components and processes identified in the ecological systems analysis described in WAC 173-26-201(3)(d)(i).

Most shoreline areas, even substantially developed or degraded ones, still retain some level or type of ecological function. For example, even though there is little off-channel habitat or spawning and rearing habitat along the City's shorelines, the Skagit main-stem is a critical fish migration corridor. Ecosystems are also interconnected. For example, the life cycle of anadromous fish depends upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species depend on the health of both terrestrial and aquatic environments. Therefore, the SMA policies for protecting and restoring ecological functions generally apply to all shoreline areas, not just those that remain relatively unaltered.

A. BIG BEND REACH ECOSYSTEM CHARACTERISTICS

The Skagit River Big Bend Reach Habitat Restoration Feasibility Study was completed for the City in December 2004. The study examines the conditions and potential for restoring fish habitat from between the confluence of Nookachamps Creek downstream to the Skagit Forks. It includes characterizations of the Big Bend Reach as a whole and discussions of historical conditions, which provide information for examination of past/future shoreline cumulative impacts, discussed in this SMP. The Big Bend Reach is used here as the relevant geographic area for discussion of ecosystem-wide conditions and functions.

B. REACH MORPHOLOGY

Within this reach, the river occupies a single channel, with levees framing the shorelines. The reach has a sinuosity that has been maintained in place by the presence of levees for at least the last 60 years and, more likely, for the last 100. The right bank is lined continuously with riprap that forms the toe of the levees for the entire length of the study reach. The left bank is lined almost continuously downstream with riprap beginning just east of the railroad bridge.

The Skagit in this reach is in transition from a meandering river to a deltaic system. The river retains features of both systems in the study reach. The meandering river upstream is gravel-bedded, highly sinuous, and steep, while the river downstream is very low-gradient, distributary in nature, with mid-channel bars common, and with sand the predominant sediment size.

The area adjacent to the river channel has characteristics typical of two very different landforms. At the large bend in the river above downtown Mount Vernon, "ridge and swale" topography can be seen. This landform is characterized by numerous low ridges, which parallel meander bends. It represents previous locations of point bars and shows the lateral growth and accretion of the bars. This feature is part of a meandering stream system. The extent of the ridge and swale topography indicates a sustained pattern of point-bar accretion. The feature is approximately 1 mile wide, while in the direction of accretion it is at least 1.5 miles long.

Downstream at approximately Edgewater Park, the features of a delta become more evident. Multiple distributary channels are evident on topographic maps of the area, starting at about RM 12.5. Irregular topography immediately west of the study reach is indicative of overflow channels and former distributary channels. This topography consists of discontinuous depressions that both parallel the main channel and radiate away from it. These features have been highly modified by past agricultural activities.

Portions of the project reach are also tidally influenced. While the effect of tides has been reported to reach to Downtown Mount Vernon, the tidal influence in this reach is minimal, and probably only happens during extreme high-tide events. Tides have a much greater effect downstream from where the river splits into the North and South Forks.

C. LARGE WOOD

Large woody debris and logjams, once extremely common in the Lower Skagit River, had a significant effect on river morphology, flow conveyance, and flood inundation. Large wood fall into the river would have provided areas of refuge and rearing habitat. However, clearing and development has basically eliminated these structural habitat components from the river within this reach.

Due to the size of the river main-stem and force of the flows experienced through this section of the river, wood must be of extremely large diameter and length to be considered stable. It is estimated that any given tree would need to be at least 28 inches or greater in diameter to have any chance of remaining stable through this reach. Currently the reach has no significant accumulations of large woody debris. Individual pieces found at Young's Bar could be considered potential key members. Additionally, there are some accumulations of imbedded LWD in the vicinity of Goodrich Bar. These accumulations can be seen during low water conditions and may be remnants of the historic log jambs once located at these sites.

Large woody debris does not play a significant role in the existing channel dynamics. It has not been present in quantities sufficient to affect channel formation since the early 20th century. Generally, LWD is only found piled against bridge abutments and buried in sediment on the few point bars present in the reach. There are only two small areas with recruitable LWD, both near Downtown Mount Vernon. However, the river channel averages about 500 feet wide in this reach and LWD is not expected to affect river processes significantly unless large logjams form.

D. FLOODPLAIN FOREST

Floodplain forests used to be present throughout the reach, but due to over a century of agriculture and other development they now exist only in patches between the levees and the river's edge. Floodplain forests in the study area are generally very similar and have an age range of 40 to 52 years, and are comprised of predominantly black cottonwood. The number of live overstory trees ranges from 130-160 stems per acre with a tree area of 200-250 square feet per acre, which is typical of a moderately aged forest. One notable exception was a mixed stand of conifer and hardwoods in the vicinity of Britt Slough. This mature stand had approximately 100 trees per acre, with a tree area of around 600 square feet per acre. In this case, a grove of mature red cedars contributed a significant portion of the tree volume. At the other end of the scale, the lowest density data was retrieved from a former clear-cut area at Goodrich Bar. Here the forest is less than 20 years old, has 775 trees per acre, and a tree area of only 103 square feet per acre.

There are no floodplain forest lands of long-term significance within the city boundaries of Mount Vernon. In determining whether forest land is primarily devoted to growing trees for long-term, commercial timber production on land that can be economically and practically managed for such production, the following factors are considered: (a) the proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

E. EDGE CONDITIONS

Of the almost 125,000 feet of edge habitat along the Skagit River in the Big Bend Reach study area, six condition classes are identified. Most of the edge habitat, over 78,000 ft, falls within a "modified edge" type. A "hardened bank" condition, which includes features such as large riprap, rubble, bridge pilings, and piers occurs on both sides of the river, with greater occurrence on the right bank. An additional modified feature, identified as "bar/riprap," stretches 390 ft between two bar features on the left bank. "Bar" conditions along this stretch of the river compose about 24,300 ft with approximately half occurring on each bank. "Non-hardened bank" conditions cover 21,500 ft, most of which occurs on the left bank (14,500 ft). Lastly, "backwater" conditions are found in two locations along the right bank and cover approximately 550 ft of edge habitat.

F. FLOODPLAIN

It is estimated there are a total of 1,340 acres of available floodplain throughout the entire study area located between the river and existing levees. The study designates the floodplain by categories based on elevation above mean water level (MWL). Approximately 80 acres are Category One (0-5 feet relative to MWL, largely exposed bars), 475 acres are Category Two (5-10 feet relative to MWL), 125 acres are Category Three (10-15 feet relative to MWL), and 660 are Category Four (15-20 feet relative to MWL). The strongest relationship to off-channel habitat is found in Category Two.

G. SHORELINE WETLANDS

Wetlands associated with the floodway are limited to areas within the batture. Wetlands associated with the non-diked floodplain are within the Natural environmental designation at the Nookachamps Mitigation Bank.

H. SUMMARY OF ECOSYSTEM CONDITIONS

Natural functions on the Skagit Delta below Mount Vernon are estimated to be 69 percent degraded from historic levels. The Skagit Basin has also been identified as being limited for Coho winter habitat, with winter rearing habitat concentrated in the few remaining side-channel sloughs on the river floodplain. The largest loss in habitat area and juvenile production for Coho salmon has occurred in side channel and distributary sloughs, resulting in winter and summer production losses of up to 52 percent from historic levels. Many of these habitat areas were once located in the Big Bend Reach area, including at Mount Vernon.

Levee construction and upland habitat conversion have resulted in the loss of almost all floodplain wetlands in the Mount Vernon jurisdiction. Levees confine the river and have eliminated the majority of backwater and off-channel sloughs that provided key habitat for salmonids, cavity nesting ducks, dabbling ducks, swans, beavers, and other riparian fauna. In Mount Vernon nearly all of the agricultural uplands have been converted to housing and other urban land uses.

Modification of the Skagit River shoreline began in the1860s and by the early 1900s nearly all of the river's shoreline from Sedro-Woolley downstream to Skagit Bay had been confined and stream banks hardened in some fashion, typically with levees and/or rip-rap. Consequently, at Mount Vernon, the river occupies a single channel, with levees framing the majority of the shorelines. The river channel has remained relatively stable since the turn of the last century. While the river does continue to occasionally flood adjacent lands, the presence of the levee system constrains any actual migration of the main-stem itself. For planning and policy purposes it is assumed that the river's main stem will continue to be confined within the limits of the existing levee system.

I. CITY SHORELINE ECOLOGICAL FUNCTIONS

The Shoreline Inventory and Restoration Plan completed in 2003, provides a snapshot of the condition of ecological functions provided along the City's shorelines. As noted earlier, there has been little change in shoreline and near upland development since the inventory was prepared, so the results of the inventory are considered current for planning purposes.

As a whole, the portion of the Skagit River flowing through Mount Vernon serves an important function, acting as a migration corridor between the river estuary and up-river spawning habitats. Every salmonid must pass through the City twice over the course of its life, as a juvenile and as an adult. Along these lower reaches of the river there is only a limited amount of potential habitat, which is evident from looking at City maps and aerials. These small areas are disproportionately significant as refuge places and are particularly valuable because of the overall habitat scarcity within this reach.

Table A-1 summarizes the ecological functional conditions of the City's shorelines by inventory unit. Ten features are presented in the table as being representative of the functions evaluated in the inventory. They are summarized below:

- **Stream bank:** refers to the relative stability of the shoreline, erosion potential, and whether it is hardened or natural.
- **Flood Plain Connectivity:** the degree to which the river has connectivity to adjacent floodplains.
- **Over-Wintering Habitat:** refers to features that allow juvenile salmon refuge from high river flows. Physical features include riparian zone vegetation, large angular riprap, and woody debris.
- **Large Woody Debris (LWD):** any large piece of relatively stable woody material having a diameter of over a foot and a length of about 10 feet that intrudes into the river channel.
- **Side Channel Restoration:** presence of a side channel and/or the degree to which there is potential for re-establishing off-channel rearing habitat and refuge.

- **Plant Diversity:** based on the relative mix and abundance of herbs, shrubs, and mixed deciduous and evergreen trees. Shoreline plant communities provide a variety of functions including input of organic material into the river, bank stability and erosion control, and recruitment of LWD.
- **Wetlands:** presence or absence of wetlands.
- **Open Space:** presence or absence of significant open space along the river, including parks, preserves, and private properties.
- **Physical Barriers:** refers to barriers to upstream migration into Skagit tributaries.
- **Riparian Reserve:** refers to the presence or absence of an intact riparian and adjacent upland plant community.

All of these features were rated into four categories:

- **Properly Functioning (PF):** indicates that, in general, the feature is providing acceptable levels of functions.
- **Function at Risk (FAR):** indicates the feature is degraded within the inventory unit and that restoration could improve functioning.
- **Not Properly Functioning (NPF):** typically indicates the feature is absent or that other features are negatively impacting the functional attributes.
- **Not Applicable (N/A):** Does not apply in the situation

These ratings are presented in the following **Table A-1.**

Table A-1 Summary of City Shoreline Ecological Features and Functions

	INVENTORY UNIT			
FEATURE	**#1**	**#2**	**#3**	**#4**
Stream Bank	**PF** – stable natural	**PF** – riprap bank is stable	**PF** – stable riprap and natural	**PF** – mostly stable riprap
Floodplain Connectivity	**PF**	**NPF**	**PF** – limited to within levee setbacks	**NPF**
Refuge	**FAR → PF** - currently poor access from river , but will become functional with restoration of Nookachamps Preserve.	**FAR** – minimal, only refuge is found in large riprap and vegetation zone	**FAR/PF** – only Edgewater Park has a functioning side channel, the result of restoration.	**NPF** – restoration constrained by presence of revetments; potential exists at Lions Park
Over-wintering Habitat	**FAR** – limited due to lack of access for fish	**NPF** – no habitat available for fish or terrestrial species	**FAR** – opportunities for habitat exist on Young's and Goodrich Bars	**NPF** - restoration constrained by presence of revetments; potential exists at Lions Park
Large Woody Debris (LWD)	**FAR → PF** – current lack of LWD, but will be installed as part river bank restoration.	**FAR** – LWD accumulation is associated with two of the bridges located in the flow channel	**FAR** – accumulations not very complex	**NPF** – limited riparian zone
Side Channel Restoration	**FAR** for current conditions; high potential for side channel restoration	**NPF** – no potential for restoration	**FAR** – could be improved on Young's and Goodrich Bars	**NPF** – no opportunity available due to adjacent development; limited potential at Lions Park.
Plant Diversity	**PF –** shoreline contains a significant strip of mature trees. Floodplain forest to be restored**.**	**NPF** – riparian zone is narrow and not complex	**PF –** Young's Bar and Edgewater Park contain a mix of riparian vegetation.	**FAR** – north at Lions Park and south of the revetments may have potential
Wetlands	**PF**	**NPF** – no wetlands	**FAR** – wetland restoration potential exists near shore	**NPF** – no wetlands
Open Space	**PF**	None	**PF**	**FAR**
Physical Barriers	**PF** – restoration of historic back-channel fish habitat part of Nookachamps Wetland Mitigation Bank	**N/A** - no tributary	**N/A** – no tributary	**PF** – barrier removed at Kulshan Creek in Lions Park
Riparian Reserve	**PF**	**NPF** – no riparian reserve for LWD or trees on waterward side of levee	**PF**	**NPF**
Sand Bar Accretion	None	None	**PF** – Young's Bar and a portion of Goodrich Bar.	None

V. CUMULATIVE IMPACTS REVIEW

The discussions below provide an overview and summary of historic shoreline conditions and activities that have impacted the shoreline over time, and the likely cumulative effects of SMP goals and regulations, along with known plans and development activities.

A. PRE-EUROPEAN SETTLEMENT

Information regarding conditions in the lower Skagit Basin prior to European settlement comes from land surveys conducted by the Government Land Office. Early mapping of the lower river indicates that it was considerably more complex than it is today, consisting of numerous channels, immense accumulations of wood debris, and vast wetlands across its extensive floodplain. The 90,000+ acre floodplain was comprised primarily of forested floodplain and scrub-shrub wetlands and, along the lower reaches of the river, estuarine habitat. Prior to European settlement, the river frequently crested its banks and inundated the large wetlands that extended across the Skagit / Samish Valley.

Prior to European settlement, large wood debris and logjams were common in the Lower Skagit River and in the near vicinity of Mount Vernon. Logjams had a significant effect on river morphology, flow conveyance, and flood inundation. Logjams diverted flows and raised water elevations to create and sustain side channels and large areas of surrounding forested floodplain and wetlands. Snags, logjams, and beaver activity formed pools and provided complex cover and hydraulic refugia for the runs of Skagit River salmon.

B. EUROPEAN SETTLEMENT

Large scale European settlement of the Skagit started in the mid 19th century with the arrival of permanent settlers on Fidalgo Island. The late 1800s brought homesteaders to the upper reaches of the Skagit with the first settlement at Mount Vernon in 1870 and in Burlington in 1890.

Logjam clearance by settlers began in about 1871. The removal of the logjams was said to have increased flows and flood heights in the Fir Island area while flood heights west of Mount Vernon were decreased with the removal of the logjams. With the opening of the river, large-scale steamboat navigation began on the Skagit . Piers were constructed at numerous locations on the river downstream from Sedro Woolley, remnants of which are still visible today. By the 1890s the river had been mostly cleared of wood debris and partially diked. Gold-seekers pushed up river in the 1890s and large-scale logging started at about the same time.

Up until the mid-1960s, federal “snag boats” were used on a regular basis to remove accumulated logs that got hung up on bridge pilings. More than 35,000 snags were removed from the Skagit River between 1881 and 1910. In addition, over 5,000 trees were cut from the river banks by 1910. The rate of snag removal and tree-cutting decreased dramatically after about 1910.

Channel and floodplain modifications have dramatically changed the land use pattern in the valley. Over several decades during the late 19th and early 20th centuries, a system of levees and drainage systems continued to be constructed to make the cleared and drained land suitable for crop production. The rich soil has fostered an agricultural community of family farms known for flower bulbs, crop and dairy production, and vegetable seed.

C. CURRENT ECOSYSTEM CONDITIONS

The city's shorelines reflect the legacy of substantial modification over a period of more than a hundred years. The current landscape setting of the Mount Vernon shoreline is a result of the interaction of natural landscape processes and human interventions that have occurred in the Skagit River system as a whole. Anthropogenic changes to the river system such as land clearing and draining of the floodplain for agriculture and settlement, the removal of wood and large log jams, and regulation of water flow in the river have led to the need for local infrastructure such as levees, revetments, and other hydromodifications, to support and protect urbanization and other development.

In addition to modification by levees and similar structures, the Skagit shoreline at several locations in Mount Vernon is armored with rip-rap. To accommodate the levees and land-side development most, if not all, of the shoreline vegetation has been removed. Therefore most riverine shoreline ecological functions are either degraded from historic conditions or are absent altogether, resulting in the loss and isolation of large segments of riparian and wetland habitat critical to the various life stages of salmon.

D. LEVEES AND REVETMENTS

The dominant feature of the Skagit River shoreline in Mount Vernon is the presence of the extensive and nearly continuous system of dikes/levees and revetments. Flood risk reduction systems are a permanent feature of the City's shoreline and adjacent upland environments. Where they separate the upland portion of the SMZ from the river, development is typically backed up to the dike on its landward side. However, this condition only accounts for 24 percent of the City's total shoreline, and will be further reduced when the levee at the north end of the City is relocated inland.

There are three dike districts within Mount Vernon and their collective long-term goal is to rebuild and reconfigure the dike system such that much of the area within the City historically impacted by flooding will be protected. This will allow recertification of the affected areas and their removal from the FEMA 100-year floodplain maps.

Lands that are isolated between the river's edge and the levees/dikes or revetments are collectively called the "batture". A majority of the City's shorelines occur within the batture, as well a majority of the shoreline jurisdiction. In the three bridges area at the north end of the City and along the downtown waterfront, levees and revetments are located within the SMZ.

E. CRITICAL AREAS

The City conducted three critical area inventories during the development and subsequent implementation of its Critical Areas Ordinance (CAO). These studies have been used to identify the type and location of critical areas within the shoreline environment. They include:

- "*Wetland and Stream Inventory*", Shannon & Wilson, January 2000.
- "*Assessment of Waters/Wetland Ecosystem Conditions and Functions*" L.C. Lee et al, January, 2007.
- "*Mount Vernon Stream Study*", WSP, 2008.

The result is that statutory critical areas on the City's shorelines are limited by type, extent, and previous development. Within the SMP jurisdiction, critical areas consist of the main stem of the Skagit River, associated wetlands, and fish and wildlife habitat conservation areas. There are no known non-aquatic resource lands, geologically hazardous areas, or designated aquifer recharge areas. Floodplains are regulated under Chapter 15.36 MVMC, "Floodplain Management Standards."

The Skagit River is designated as having shorelines of statewide significance and, as such, is a Type S stream under the Department of Natural Resources waters typing system. The river reaches that flow through the City provide fish passage as the primary ecological function.

The shoreline critical areas identified in the referenced studies all occur within the batture, or within the active floodplain at the north end of the City where there is no levee. No critical areas were identified within areas of the SMP jurisdiction landward of a levee or revetment. This is due to those lands having been developed with uses that back up to and abut the levees or revetments.

One wetland, at the south end of Edgewater Park, was part of the restoration of that segment of shoreline and adjacent upland. The restoration included re-establishment of an historic side-channel as a refuge for migrating fish. Other potential jurisdictional wetland areas are located outside of the SMZ within the river's active floodplain. Of note is the Nookachamps Wetland Mitigation Preserve, the construction of which will result in restoration of historic wetlands and their hydrologic connection to the river. Wetlands are regulated under the provisions found in Appendix 'C' of the Shoreline Master Program.

Other locations identified as potential critical areas included the confluence of both Lindegren and Kulshan Creeks with the Skagit River, Young's Bar north of Edgewater Park, and the recently restored side-channel fish habitat at the south end of Edgewater Park. These areas have been identified, respectively, on Figures B-7, B-3, B-4, and B-5 of Appendix B of the SMP.

F. SHORELINE ACCESS AND VIEWS

As noted above, the levees/dikes and revetments separate upland uses from the shoreline. This impacts both the ability to provide physical access to and views of the shoreline. In the three bridges area at the north end of the City the levee runs parallel to the shoreline and splits the SMZ between the batture and adjacent uplands. As a result, there is no direct physical access to the shoreline and because of the height of the levee there are no views from the adjacent upland uses.

In West Mount Vernon, the levee is setback considerable distances from the shoreline, with intense development occurring landward. The levee height eliminates views from these upland uses, but both access and views are provided for at Edgewater Park.

Along the downtown shoreline, the revetment parallel to the river and elevated above both the river and the downtown core along First Street, effectively blocks views from both the street and downtown buildings, with a few exceptions where there may be views available from taller buildings. Visual access, but not direct physical access, is available from the top of the revetment. During 2009, the City conducted a series of Downtown Design Guidelines workshops, which included a study of downtown views and the impacts of a range of building heights. Given the overall lack of existing views it was determined that the fifty-five foot height limit identified for downtown redevelopment would not adversely affect views of the shoreline. The redevelopment of the downtown shoreline will result in improved public visual access to the river, including removing the existing parking atop the revetments and developing a waterfront pedestrian promenade, a public plaza, open spaces at street ends and other public amenities. Private redevelopment will be required to modulate structures to reduce impacts of massing and provide for water-enjoyment via pedestrian access, where practical.

G. SHORELINE USE ANALYSIS

Future new shoreline development potential is extremely limited since there are few vacant parcels within the Shoreline Management Zone. These consist of parcels, primarily zoned for residential or commercial use, located between Lindegren Creek and the I-5 Bridge along Hoag and Stewart Roads. Virtually every other shoreline parcel has been developed to an urban or recreational use, with the exception of the shoreline north of Lindegren Creek adjacent to the Nookachamps Wetland Mitigation Bank. This means that the majority of future development activities will be in the form of redevelopment of existing lots and structures. Streets and roads have been constructed and major utilities installed, limiting future infrastructure-related activities in the shoreline to primarily maintenance and upgrade.

There are approximately 29,850 lineal feet of Skagit River shoreline within the City's corporate boundaries. Uses on the shoreline can be grouped into four general categories and are briefly described below.

1. Areas where there is no dike/levee or revetment on or near the shoreline or in the adjacent upland and where there are no significant structures, roads and other infrastructure: This condition is found in north Mount Vernon, where there is an approximately 7,300 foot reach of shoreline adjacent to the active floodplain that comprises the Nookachamps Wetland Mitigation Bank. This reach accounts for 24 percent of the City's shorelines. This area will be kept in preserve and will allow for limited passive recreation use and public access to the shoreline.

2. Areas of significant open space within the batture: These include the entire shoreline on the west side of the river across from Downtown; Lions Park North; and the vacant/undeveloped properties south of the Dairy Valley plant to the City boundary. Uses include both active and passive recreation consistent with a shoreline location (e.g. small craft launch) in Edgewater Park, Lions Park, and informal use of Young's Bar, which is private ownership. The Washington Department of Fish and Wildlife has land and a boat launch immediately north of Young's Bar and additional property south of Edgewater Park. The properties south of Dairy Valley are vacant and unlikely to develop to an intense use since they are in the floodplain between the river and levee. Taken together, these areas account for 40 percent of the City's shorelines.

3. Area of single-family residential development: This is found only in north Mount Vernon, between Lindegren Creek and the Riverside Drive Bridge. This 3,450 foot reach accounts for 12 percent of the City's shorelines. Between the railroad bridge and Riverside Drive bridge all but a few of the residences are separated from the river by a levee. About half of these properties have been acquired by Dike District #17, which is pursuing a long term plan to acquire the rest of these residential properties, so the levee can be relocated upland closer to the Hoag/Stewart Roads right-of-way.

4. Areas of more intense urban development, characterized by a mix of uses including residential, retail, commercial, office, and industrial: These areas are found from the Riverside Drive Bridge west to the City limits in north Mount Vernon, and the shoreline adjacent to Downtown from Lions Park south to the Dairy Valley property. In the Downtown area, dikes and levees are typically located near the river's edge, with development backed up to them. As noted above, the levee along Stewart/Hoag Roads will probably be relocated, but at present it separates existing uses from the shoreline. Urban mixed-use accounts for approximately 24 percent of the City's shoreline.

As noted above, large segments of the shoreline are in some type of open space use, characterized by having connectivity to at least part of the adjacent floodplain. They account for approximately 76 percent of existing shoreline land use. The nature of the ownerships (much of it public) and uses on these shorelines, their connectivity to the floodplain, underlying zoning restrictions, and restoration potential preclude intense urban uses from developing in these shoreline areas.

When Dike District #17 is able to acquire the land to relocate the levee farther from the river along Stewart/Hoag Roads, open space uses would account for a higher percentage of the City's shorelines. This would also result in a corresponding reduction of both residential uses and more intense urban uses along the City's shorelines.

There are no water-dependent or water-related businesses or transportation facilities located on the City's shoreline. In addition, there is no viable potential for such uses to develop in Mount Vernon. This is due to the following factors:

1. Currently, 76 percent of the City's shorelines are areas where commercial, industrial, and transportation facilities would be prohibited from development, due to the underlying zoning. That figure will increase to 82 percent in the future when the levee at the north end of the City is relocated further upland.
2. In those areas of the shoreline where water-dependent commercial, industrial, and transportation uses would be allowed, dikes, levees, and revetments separate such uses from the shoreline. These flood risk reduction structures have been in place for much of the City's history, and current plans for the downtown and waterfront include removing revetments and relocating portions of levees closer to the shoreline to protect downtown properties. Flood risk reduction measures represent a significant investment and will continue to be a permanent feature of the City's shorelines.

Since water-dependent and water-related commercial, industrial, and transportation uses are unlikely to develop in the future, the City is pursuing policies and regulations that provide for non-water oriented uses to remain and encourage redevelopment in the shoreline areas where such uses are allowed. Development or redevelopment will be required to provide facilities for water-enjoyment such as boardwalks and viewpoints.

Given decades of conversion and use along much of the City's shoreline and the substantial investments made over time to those uses, particularly Downtown, the development pattern, general mix of land uses, and infrastructure are essentially established and in place. While this has had significant cumulative impacts to the City's shoreline functions up to this point, the limited new development potential that remains suggests there is, in general, a reduced potential for future significant impacts.

H. ENSURING NO NET LOSS

SMP goals, policies, and regulations have been developed to ensure a no net loss goal. Public and private restoration projects have and will continue to improve the ecological functions along significant sections of the Skagit shoreline. Provisions for restoration, improved stormwater controls, and enhancement during development and redevelopment should, over time, provide an incremental lift in shoreline functions. Below is a brief description of the environmental designations and general statements about SMP goals and regulations contributing to the goal of "no net loss." (For a complete discussion about environmental designations and designation maps, see the Shoreline Master Program Section IV, "Shoreline Environmental Designations.")

1. **Natural Environment**

   This designation is primarily located between Lindegren Creek and the north City/County boundary, adjacent to the Nookachamps Wetland Mitigation Bank. The Wetland Bank construction will restore historic back-channels and wetlands in the floodplain and restore hydraulic connectivity to the river. Although a trail for public access is planned, SMP goals, polices, and regulations prohibit higher intensity development or use in this area. Restoration of this area will provide a significant lift in ecosystem-wide shoreline functions.

   Areas at Young's Bar, the Kulshan Creek confluence at Lions Park North, the Lindegren Creek confluence, and the south shoreline edge of Edgewater Park are also designated Natural Environment. Past and future restoration of the riparian environment and ecological functions in these areas, including re-establishing an historic forested wetland and associated back-channel at Edgewater Park, will increase ecosystem-wide shoreline functions.

2. **Urban Conservancy**

   This designation includes portions of Lions Park South, Edgewater Park and adjacent parcels on the west side, those shoreline areas located between the ordinary high water mark and the levee in the three bridges area to the north, and those parcels that are south of the Dairy Valley plant to the City boundary in the southwest. All these locations exist between a levee and the river. SMP goals, policies, and regulations prohibit higher intensity uses within this designation. Active recreation is allowed provided that shoreline impacts are mitigated and/or provide for restoration/enhancement of ecological functions.

3. **Shoreline Residential**

   Residential development on the City's shoreline is limited to a stretch of the river less than ¾ mile in length, between Lindegren Creek and the Riverside Drive Bridge. Between the railroad bridge and Riverside Drive Bridge residential lots are functionally separated from the river's edge by levees. East of the railroad bridge, residential development is at a higher elevation and not at risk from flooding. Land west of the railroad bridge may be acquired by the Dike District in the future, for levee relocation. SMP goals, policies, and regulations limit more intense uses.

4. **Urban Mixed-use**

   At the north end of the City this designation occurs between the Riverside Drive Bridge and the City boundary to the west. Uses in this area are functionally separated from the river by a levee. It is intent of Dike District #17 to also acquire these properties for future levee relocation.

This designation also occurs north of the levee at Lions Park North, from Lions Park South along the Downtown waterfront to south of the Dairy Valley plant and City-owned land immediately to the south. In these locations ecological functions are severely limited due to past development. The designation also reflects the existing conditions and built nature of this shoreline area and is consistent with the Comprehensive Plan and Downtown and Waterfront Master Plan.

Existing and allowed uses include residential, retail, commercial, and industrial. SMP goals, policies, and regulations allow for the continuation of these uses. These properties may redevelop to mixed-use in the future and provide for water-enjoyment use (e.g. boardwalk, trail) to increase public access. Redevelopment may require upgrades to on-site stormwater facilities.

I. CUMULATIVE IMPACTS CONCLUSION

The Skagit River shorelines located within the City's corporate boundaries are characterized by significant modifications that have occurred since European settlement in the area began in the late-1800s. Most of the adjacent floodplain that historically contained complex waters/wetland systems and habitats was drained and filled for agricultural purposes early in the City's history and later converted to urban uses. A system of levees/dikes and revetments has been constructed to protect adjacent properties from seasonal flooding. This flood risk reduction system is a dominant physical feature effecting shoreline functions, visual and physical access, restoration potential, and planning.

Historic activities along the City's shorelines have resulted in cumulative impacts that have significantly impacted ecological functions. Most of these functions have been degraded to varying degrees, with many absent altogether along certain segments of the City's shoreline. The existing development pattern and land uses are unlikely to change significantly, but controlling how redevelopment occurs on the shorelines will reduce the potential for continued impact to shoreline functions.

As noted, over 76 percent of the City's shoreline environments are in some form of open space, and are designated as either Natural or Urban Conservancy. Intense urban development and uses are prohibited within these designations, and there is additional restoration potential within these environments (see Appendix B).

The remaining 24 percent of the shorelines contain a mix of urban uses and are essentially fully developed. Future relocation of the levee along Stewart/Hoag Roads will reduce that down to approximately 12 percent, and add more lands to the batture and Urban Conservancy designation, with potential for additional restoration of some shoreline functions.

As with many cities founded during the nineteenth century along rivers, Mount Vernon's downtown does not focus on its waterfront. The redevelopment of the waterfront, anticipated to occur in tandem with the introduction of more effective flood risk reduction measures, provides the opportunity to rectify this situation by expanding public accessibility to the shoreline. The Downtown and Waterfront Master Plan will improve public access to the river the full length of Downtown Mount Vernon. The shoreline, from north of the Division Street bridge south beyond the Commercial Cold Storage industrial area, will eventually be accessible to the community by means of a public walkway between the floodwall and the Skagit River.

The facilities that will make this feasible and the amenities that will make it attractive to the public will be provided during the course of waterfront and downtown redevelopment. Although the flood risk reduction element will be financed with public funds, private investment will make the vision of a "public waterfront" a reality.

The Downtown and Waterfront Master Plan, the Shoreline Master Program and its associated development standards, and the Downtown Design Guidelines each serve a purpose with the underlying single goal of ensuring that future development enhances the quality of life for the Mount Vernon community.

Based on the analyses and discussions above it is anticipated that the cumulative impacts of implementation of the SMP will result in an improved shoreline environment, both from the standpoint of providing greater public access and enjoyment, and achieving the goal of no net loss of ecological functions.

Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee - Mitzell

When this document is finalized this document will be incorporated here – while in its draft form this document is separate.

Technical Memorandum
April 30, 2021

To: Rebecca Lowell & Chris Phillips
Development Services
City of Mount Vernon

From: Lyndon C. Lee, Ph.D., PWS
L.C. Lee & Associates, Inc.

CC: LCLA/cf

Ref. Mr. Dan Mitzel – Swan View Plat – Shorelines

I. Introduction

This Technical Memorandum has been developed to clarify the logic I used to determine that three Category IV depressional wetlands (A, B, and D on Figure 1) on Mr. Dan Mitzell's Swan View plat in the City of Mount Vernon (City) are "Associated" with the Shoreline Areas of the Skagit River and Lindgren Creek. The Mitzell Property Skagit County Assessor parcel number is P24350. The general configuration of the property is shown in Figure 1. Latitude/longitude coordinates for the approximate centroid of the property are 48.45295 N/-122.305011 W.

To summarize, my recommendation that the wetland A, B, and D ecosystems are "Associated" is founded on the fact that their structure and functioning in the landscape are influenced by their immediate proximity and physical and functional connections to the Skagit River and Lindgren Creek floodplains and "Shoreline" ecosystems. These connections include the facts that –

(a) Within the Skagit River/Lindgren Creek landscape-scale habitat mosaic that exists in the vicinity of the Mitzell Property, Wetlands A, B, and D contribute multiple food and cover resources, including travel and dispersal pathways and hiding, resting thermal and escape cover for a range of native faunal species that use all elements of the habitat mosaic.

(b) Wetlands A, B, and D are likely at least seasonally and intermittently connected hydrologically via shallow subsurface water flows and circulation processes that occur between Wetlands A, B, and D and the abutting wetlands C and E and floodplains of the Skagit River and its perennial tributary, Lindgren Creek. They are part of a seasonally expanding and contracting network of hydrologically active (or variable) source areas that contribute water flows to the Skagit River/Lindgren Creek floodplain system. The rate at which these water flows travel and the volume of flows that move downgradient from Wetlands A, B, and D to the Skagit River/Lindgren floodplains are governed in part by antecedent wetness conditions in the Skagit River/Lindgren Creek floodplains.

II. Physical Setting – Overview

The Mitzell Property is located near the western edge of a late Pleistocene/early Holocene Skagit River terrace feature that exists on the eastern (river left) side of the current active Skagit River channel (Figure 2). The modal soil mapped by the Natural Resources Conservation Service (NRCS) in the vicinity of wetlands A, B, and D is the Tokul gravelly medial loam (Tokul soils) (Figure 3). Within the boundaries of wetlands A, B, and D depressions, hydric soil inclusions in the NRCS mapped Tokul soils unit are present. This is typical at scale within NRCS mapped soil units. Table 1 lists characteristics of the Tokul soils unit. These soils are moderately well drained. They developed in volcanic ash mixed with loess over recessional glacial till layers. As is typical throughout the Puget Sound lowlands, Tokul soils and recessional till layers like it are incompletely draped over the Skagit River terrace feature shown in Figure 2. They overlay highly compacted and relatively impermeable advance glacial till layers that occur at depth in the soil profile (33-62 inches – Table 1).

The dominant slope gradient on the Mitzell Property is to the west and towards the steeper portions of the old Skagit River terrace hillslope (Figures 1and 2). The seasonal surface and shallow subsurface water storage and exchange processes that occur in depressional wetlands A, B, and C interact with surrounding Tokul soils, especially during winter wet seasons. Combined with the locally steep westerly hillslope gradient, this means that subsurface water from wetlands A, B, and D can and most likely does exfiltrate to the west and downhill past (or through) wetlands C and E (Figure 1) and then further west to the Skagit River/Lindgren Creek floodplains.

Along the entire western boundary of the Mitzell Property, the Lindgren Creek ecosystem is inset and flows within the mapped Federal Emergency Management Agency (FEMA) floodplain of the Skagit River (Figure 4). The flow direction of Lindgren Creek is generally south and west along the toe slope of the old Skagit River terrace (Figure 2 – Blue Arrow). Along the reach where the Mitzell Property abuts it, Lindgren Creek is a perennial, fish bearing stream that has direct surface and subsurface water connections to the Skagit River. As such, it is a tributary to the Skagit River. Along this same Mitzell Property reach, the Lindgren Creek ecosystem includes relatively narrow and continuous bands of riparian wetlands that directly abut the main Lindgren Creek channel and which occur at and slightly above its Ordinary High Water Mark (OHWM) and salong the toeslope of the old Skagit River Terrace.

Especially during winter wet seasons when the wetland depressions A, B, and D are full of water and when the soil water storage capacity in the surrounding Tokul soils is saturated or nearly so, water from wetlands A, B, and D will combine with precipitation that infiltrates the surface of the Tokul soils on the Mitzell Property. If antecedant wetness and storm event timing and magnitude allow, these combined shallow subsurface flows will move downward (near vertically) on gravity in the Tokul soil profile until they contact the cemented and relatively impermeable advance till layers at approximately 33 – 62 inches in depth. Not being able to move further downward (vertically), this subsurface water then will move west and down the hillslope gradient, in the Tokul soils and along the contact of the advance and recessional till layers. Especially when antecedent moisture conditions are at or nearly saturated (e.g. winter wet seasons, during long duration or back to back storms) shallow subsurface flows from the Mitzell Property, including wetlands A, B, and D will eventually connect with the Skagit River and Lindgren Creek floodplains along the colluvial toeslope seep/wetland features that occur in the

transition areas from the old Skagit River terrace to the active floodplains of the Skagit River/Lindgren Creek ecosystem. This toeslope seepage of shallow subsurface water from upslope waters/wetlands and contributing areas is a natural process that occurs throughout the Skagit River Valley and throughout the Puget Sound Lowlands. It is evidenced locally by toeslope seep wetlands that do occur on the river left toeslope and bank features that occur in the Lindgren Creek system from the vicinity of the Mitzell property south towards the so-called "Hoag" wetlands that occur just upstream of the junction of Lindgren Creek with the main channel of the Skagit River.

III. Opinions

A. Overview

The January 15, 2021 Email from Rebecca Lowell (City of Mount Vernon) to Lauren Bromley (Washington State Department of Ecology) includes the following section:

> "I've spoken with our City Biologist (Dr. Lyndon Lee) about the criteria you outlined for us in your email below and Dr. Lee confirmed for us that:
>
> 1. The eastern three wetlands not located in the floodplain do not influence the Skagit River.
>
> 2. The eastern three wetlands not located in the floodplain are influenced by the Skagit River.
>
> 3. The eastern three wetlands not located in the floodplain would have subsurface hydraulic connection(s) to the abutting floodplain and the Skagit River."

In developing the three opinions listed immediately above, I used standard definitions and criteria listed in WAC 173-22 Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State (Table 2).

B. Opinion 1

Mitzell Property wetlands A, B, and D (Figure 1) are not located in the Skagit River floodplain. They are located due east if it on an old Skagit River terrace feature. Because of their relatively small size and landscape position, they do not significantly influence the hydrologic, biogeochemical, or plant community structure and functioning of the Skagit River ecosystem. However, given their landscape position that is immediately proximate to the Skagit River and Lindgren Creek ecosystems, they are important as components of relatively intact mosaic of wetland and floodplain habitat patches and food and cover resources in the vicinity of the Mitzell Property. Several classes of faunal species depend upon these types of wetland and floodplain landscape mosaics to complete critical portions of their life cycles such as growth and reproduction.

C. Opinion 2

Mitzell Property wetlands are not located in the Skagit River floodplain but their faunal support/habitat functions at site-specific and landscape scales are connected to and significantly influenced by the structure and functioning of the Skagit River and Lindgren Creek ecosystems, the eastern (river left) boundaries of which are located immediately west of the Mitzell Property.

Specifically, on the Mitzell property, it is my opinion that wetlands A, B, and D are captured within Shoreline jurisdiction because they are "Associated wetlands." This means that they are–

> "…in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act." (Table 2. Showing WAC 173-22 definitions and criteria)

In laying out Shoreland Area Designation Criteria, the Table 2 WAC also states -

> "The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:
>
> (c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes *but is not limited to* one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity" (emphasis added)

For the sake of clarity, the Washington State term "Associated" and the criteria used to determine whether a wetland is "associated" (as cited immediately above) are different from current U.S. Federal definitions of "Adjacent." In the current U.S. Federal regulations [PART 120—DEFINITION OF WATERS OF THE UNITED STATES, Sec. 120.1 Purpose and scope, 120.2 Definitions. Authority: 33 U.S.C. 1251 *et seq.*] an adjacent wetland is defined as follows:

> "(i) *Adjacent wetlands.* The term *adjacent wetlands* means wetlands that:
>
> (A) Abut, meaning to touch at least at one point or side of, a water identified in paragraph (1)(i), (ii), or (iii) of this definition;
>
> (B) Are inundated by flooding from a water identified in paragraph (1)(i), (ii), or (iii) of this definition in a typical year;
>
> (C) Are physically separated from a water identified in paragraph (1)(i), (ii),or (iii) of this definition only by a natural berm, bank, dune, or similar natural feature; or
>
> (D) Are physically separated from a water identified in paragraph (1)(i), (ii), or (iii) of this definition only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and the water identified in paragraph (1)(i), (ii), or (iii) of this definition in a typical year, such as through a culvert, flood or tide gate, pump, or similar artificial feature. An adjacent wetland is jurisdictional in its entirety when a road or similar artificial structure divides the wetland, as long as the structure allows for a direct hydrologic surface connection through or over that structure in a typical year."

The major "stream" and Shoreland Area in question here is the Skagit River. It is the dominant geomorphic feature that drives landscape-scale ecosystem structure and functioning in the vicinity of the Mitzell Property. While the main channel of the Skagit River is approximately 3,350 ft west of the Mitzell Property, the mapped Federal Emergency Management Agency (FEMA) floodplain ("Zone A1") boundary abuts the western boundary of the Mitzell Property (Figure 4). The Zone A1 designation means that FEMA has determined that the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.[1]

Given the immediate proximity of wetlands A, B, and D to the Skagit River and Lindgren Creek ecosystems, it is my opinion that there are no doubt important movement and dispersal pathways and habitat connections that are used by several classes of faunal species that either seasonally migrate to or reside wholly within wetlands A, B, and D and other waters/wetland elements of the Skagit River/Lindgren Creek landscape. The fact is that resident and migratory native faunal species rely upon the size and connectivity of intact habitat patches and intact landscape connections among the Skagit River ecosystem and its associated tributary streams and wetlands to complete important parts of their life cycles such as reproduction and growth. Examples of species that would use the transitions from the Mitzell Property wetlands to the Skagit River and Lindgren Creek floodplain include (a) resident and migratory waterfowl, (b) resident and migratory birds including raptors such as eagles, owls and hawks, (c) semi-aquatic vertebrates such as frogs and salamanders, and (d) mid-sized mammals such as racoons, coyotes and bobcats who would use and depend upon food and cover resources in the Mitzell – Skagit River/Lindgren Creek floodplain transitional areas.

C. Opinion 3

Given the geomorphologic and physical conditions at the Mitzell Property summarized in Section II in this Technical Memorandum, it is my opinion that the eastern three wetlands (A, B, and D) that are not located in the Skagit River floodplain would most likely have at least seasonal, intermittently flowing subsurface hydraulic connection(s) to the abutting floodplains of the Skagit River and Lindgren Creek. This would be especially true when antecedent wetness conditions in the soils that dominate the old Skagit River terrace feature are wet due to long duration, intense or back to back winter/wet season storm events. These types of landscape-scale hydrologic connections are important in maintaining the suite of hydrologic, biogeochemical, plant community, and faunal support/habitat functions that are performed by the Skagit River and Lindgren Creek ecosystems and their associated wetlands.

[1] The Skagit River reach in the vicinity of the Mitzell Property is also designated as (a) a Traditional Navigable Water (TNW) of the U.S. by the Seattle District of the U.S. Army Corps of Engineers, and (b) critical habitat for Puget Sound Chinook Salmon (*Oncorynchus tshawytscha*), which is listed as threatened in the Skagit River.

Figure 1. Swan View Site in the City of Mount Vernon

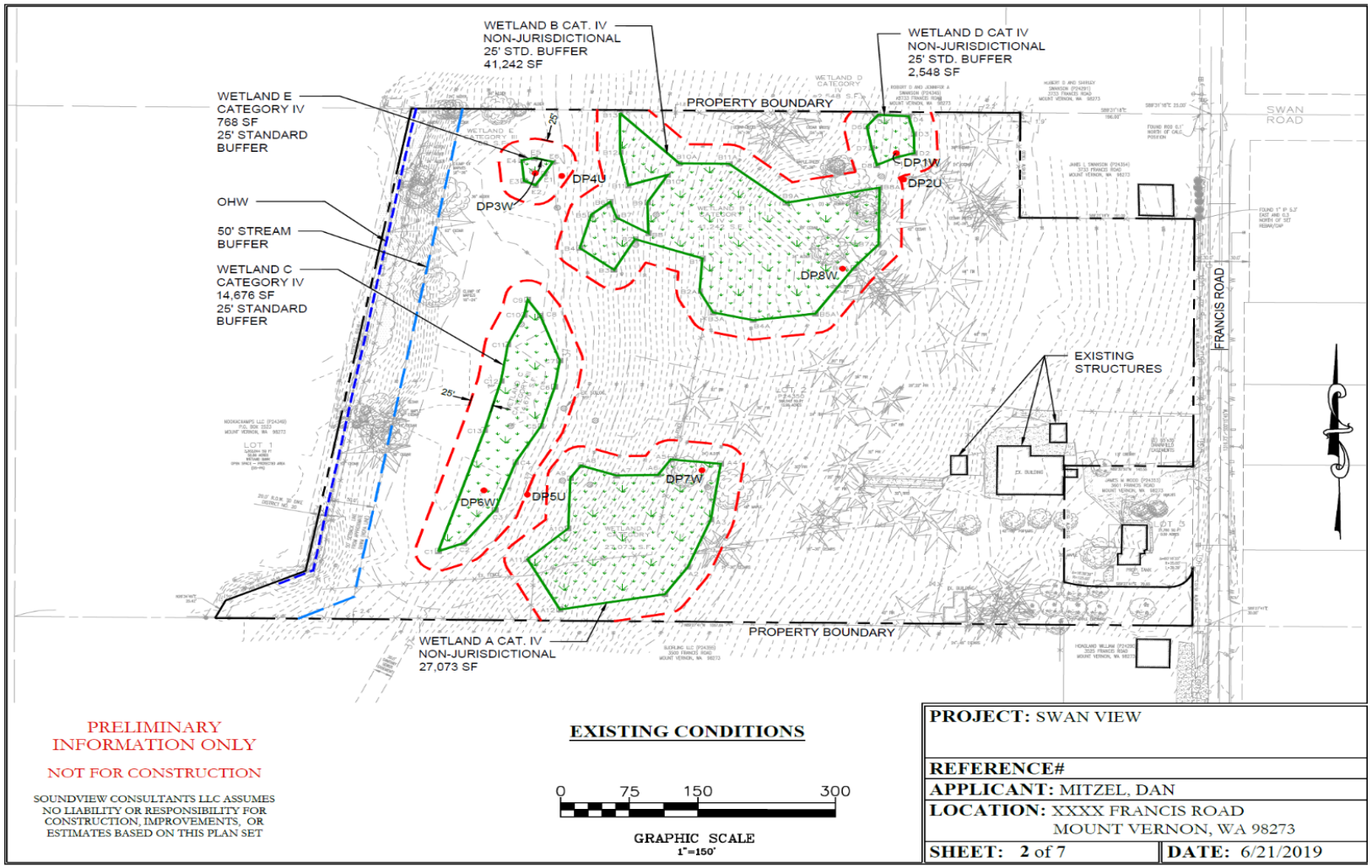


Figure 2. Light Detection and Ranging (LiDAR) Image and Topography in the Vicinity of the Mitzel Property.

Note: The Blue Arrows shows the location of the Skagit River late Pleistocene/Early Holocene River Terrace Feature on the Western Boundary of the Mitzel Property, and the approximate location of the Lindgren Creek channel.

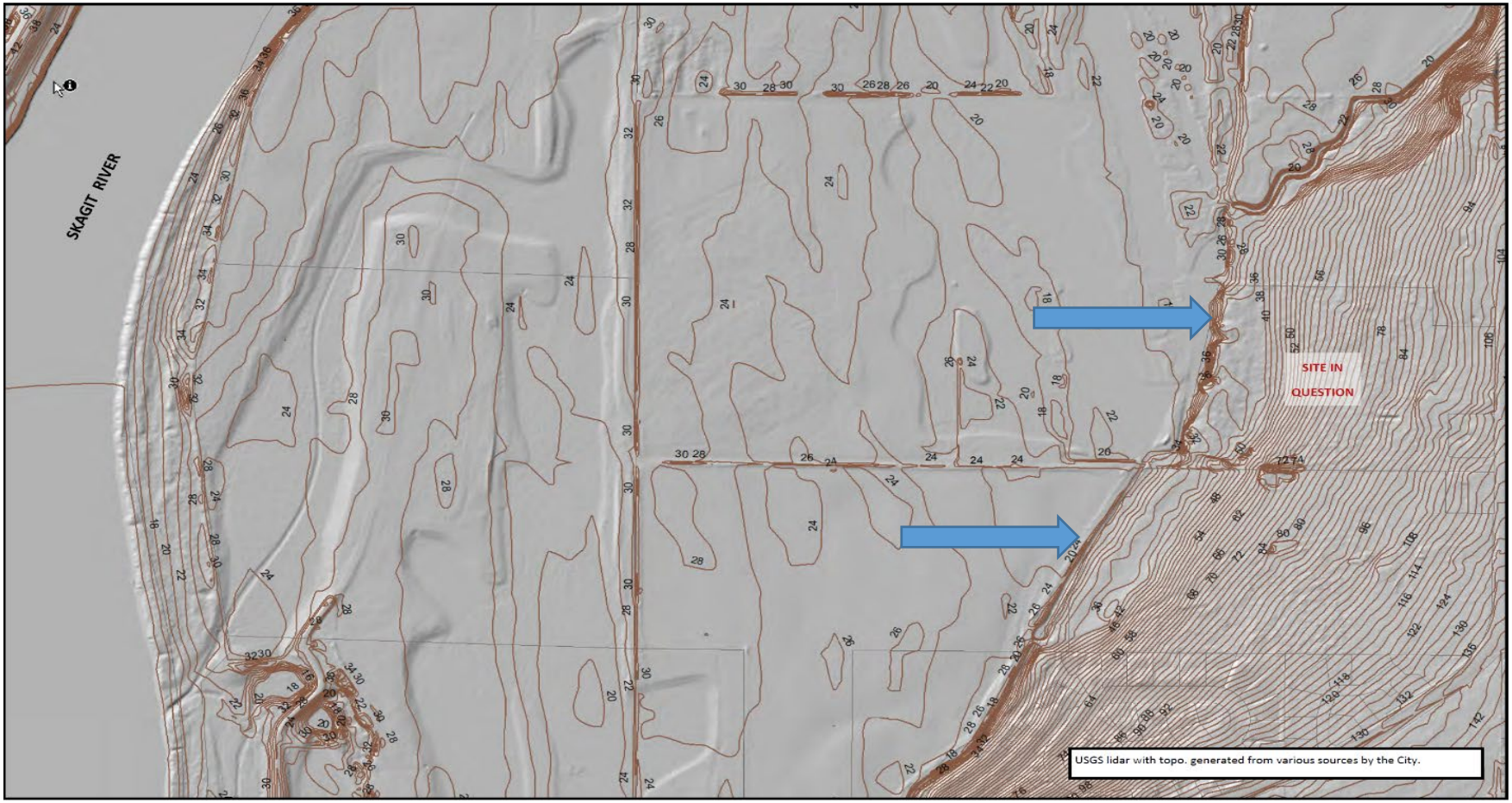


Figure 3. Natural Resources Conservation Service Soils Map of the Mitzel Property.

Note: Blue arrow indicates the NRCS mapping of the main channel of Lindgren Creek.

Skagit County Area, Washington (WA657)

Skagit County Area, Washington (WA657)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
123	Skagit silt loam	9.0	30.4%
147	Tokul gravelly medial loam, 8 to 15 percent slopes	20.6	69.6%
Totals for Area of Interest		**29.6**	**100.0%**

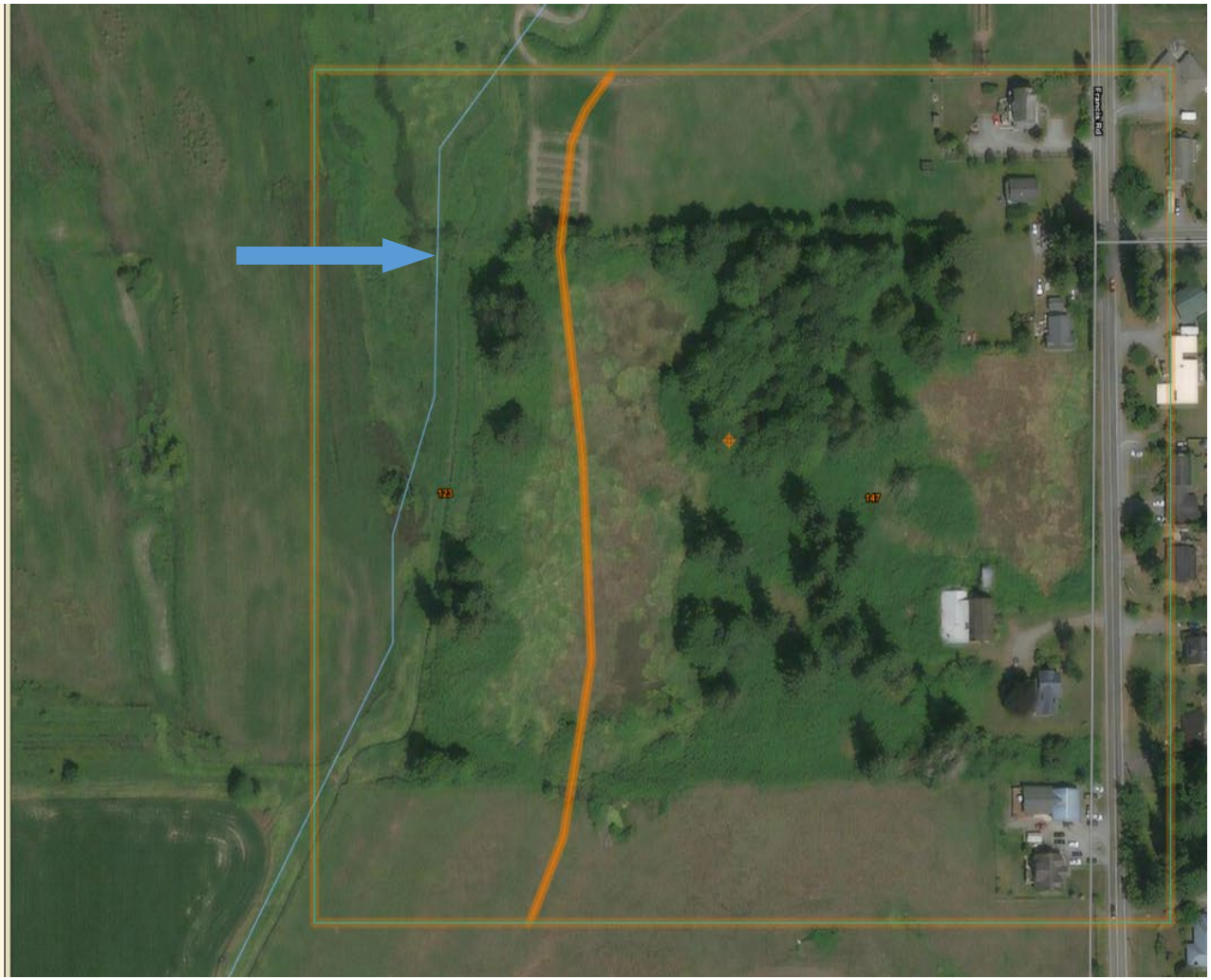
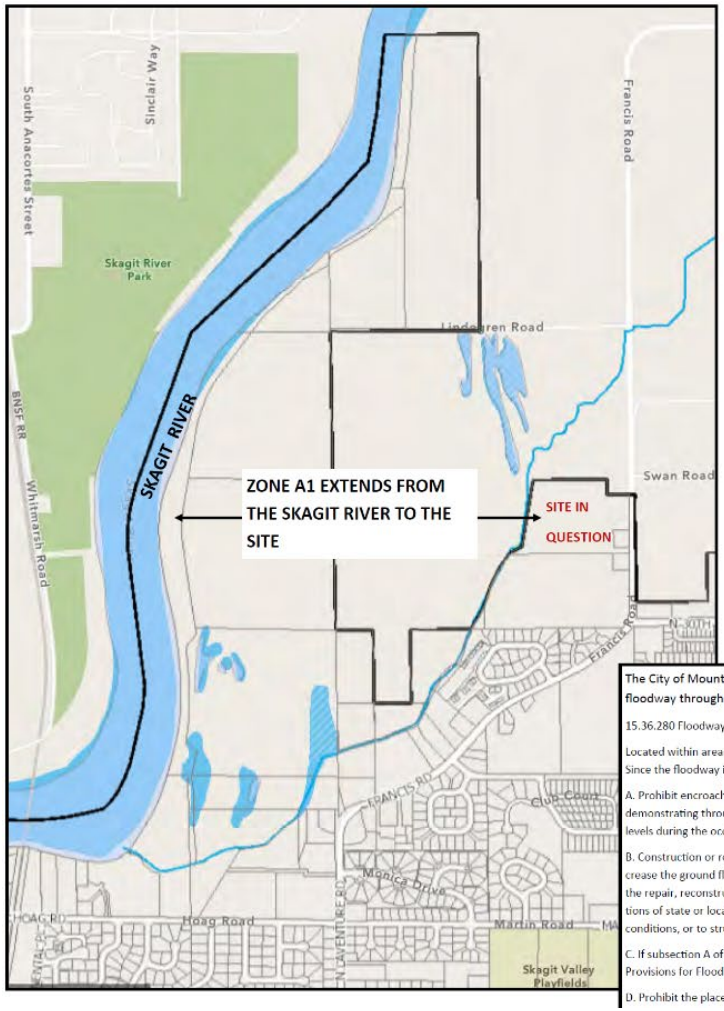
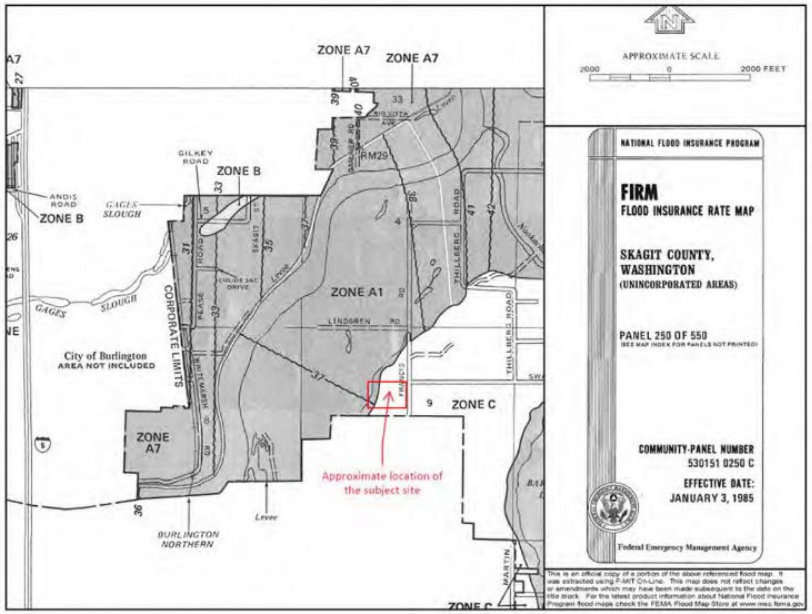


Figure 4. Federal Emergency Management Agency Mapping in the Vicinity of the Mitzell Property





The City of Mount Vernon does not have a FEMA designated flood way similar to most other jurisdictions. Because of this the City was required to designated Zone A1 as a floodway through our municipal code as follows:

15.36.280 Floodway use restrictions.

Located within areas of special flood hazard established in MVMC 15.36.050 are areas designated as floodways. Zone AI, the main stream of the Skagit River, is to be treated as a floodway. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (a) before the repair, reconstruction, or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, shall not be included in the 50 percent figure;

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood-hazard reduction provisions of Article V of this chapter, Provisions for Flood Hazard Protection;

D. Prohibit the placement of any mobile homes except in an existing mobile home park or existing mobile home subdivision.

Table 1. Map Unit Description of the Tokul gravelly medial loam

Map Unit Description: Tokul gravelly medial loam, 8 to 15 percent slopes---Skagit County Area, Washington

Skagit County Area, Washington

147—Tokul gravelly medial loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2t61l
Elevation: 160 to 1,150 feet
Mean annual precipitation: 45 to 70 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 140 to 200 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Tokul and similar soils: 70 percent
Minor components: 30 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Tokul

Setting

Landform: Hillslopes, till plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Side slope, tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Volcanic ash mixed with loess over glacial till

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material
Oa - 1 to 2 inches: highly decomposed plant material
A - 2 to 6 inches: gravelly medial loam
Bs1 - 6 to 9 inches: gravelly medial loam
Bs2 - 9 to 17 inches: gravelly medial loam
Bs3 - 17 to 24 inches: gravelly medial loam
BC - 24 to 33 inches: gravelly medial fine sandy loam
2Bsm - 33 to 62 inches: cemented material

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 20 to 39 inches to cemented horizon; 20 to 39 inches to densic material
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Moderate (about 8.7 inches)

Table 2. WAC 173-22 ADOPTION OF DESIGNATIONS OF SHORELANDS AND WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE

WAC 173-22-030

Definitions.
As used herein, the following words have the following meanings:

(7) "Shorelands" or "shoreland areas" means 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 flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas 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. Any county or city may determine that portion of a one hundred-year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(1) "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act;

(6) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

WAC 173-22-040
Shoreland area designation criteria.
The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:
(1) Tidal waters. The shoreland area shall include:
(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and
(b) Those wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;
(2) Lakes. The shoreland area shall include:
(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and
(b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity;
(3) Streams. The shoreland area shall include the greater of:
(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;
(b) Those flood plains which extend landward two hundred feet as measured on a horizontal plane from the floodway: Provided, that local government may, at its discretion, include all or a larger portion of the one hundred-year flood plain within the associated shorelands. Designation of this shoreland area shall be in accordance with chapter 173-26 WAC, the state master program. If the applicable master program does not designate the shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;
(c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity; and
(d) Those lands within a river delta flood plain except for 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.

Dr. Lyndon Lee's CV

When this document is finalized this document will be incorporated here – while in its draft form this document is separate.

Lyndon C. Lee, Ph.D., PWS
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Bellingham, Washington 98225
Phone: 206.979.5633
Email: lyndon@lcleeinc.com
Website: www.lcleeinc.com
(ver. March, 2021)

I. EDUCATION

Ph.D. (April 1983) - College of Forest Resources, University of Washington, Seattle, Washington. *Majors*: Ecosystem Ecology, Wetland & River Science. Attended from 1980 - 1983.

M.Sc. (March, 1979) - School of Forestry, University of Montana, Missoula, Montana. *Majors*: Forest Ecology, Silviculture. Attended from 1975 - 1977.

B.S. (December, 1974) - School of Forestry, University of Montana, Missoula, Montana. *Majors*: Forest Ecology, Silviculture.

Tufts University, Medford, Massachusetts. *Major*: Ecology. Attended from 1969 - 1971.

II. SUMMARY OF PROFESSIONAL EMPLOYMENT

A. Applied Science & Management

President and Principle Ecologist, L.C. Lee & Associates, Inc. and Director, National Wetland Science Training Cooperative. Independent private consultant specializing in wetland and river science, ecosystem restoration, regulatory assistance, and training. L.C. Lee & Associates, Inc. (LCLA) is a nationally based environmental consulting firm with offices in Bellingham, Washington. Lee's emphasis within the company is on applied science including (a) design and construction of waters/wetlands and forested ecosystem restorations, (b) assessment of impacts to waters/wetlands, (c) management of the movement and fate of contaminants in waters/wetland ecosystems, and (d) training of environmental professionals. Since 1990, Lee has often served the U.S.federal government as a national waters/wetlands regulatory expert. In this capacity, Lee has functioned as a national technical team member and leader on several complicated and/or controversial technology development, restoration and/or Clean Water Act enforcement projects throughout the U.S. and abroad. Lee's emphasis is always on the application of best available science to federal, state and local regulatory programs that focus on protection and restoration of aquatic ecosystems. (January, 1990 – Present)

Principal Ecologist & Vice President, Ecosystem Science & Restoration Services, WSP Environment & Energy, Seattle, Washington and London, U.K. (February 2007 – August, 2009)

Principal Ecologist & Vice President, Ecosystem Science & Restoration Services, BBL/ Arcadis, Seattle, Washington (June 2004 – January 2006)

Senior Wetlands Ecologist, Office of Wetlands Protection, U.S. Environmental Protection Agency, Washington, DC & ***Assistant Research Ecologist***, Savannah River Ecology Laboratory, Institute of Ecology, University of Georgia. This appointment was a 3-year Cooperative Agreement between the University of Georgia's Savannah River Ecology Laboratory and the EPA Headquarters Office of Wetlands Protection. Dr. Lee functioned as the Senior Wetland Scientist responsible for (a) National Technical Oversight and Assistance of EPA Regional Wetlands Protection Programs, (b) National Training Programs In Wetland and Ecosystem Sciences and the U.S. Clean Water Act, (c) National Office Of Wetlands Protection Liaison to the Superfund and RCRA programs, and (d) Headquarters EPA - University Research Liaison (May 1986 - February 1989).

Research Manager and Assistant Research Ecologist, Division of Wetlands Ecology, Savannah River Ecology Laboratory (SREL), Institute of Ecology, University of Georgia, Aiken, South Carolina. Dr. Lee served as the supervisor of 11 PhD staff, 20 technicians and the $3,500,000/ year Wetlands Research Program based at the U.S. Department of Energy Savannah River Nuclear Facility and National Environmental Research Park. Program focus was on (a) assessment and monitoring of the effects of weapons grade radionuclide production on waters/ wetland ecosystems, (b) management of the fate, transport and removal of radionuclide, heavy metal, and complex organic contaminants in waters/wetlands, and (c) restoration of waters/ wetland ecosystems degraded by thermal effluents and radionuclide and heavy metal contamination (Dr. R. R. Sharitz, Supervisor) (June 1984 - June 1986).

Research Associate, College of Forest Resources, University of Washington, Seattle, WA. Lee completed doctoral research on wetland and river ecosystems throughout the Pacific Northwest, including Alaska. Study design and direction, grant and contract development and management, employee and field-crew supervision, laboratory and data analyses, dissertation preparation, delivery, and publication of peer reviewed articles (Drs. C. C. Grier and T. M. Hinckley, Co-Chairmen) (January 1980 - June 1983).

Principal Habitat Ecologist, Interagency Grizzly Team, Border Grizzly Project. This job was with the Montana Forest and Conservation Experiment Station and Cooperative Wildlife Studies Unit, University of Montana, Missoula, Montana. Lee developed, conducted and supervised research on the definition, description, classification, protection and restoration of grizzly bear and grey wolf habitats throughout the northern Rocky Mountains, SE British Columbia, and northern Mexico. Responsibilities included research project design, planning, and direction, grant proposal preparation & funding, employee, student and field crew supervision in very remote areas, laboratory and data analyses, report development and publication, wildlife habitat impact assessment, and mitigation consultation (Drs. C. J. Jonkel and R. Ream, Directors) (January 1978 - January 1980).

Research Assistant, School of Forestry, University of Montana, Missoula, Montana. Completed Master's study on riparian/wetland ecosystems in mid-montane and high elevation habitats throughout western Montana (December 1975 - June 1977).

Forestry Technician, U.S. Forest Service, Intermountain Forest and Range Experiment Station, Missoula, Montana. Wind River Range, near Dubois, Wyoming and Coram Experimental Forest, Hungry Horse, Montana. Lee worked as a project scientist and forester documenting (a) management approaches for chipped slash in high elevation *Pinus contorta* forests, (b) field testing a habitat type classification for the Wind River Range, and (c) measuring surface and shallow subsurface runoff from clearcut *Larix occidentalis* forests (June - November 1975).

Project Technician, Silvicultural Harvest Practices Demonstration Area, Lubrecht Experimental Forest, School of Forestry, University of Montana, Missoula, Montana. Lee worked as the project technician, setting up demonstrations of silvicultural systems for mid-montane forests in the Garnet Range, Montana (June - September 1973).

Research Technician, Lubrecht Ecosystems Project, School of Forestry, University of Montana, Missoula, Montana. Lee worked as a survey crew member (June - September 1972).

B. Academic

Assistant Research Ecologist, Division of Wetlands/Ecology, Savannah River Ecology Laboratory, Institute of Ecology, University of Georgia, Aiken, South Carolina. Created and administered a Cooperative Agreement with the Office of Wetlands Protection, US Environmental Protection Agency (EPA), Washington, DC to serve as the Senior Scientist in the EPA Headquarters Office of Wetlands Protection. Lee also provided national EPA Programs with training and regional technical assistance. During the course of this appointment, Lee served on two doctoral and two master's committees. He also supervised one AAAS Science and Engineering Fellow, one EPA Senior Fellow, and three interns (May 1986 - February 1989).

Adjunct Assistant Professor, Department of Biology, George Mason University, Fairfax, Virginia (March 1987 - December 1990).

Adjunct Assistant Professor, Department of Biology, University of South Carolina, Columbia, South Carolina (December 1987 - February 1989).

Assistant Research Ecologist, Institute of Ecology, Savannah River Ecology Laboratory, University of Georgia. Postdoctoral (2), graduate (2) and undergraduate (1) student supervision in wetlands and ecosystems ecology at the Savannah River Ecology Laboratory, Aiken, South Carolina (June 1984 - May 1986).

Teaching Assistant, College of Forest Resources, University of Washington, Seattle, Washington (Silviculture, Plant Physiology) (January 1980 - January 1982).

Principal Instructor, Forest Habitat Classification & Silvicultural Management Short Course Series, MacMillan Bloedel Ltd., Woodlands Services, Nanaimo, British Columbia, Canada. Developed and delivered training for MacMillan Bloedel technical and field staff on forest site classification and "best silvicultural management practices" throughout Vancouver Island and the south coast of British Columbia, Canada (June - September 1981).

Teaching Assistant, Montana Forest and Conservation Experiment Station & U.S. Forest Service. Restructured the Montana Forest Habitat Type course curriculum, and authored *A Training Manual for Montana Forest Habitat Types* (January 1976 - June 1978).

Teaching Assistant, School of Forestry, University of Montana, Missoula, Montana (Forest Ecology, Silviculture, Soil Chemistry, Dendrology, Forest Ecosystem Ecology and Classification) (January 1975 – June 1977).

Instructor, Montana Forest Habitat Type Short Courses. Conducted and administered cooperative continuing education in forest habitat type classification and timber management for forest and range specialists from federal and state agencies, universities, corporations and small private entities from throughout the Rocky Mountains (Month of June, 1975 – 1979).

III. SELECTED PROJECT EXPERIENCE

A. Completed Ecosystem Restoration Projects

Presidio Trust/National Park Service, San Francisco California. Planned and designed the restoration of Dragonfly Creek, a perennial creek tributary to San Francisco Bay within the San Francisco Presidio, Golden Gate National Recreation Area (2004 – 2005).

Stanford University, Palo Alto, California. Planned, designed, permitted, and constructed a series of waters/wetlands in the Stanford Academic Reserve that served as breeding/metamorph aquatic habitat for the California Tiger Salamander (*Ambystoma californiense*) (2003 – 2005).

U.S. Department of Justice, Washington, D.C. Borden Ranch, Galt, California. Developed plans/recommendations for mitigation of non-compliance activities in agricultural waters/ wetlands (2001).

Natural Resources Conservation Service and Headwaters Ranch Cooperative, Quilcene, Washington, Andrews Creek Restoration (2000 – Present).

University of Washington-Bothell/ Cascadia Community College Co-located Campus,

Bothell, Washington. Environmental assessment, planning, permitting, mitigation design, construction supervision, native plant nursery development and operation, and monitoring of the 58- acre stream ecosystem restoration in North Creek (1994 to 2004).

City of Pacifica, California

San Pedro Creek Restoration. Flood Control/ Steelhead and California red-legged frog habitat restoration) (1990 – 2004). *Calera Creek Restoration*: Pacifica Wastewater Treatment Plant. Environmental planning, permitting, grant procurement, mitigation design, endangered species issues, stream design, stream native plant propagation, construction supervision, and compliance monitoring of a 18- acre riparian waters/wetlands restoration on California's north-central coast (1989-2004).

Milagra Creek Restoration: Flood control (1996 - 1997) *Upper Calera Creek*: Riverine restoration in association with new police station (2000 – 2004). *Capistrano Bridge*: Rebuilt fish passage / riparian restoration (2001 – 2004).

Boeing Company, Seattle, Washington. Longacres Park Waters/Wetlands and Aquatic Gardens (1990-1995).

City of New York, New York. Restoration Advisor/Peer Review for waters/wetlands restoration projects (1993).

City of Portland, Oregon: Ramsey Lake Storm Water Treatment Wetlands at the Willamette Columbia River confluence (1995-1998).

Washington State Department of Corrections, Monroe, Washington. Restoration of forested slope wetlands (1999 – 2002).

Washington State Department of Corrections, Olympia and Aberdeen, Washington. Restoration of a tidally influenced reach of Newskah Creek, a tributary to Gray's Harbor, Washington (1998 – 2004).

Robert Cole Property. Tidal marsh restoration in Puget Sound, Anderson Island, Washington (1996 – 2002).

Shell Oil Company, Anacortes Refinery Clean Fuels Project, Anacortes, Washington. Permitted, designed mitigation, supervised construction, and monitored 16-acre restoration site adjacent to Padilla Bay National Estuarine Research Reserve (1993-2001).

Shell Oil Company/ Tesoro, March Point Refinery, Anacortes, Washington. Slope and riparian waters/wetland restoration in a tributary to the Padilla Bay National Estuarine Reserve (1992 – 2001).
International Paper, Ticonderoga, New York. Main Wastewater Pipeline Replacement Project. Emergency response, environmental assessment, planning, permitting, mitigation design, restoration construction, monitoring of a 63-acre waters/wetland ecosystem adjacent to Lake Champlain (1992 -2000).

Shell Oil Company, Sewaren, New Jersey. Tidal marsh restoration in a tributary to the Arthur Kill/New York Harbor (1990-1992).

Boeing Company, Seattle Washington Customer Services Training Center. Master planning, land acquisition, design, permitting, and construction of the Longacres Corporate Park waters/wetlands, Boeing Customer Service Training Center (1990-1995).

National Arboretum, Washington, D.C. Restoration Advisor/Peer Review National Aquatic Gardens, Anacostia River Restoration (1989-1991).

U.S. Department of Energy/University of Georgia, Savannah River Plant, Aiken, South Carolina. Designed and constructed the 93 acre "L–Reactor" cooling lake and associated waters/ wetlands (1984-1989).

Shurgard Storage, Seattle, Washington. Richards Creek Restoration. Resolve non-compliance issues in a salmon-bearing tributary to Lake Washington (1983-1986).

Bonhoeffer Botanical Gardens - Stanwood, Washington. Resolve noncompliance issues relating to clearing and earthwork in forested wetlands - develop a botanical gardens and learning center. (2010 - 2012)

Hoag Restoration, Mount Vernon, Washington. Restore a series of depressional wetlands on the floodplain of the Skagit River, City of Mount Vernon, Washington (2011 - Present)

Big Wave Project, Half Moon Bay, California. Environmental assessment, planning, permitting, waters/wetlands design to date; design and develop native plant nursery, permit and construction 7-acre landscape restoration pending (2008 – Present).

Chevron EMC, San Luis Obispo, California. San Luis Obispo Tank Farm Remediation and Landscape Restoration, San Luis Obispo, CA. Environmental assessment, planning, permitting, landscape mitigation design to date; design and develop native plant nursery, permit and construction 130-acre landscape restoration pending (2008 - 2018).

City of Mount Vernon, Washington. Kulshan, Logan, and Trumpeter Creeks. Restore riverine forested ecosystem structure and functioning to three different salmon bearing urban creeks owned and managed by the City of Mount Vernon Integrate each restoration with the City's existing park and trail networks (2006 – present).

Lobisser Property, Bainbridge Island, Washington. Remediate contamination and restore estuarine ecosystem structure and functioning to a 2.5 acre tidal wetland in Port Madison, (Puget Sound), Washington (2006 – 2010).

Elma Horse Ranch, Elma,Washington. Restore riverine forested ecosystem structure and functioning to a 600 ft (3 acres) reach on an unnamed, salmon-bearing tributary of the Chehalis River (2006 – 2014).

B. Expert Witness Work and Testimony

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, United States v. Electron Hydro. Provide expert services/technical team leadership in the matter of U.S. v Electron Hydro. Sarah Buckley and John Borderick (Attorneys). Analyize impacts and mitigation/restoration opportunities for unauthorized placement of artificial turf in a bypass channel within the Puyallup River. (January, 2021 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, U.S. v. U.S. v. Joan V. Bayley; Philip N. Bayley individually and in his capacity as the Trustee of Frihet Trust and Bid D's Beach Cabin, LLC. Provide expert services/technical team leadership in the matter of U.S. v Bayley et. al. Kent Hanson, Attorney. Determination of the impacts to the Hood Canal as a result of unauthorized construction of a bulkhead below the high tide line. (November, 2020 - Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington and International Border Water Commission, San Diego and El Paso.

Provide expert services/technical team leadership in the matter of Imperial Beach et.al. v. U.S. Andrew Coghlan and Debra Carfora, Attorneys. Determination of the structure, functioning and jurisdictional status of six tributary streams to the Tijuana River Estuary. (August, 2019 - Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington D.C. and U.S. Environmental Protection Agency Region 8 – Denver. Provide expert services/technical team leadership in the matter of U.S. v Paul Bunn and Steven Snyder. Hydraulic dredging and filling of riverine waters/wetlands in the Yaak River, Montana. (June, 2018 - Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Army Corps of Engineers, Sacramento District. Provide expert services/technical team leadership in the matter of U.S. Army Corps of Engineers v. Roger J. LaPant, Jr. *et al.* Ripping for conversion of vernal depression, swale, and tributary stream waters/wetlands in northern California (October, 2016 – Settled, February, 2021).

Expert Witness, Environment and Natural Resources Defense Section U.S. Department of Justice, Washington D.C. and U.S. Army Corps of Engineers, Sacramento District. Provide expert services/technical team leadership in the matter of Duarte v. U.S. Army Corps of Engineers. Ripping and conversion of vernal depression, swale, and tributary stream waters/ wetlands in northern California (August, 2014 – Settled - August 2017).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 9 – San Francisco. Provide expert services/technical team leadership in the matter of U.S. v. Greka Oil. This project focuses on documentation and restoration of the impacts of large-scale crude oil discharges to waters of the U.S., including wetlands - (November 2008 – Present)

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 9, San Francisco. Provide expert services/technical team leadership in the matter of U.S. v. Anchordoguy. This project focuses on documentation and restoration of the impacts of earthwork and development in vernal pools and swales and other waters of the U.S., US Environmental Protection Agency Region IX, San Francisco, California. (May, 2012 – 2016 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10, Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Port of Tacoma. This project focuses on documentation and restoration of the impacts of earthwork in wetlands and other waters of the U.S. in Tacoma, Washington. (April, 2011 – December, 2013 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 6 – Dallas. Provide expert services/technical team leadership in the matter of U.S. v. Lipar. This project focuses on documentation and restoration of the impacts of earthwork and development in forested wetlands and other waters of the U.S. (June, 2011 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10 –

Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Rader Farms. This project focuses on documentation and restoration of the impacts of mechanical clearing, earthwork, drainage, and conversion of forested wetlands to blueberry production, Whatcom County, Washington. (November, 2012 – 2015 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10 – Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Klock. This project focuses on documentation and restoration of the impacts of mechanical clearing, earthwork, drainage, and conversion of forested wetlands to agricultural production, Snohomish County, Washington. (November, 2013 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 10 – Seattle. Provide expert services/technical team leadership in the matter of U.S. v. Case. This project focuses on documentation and restoration of the impacts of levee construction in the North Fork Santiam River, Oregon. US Environmental Protection Agency Region X, Seattle, (October, 2105 – Present).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency, Region 10 – Seattle. Provide expert services/technical team leadership to the U.S. Department of Justice in the matter of U.S. v. Alaska Department of Transportation, throughout the Kenai Peninsula, Alaska (Court # A01-378 CV(RRB)). This project focuses on documentation of unauthorized hardening of several river and stream reaches and restoration of hardened reaches using bioengineering, installation of large wood jams, etc. (Outcome: Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and US Environmental Protection Agency Region IV – Atlanta. Provide expert services / technical team leadership in the matter of U.S. v. Cundiff. This case focused on documentation and restoration of the impacts of large-scale mechanized land clearing in bottomland hardwood forested waters/wetlands in Muhlenberg County, Kentucky. U.S. Won in District Court (6th Circuit -480F. Supp. 2d 940 – 945) and in the 6th Circuit Court of Appeals (Nos. 65-5469/5905; 07-5630) (November 2007 - February 2009).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 10 – Seattle. Provide expert services/technical team leadership to the Department of Justice in the matter of U.S. v. Abeldgaard *et al.,* Stariski Creek, Kenai Borough, Alaska (Court #: A01-378 CV(RRB). This project involves documentation of unauthorized filling in and restoration of large slope fen wetlands on the Kenai Peninsula. (Outcome: Pending; 2002 – 2015 - Settled).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 9 – San Francisco. Expert witness and technical team leader for the U.S. Department of Justice in the matter of U.S. v Adams Brothers Farming, Inc. *et al.* (Case No. 10074522). Outcome: Trial bifurcated. U.S. won both jurisdictional and impact issues in 9th Circuit District Court, resulting in restoration orders and civil penalties in excess of $1,000,000 (2000 – 2004).

King County, Washington, **Griffin v. Anderson.** Represented the Griffin family in alleged manipulation of waters/wetlands at a horse farm in rural Washington. Outcome: Arbitrated

settlement and restoration of waters/wetlands ditched and drained for water management (2000 – 2001).

Parviz Mohandessi in Mohandessi v. State of Washington, Department of Ecology and City of Sammamish. Represented Mohandessi family in requiring review of an ordinary high water mark determination on Lake Sammamish, Washington. Outcome: Washington State Coastal Commission ordered revision of State Determination(s) of Ordinary High Water mark on Lake Sammamish, Washington (2001).

Expert Witness, Environment and Natural Resources Defense Section, U.S. Department of Justice, Washington, D.C. and U.S. Environmental Protection Agency Region 9 – San Francisco. Provided expert services and technical team leadership in the matter of Borden Ranch Partnership vs. U.S. Army Corps of Engineers and U.S. Environmental Protection Agency. This landmark case focused on documentation and restoration of the impacts of large-scale deep ripping of waters/wetlands in grazed pastures during conversion of these lands to vineyards. Outcome: Won in U.S. District Court, Won 9th Circuit Court of Appeals, and Won U.S. Supreme Court (1997 – 2000).

Washington State Attorney General. Expert testimony on behalf of Washington State v. 180th Associates, *et al.* Outcome: Settled in favor of Washington State (1993).

Expert Witness, Land and Natural Resources Defense Section, U.S. Department of Justice, **Washington, DC and U.S. Environmental Protection Agency Region 2 – New York.** Served as the U.S. Department of Justice, U.S. Army Corps, and US Environmental Protection Agency wetlands expert and technical team leader in the matter of Russo Development Corporation vs. Reilly (Civil No. 87-3916 (HLS)(D.N.J.). This case focused on filling of tidal "meadowlands" waters/wetlands adjacent to the Hudson River near Newark, N.J. Settled in 1990.

Expert Witness, Land and Natural Resources Division, U.S. Department of Justice, **Washington, DC. And U.S. Environmental Protection Agency Region 3 – Philadelphia.** Served as the U.S. Department of Justice, U.S. Army Corps and U.S. EPA wetlands expert in the matter of U.S. v. F. Wayne McLeskey, Jr. (Civil Action No. 89-54-N). (Jury Trial). This case focused on unauthorized clearing and filling of tidal wetland forests along a tributary to the Chesapeake Bay in Virginia Beach, VA. Outcome: Settled in favor of the U.S. prior to jury deliberation) (1989).

Expert Witness, Land and Natural Resources Division, U.S. Department of Justice, **Washington D.C. and U.S. Environmental Protection Agency Region 4 – Atlanta.** Served as the U.S. Department of Justice wetlands expert in the matter of Bayou Marcus Livestock & Agricultural Co. vs. US Environmental Protection Agency and US Army Corps of Engineers [(No. 88-30275-WEA (N.D. Florida)]. This case focused on mechanized clearing and drainage of bottomland hardwood forests near Pensacola, Fl. Outcome: Won on summary judgment) (1989).

C. Waters/Wetlands Ecosystem Functional Assessment Models, Methodologies, and Guidebook Development Programs and Publications

Lee, L.C., W.L. Nutter, M.C. Rains and S.R. Stewart. 2015 and revised 2018. Guidebook for Assessment of the Functions of Low Order Riverine, Slope, and Depressional Waters/Wetlands Situated on Pliocene and/or Pleistocene Sandstone, Shale, and Gravel Deposits in the North Central Valley, California. Prepared for the Environment and Natural Resources Defense Section, U.S. Department of Justice and the U.S. Army Corps of Engineers, Sacramento District.

Lee, L. C., K. L. Fetherston, A. K. Knox, and P. L. Fiedler. 2008. *Draft Guidebook to Assessment of Riverine, Slope and Depressional Waters/Wetlands in the City of Mount Vernon, Washington.* Prepared for the City of Mount Vernon by WSP Environment & Energy.

WSP Environment & Energy. 2007. *Operational Field Draft Guidebook to Assessment of Riverine, Slope and Depressional Waters/Wetlands Functions at the Chevron Tank Farm, San Luis Obispo, California***.** Consultant's report developed for Padre Associates, Inc. for use by Chevron EMC at San Luis Obispo, California Tank Farm. November 2007. (**L. C. Lee**, principal author).

Entrix, Inc. 2006. *Operational Field Draft Guidebook to Assessment of Estuarine Fringe Waters/ Wetlands Functions at Shell Pond, Pittsburg, California***.** Consultant's report developed for Pacific Gas & Electric Company, San Ramon, California (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 2004. *Guidebook to Hydrogeomorphic Functional Assessment of Riverine Waters/Wetlands in the Santa Margarita Watershed.* Peer Review Draft, (1977). Operational Draft, (2004). In cooperation with U.S. EPA, Region IX, California Coastal Conservancy, California Regional Water Quality Control Board (San Diego). (**L. C. Lee**, principal author).

Lee, L. C., Fiedler, P.L., Stewart, S.R., Curry, R.R., Partridge, D.J., Mason, J.A., Inlander, E.M., Almy, R.B., Aston, D.L., Spencer, M.E. 2001. *Draft Guidebook for Reference Based Assessment of the Functions of Riverine Waters/Wetlands Ecosystems in the South Coast Region of Santa Barbara County, California*. In cooperation with Santa Barbara County Water Agency, Santa Barbara, CA and U.S. EPA Region IX.

Brinson, M. M., R. D. Smith, D. F. Whigham, **L. C. Lee**, R. D. Rheinhart, W. L. Nutter. 1998. Progress in development of the hydrogeomorphic approach for assessing the functioning of wetlands. Pages 383- 406, in A. J. McComb and J. A. Davis, editors, *Wetlands for the Future*. Gleneagles Publishing, Adelaide, Australia.

Lee, L. C., M. L. Butterwick, J. L. Cassin, R. A. Leidy, J. A. Mason, M. C. Rains, L. E. Shaw, E. G. White. 1997. *Draft Guidebook for Assessment of the Functions of Waters of the U.S., Including Wetlands, on the Borden Ranch, Sacramento and San Joaquin Counties, California.* Seattle, Washington. In cooperation with U.S. Department of Justice and U.S. EPA Region IX.

National Wetland Science Training Cooperative. 1997. *Guidebook for the Hydrogeomorphic Assessment of Temporary and Seasonal Prairie Pothole Wetlands.* Operational Draft. In cooperation with Natural Resource Conservation Service Wetlands Institute, Wash. DC. (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 1996. *Draft Guidebook for the Application of HGM Functional Assessments in Precipitation-Driven Wetlands in Interior Alaska*. In cooperation with State of Alaska, Department of Environmental Conservation and U.S. EPA Region X. (**L. C. Lee,** principal author).

National Wetland Science Training Cooperative. 1996. *Draft Regional Guidebook to Functional Assessments in Riverine Wetlands and Slope Wetlands in Southeast Alaska.* In cooperation with the State of Alaska, Department of Environmental Conservation, U.S. EPA Region X, Natural Resources Conservation Service. (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 1996. *Draft Guidebook to Functional Assessments in 3rd and 4thOrder Riverine Waters/Wetlands of the Central California Coast.* In cooperation with

California Coastal Commission, U.S. EPA Region IX and City of Pacifica, California. (**L. C. Lee**, principal author).

National Wetland Science Training Cooperative. 1995. *Draft Guidebook for Functional Assessment of Depressional Wetlands in the Pacific Northwest/Puget Sound Lowlands Region.* (**L. C. Lee**, principal author).

Brinson, M. M., F. R. Hauer, **L. C. Lee**, W. L. Nutter, R. D. Rheinhardt, R. D. Smith and D. Whigham. 1995. *Guidebook for Application of Hydrogeomorphic Assessments to Riverine Wetlands*. Technical Report TR-WRP-DE-11, Waterways Experiment Station, Army Corps of Engineers, Vicksburg, Mississippi. (L. C. Lee, principal author).

National Wetland Science Training Cooperative. 1995. *Draft Guidebook for Functional Assessment of Depressional Wetlands in the Mid-Atlantic Coastal Plain*. Natural Resource Conservation Service, Wetlands Institute. (**L. C. Lee,** principal author).

National Wetland Science Training Cooperative. 1995. *Draft Guidebook for Functional Assessment of Riverine Wetlands in the Inner Coastal Plain of Chesapeake Bay.* Natural Resource Conservation Service, Wetlands Institute. (**L. C. Lee**, principal author).

Brinson, M. M., W. Kruczynski, **L. C. Lee**, W. L. Nutter, R. D. Smith, and D. F. Whigham. 1994. *Developing an approach for assessing the functions of wetlands*. Pages 615-624, in W. J. Mitsch, editor, *Global Wetlands: Old World and New*. Elsevier Science B.V., Amsterdam.

Olsen, E. A. and **L. C. Lee.** 1992. *The use of hydrogeomorphic and vegetation data in differentiating functions among forested wetlands*. Prepared for Riverine Functional Assessment Group and R. Daniel Smith, Wetlands Section, Waterways Experiment Station, U.S. Army Corps Of Engineers, Vicksburg, Mississippi.

IV. HONORARIES, AWARDS, FELLOWSHIPS, PROFESSIONAL ORGANIZATIONS

Honoraries:

Xi Sigma Pi, Forestry Honorary (inducted 1976).
Sigma Xi, National Research Honorary (inducted 1983).

Academic Fellowships:

R.D. Merrill Fellowship, College of Forest Resources, University of Washington, Seattle, Washington (1983).

Graduate School Tuition Scholarship, University of Washington, Seattle, Washington (1983).

Northwest Scientific Association Research Fellowship (1983).

J.H. Bloedel Forestry Research Graduate Scholarship, College of Forest Resources, University of Washington, Seattle, WA (1982).

Professional Organizations:

Society for Ecological Restoration (2006 – 2010)

Society of Wetland Scientists (1984 - Present)

a. Bulletin Editor (1985 - 1991)
b. National Scientific Program Chairman (1987 & 1988)
c. Scientific Program Committee Member (1986, 1987, 1988, 1989, 1990)
d. Awarded lifetime membership (1998)
e. Professional Wetland Scientist Certification (1995): Registration #000385

Association of State Wetland Managers (1984 - 1989)
a. Science Advisory Board (1985 - 1989)
Ecological Society of America (1978 - 2003)
American Association for the Advancement of Science (1978 - 2003)
Northwest Scientific Association (1979 - 1995)
Society of American Foresters (1983 - 1995)

Project Awards:

U.S. Environmental Protection Agency, Region IX. "Outstanding Environmental Achievement, Earth Day 2000". (Calera Creek Restoration) (2000).

Assemblyman Lou Papan, State Senator Jackie Speirer, Congressman Tom Lantos, Congresswoman Anna Eshoo, and State Senator Byron Sher. Commendation from: San Mateo County Board of Supervisors (Calera Creek Restoration) (2000).
California Legislature Assembly Resolution #3110 – Congratulating the City of Pacifica for success of Calera Creek Water Recycling Facility (Calera Creek Restoration) (2000).

Construction Excellence Award (Team Member with Mortenson and Active Construction), University of Washington-Bothell / Cascadia Community College Co-located Campus – North Creek Restoration (1998).

Team of the Year, Project Management Institute, Puget Sound Chapter Project, Boeing Longacres Park (1995).

V. PUBLICATIONS, PRESENTED PAPERS, WORKSHOPS AND SYMPOSIA

A. Refereed Journal Articles

Hardwick, K.A., P. Fiedler, **L.C. Lee**, B. Pavlik, R.J. Hobbs, J. Aronson, M. Bidartondo, E. Black, D. Coates, M.I. Daws, K. Dixon, S. Elliott, K. Ewing, G. Gann, D. Gibbons, J. Gratzfeld, M. Hamilton, D. Hardman, J. Harris, P.M. Holmes, M. Jones, D. Mabberley, A. Mackenzie, C. Magdalena, R. Marrs, W. Milliken, A. Mills, E. nic Lughadha, M. Ramsay, P. Smith, N. Taylor, C. Trivedi, M. Way, O. Whaley and S.D. Hopper. 2011. The Role of Botanic Gardens in the Science and Practice of Ecological Restoration. Conservation Biology 25:265-275

Gosselink, J. G., G. P. Shaffer. **L. C. Lee,** D. M. Burdick, D. L.Childers, N. C. Liebowitz, S. C. Hamilton, R. Boumans, D. Cushman, S. Fields. M. Koch, and J. M. Visser. 1990 . Can we manage cumulative impacts? Landscape conservation in a forested wetland watershed. *Bioscience*, Vol *40, (8); 588 - 600.*

Shaffer, G. P., D. M. Burdick, J. G. Gosselink, and **L. C. Lee**. 1992 A cumulative impact management plan for the Tensas Basin, Louisiana. *Wetlands Ecology and Management, Vol. 1, (4): 199 – 210*

Day, F. P., P. Megonigal, and **L. C, Lee**. 1989. Cypress root decomposition in experimental wetland mesocosms. *Wetlands* 9(2):263-282.

Leitch J. A., T. Golz, and **L. C. Lee.** 1988. Profile of Society of Wetland Scientists Membership, 1986. *Bulletin of the Society of Wetland Scientists* 5:6-8.

Lee, L. C. and J. G. Gosselink. 1988. Cumulative impact assessment in bottomland hardwood forests: linking scientific assessments with regulatory alternatives. *Environmental Management* 12(5):591 - 602.

Cooper, D. J. and **L. C. Lee**. 1987. Rocky Mountain wetlands: ecosystems in transition. National Wetlands Technical Council and the Environmental Law Institute. *National Wetlands Newsletter* 9:2-6.

Wolf, R. B., **L. C. Lee**, and R. R. Sharitz. 1986. Wetland creation and restoration in the United States from 1970 to 1985: an annotated bibliography. *Wetlands* 6:1-88.
Lee, L. C., T. M. Hinckley, and M. L. Scott. 1985. Plant water status relationships among major floodplain sites of the Flathead River, Montana. *Wetlands* 5:15-34.

Scott, M. L., R. R. Sharitz, and **L. C. Lee**. 1985. Disturbance in a cypress-tupelo wetland: an interaction between thermal loading and hydrology. *Wetlands* 5:53-68.

Lee, L. C. and C. J. Jonkel. 1981. Grizzlies and wetlands. *Western Wildlands* 7(4):26-30.

B. Books, Book Chapters & Theses

Mitsch, W. J., P. L. Fiedler, **L. C. Lee** and S. R. Stewart. 2001. Wetlands. *McGraw Hill Encyclopedia of Science and Technology*, 9th Edition. McGraw Hill, New York, NY.

Brinson, M. M., R. D. Smith, D. F. Whigham, **L. C. Lee**, R. D. Rheinhart, and W. L. Nutter. 1998. Progress in development of the hydrogeomorphic approach for assessing the functioning of wetlands. Pages 383-406, in A. J. McComb and J. A. Davis, editors. *Wetlands for the Future.* Gleneagles Publishing, Adelaide, Australia.

Brinson, M. M., W. Kruczynski, **L. C. Lee**, W. L. Nutter, R. D. Smith, and D. F. Whigham. 1994. *Developing an approach for assessing the functions of wetlands*. Pages 615-624 in W.J. Mitsch, editor. *Global Wetlands: Old World and New.* Elsevier Science B.V., Amsterdam.

Gosselink, J. G., **L. C. Lee**, and T.A. Muir, editors. 1990. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan. 708 pp.

Sharitz, R. R. R. L. Schneider, and **L. C. Lee.** 1990. Composition and regeneration of a disturbed floodplain wetland in South Carolina. Pages 195-218, in J. G. Gosselink, L. C. Lee, and T.A. Muir, editors. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan.

Gosselink, J. G., M. M. Brinson, **L. C. Lee**, and G. T. Auble. 1990. Human activities and ecological processes in bottomland hardwood ecosystems: the report of the ecosystem

workgroup. Pages 549-598, in J. G. Gosselink, L. C. Lee, and T.A. Muir, editors. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan.

Gosselink, J. G., **L. C. Lee** and T. A. Muir. 1990. The regulation and management of bottomland hardwood forest wetlands: implications of the EPA-sponsored workshops. Pages 638-671, in J. G. Gosselink, L. C. Lee, and T.A. Muir, editors. *Ecological Processes and Cumulative Impacts - Illustrated by Bottomland Hardwood Wetland Ecosystems.* Lewis Publishers, Chelsea, Michigan.

Gosselink, J. G. and **L. C. Lee.** 1989. Cumulative impact assessment in bottomland hardwood forests. *Wetlands* Volume 9, Special Issue. Society of Wetland Scientists, Wilmington, N.C. 174 pp.

Lee, L. C. 1983. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Ph.D. Dissertation, College of Forest Resources, University of Washington, Seattle, WA. 268 pp.

Lee, L. C. 1979. A study of plant associations in upland riparian habitats in western Montana.. Master's Thesis, School of Forestry, University of Montana, Missoula, MT. 250 pp.

C. Published Reports and Proceedings

Fiedler, P. L., **L. C. Lee** and S. D. Hopper. 2007. Gnammas as rare wetlands in the Southwest Australian Floristic Region. In "Proceedings of the MEDECOS XI 2007 Conference, 2-5, September, Perth, Australia." Eds. D. Rokich, G. Wardell-Johnson, C. Yates, J. Stevens, K. Dixon, R. McLelland, and G. Moss, pp. 85-86. Kings Park and Botanic Garden, Perth, Australia.

Brinson, M. M., F. R. Hauer, **L. C. Lee,** W. L. Nutter, R. D. Rheinhardt, R. D. Smith and D. Whigham. 1995. *Guidebook for Application of Hydrogeomorphic Assessments to Riverine Wetlands*. Technical Report TR-WRP-DE-11, Waterways Experiment Station, U.S. Army Corps of Engineers, Vicksburg, Mississippi.

Lee, L .C. and F. E. Gross. 1989. Restoration, creation, and management of wetland and riparian ecosystems in the American West: a summary and synthesis of the symposium. Pages 201 - 219, K. M. Mutz, D. J. Cooper, M. L. Scott, and L. K. Miller, editors. *Proceedings of the Symposium on Restoration, Creation, and Management of Wetland and Riparian Ecosystems In The American West.* Rocky Mountain Chapter of the Society of Wetland Scientists, Denver, Colorado.

Gosselink, J. G., G. P. Shaffer, **L .C. Lee**, D. M. Burdick, D. L. Childers, N. Taylor, S. C. Hamilton, R. Boumans, D. Cushman, S. Fields, M. Koch, and J. M. Visser. 1989. *Cumulative Impact Assessment and Management in a Forested Wetland Watershed in the Mississippi River Floodplain*. Marine Sciences Department And Coastal Ecology Institute (LSU-CEI-89-02), Center For Wetland Resources, Louisiana State University, Baton Rouge, LA. 131 pp.

Lee, L. C., R. R. Johnson, and T. A. Muir. 1989. Riparian ecosystems as essential habitat for raptors in the American West. Pages 15-26, in B. G. Pendleton, C. E. Ruibal, D. L. Krahe, K. Steenhof, M. N. Kochert, and M. N. LeFranc, editors. 1989. P*roceedings of the Western Raptor Management Symposium and Workshop.* Institute For Wildlife Research, National Wildlife Federation, Scientific and Technical Series No. 12.Washington, D.C. 320 pp. National Wildlife Federation Raptor Management Symposium Series, Washington, D.C.

Lee, L. C. 1989. Mitigation for wetland loss: how much is appropriate? Pages 189-195 in N. A. Robinson, editor. 1989. *Proceedings of a Conference on the Preparation and Review of*

Environmental Impact Statements, November 1987. President's Council On Environmental Quality and the Environmental Law Section of the New York State Bar Association. West Point, New York.

Brinson, M. M. and **L. C. Lee.** 1989. In-kind mitigation for wetland loss: statement of ecological issues and evaluation of examples. Pages 1069 – 1085, R. R. Sharitz and J. W. Gibbons, editors. *Freshwater Wetlands and Wildlife*. Proceedings of a symposium held at Charleston, South Carolina, March 24-27, 1986. U.S. Department Of Energy Office of Health & Environmental Research, Washington, D.C.

Magistro, J. L. and **L. C. Lee**. 1988. Association of Superfund sites with wetlands. Pages 136 – 140, in J. A. Kusler, S. Daly, and G. Brooks, editors. 1988. *Proceedings of the National Wetlands Symposiu*m, Urban Wetlands, Oakland, CA. Association of State Wetland Managers, Berne, New York.

Muir, T. A., **L. C. Lee,** and S. Sarason. 1987. The Environmental Protection Agency's initiative on bottomland hardwood ecosystems: a status report. Pages 27-31, K. M. Mutz and L. C. Lee, editors. 1987. *Wetland and Riparian Ecosystems of the American West*. Proceedings of the eighth annual meeting of the Society of Wetland Scientists. Society of Wetland Scientists - Western Chapter. Denver, Colorado.

Mutz, K. M. and **L. C. Lee**, editors. 1987. *Wetland and Riparian Ecosystems of the American West*. Proceedings of the eighth annual meeting of the Society of Wetland Scientists. Society of Wetland Scientists - Western Chapter. Denver, Colorado. 349 pp.

McCort, W. D., **L. C. Lee,** and G. R. Wein. 1987. Mitigating for large-scale wetland loss: a realistic endeavor? Pages 359-367, in J. A. Kusler, M.L. Quammen, and G. Brooks. 1987. Proceedings of the National Wetland Symposium On Mitigation Of Impacts And Losses, October 8-10, 1986, New Orleans, Louisiana. Association of State Wetland Managers, Berne, New York.

Gosselink, J. G. and **L. C. Lee**. 1987. Cumulative impact assessment principles. Pages 196-203, in J. A. Kusler, M. L. Quammen, and G. Brooks, editors. 1987. Proceedings of the National Wetland Symposium on Mitigation Of Impacts And Losses, October 8-10, 1986, New Orleans, Louisiana. Association of State Wetland Managers, Berne, New York.

Sharitz, R. R. and **L. C. Lee**. 1985. Recovery processes in Southeastern riverine wetlands, in R. R. Johnson, C.D. Ziebell, D.R. Patton, P.F. Folliott, and R.H. Hamre, editors. 1985. *Riparian Ecosystems and Their Management: Reconciling Conflicting Uses.* Proceedings of the First North American RiparianConference. USDA Gen. Tech. Rpt. RM-120:499-501.

Sharitz, R. R. and **L. C. Lee**. 1985. Limits on regeneration processes in Southeastern riverine wetlands. Pages 139 - 143 in, Johnson, R. R., C. D. Ziebell, D. R. Patton, P. F. Folliott, and R. H. Hamre, editors. *Riparian Ecosystems and Their Management: Reconciling Conflicting Uses*. Proceedings of the First North American Riparian Conference. USDA Forest Service Gen. Tech. Rpt. RM-120: 139-143.

Chapman, R., **L. C. Lee**, R. O. Teskey, and T. M. Hinckley. 1982. Impact of water level changes on woody riparian and wetland communities, Vol. X - index and addendum to Volumes I - VIII. U.S. Fish and Wildlife Service Office of Biological Services FWS/OBS-82/23. USDI, Washington, D.C. 111 pp.

Lee, L. C. and T. M. Hinckley. 1982. Impact of water level changes on woody riparian and wetland communities, Vol. IX - Alaska. U.S. Fish and Wildlife Service Office of Biological Services FWS/OBS -82/23. U.S.D.I., Washington, D.C. 213 pp.

Lee, L. C. and R. D. Pfister. 1978. *A Training Manual for Montana Forest Habitat Types.* Montana Forest and Conservation Experiment Station, University of Montana, Missoula, MT. 142 pp.

D. Selected Oral Presentations Of Technical Papers, Invited Seminars, and Posters

Lee, L.C., J. Hanson, and D.B. Largen. 2008. Management of Waters/Wetlands Buffers In Urbanizing Landscapes: Do Big Passive Buffers Always Make Sense? 8th International Wetlands Conference (INTECOL), July 20-25, 2008, Cuyaba, Brazil.

Fiedler, P. L., **L. C. Lee** and S. D. Hopper. 2007. Gnammas as rare wetlands in the Southwest Australian Floristic Region. MEDECOS XI 2007 Conference, 2-5, September, Perth, Australia.

L. C. Lee, P. L. Fiedler, J. Gage, M. Keever, A. E. Launer, and S. Anderson. 2003. Restoration of breeding habitat for the California tiger salamander (*Ambystoma californiense*) on Stanford University lands - I. Design & implementation. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003, Oakland, California.

S. Anderson, A. E. Launer, P. Oliveira, **L. C. Lee,** P. L. Fiedler, J. Gage, and M. Keever. 2003. Restoration of breeding habitat for the California tiger salamander (*Ambystoma californiense*) on Stanford University lands - II. Performance criteria and assessment. Poster presented for the State of the Estuary, Challenges and Changes, 2003. October 21-23, 2003, Oakland, California

Lee, L. C. and D. M. Spada. 2002. Working Buffer: Enhancement and Restoration as Compensatory Mitigation in a Chronically Degraded Wetland. Annual meeting of the Society of Wetland Scientists. June 2-7, 2002., Lake Placid, New York.

Fiedler, P. L., **L. C. Lee**, and S. Holmes. 1999. Continuity in urban stream restoration. Meeting of the Association of State Wetland Managers, October 25-27, 1999, Annapolis, Maryland.
Cassin, J., Fiedler, P. L., and **L. C. Lee**. 1999. The importance of weeds control in wetland restoration. Meeting of the Association of State Wetland Managers, October 25-27, 1999, Annapolis, Maryland.

Fiedler, P. L., L. C. Ellis, **L. C. Lee,** and M. C. Rains. 1997. Development of a monitoring plan for restored riverine waters/wetlands along the central California coast using HGM wetland functional assessment: The Calera Creek Project. Meeting of the Association of State Wetland Managers, March 10-13, 1997, Annapolis, Maryland.

Ellis, L. R., **L. C. Lee,** P. L. Fiedler, and M. C. Rains. 1995. Use of the hydrogeomorphic approach to assess wetland functions and design restoration of riparian wetlands along the central California coast. 1995 Annual Meeting, Society for Ecological Restoration, September 14-18. Seattle, Washington.
Lee, L. C. 1989. Approaches for Impact Assessment In Jurisdictional Wetlands: The American Experience. Invited paper at the European Community Workshop on Wetland Functions and Values. April 27-30, 1989, University of Exeter, United Kingdom.

Lee, L. C. and J. G. Gosselink. 1988. Cumulative impact assessment in bottomland hardwood forests of the Southeastern U.S. Third International Wetlands Symposium, September 18 -23, 1988, Rennes, France (Published Abstract).

Gosselink, J. G. and **L. C. Lee**. 1988. Cumulative impact assessment in bottomlands of the Tensas River basin, Louisiana. Third International Wetlands Symposium, September 18 - 23, Rennes, France. (Published Abstract).

Megonigal, J. P., W. H. Patrick, S. P. Faulkner, W. B. Parker, R. R. Sharitz, and **L. C. Lee.** 1988. Relationships among vegetation, soils and hydrology as they relate to wetland delineation. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, DC (Published Abstract).

Smith, R. D. and **L. C. Lee.** 1988. Effects of assessment area boundary selection on functional ratings of the Wetland Evaluation Technique: how to drive WET wild. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, DC (Published Abstract).

Burdick, D. M., G. P. Shaffer, J. G. Gosselink, and L. C. Lee. 1988. Planning for cumulative impact management using landscape pattern and principles of conservation biology. International Association of Landscape Ecologists, March 16-19, 1988, Albuquerque, NM. (Published Abstract).

Magistro, J. L. and **L. C. Lee**. 1988. Association of wetlands with Superfund sites: a pilot study. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, D.C. (Published Abstract).

Gosselink, J. G., **L. C. Lee**, R. Boumans, D. Burdick, D. Cjilders, D. Cushman, S. Fields, S. Hamilton, M. Koch, G. Shaffer, N. Taylor, and J. Visser. 1988. Cumulative impact assessment and management in bottomlands of the Tensas basin, Louisiana. 9th Annual Meeting of the Society of Wetland Scientists, May 31 - June 3, 1988, Washington, DC. (Published Abstract).

Muir, T. A., **L. C. Lee,** and S. Sarason. 1987. The EPA initiative on bottomland hardwood ecosystems: a status report. 9th Annual Meeting of the Society of Wetland Scientists, May 26-29, 1987, Seattle, WA. (Published Abstract).

Megonigal, J. P., W. H. Patrick, S. P. Faulkner, R. R. Sharitz, and **L. C. Lee**. 1987. Wetland boundary delineation in the southeast using vegetation, soils, hydrology, soil aeration/reduction-oxidation status. 9th Annual Meeting of the Society of Wetland Scientists, May 26-29, 1987, Seattle, WA. (Published Abstract).

Lee, L. C. 1987. Scoping wetland mitigation projects: where to begin, when to stop, and what to expect. National Wildlife Federation Symposium on "Preserving Our Wetland Heritage", October 4-7, 1987, Washington, D.C.

Lee, L. C. 1987. Riparian ecosystems as essential habitat for raptors in the American West. Paper presented to the National Wildlife Federation and the Idaho Chapter of the Wildlife Society, Western Raptor Management Symposium, October 26-28, 1987, Boise, ID.

Lee, L. C. 1987. Mitigation for wetland loss: how much is appropriate? President's Council On Environmental Quality, National Symposium On The Preparation And Review Of Environmental Impact Statements, November 3-4, 1987, West Point, NY.

Lee, L. C. 1986-1987. Cumulative impacts in bottomland hardwood forests: linking scientific assessments with regulatory approaches. A series of six seminars given by invitation at Indiana University, Western Illinois University, Smithsonian Environmental Research Laboratory,

University of Vermont, George Mason University, US EPA Region IV (Atlanta) 2nd Annual Wetlands Meeting.
Brinson, M. M. and **L. C. Lee.** 1986. In-kind mitigation for wetland loss. Savannah River Ecology Laboratory's Ninth Symposium: Freshwater Wetlands and Wildlife, March 24-27, 1986, Charleston, SC. (Published Abstract).

Lee, L. C. and T. A. Muir. 1986. Wetland forestry in the American West: approaches for silviculture in intricate ecosystem mosaics. International Symposium for Wetland Ecology and Management, U.S. Forest Service, Charleston, SC.

Lee, L. C. and M. M. Brinson. 1986. Scientific perspectives on mitigation for wetland loss. Plenary address presented to the Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.

Gosselink, J. G. and **L. C. Lee.** 1986. Cumulative impact assessment principles. Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.

McCort, W. D., **L. C. Lee**, and G. R. Wein. 1986. Mitigating for large-scale wetland loss: a realistic endeavor? Association of State Wetland Managers National Symposium On Wetlands Mitigation, October 8-10, 1986, New Orleans, LA.

Lee, L. C. 1986. Measurement of moisture gradients in floodplain wetland ecosystems of the Pacific Northwest. Moisture Gradient Workshop, Wetland Ecology Group, National Ecology Research Center, U.S. Fish and Wildlife Service, Ft. Collins, CO.

Lee, L. C. 1986. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Invited seminar to the Center For Wetlands, University of Florida, Gainesville, FL.

Lee, L. C. 1985. Environmental effects of the L-Reactor restart at the Savannah River Plant, South Carolina. Invited paper, January 30, 1985 meeting of the South Carolina Chapter of the Wildlife Society, Columbia, South Carolina.

Sharitz, R. R. and **L. C. Lee.** 1985. Limits on regeneration processes in Southeastern riverine wetlands. First North American Riparian Conference: "Riparian Ecosystems And Their Management", April 16-18, 1985, Tucson, Arizona (Published Abstract).

Sharitz, R. R. and **L. C. Lee.** 1985. Recovery processes in Southeastern riverine wetlands. First North American Riparian Conference: "Riparian Ecosystems And Their Management", April 16-18, 1985, Tucson, Arizona (Published Abstract).

Lee, L. C., M. L. Scott, and T. M. Hinckley. 1985. Plant water status relationships among major floodplain sites of the Flathead River, Montana. 6th Annual Meeting of the Society of Wetland Scientists, July 29 - August 2, 1985, Durham, New Hampshire (Published Abstract).

Scott, M. L. and **L. C. Lee.** 1985. Biomass and production dynamics along a disturbance gradient in a cypress-tupelo forested wetland. 6th Annual Meeting of the Society of Wetland Scientists, July 29 - August 2, 1985, Durham, NH. (Published Abstract).

Sharitz, R. R., Schneider, R L., and **L. C. Lee**. 1984. Composition and regeneration of a disturbed floodplain wetland in South Carolina. US Environmental Protection Agency Bottomland Hardwood Ecosystem Characterization Workshop, December 3-7, 1984, St. Francisville, Louisiana.

Lee, L. C. 1984. Floodplain and wetland vegetation in western Montana. Invited Seminar to the Montana Forest and Conservation Experiment Station, University of Montana, Missoula, Montana.

Lee, L. C. 1984. Floodplain and wetland plant communities of the North Fork Flathead River, Montana. Northwest Scientific Association 57th Annual Meeting, March 21-24, 1984, Missoula, Montana (Published Abstract).

Lee, L. C. 1984. The floodplain and wetland vegetation of two Pacific Northwest river ecosystems. Society of Wetland Scientists 5th Annual Meeting, San Francisco, California (Published Abstract).

Lee, L. C. 1984. Water balance and leaf area relationships in floodplain plant communities in two Pacific Northwest river ecosystems. Annual Meeting of the Ecological Society of America, Ft. Collins, Colorado (Published Abstract).

Lee, L. C., C. C. Grier, and T. M. Hinckley. 1983. Water balance and leaf area relationships in floodplain plant communities of two Pacific Northwest river ecosystems. Paper presented at the Northwest Scientific Association 56th Annual Meeting, March 24-26, Olympia, WA. (Published Abstract/Best Student Paper award).

Lee, L. C. 1983. Definition, classification, and description of riparian wetlands in the Pacific Northwest. Invited seminar to the School of Landscape Architecture, University of Washington, Seattle, Washington.

Lee, L. C. 1981 - 1984. Nine formal oral and written declarations and testimonies before hearings of the King and Snohomish County Building and Development Divisions regarding assessment of impacts of proposed or existing developments in wetland or riparian habitats.

Lee, L. C. 1981. Gradient modeling of riparian and wetland vegetation. Invited paper presented to the Annual Meeting of the Association of American Geographers, Los Angeles, California (Published Abstract).

Jonkel, C. J., **L. C. Lee**, P. Zaeger, C. W. Servheen, and R. Mace. 1981. Grizzly bear - livestock competition in riparian ecosystems. Paper presented at the Coeur d'Alene Regional Wildlife Symposium, Coeur d'Alene, Idaho (Published Abstract).

Lee, L. C. 1980. The role of low elevation wetlands in the ecology of free ranging grizzly bears in Montana. Invited seminar presented to the Pacific Northwest Forest and Range Experiment Station, USDA Forest Service, Corvallis, Oregon.
Lee, L. C. 1980. Plant associations in montane riparian habitats in western Montana. Invited seminar presented to the Pacific Northwest Forest and Range Experiment Station, U.S. Forest Service, Corvallis, Oregon.

VI. SELELCTED WORKSHOPS AND SYMPOSIA ATTENDED BY INVITATION

Law Seminars International - Clean Water & Stormwater Continuing Legal Education. May 5, 2014, Seattle, Washington. Waters/Wetlands Jurisdictional Issues – Key Elements In Recent Scientific Studies.

Law Seminars International, Continuing Legal Education Seminar, Wetlands In Washington, October 2, 2013, Seattle, Washington. "Practical Tips For Assessing The Financial Impacts Of Waters/Wetlands Issues - Managing Smooth Sailing Through Permitting Processes"

Law Seminars International - Continuing Legal Education - "Wetlands In Washington", Seattle, Washington, October 10, 2012.

Lorman Education Services - Continuing Legal Education - "SEPA" (Wetlands Section Speaker) Seattle, Washington. 2007.

Lorman Education Services - Continuing Legal Education - "SEPA" (Wetlands Section Speaker) Tacoma, Washington. 2007.

Law Seminars International. – Continuing Legal Education - "Successful Permitting Strategies." Seattle, Washington. 1999.

Institute for Wetland Science and Public Policy: The Association of State Wetland Managers, Inc. "*Wetlands '99*" (Plenary Speaker – "Design, Implementation and Monitoring For Successful Ecosystem Restorations") Annapolis, Maryland. 1999.

Wetlands Biological Assessment and Criteria Development Workshop. Association of State Wetland Managers. Boulder, Colorado. "The Hydrogeomorphic Approach To Assessment of Waters/Wetlands Ecosystem Functioning. 1996.

Alaska Association of Environmental Professionals Eighth Annual Meeting. "The Hydrogeomorphic Approach To Assessment of Waters/Wetlands Ecosystem Functioning In Discontinuous Permafrost Landscapes." Anchorage, Alaska. 1996.

Living Waters Symposium, Bass Anglers Sportsman's Society, Montgomery, Alabama. Offered perspectives on eco system impacts of flow regulation/reservoir management in the southeastern U.S. 1990.

Wet Environments: RCRA Subtitle D Monitoring Guidance. Office of Research and Development, U.S. Environmental Protection Agency Systems Laboratory. Tallahassee, Florida.April 17-19, 1989.

Restoration, Creation, and Management Of Wetland And Riparian Ecosystems in the American West. Lakewood, Colorado. (Plenary Speaker – "Restoration, creation, and management of wetland and riparian ecosystems in the American West: A summary and synthesis of the symposium"). November 14 - 15, 1988.

Cumulative Impacts Workshop. Wetlands Ecology Program, U.S. Environmental Protection Agency Environmental Research Laboratory, Corvallis, Oregon.. Summarized Gosselink and Lee work on cumulative impact assessment in bottomland hardwood forests of the southeastern U.S. 1987.

Restoration of Bottomland Hardwood Wetlands. Division of Wetlands Ecology, Savannah River Ecology Laboratory, Aiken, South Carolina. Follow-up symposium on lessons learned in the design, construction and monitoring of the L-Reactor Lake wetlands. 1987.

National Wetlands Technical Council Great Basin Desert and Montane Wetlands Workshop, Logan, Utah. ("Food Chain Support/Habitat" Workgroup Chairman). February 27-28, 1986.

Moisture Gradient Workshop. Wetland Ecology Group, National Ecology Research Center, U.S. Fish and Wildlife Service, Ft. Collins, Colorado. Summarized site water balance work in the North fork of the Flathead Valley (LCL Ph.D. Dissertation). 1986.

National Wetlands Technical Council Pacific Region Workgroup, San Francisco, California. ("Food Chain Support" workgroup Chairman). April 14-16, 1985.

US Environmental Protection Agency "Bottomland Hardwood Ecosystem Characterization Workshops". St. Francisville, Louisiana (December 3-7, 1984); Lake Lanier, Gerogia (July 15-19, 1985); and, Savannah, Georgia (January 13-17, 1986). Cumulative Impacts Workgroup Chairman. 1984, 1985, and 1986.

VII. ORGANIZATION OF PROFESSIONAL MEETINGS, TRAINING PROGRAMS AND SYMPOSIA

A. Meetings and Symposia

Session Chairman, "*Global Habitat Assessment*." MEDECOS XI: The International Mediterranean Ecosystems Conference, Perth, Australia. September 2 - 5, 2007.

Panel Organizer & Moderator, "*No Net Loss: Approaches for Implementing Policies To Sustain Wetland Area And/Or Function*." Society of Wetland Scientists Tenth Annual Meeting, Orlando, Florida. May 30 - June 3, 1989.

Meeting Co-Coordinator, *Pocosins and Associated Wetlands Of The Carolina Coastal Plain*. Workshop Organized for US Environmental Protection Agency Region IV, Atlanta, Georgia and Duke University Center for Wetlands. 1989.

Scientific Program Chairman, "*The Chesapeake and Its Landscape: Perspectives On The Science, Management, and Protection Of Freshwater and Estuarine Wetlands*" - the Society of Wetland Scientists 9th Annual Meeting. Washington, DC. Responsible for development and organization of all aspects of the SWS scientific for the 9th Annual Meeting. May 31 - June 3, 1988.

Session Chairman, "*Assessment and Management of Contaminants In Wetland Ecosystems*". Technical Session held at the 9th Annual Meeting of the Society of Wetland Scientists, Washington, DC. May 31 - June 3, 1988.

Session Chairman, "*Management of Contaminants in Saturated Media.*" Technical Session held at the Annual Meeting of the Association of State Wetland Managers, Oakland, California. June 26 - 29, 1988.

Scientific Program Chairman, "*Wetland and Riparian Ecosystems of the American West*." The Society of Wetland Scientists 8th Annual Meeting, Seattle, Washington. Responsible for development and organization of all aspects of the SWS scientific program for the 8th Annual Meeting. May 26 - 29, 1986.

Scientific Program Committee Manager, National Symposium, *Freshwater Wetlands And Wildlife: Perspectives On Natural, Managed, and Degraded Ecosystems*. University of Georgia Savannah River Ecology Laboratory, Ninth Symposium, Charleston, South Carolina. Responsible with Dr. R. R. Sharitz for (a) organization of all wetland technical sessions, (b) selection and

coordination of plenary speakers, and (c) leadership of Freshwater Wetlands field trip. March 24 - 27, 1986.

Session Chairman "*Approaches For Mitigation Of Forestry Impacts To Wetlands*", Technical Session held at the National Symposium On Wetlands Mitigation, Association of State Wetland Managers, New Orleans, Louisiana. October 8 - 10, 1986.

B. Training Programs

Courses taught through Elkhorn Slough National Estuarine Research Reserve Coastal Training Program – Director and Lead Instructor. *2008 - Present*.

April 2008: *Jurisdictional Delineation of Waters of the U.S., Including Wetlands On the California Coast: Legal and Ecological Protocols For Diverse and Changing Landscapes.* Elkhorn Slough, California.

November 2008: *Jurisdictional Delineation of Waters of the U.S., Including Wetlands On the California Coast: Legal and Ecological Protocols For Diverse and Changing Landscapes.* Elkhorn Slough, California.

Courses taught through National Wetland Science Training Cooperative (under L.C. Lee & Associates, Inc.) – Director and Lead Instructor. *1989 - 2005*.

April 1989: *Jurisdictional Delineation of Wetlands in the Southeastern US.* Mobile, Alabama.

May 1989: *Jurisdictional Delineation of Wetlands in the Mid-Atlantic States*. New Brunswick, New Jersey.

July 1989: *Best Management Approaches for Silviculture in Non-Tidal Wetlands of Maryland*. Salisbury, Maryland. Taught in cooperation with the Maryland Department of Natural Resources, Maryland Forest, Park & Wildlife Service, and Society of American Foresters.

August - November 1989: *Jurisdictional Delineation of Wetlands in the Chesapeake Bay Region* (Seven 1-week courses offered in cooperation with US EPA Region III, the US Army Corps of Engineers, US Fish And Wildlife Service, and US Soil Conservation Service - Federal Ad Hoc Wetlands Group - Chesapeake Bay Program) - Harrisburg, PA; State College PA; Pittsburgh, PA; Annapolis, MD; Easton, MD; Laurel, MD; Richmond, VA.

May 1990. *Jurisdictional Delineation of Wetlands in The Mid-Atlantic States*. Annapolis, Maryland.

May 1990. *Jurisdictional Delineation of Wetlands in Pennsylvania*. State College, Pennsylvania.

June 1990. *Jurisdictional Delineation of Wetlands in the Pacific Northwest*. Seattle, Washington.

August 1990. *Jurisdictional Delineation of Wetlands in the Southeastern United States*. Charlotte, NC.

August 1990. *Jurisdictional Delineation of Wetlands in the American West*. Reno, Nevada.

May 1991. *Jurisdictional Delineation of Wetlands in the Pacific Northwest*. Seattle, Washington.

November 1991. *Jurisdictional Delineation of Wetlands in the Pacific Northwest*. Course taught for King County Building and Land Development), Seattle, Washington.

October 1991. *Restoration and Construction of Wetlands for Storm Water Management in the Pacific Northwest*. Seattle, Washington.

February 1992. Beyond WET: *Functional Assessment of Wetlands in the Southeastern US*. Course taught in cooperation with US EPA, Region IV. Atlanta, Georgia.

April 1992. *An Overview of Jurisdictional Delineation of Waters of the U.S., Including Wetlands on National Forests*. Course taught for the US Forest Service National Hydrology Workshop, Phoenix, Arizona.

June 1992. *Jurisdictional Delineation of Wetlands in the State of Minnesota.* Course taught in cooperation with the State of Minnesota and U.S, EPA Region V. Minneapolis, MN.

July 1992. *Jurisdictional Delineation of Wetlands in the State of Minnesota*. Course taught in cooperation with the State of Minnesota and U.S, EPA Region V. Bemidji, MN.

July 1992. *Jurisdictional Delineation of Wetlands in the State of Minnesota*. Course taught in cooperation with the State of Minnesota and U.S, EPA Region V), Alexandria, MN.

February 1993. *Jurisdictional Delineation of Wetlands in American Samoa*. Course taught in cooperation with the Government of Samoa and EPA Region IX. Pago Pago, American Samoa.

March 1993. *Jurisdictional Delineation of Wetlands in the American West*. Course taught in cooperation with American Fisheries Society. San Francisco, CA.

August 1993. *Advanced Jurisdictional Delineation of Wetlands in Michigan*. Course taught in cooperation with Michigan Department of Natural Resources and Michigan State University and US EPA, Region V. Kellogg Biological Station, Michigan.

August 1994. *Jurisdictional Delineation of Wetlands in Guam*. Course taught in cooperation with EPA Region IX. Guam and Republic of Palau.

October 1994. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Mid-Atlantic States, Annapolis, Maryland.* Course taught in cooperation with US EPA, Region III and the Smithsonian Environmental Research Laboratory.

November 1994. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Santa Margarita Watershed, San Diego, California*. Course taught in cooperation with US EPA, Region IX.

July 1995. *Jurisdictional Delineation of Wetlands in the Caribbean, San Juan, Puerto Rico*. Course taught in cooperation with US EPA Region II and Puerto Rico Department of Natural Resources. San Juan, Puerto Rico

August 1995. The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Pacific Northwest. Course taught in cooperation with Natural Resource Conservation Service Wetlands Institute. Seattle, Washington.

September 1995. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Mid-Atlantic States*. Course taught in cooperation with the Natural Resource Conservation Service Wetlands Institute. Annapolis, Maryland.

April 1996. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands of the Central California Coast*. Course taught in cooperation with Natural Resource Conservation Service Wetlands Institute. San Francisco, California.

May 1996. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in Alaska*, Course taught in cooperation with the State of Alaska Department of Environmental Conservation and US EPA, Region X. Fairbanks, Alaska.

March 1997. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Kenai River Watershed*. Course taught in cooperation with the State of Alaska Department of Environmental Conservation and US EPA, Region X. Soldotna, Alaska.

May 1997. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in the Prairie Pothole Region*. Course taught in cooperation with the Natural Resource Conservation Service, Wetlands Institute, Washington, DC. Jamestown, North Dakota.

May 1999. *The Hydrogeomorphic Approach to Functional Assessment of Wetlands in Interior Alaska*. Course taught in cooperation with the State of Alaska Department of Environmental Conservation and US EPA, Region X.

December 2001. *The Hydrogeomorphic Approach to Functional Assessment of Riverine Waters/ Wetlands in the South Coast Region of Santa Barbara County, California*. Course taught in cooperation with Santa Barbara County Flood Control & Water Conservation District, Santa Barbara County Water Agency and US EPA, Region IX. Santa Barbara, California.

November 7 – 9, 2005: *Growing Wetlands – Advances in Wetland Conservation and Restoration Workshop*. Invited by the Botanic Garden & Parks Authority, Kings Park & Botanic Garden to develop and teach a workshop on wetland ecosystem restoration. **L. C. Lee** & P. L. Fiedler, instructors. Western Australia Ecology Center, Perth, Western Australia

Program director and lead instructor for the U.S. Environmental Protection Agency Headquarters Office of Wetlands Protection, "National Wetlands Training Program". National 1-week field-based training courses offered by the Office of Wetlands Protection, U.S. Environmental Protection Agency, Washington, D.C. *1987 – 1989.*

June 1987. *Jurisdictional Delineation of Wetlands and Riparian Ecosystems in the American West*. Reno, Nevada.

July 1987. *Functional Assessment of Bottomland Hardwood Ecosystems in the Southeastern United States: Introduction to the "Bottomland Hardwood Wetland Evaluation Technique" and "Cumulative Impact Assessment in Bottomland Hardwood Forests."* Charleston, South Carolina.

October 1987. *Jurisdictional Delineation of Wetlands in the Southeastern United States.* University of Georgia Marine Institute, Sapelo Island, Georgia.

November 1987. *Functional Assessment of Wetland and Riparian Ecosystems in the American West.* Ft. Collins, Colorado.

March 1988. *Jurisdictional Delineation of Wetland and Riparian Ecosystems in the Southwestern United States*. Tucson, Arizona.

May 1988. J*urisdictional Delineation of Wetlands in the State of New Jersey.* East Hanover, New Jersey.

June 1988. *Jurisdictional Delineation of Wetlands in the Mid-Atlantic States. New Brunswick, New Jersey.* (Private Sector Only)

August 1988. *Jurisdictional Delineation of Wetlands in the State Of Virginia*. Virginia Institute of Marine Science, Gloucester Point, Virginia.

August 1988. *Functional Assessment of Wetlands in the Southeastern US: The National And Bottomland Hardwood Wetland Evaluation Techniques.* Galveston, Texas.

September 1988. *Jurisdictional Delineation of Wetlands in the North-Central US*. Kellogg Biological Station, Hickory Corners, Michigan.

October 1988. *Best Management Approaches for Silviculture in Southeastern Forested Wetlands*. Savannah, Georgia.

October 1988. *Cumulative Impact Assessment in Southeastern Wetland Ecosystems: The Pearl River.* Slidell, Louisiana.

SMP MAPPING UPDATES

SMP MAPPING UPDATES

The purpose of this document is to provide detailed justification and provide background information for the changes to the City's Shoreline Master Plan (SMP) maps that are proposed as part of the City's 2021 SMP update. This document is intended to be used in conjunction with a GIS story map created to illustrate ~~the~~ most of the different sets of data and information used when making the below-listed changes to the SMP maps. The data used to inform changes to the SMP maps included, but was not limited to the following: 2011 SMP documents, inventorying of existing water bodies such as the Skagit River, Lindegrin Creek, and Barney Lake, existing zoning and Comprehensive Plan designations, existing conditions, existing hydraulic characteristics with lidar and topographic mapping, FEMA flood zones, NRCS soil survey for Skagit County, NWI wetland inventory, existing wetlands identified through site specific projects, well logs, background information from the permitting of the Nookachamps Wetland Mitigation Bank, and the development potential.

The GIS story map can be accessed by navigating to the following page. The first two tabs on this page contain the 2021 and 2011 SMP maps. The additional tabs display supplemental data used to update the 2021 SMP maps. For each of the tabs the 2021 designations are displayed as outlines to better display how supplemental data helped form the environmental designations.

https://mountvernonwa.maps.arcgis.com/apps/MapSeries/index.html?appid=f5341392c70f4a80a0598a7c4bee7d1e

DESCRIPTION OF CHANGES ON FIGURE 2

A new levee was constructed on the north side of Hoag Road that is now identified. Several properties surrounding this levee are now shown as subject to shoreline jurisdiction. Evaluating the properties identified in **Area #1** consisted of analysis of the resources outlined above on this page under the heading SMP MAPPING UPDATES.

Below is a table containing the inventory information for the properties identified in **Area #1.** The information summarized in this table is the justification for the Proposed Environmental Designations listed in the far-right column.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIGNA-TION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #1 Ptn. of P24187	Developed with an existing single-family residential home, accessory structure, and associated amenities (i.e. landscaping and driveways)	Single-Family Residential (R-1, 4.0)	A1 City designated floodway and C	Additional accessory development associated with the existing home and with a subdivision additional residential lots are possible	Residential** ~~Potential Wetland Connection~~
Area #1 Ptn. of P24186	Vacant - part of the Nookachamps Wetland Bank	Public	A-1	Little other than as a wetland mitigation bank	Natural** ~~Potential Wetland Connection~~
Area #1 Ptn. of P111844	Vacant - part of the Nookachamps Wetland Bank	Residential Agricultural (R-A)	A-1	Little other than as a wetland mitigation bank	Natural ** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIGNA-TION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #1 Ptn. P83106	Multi-family Family structure with four units	Multi-family Residential (R-3)	C	Additional residential accessory uses possible	Residential
Area #1 P82041	Multi-family Family structure with three units	Duplex and Townhome (R-2)	C	Additional residential accessory uses possible	Residential
Area #1 P82043	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P82051	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and C	Additional residential accessory uses possible	Residential
Area #1 P25867	Vacant	Single-Family Residential (R-1, 4.0)	A-1 and C	Development of a single-family residential home and residential accessory structures possible	Residential
Area #1 P25866	Existing sewer pump station owned by the City	Single-Family Residential (R-1, 4.0)	C	Possible expansion of existing utility infrastructure possible	Residential
Area #1 P83236	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and C	Additional residential accessory uses possible	Residential
Area #1 P80780	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and C	Additional residential accessory uses possible	Residential
Area #1 P80767	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80766	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80765	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80768	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P80779	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P82042	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P82044	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIGNA-TION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #1 P82052	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	C	Additional residential accessory uses possible	Residential
Area #1 P83237	Existing Single-Family residential home	Single-Family Residential (R-1, 4.0)	A-1 and B and C	Additional residential accessory uses possible	Residential
Area #1 P83238	Vacant	Single-Family Residential (R-1, 4.0)	A-1 and C	Development of a single-family residential home and residential accessory structures possible	Residential
Area #1 P99554	Existing Single-Family residential home	Residential Agricultural (R-A)	C	Additional residential accessory uses possible	Residential
Area #1 P99555	Existing Single-Family residential home	Residential Agricultural (R-A)	C	Additional residential accessory uses possible	Residential

DESCRIPTION OF ADDITIONAL CHANGES ON FIGURE 2

Areas within the City limits east of the Skagit River have been found to have wetlands that are influenced by the Skagit River. See the accompanying Technical Memo from the City Biologist, Dr. Lyndon Lee, that contains his findings regarding tax parcel P24350 located within **Area #2.** Dr. Lee's Technical memo used the criterion outlined under WAC 173-22-040 finding that on-site wetlands are influenced by the Skagit River and therefore are subject to shoreline jurisdiction.

Once the City was aware of shoreline jurisdiction extending onto tax parcel P24350 staff evaluated nearby areas to determine if these areas could also potentially also be subject to shoreline jurisdiction. Evaluating the properties identified in **Area #2** consisted of analysis of the resources outlined above on page 1 under the heading SMP MAPPING UPDATES.

Below is a table containing the inventory information for the properties identified in **Area #2.** The information summarized in this table is the justification for the Proposed Environmental Designations listed in the far-right column.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #2 Ptn. of P111844	Vacant - part of the Nookachamps Wetland Bank	Residential Agricultural (R-A)	A-1, City designated floodway	Little other than as a wetland mitigation bank	Natural ** ~~Potential Wetland Connection~~
Area #2 Ptn. of P24135	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. of P24133	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24368	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24366	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P24132	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P24123	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P23532	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P23501	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 Ptn. P23499	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24379	Vacant, 6,900± s.f. shaped as a triangle with its widest portion being 72± feet wide	Single-Family Residential (R-1, 4.0)	A-1 and C	Little potential for a single-family home, this parcel could be aggregated with an abutting parcel or could have an accessory use placed on it	Residential
Area #2 P24293	Vacant	Residential Agricultural (R-A)	A1	Little potential for development of intense residential uses as this entire parcel is located in a zone A1 – floodway. Residential accessory uses might be possible	Residential
Area #2 P24365	Vacant	Residential Agricultural (R-A)	A1	Little potential for development of intense residential uses as this entire parcel is located in a zone A1 – floodway. Residential accessory uses might be possible	Residential
Area #2 P116052	Existing YMCA Facility	Public	A1 and C	Additional commercial development possible	Urban Mixed Use** ~~– Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #2 P119634	Existing Salem Village Retirement Community with multi-family units and associated amenities	Multi-family Residential (R-4)	A1 and C	Additional multi-family development possible	Residential ** ~~Potential Wetland Connection~~
Area #2 P111843	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P112213	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
Area #2 P24223	Vacant Property	Single-Family Residential (R-1, 4.0)	A1 and C	Development of single-family home possible	Residential** ~~Potential Wetland Connection~~
Area #2 P24221	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	A1 and C	Development of single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24378	Vacant Property	R-A	A1 and C	Development of single-family home possible	Residential** ~~Potential Wetland Connection~~
Area #2 P24395	Vacant Property	R-A	A1	Development of single-family home unlikely but possible	Residential** ~~Potential Wetland Connection~~
Area #2 P24367	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24370	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24373	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24364	Developed with a Single-family residential home	R-A	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P122829	Development with a trail, benches, and other amenities for the North Hill development this parcel is part of	Single-Family Residential (R-1, 4.0)	A1 and C	Development of additional single-family accessory structure and amenities possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24352	Vacant	Single-Family Residential (R-1, 4.0)	A1	Property could be aggregated with property abutting its east boundary and could be developed with single-family residential uses.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

Area #2 P24355	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	A1 and C	Development of additional single-family accessory structures, amenities, and new dwelling units with a subdivision possible.	Residential** ~~Potential Wetland Connection~~
Area #2 P24350	Vacant	Single-Family Residential (R-1, 4.0)	A1 and C	Development of new dwelling units with a subdivision possible.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

~~The environmental designations for these areas are with hatching because these areas will be subject to shoreline jurisdiction only if: (1) wetlands are identified on these parcels; and (2) these wetlands are found to either influence or be influenced by the Skagit River. As indicated above, this criterion was used because it is what is prescribed under WAC 173-22-040.~~

The parcels in **Area #2** have been added to the SMP map because there is a potential for these areas to ~~have existing wetlands that could~~ have shoreline associated wetlands. ~~influence or be influenced by the Skagit River.~~

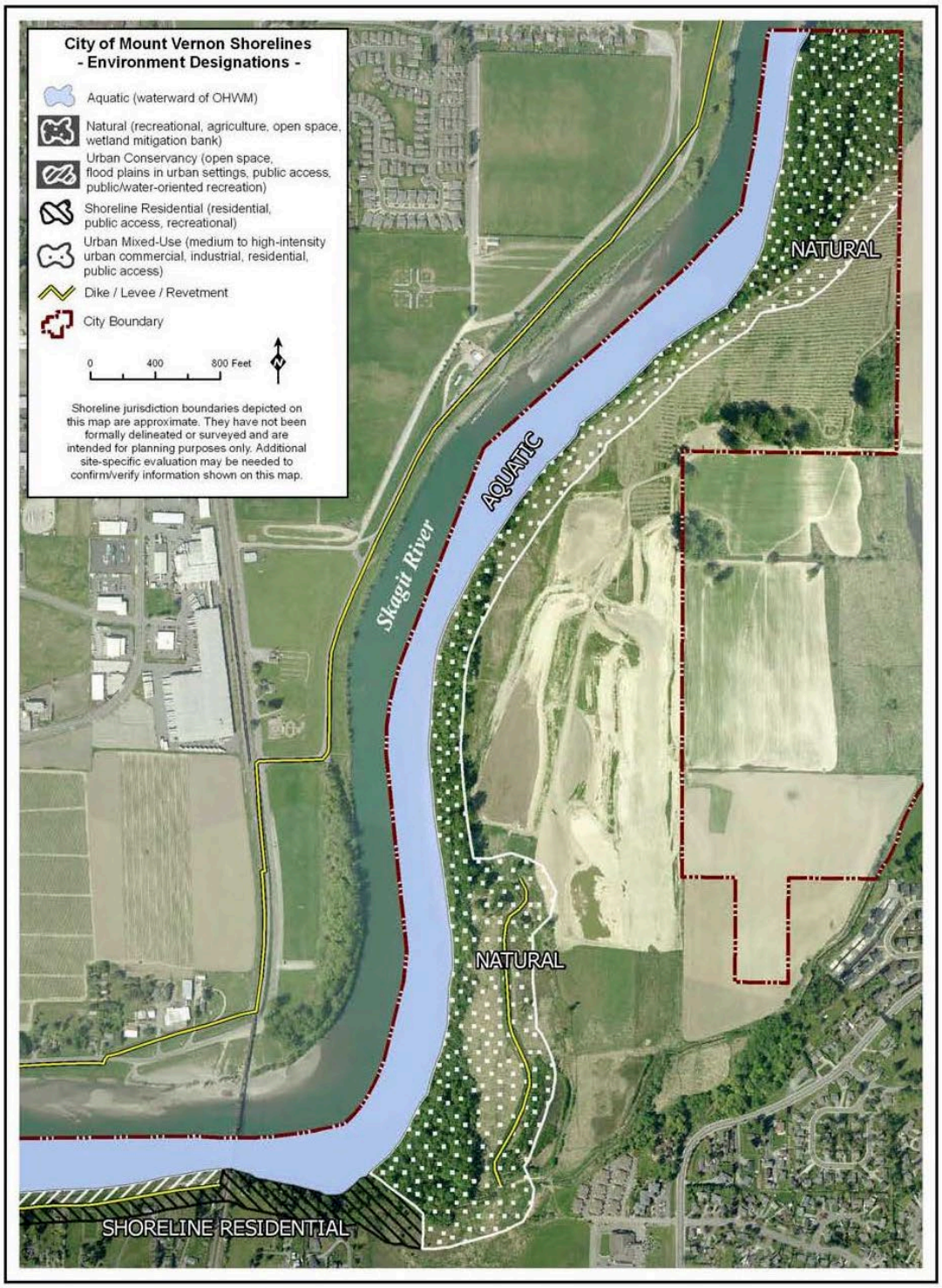
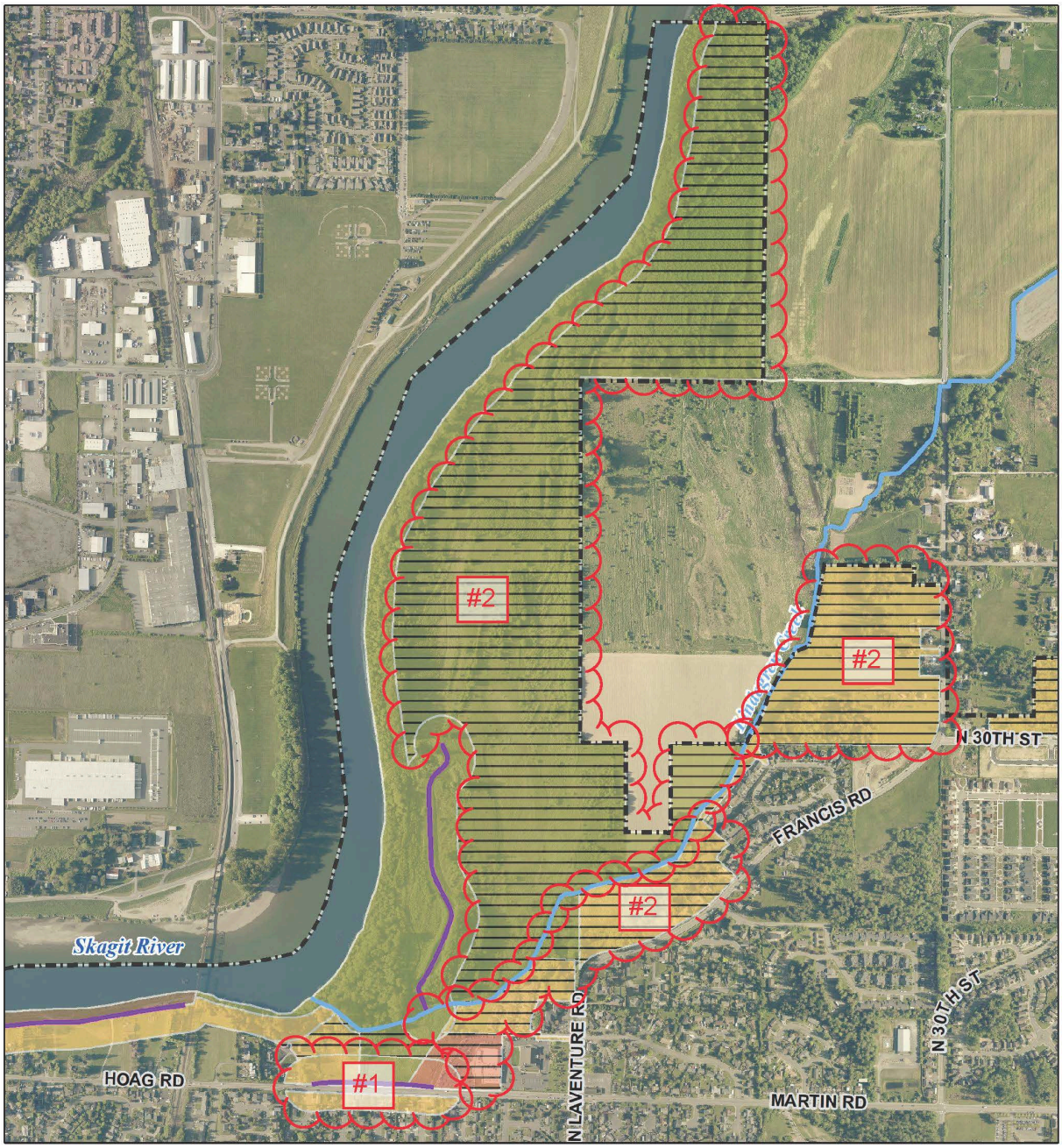


Figure 2 Northeast Mount Vernon Environmental Designations

FIGURE 2 FROM THE CITY'S 2011 SMP



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

UPDATED FIGURE 2 IN THE CITY'S 2021 SMP

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

DESCRIPTION OF CHANGES ON FIGURE 3 IN 2011 SMP

Figure 3 in the 2011 SMP became **Figure 4.** **Figure 3** in the 2021 update is a new map all together.

The new **Figure 3** contains areas not included in the 2011 SMP. Areas shown on **Figure 3** were evaluated because of the wetlands identified on tax parcel P24350 that are influenced by the Skagit River. See the accompanying Technical Memo from the City Biologist, Dr. Lyndon Lee, that contains his findings regarding tax parcel P24350 located within **Area #2**. Dr. Lee's Technical memo used the criterion outlined under WAC 173-22-040 finding that on-site wetlands are influenced by the Skagit River and therefore are subject to shoreline jurisdiction.

Once the City was aware of shoreline jurisdiction extending onto tax parcel P24350 staff evaluated nearby areas to determine if these areas could also potentially also be subject to shoreline jurisdiction. Evaluating the properties identified in **Area #2** consisted of analysis of the resources outlined above on page 1 under the heading SMP MAPPING UPDATES. ~~inventorying existing waterbodies (Skagit River, Lindegrin Creek, and prior delineated wetlands), existing hydraulic characteristics with lidar and topographic maps, existing zoning designations, floodplain designations, and development potential. In addition to the Skagit River and Lindegrin Creek staff evaluated Barney Lake, located outside of the City limits, as one of the waterbodies that could influence on-site wetlands.~~

Below is a table containing the inventory information for the properties identified in **Area #2.** The information summarized in this table is the justification for the Proposed Environmental Designations listed in the far-right column.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
P124125	Vacant – future phase of the Highland Greens Development	Single-family Residential (R-1, 5.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P24341	Existing Single-family residential structure and outbuildings	Single-family Residential (R-1, 3.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P24340	Existing Single-family residential structure and outbuildings	Single-family Residential (R-1, 3.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P128006	Vacant property	Single-family Residential (R-1, 3.0)	C	A subdivision could be completed and this property could be developed with single-family residential lots	Residential** ~~Potential Wetland Connection~~
P127981	Two multi-family structures with a total of six dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional multi-family residential units	Residential** ~~Potential Wetland Connection~~
P127974	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~

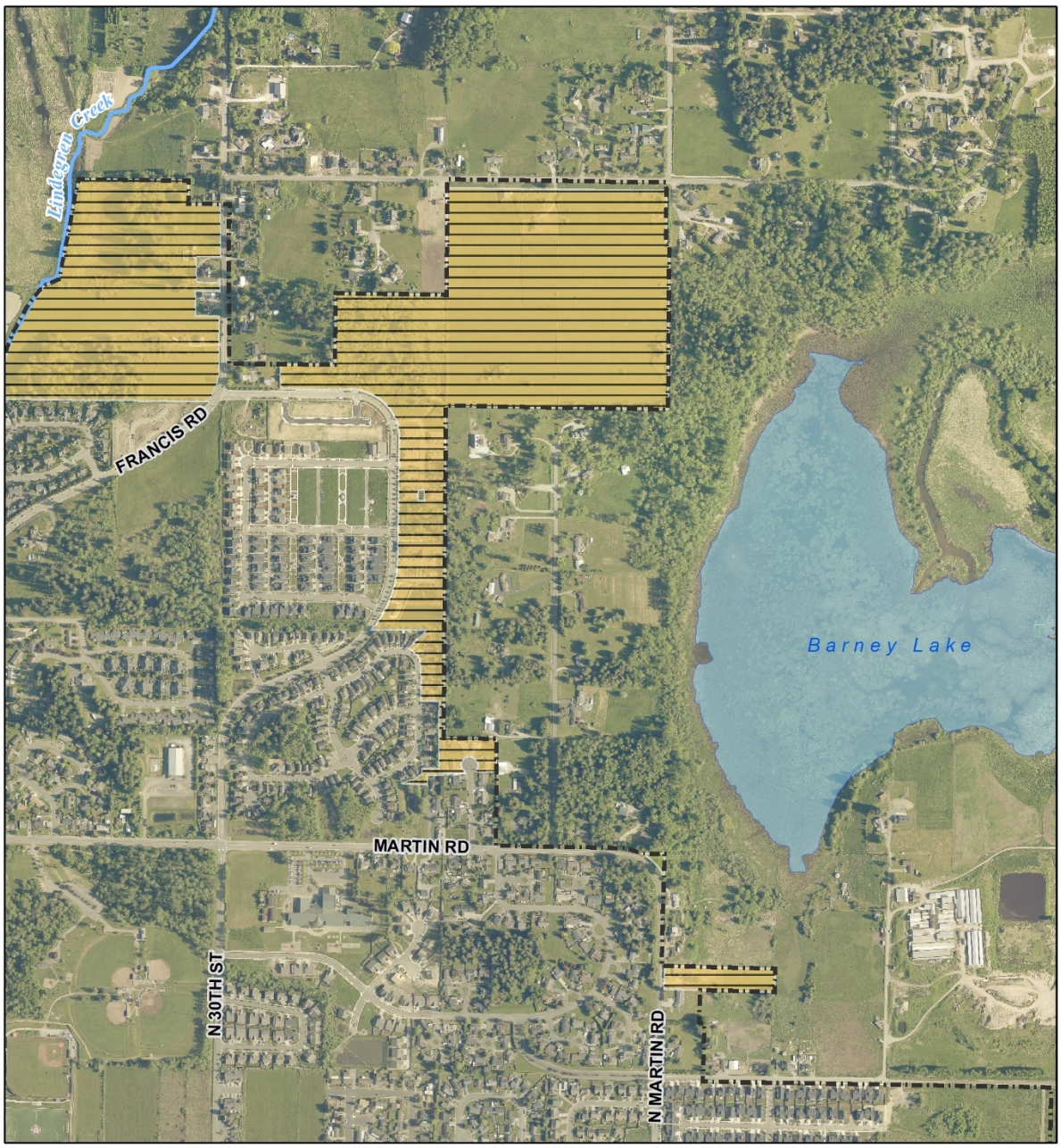
** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
P128001	Road serving the surrounding multi-family residential structures	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P128002	Two multi-family structures with a total of six dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional multi-family residential units	Residential** ~~Potential Wetland Connection~~
P127999	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127997	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127994	One multi-family structure with a total of three dwelling units.	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127497	Existing NGPA area developed as part of the Highland Greens development	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P127494	Multi-family structure with 30+ multi-family units, parking lot, landscaping and other residential amenities	Single-family Residential (R-1, 5.0) PUD	C	This property could be developed with additional residential accessory uses	Residential** ~~Potential Wetland Connection~~
P127495	Existing clubhouse constructed as part of the Highland Green subdivision, parking, and landscaping	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P127496	Existing stormwater facility constructed to clean and attenuate stormwater from the Highland Greens development	Single-family Residential (R-1, 5.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P121119	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	C	Development of additional single-family accessory structures, amenities, and new dwelling units with a subdivision possible.	Residential** ~~Potential Wetland Connection~~
P121120	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
P121121	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121122	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121926	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121927	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121928	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121929	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above
P121155	Vacant property owned by the City that was created as a greenbelt around the Rosewood development	Single-family Residential (R-1, 4.0) PUD	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P100823	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P100822	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P100821	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P100820	Developed with a Single-family residential home	Single-Family Residential (R-1, 3.0)	C	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~
P24970	Vacant property owned by the Skagit Land Trust	Single-Family Residential (R-1, 4.0)	C	Unlikely any additional development will occur	Residential** ~~Potential Wetland Connection~~
P24826	Developed with a Single-family residential home	Single-Family Residential (R-1, 4.0)	C and A7	Development of additional single-family accessory structures possible.	Residential** ~~Potential Wetland Connection~~

** Indicates that shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

NEW FIGURE 3 ADDED TO THE CITY'S 2021 SMP

Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.

DESCRIPTION OF CHANGES ON FIGURE 3 IN 2011 SMP

Figure 3 in the 2011 SMP became **Figure 4.**

The new **Figure 4** does not contain any new areas subject to shoreline jurisdiction or any changes to environmental designations. City staff did refine the location of the existing levee using new lidar maps.

F. Urban Conservancy Environment

1. Purpose

   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 developed shoreline settings, while allowing for compatible uses and public access.

2. Designation Criteria

   The Urban Conservancy environmental designation has been assigned to those shorelines where the levees are set back significant distance upland from the river's edge, creating open space within the floodplain. The Urban Conservancy Environment has the following characteristics:

   a. Existing open space within the floodplain;

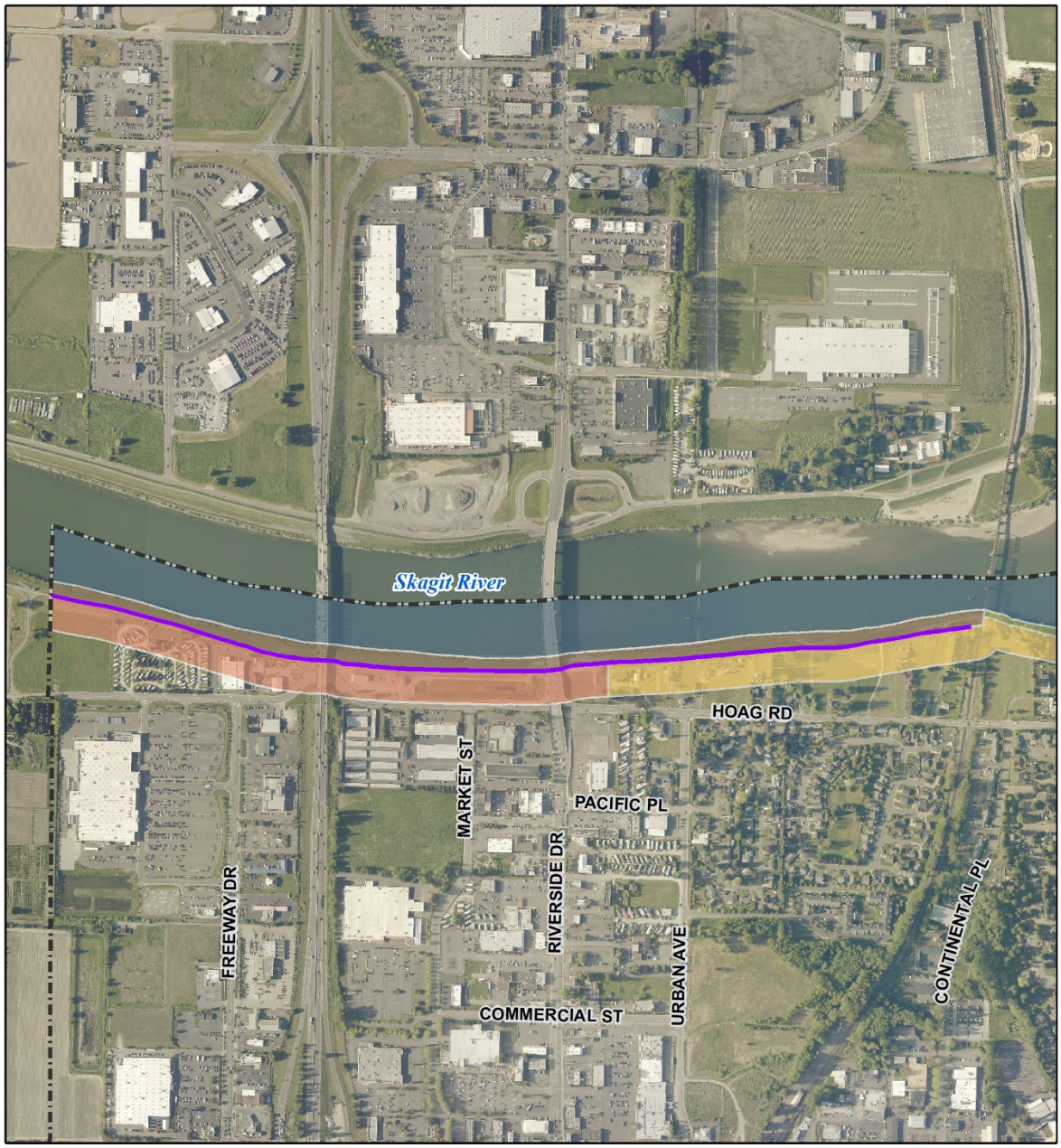
   b. Existing and/or restored shoreline habitat;

   c. Potential for additional restoration; or

   d. Existing or potential for water-related recreation and public access.

Figure 3 North Mount Vernon Environmental Designations

FIGURE 3 FROM THE CITY'S 2011 SMP – THIS BECAME FIGURE 4



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- City Boundary

N W E S

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

FIGURE 4 IN 2021 SMP (WAS FIGURE 3 IN THE 2011 SMP) NO CHANGES EXCEPT THE NAME OF THIS FIGURE

DESCRIPTION OF CHANGES ON FIGURE 4 IN 2011 SMP

Figure 4 in the 2011 SMP became **Figure 5.**

The new **Figure 5** contains two changes to areas subject to shoreline jurisdiction and associated environmental designations that are described in detail below.

Sans the below-described changes, staff updated the location of the City's floodwall and existing levees based on as-builts and new lidar maps. This was important to do because following the 2011 SMP update the City constructed new portions of a floodwall to protect our historic downtown.

Area 3 is within and abutting the City's Edgewater Park on the waterward side of the existing levee. There are two parcels that in 2011 were identified as only partially subject to shoreline jurisdiction. These two parcels are P26659 and a large parcel owned by the City that does not have a tax parcel number that contains three ball fields, a stage, a frisbee golf course, bathrooms and a trail that are all amenities with Edgewater Park. The portions of these parcels not previously identified as subject to shoreline jurisdiction are now identified as being Urban Conservancy to match the Urban Conservancy designation they previously abutted up to the waterside of the existing levee.

Area 4 is within and abutting the City's Edgewater Park where the delineation between the Urban Conservancy and Natural environmental designations were updated such that areas used for active recreation are identified as Urban Conservancy and areas passively used are identified as Natural.

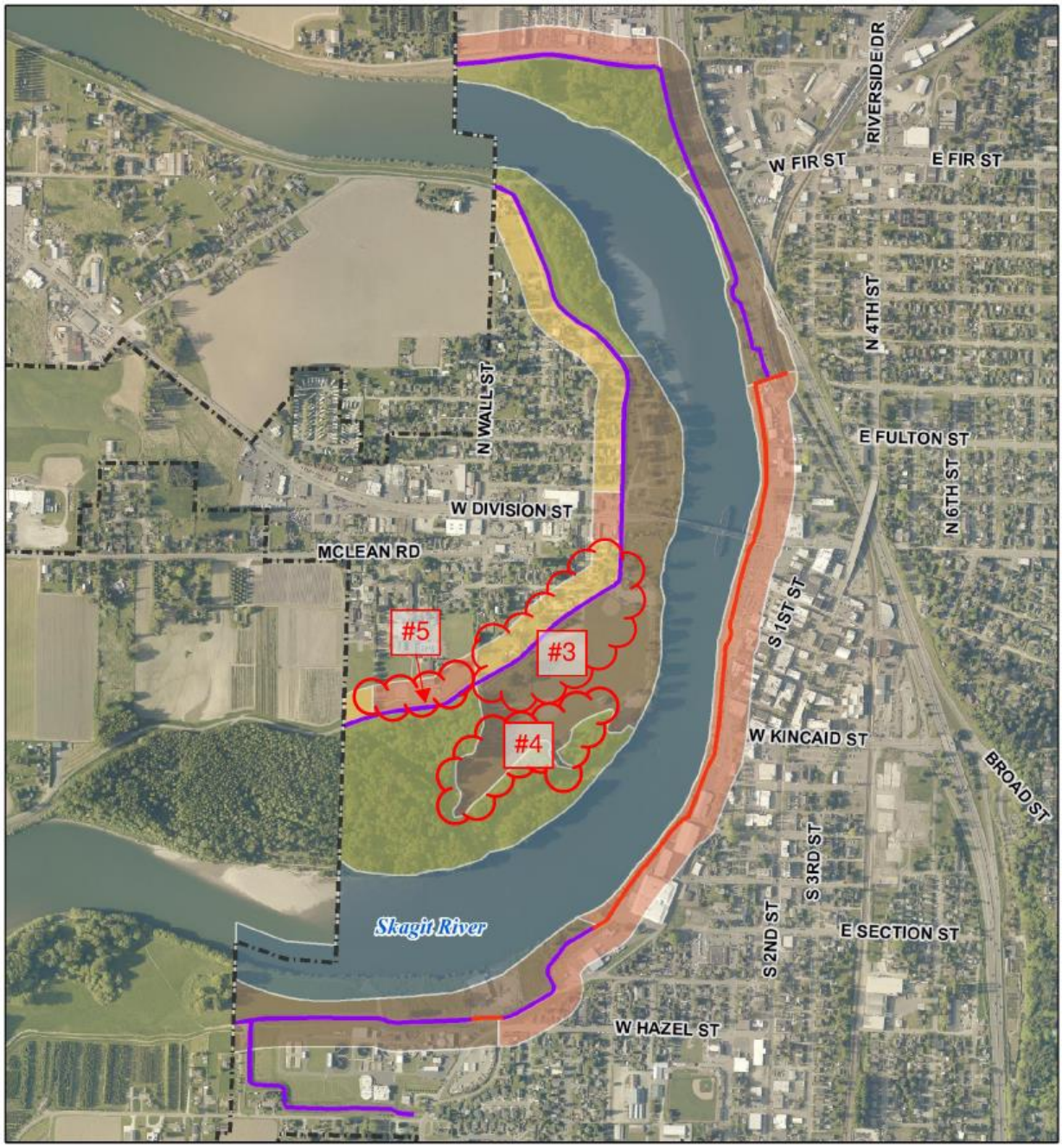
Area 5 is on the west bank of the Skagit River, landward of the existing levee two parcels (P26397 and P26391) owned by the Mount Vernon School District that are developed with an elementary school were changed from an environmental designation of Residential to a designation of Urban Mixed Use because these areas are zoned for Public uses, are developed and used as playgrounds for elementary school children and cannot in their existing condition be developed with residential uses.

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #3 P52843	Existing single-family home with outbuildings	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52844	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52845	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential

AREA AND TAX PARCEL	EXISTING CONDITIONS INFO.	EXISTING ZONING	FLOOD-PLAIN DESIG-NATION	DEVELOPMENT POTENTIAL	PROPOSED ENV. DESIGNATION
Area #3 P52846	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52847	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52848	Existing single-family accessory building	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52849	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52851	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential
Area #3 P52856	Existing single-family home	Single-Family Residential (R-1,7.0)	A03	Development of additional single-family accessory structures possible	Residential

Figure 4 Central Mount Vernon Environmental Designations

FIGURE 4 FROM THE CITY'S 2011 SMP – THIS BECAME FIGURE 5



Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Dike / Levee / Revetment
- Floodwall
- City Boundary

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

N W E S

FIGURE 5 IN THE 2021 SMP – THIS WAS FIGURE 4 IN THE 2011 SMP

APPENDIX C

Font in red underline represents new text.
Font in ~~red strikethrough~~ represents text being removed.
Text that has been moved within this Appendix is no longer identified in blue text; however, previous draft version do identify this text.

SHORELINE CRITICAL AREA REGULATIONS

All changes to Appendix C are taken from applicable sections of MVMC 15.40 (Critical Areas, Ordinance 3700, 2016; Ordinance 3509, 2010, and Ordinance 3722, 2017). The following sections of MVMC 15.40 are not included in Appendix C:

15.40.020 Applicability – Regulated and permitted activities.
15.40.130 Reasonable use exceptions, variances, and appeals.
15.40.135 Nonconforming uses and structures.
15.40.140 Vesting.
15.40.150 Enforcement.

In the event of any conflict between these regulations and any other regulations of the City, the regulations that provide greater protection of the shoreline shall prevail.

I. REGULATION OF CRITICAL AREAS IN SHORELINE JURISDICTION

A. GENERAL PURPOSE

1. Protect the public health, safety, and welfare by avoiding or mitigating the potential adverse impacts of new development;

2. Educate the public as to the long-term importance of environmentally sensitive areas and the responsibilities of the city and private property owners to protect and preserve the natural environment for future generations;

3. Manage development activities to protect environmental quality;

4. Avoid, minimize, or mitigate potential unavoidable impacts to environmentally sensitive areas by regulating alterations in and adjacent to critical areas;

5. Provide city officials with the information they need to evaluate, approve, condition, or deny public or private development proposals;

6. Protect life, health, safety, welfare, and property by minimizing and managing the adverse environmental impacts of development within and adjacent to critical areas;

7. Effectively manage limited city resources by avoiding:

a. Preventable maintenance and replacement of public facilities when critical area functioning is impaired;

b. Unnecessary costs for public emergency rescue and relief operations; and

c. Potential litigation on improper construction practices occurring in critical areas;

8. Alert realtors, appraisers, assessors, owners, and potential buyers or lessees to the development limitations in and adjacent to environmentally sensitive areas;

9. Provide predictability and consistency to the city's development review process; and

10. Assist or further the implementation of the policies of the city comprehensive plan, all city functional plans and policies, the State Growth Management Act, and the State Environmental Policy Act, Chapter 43.21C RCW.

B. AUTHORITY

Critical areas regulated under this chapter have been identified and defined in accordance with Chapter 36.70A RCW and include the following:

1. Aquifer Recharge Areas (See MVMC 15.40.050). Areas that have a critical recharging effect on aquifers used for potable water and maintenance of stream flows.

2. Geologic Hazard Areas (See MVMC 15.40.070). Areas susceptible to one or more of the following types of hazards shall be designated as a geologic hazard area (see also definitions MVMC 15.40.070(B)):

a. Erosion hazard;

b. Landslide hazard;

c. Seismic hazard;

d. Volcanic hazard; and

e. Alluvial fan hazard.

3. Fish and Wildlife Habitat Conservation Areas (See MVMC 15.40.080). Areas that have been identified through maps, databases, reports, or studies that include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability, and that are associated with endangered, threatened or sensitive species, anadromous fish, or species of local importance (see full definitions MVMC 15.40.080(B)).

4. Wetlands (See MVMC 15.40.090). Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

C. APPLICABILITY

1. For the purposes of the Shoreline Master Program, "Shoreline Critical Areas," include regulated wetlands, shorelands, native growth protection areas, geologic hazard areas, flood hazard areas, aquifer recharge areas, and fish and wildlife habitat conservation areas located within the Shoreline Management Zone (SMZ).

2. All proposed development activities in regulated critical areas and associated buffers located within the SMZ shall comply with the requirements of the Shoreline Master Program (SMP) which include critical area regulations contained herein.

3. ~~Expansion or alteration of existing uses in proximity to jurisdictional critical areas and associated buffers within the SMZ shall also comply with the requirements of these regulations.~~

4. ~~Any person seeking to determine whether a proposed development activity or land area is subject to these regulations may request a determination from the Director of the Development Services Department.~~

D. SHORELINE ~~DEVELOPMENT~~ PERMIT REQUIRED

Prior to any alteration of a property containing or adjacent to critical areas in or adjacent to the SMZ, the property owner or designee must obtain a shoreline ~~development~~ permit, consistent with the requirements of the SMP.

1. No separate critical areas permit is required for a development proposal that requires a shoreline ~~development~~ permit(s) or an exemption from one per Section E, below.

2. Permitted activities under Section C (below): The Director shall determine whether to grant or deny a separate permit based upon compliance with applicable standards and regulations of the SMP.

3. If a Notice of Application is required for a shoreline ~~development~~ permit associated with a permitted activity in section C.4, the notice shall describe the critical area-related activity.

E. ACTIVITIES EXEMPT FROM SUBSTANTIAL SHORELINE DEVELOPMENT PERMIT REQUIREMENTS

1. Section III B. (1) of the SMP lists activities exempt from shoreline substantial development permits but may require a shoreline exemption ("exemption certificate"). Except in the case of public emergencies, existing and ongoing agricultural activities, and existing structures, surfaces, and activities, all activities in subsection '4' of this section, require that a ~~letter of administrative approval~~ shoreline exemption ("letter of approval") be obtained from the Director prior to construction or initiation of activities. When appropriate, a letter of approval may act as an exemption certificate.

F. ADMINISTRATION AND INTERPRETATION

1. Shoreline Administrator Interprets Chapter. The administrator is authorized to make interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as he/she may deem necessary in order to clarify the application of the provisions of this chapter. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this chapter.

2. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing city, state, or federal regulations. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. Where provisions of this chapter conflict with the text of the SMP, the provisions most protective of the shoreline environment shall apply.

3. Minimum Requirements. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

4. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the director shall:

a. Take a "precautionary" or a "no-risk approach" that appropriately limits development and land use activities until the uncertainty is sufficiently resolved, or determine that protection can be ensured by using an approach different from that derived from the best available science (BAS); provided, that the applicant demonstrates on the record how the alternative approach will protect the functions and values of the critical area; and

b. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:

i. Address funding for the research component of the adaptive management program;

ii. Change course based on the results and interpretation of new information that resolves uncertainties;

iii. Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries; and

iv. The technical report supporting the alternative approach must identify triggers and benchmarks consistent with BAS principles, which may be used to measure progress and provide for restoration or replacement if necessary to achieve the adaptive management goals.

C. Compliance. The city shall not grant any approval or permit any regulated development activity in a critical area or associated buffer prior to fulfilling the requirements of the City of Mount Vernon Shoreline Master Program.

D. Reviewing Official. Wherever referenced in this section, reviewing official refers to the decision-making official or body authorized to grant permit approval for an activity.

E. Project Review and Approval Criteria. The city critical area program adopts a standard (see MVMC 15.40.080 and 15.40.090) approach to the use of buffers and mitigation in the protection of functions and values of wetlands and fish and wildlife habitat stream and riparian areas. As such, the city manages impacts and improvements on a landscape scale citywide and within basins consistent with approved best available science principles as determined through a functional assessment model (subsection (F)(1) of this section). Projects requiring review and approval shall require a written finding that the project complies with the requirements of this chapter. Such finding and approval shall be determinative on the issue of compliance with critical area mitigation and protection of functions and values for all project purposes.

F. Site Evaluation Model.

1. The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses within the city and/or urban growth area. Mount Vernon will use their HGM system rather than the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. The city's HGM system is titled "Operational Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual.

2. The city adopts the Washington State Department of Ecology's "Stormwater Management Manual for Western Washington" (the entire five-volume technical manual, Publication No. 14-10-055) prepared and published in 2012, including any subsequent updates or amendments adopted by the city in Chapter 13.33 MVMC, as the best management practices guideline for storm water/erosion control in all developments subject to review under this chapter.

3. Best available science ~~adopted for the Mount Vernon waters/wetlands reserve program~~ shall be consistent with principles enunciated in:

a. Knudsen and Neff, Washington Department of Fish and Wildlife's "Management Recommendations for Washington's Priority Habitat: Riparian";

b. Committee on Wetland Mitigation, National Research Council, 2001, "Compensating for Wetland Loss under the Clean Water Act," National Academy Press, Washington, D.C.;

c. Brinson, M.M., F.R. Haner, L.C. Lee, W.L. Nutter, R.D. Rheinhardt, R.D. Smith, and D. Whigham, 1995, "A Guidebook for Application of Hydrogeomorphic Assessment to Riverine Wetlands," U.S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg, MS, USA, Technical Report WRP-DE-11;

d. "Wetlands in Washington Volume I," Hruby, T., T. Granger, K. Brunner, S. Cooke, K. Dublonica, R. Gersib, T. Granger, L. Reinelt, K. Richter, D. Sheldon, E. Teachout, A. Wald, and F. Weinmann, 1999, "Methods for Assessing Wetland Functions, Volume 1: Riverine and Depressional Wetlands in the Lowlands of Western Washington, Part 1: Assessment Methods," Washington State Department of Ecology Publication No. 99-115;

e. Environmental Laboratory, 1987, "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS;

f. U.S. Army Corps of Engineers, 2010, Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center;

g. Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication No. 06-06-011a, Olympia, WA; and

h. Hruby, T., 2014, Washington State Wetland Rating System for Western Washington: 2014 Update (Publication No. 14-06-029), Olympia, WA: Washington Department of Ecology.

4. The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department.

G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. The director has the discretion to choose the consultant who will complete the peer review. If peer review is required, then the applicant shall be responsible for paying the entire costs of the peer review.

II. GENERAL PERFORMANCE STANDARDS

A. PERFORMANCE STANDARDS

The performance standards for each critical area are specified in MVMC 15.40.050 through 15.40.090. Following are general performance standards that shall be applied in addition to the performance standards found within the SMP through review of a shoreline development permit, shoreline exemption, shoreline conditional use permit or shoreline variance. Performance standards must be consistent with mitigation sequencing and no net loss criteria outlined in this SMP.

B. PROTECTION OF WETLANDS

Development within wetlands shall be avoided, and alterations prohibited unless permitted in accordance with ~~the requirements of these regulations and other~~ this SMP. ~~provisions.~~

C. PROTECTION OF FISH AND WILDLIFE HABITAT AREAS

Development within fish and wildlife habitat areas and associated buffers shall be avoided, and alterations prohibited unless permitted in accordance with the requirements of these regulations and other SMP provisions.

D. ALLOWED ALTERATIONS

Critical areas and associated buffers may be altered by authorized, shoreline development permits, shoreline exemptions ~~permitted or exempt activities as indicated herein,~~ or ~~through approval of~~ a shoreline variance. ~~if applicable.~~

E. LAND DIVISIONS AND LAND USE PERMITS

All proposed divisions of land and land uses (including, but not limited to long and short subdivisions, conditional use permits, special use permits, site plan reviews, and binding site plans) that include critical areas shall comply with the following procedures and development standards:

1. The open water area shall not be included when calculating the maximum density or minimum lot area;
2. Land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts or an easement or covenant encumbering the buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat, or binding site plan;
3. The subdivision of land in wetlands is subject to the following:
    a. Land that is located wholly within a wetland may not be subdivided.
    b. Land that is located partially within a wetland may be subdivided; provided, that an accessible and contiguous portion of each new lot is located outside of the wetland.
    c. Access roads and utilities serving the proposed subdivision may be permitted within the wetland only if the City determines that no other feasible alternative exists and when consistent with these regulations.

4. To avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for wetlands and/or habitat conservation areas. This site must also have access and utility infrastructure locations that are suitable for development and do not adversely impact the fish and wildlife habitat conservation area;
5. After preliminary approval and prior to final land division approval, the Director may require the common boundary between a wetland and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of wetland identification may be approved when such methods are determined by the Director to provide adequate protection to the wetland.

F. ROAD/STREET REPAIR AND CONSTRUCTION

Any private or public road or street expansion or construction that is allowed in a critical area or its buffer shall comply with the following minimum development standards:

1. No other reasonable or feasible alternative exists and the road or street crossing serves multiple properties whenever possible;
2. Expansion or construction of any private or public road shall only be allowed when adverse impacts can be avoided;
3. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle trails, viewing points, etc.;

~~Public trails across private property should be within recorded easements;~~

4. The road or street construction is the minimum necessary, as required by the Department of Public Works, and shall comply with City engineering standards; and,
5. Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife and/or the Department of Ecology as appropriate, in order to avoid adverse impacts to habitat areas.

G. UTILITIES

Placement of utilities within designated critical areas and associated buffers may be allowed pursuant to ~~a shoreline development permit, shoreline exemption, or shoreline variance, if consistent with the SMP and~~ the following standards:

1. Utilities maintenance activities involving no material change in size or function shall be allowed within a critical area and associated buffer, subject to best management practices;
2. Construction of utilities may be permitted in critical areas or associated buffer, only when no feasible or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation, and maintenance, as outlined below;
3. Construction of sewer lines may be permitted in critical areas or associated buffer when the applicant demonstrates it is necessary to meet state and/or local health requirements, there are no other feasible alternatives available, and construction

meets the requirements of this section. Joint use of a sewer utility corridor by other utilities may be allowed;

4. New utility corridors shall not be allowed in critical areas or associated buffers with known locations of federal or state-listed endangered, threatened, or sensitive species, heron rookeries, or nesting sites of raptors that are listed as state candidate species, except in those circumstances where an approved Habitat Management Plan (HMP) indicates that the utility corridor will not significantly impact the habitat area;
5. New utility corridor construction and maintenance shall protect critical areas and their buffers by the following:
   a. New utility facilities, improvements, or upgrades to existing utility facilities should take place within existing improved rights-of-way or existing impervious surfaces so that they do not increase the amount of impervious surfaces within the critical area and buffer;
   b. New utility corridors shall be aligned when possible to avoid cutting or root damage to trees greater than 12 inches in diameter at breast height (dbh, 4-1/2 feet) measured on the uphill side;
   c. New utility corridors shall be re-vegetated with appropriate native or similar vegetation at not less than preconstruction vegetation densities or greater, immediately upon completion of construction, or as soon thereafter as possible, based on seasonal growing constraints. The utility shall ensure that such vegetation is maintained and survives or is replaced as necessary; and,
   d. Any additional corridor access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width, but no greater than 15 feet and shall be contiguous to the location of the utility corridor on the side away from the critical area.
6. Utility corridor maintenance shall include the following measure to protect critical areas:
   a. Utility towers should be painted with brush, pad, or roller and should not be sandblasted or spray-painted, nor should lead-based paints be used.
   b. Pesticides, Fertilizers, and Herbicides. No pesticides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those herbicides approved for such use and applied by a licensed applicator in accordance with the safe application practices on the label.

~~H. PESTICIDES, FERTILIZERS AND HERBICIDES~~

~~No pesticides, herbicides, or fertilizers may be used in critical areas, except those approved by the Environmental Protection Agency and approved under a Department of Ecology water quality modification permit for use in critical areas and associated buffers. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.~~

III. NATIVE GROWTH PROTECTION AREAS

A. APPLICABILITY

1. A Native Growth Protection Area shall be instituted when determined through permit review to be necessary to protect wetlands, consistent with Section IV, "Wetlands," below.
2. A Native Growth Protection Areas may be required for protection of habitat conservation areas consistent with Section V, "Fish and Wildlife Habitat Conservation Areas," below.

B. STANDARDS

1. Trees and ground cover shall be retained in designated Native Growth Protection Areas.
2. Activities allowed in Native Growth Protection Areas shall be consistent with applicable critical area regulations.
3. The City may require enhancement of Native Growth Protection Areas to improve functions and values of critical areas.

C. METHOD OF CREATION

1. Native Growth Protection Areas may be established by one of the following methods, or alternative approved by the Director, to reliably achieve the required protection:
   a. Conservation Easement: The permit holder shall, subject to the City's approval, convey to the City or other public or nonprofit entity specified by the City, a recorded easement for the protection of the critical area.
   b. Protective Easement: The permit holder shall establish and record a permanent and irrevocable easement on the property title of a parcel or tract of land containing a critical area when the easement has been created as a condition of a permit. Such protective easement shall be held by the current and future property owner, shall run with the land, and shall prohibit development, alteration, or disturbance within the easement except for purposes of habitat enhancement as part of an enhancement project that has received prior written approval from the City or from another agency with jurisdiction over such activity.
   c. Tract and Deed Restriction: The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of any wetland management tract or tracts created as a condition of a permit. Such deed restriction(s) shall prohibit development, alteration, or disturbance within the tract except for purposes of habitat enhancement as part of an enhancement project that has received prior written approval from the City or from another agency with jurisdiction over such activity. A covenant shall be placed on the tract restricting its separate sale. Each abutting lot owner or the homeowners' association shall have an undivided interest in the tract.

2. Fencing: The City may require permanent fencing of the Native Growth Protection Area containing critical areas when the Director determines there is a substantial likelihood of adverse impact through intrusion, and such fencing will not adversely impact habitat connectivity.
3. Signage required: The common boundary between a Native Growth Protection Area and the abutting land must be permanently identified. One sign shall be posted per lot, or every 150 feet, or as determined by the Director. Suggested wording is as follows: "Protection of this natural area is in your care. Alteration or disturbance is prohibited by law."
4. Responsibility for maintenance: Responsibility for maintaining the Native Growth Protection Area easements or tracts shall be held by a homeowners' association, abutting lot owners, the permit applicant or designee, or other appropriate entity as approved by the City.
5. Maintenance covenant and note required: The following note shall appear on the face of all plats, short plats, planned unit developments, or other approved site plans containing separate Native Growth Protection Area easements or tracts, and shall also be recorded as a covenant running with the land on the title of record for all affected lots on the title:

> "MAINTENANCE RESPONSIBILITY: All owners of lots created by or benefiting from this City action abutting or including a native growth protection area easement [tract] are responsible for maintenance and protection of the easement [tract]. Maintenance includes ensuring that no alterations occur within the tract and that all vegetation remains undisturbed unless the express written authorization of the City has been received in advance."

6. Marking During Construction: The location of the outer extent of the critical areas not to be disturbed pursuant to an approved permit, shall be marked with barrier fencing, approved by the Community and Economic Development Department and easily visible in the field, to prevent unnecessary disturbance by individuals and equipment during the development or construction of the approved activity.

D. PERMANENT SIGNS AND FENCING

1. Permanent Signs
   a. As a condition of any permit or authorization issued pursuant to these regulations, the Director may require the applicant to install permanent signs along the boundary of critical area and associated buffer not to be disturbed.
   b. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post, or another non-treated 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 Director, and will identify the critical area:

Protected Critical Area
Do Not Disturb
Contact City of Mount Vernon
Department Services ~~of Community & Economic~~ Development
Regarding Uses and Restrictions

2. Fencing

   a. The Director shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, any permit or authorization issued pursuant to these regulations shall be conditioned to require the applicant to install a permanent fence at the edge of the critical area when fencing will prevent future impacts to the critical area.

   b. Fencing installed as part of a proposed activity shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the critical area and associated buffer.

E. DISCRETIONARY – BUILDING OR DEVELOPMENT SETBACKS

The Director may require an additional building or activity setback from a critical area to ensure adequate protection of the wetland during construction and on-going maintenance of the activity. A requirement for an additional setback shall be based on the findings of a critical report or a peer review required for the activity based upon a unique impact of the project or need of the adjoining critical area not otherwise protected by this regulation.

F. MITIGATION MONITORING

A monitoring program shall be implemented to determine the success of mitigation projects required under these regulations. The monitoring program shall determine if the original goals and objectives are being met. The City reserves the right to select the consultant, at the applicant's expense, to perform the required monitoring. Monitoring shall be undertaken pursuant to the guidelines in section MVMC 15.40.120.H.

G. CRITICAL AREA DEVELOPMENT STANDARDS

Restoration, enhancement and development activities involving critical areas regulated under this section shall generally conform to the preferred standards found in the Critical Area Ordinance (CAO) Guidebook identified in MVMC 15.40.030.F.4. These standards shall be followed unless the Director determines that a proposed alternative achieves the equivalent performance and better serves the objectives of this section.

IV. AQUIFER RECHARGE AREA REGULATIONS

A. Description. Groundwater from aquifers provides a source of potable water and contributes to stream discharge/flow. Critical aquifer recharge areas contribute to the recharge of aquifers, springs and/or wells, but are susceptible to contamination of water supplies through infiltration of pollutants through the soil. A significant portion of the city's drinking water comes from

groundwater supplies in aquifers. The city relies on Skagit County Public Utility District No. 1 for its potable water supply, supplemented by a limited number of private wells. Most wells in the city are used for groundwater monitoring. Some streams in the city or its urban growth area are designated as "low flow" by the Department of Ecology pursuant to Chapter 90.22 RCW and can be affected by changes in groundwater quantity. High value aquifer recharge areas coincide largely with mature forest vegetation.

B. Purpose. The purposes of the aquifer recharge area regulations are to:

1. Protect groundwater quality by maintaining the quantity of recharge;

2. Avoid or limit land use activities that pose potential risk of aquifer contamination;

3. Minimize or avoid adverse impacts to groundwater protection areas through the application of performance standards;

4. Help maintain stream base flow to support salmonids;

5. Provide incentives to retain forest habitat and protect ground and surface waters within a watershed by allowing innovative residential design and development techniques and limiting impervious surfaces; and

6. Comply with the requirements of the Federal Safe Drinking Water Act, Washington Administrative Code, and the requirements of the wellhead protection program.

C. Classification and Designation. Critical aquifer recharge areas are those land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmission of contaminants to an underlying aquifer. Critical aquifer recharge areas under this section may be established based on general criteria, specifically designated due to special circumstances, or based on scientific studies and mapping efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water table, presence of highly permeable soils (specifically Group A hydrologic soils), presence of flat terrain, and the presence of more permeable surficial geology. Critical aquifer recharge areas may be placed in one of the following categories:

1. Category I Critical Aquifer Recharge Areas. Category I critical aquifer recharge areas are those areas where potential for certain land use activities to adversely affect groundwater is high. Category I critical aquifer recharge areas include:

a. Areas inside the five-year time-of-travel zone for Group A water system wells, calculated in accordance with the Washington State Source Water Assessment Program.

b. Ten-year time-of-travel zones in wellhead protection areas are included as critical aquifer recharge when a well draws its water from an aquifer that is at or above sea level and is without an overlying protective impermeable layer.

c. Areas identified as regionally significant aquifer recharge areas and identified as such by the city are:

(None are identified in Mount Vernon at this time. Future designations may occur.)

2. Category II Critical Aquifer Recharge Areas. Category II critical aquifer recharge areas are areas that provide recharge to aquifers that currently are or potentially will become potable water supplies and are vulnerable to contamination based on the type of land use activity. These include the following:

a. Highly Permeable Soils (Group A Hydrologic Soils). The general location and characteristics of Group A hydrologic soils in the city are given in the Soils Survey Skagit County by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). The soil survey information is available at the community and economic development department.

b. Areas Above Shallow Principal Aquifers. Surface areas above shallow, principal aquifer(s) that are not separated from the underlying aquifers by an impermeable layer that provides adequate protection to preclude the proposed land use from contaminating the shallow aquifer(s) below are considered aquifer recharge areas of concern.

D. Development Standards.

1. Allowed Activities. Standards for development shall be in accordance with the provisions below and the requirements of other underlying city regulations. The following activities are allowed in critical aquifer recharge areas and do not require submission of a hydrogeologic assessment:

a. Construction of structures and improvements, including additions, resulting in less than five percent or 2,500 square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.

b. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that does not increase the use of a hazardous substance.

c. On-site domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre.

d. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers that does not exceed times and rates specified on the packaging.

e. Residential storage or use of petroleum and petroleum products.

f. Activities that have a potential contamination source below threshold amounts as set forth in applicable statutes of the Revised Code of Washington or local regulations. The purpose of this clause is to allow for small-scale and residential activities thought to have no significant impact to critical aquifer recharge areas.

2. Prohibited Activities. The following activities and uses are prohibited in Category I critical aquifer recharge areas:

a. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, and wood waste;

b. Underground Injection Wells. Wells which meet the requirements of Chapters 173-218 and 173-200 WAC with the exception of 5B22, 5D2, 5G30, 5W12, 5W32, 5R21, and 5S23;

c. Commercial mining and washing of metals, hard rock, sand, and gravel;

d. Chemical wood preservation and/or treatment facilities;

e. Storage, processing, or disposal of radioactive substances;

f. Commercial activities that are not connected to an available sanitary sewer system;

g. Use or storage of pesticides listed as "state restricted use pesticides" by Chapter 16-228 WAC;

h. Oil and gas drilling as defined in WAC 332-12-450 and Chapter 173-218 WAC;

i. Underground storage of hazardous substances as regulated by Chapter 173-360 WAC;

j. Use, storage, treatment, or production of perchloroethylene (PCE), other than in closed-loop systems that do not involve any discharge of PCE;

k. Petroleum refining, reprocessing, storage, and petroleum-product pipelines;

l. Electroplating/metal finishing;

m. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and

n. Activities that would significantly reduce the recharge to aquifers that are a source of significant base flow to a regulated stream.

E. Allowed Uses with Performance Standards.

1. General Requirements. Any activity not specifically exempted through MVMC 15.40.020(D) as allowed or prohibited may be permitted in a critical aquifer recharge area if all of the following criteria are met (a list of specific uses with a potential threat to groundwater can be found in subsection (E)(2) of this section):

a. Hydrogeologic Assessment.

i. For Category I aquifer recharge areas the applicant must show through a hydrogeologic assessment that the proposed activity will not cause significant impact to aquifer quality or recharge. The hydrogeologic assessment will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and affected water purveyors. An incompatible activity can be denied permit approval by the director.

ii. For Category II aquifer recharge areas a hydrogeologic assessment may be required. The scope of the report shall be based on site-specific conditions. The hydrogeologic assessment will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and affected water purveyors. An incompatible activity can be denied permit approval by the director. The need for additional information will be determined by the department, the health district, and the affected water purveyor. Based on the report, controls, mitigation, and/or other requirements will be established as a prerequisite for the development proposal being approved.

iii. A hydrogeologic assessment shall be prepared in accordance with the content and submittal requirements of MVMC 15.40.120(C); unless the director waives particular report requirements based on site-specific conditions.

b. The proposed activity must comply with the source water protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, Washington Department of Ecology, and the Skagit County health district.

c. The applicant must explore low impact development site design alternatives and implement them where economically feasible. Low impact development techniques in the most current edition of the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound can include, but are not limited to:

i. Rainwater harvesting;

ii. Reverse slope sidewalks;

iii. Vegetated roofs;

iv. Bioretention areas (rain gardens); and

v. Pervious pavement.

2. Potential Threats to Groundwater. Specific uses with potential threats to groundwater can include, but are not limited to, the following. Uses meeting the listed performance standards may be allowed if the criteria of this section are met.

a. Anything that is not exempt per MVMC 15.40.020(D).

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

i. All new above-ground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

(A) Not allow the release of a hazardous substance to the ground, groundwater, or surface waters;

(B) Have a primary containment area enclosing or underlying the tank or part thereof; and

(C) A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

c. Vehicle Repair and Servicing.

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

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

d. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the Departments of Ecology and Health.

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

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

e. Automobile washers as defined in Chapter 173-216 WAC.

f. Chemical treatment storage and disposal facilities as defined in WAC 173-303-182.

g. Hazardous waste generators, including, but not limited to: boat repair shops, biological research facilities, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, medical and dental facilities, etc., as defined in Chapter 173-303 WAC.

h. Junk yards and salvage yards as defined in Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycler Facilities (DOE publication number 94-146).

i. On-site sewage systems (large scale) as defined in Chapter 173-240 WAC.

j. On-site sewage systems (less than 14,500 gal/day) as defined in Chapter 246-272 WAC.

k. Pesticide storage and use as defined in Chapters 15.54 and 17.21 RCW.

l. Sawmills as defined in Chapters 173-303 and 173-304 WAC, DOE publication number 95-53, Best Management Practices to Prevent Stormwater Pollution at Log Yards.

m. Solid waste handling and recycling facilities as defined in Chapter 173-304 WAC.

n. Wastewater application to land surface as defined in Chapters 173-216 and 173-200 WAC, and DOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture.

o. New impervious surface area exceeding 20,000 square feet.

p. Beneficial use of biosolids as defined in Chapter 173-308 WAC.

q. Golf courses, provided:

i. Fertilizer use is not above agronomic rates;

ii. Pesticides are managed and applied by properly licensed personnel, and use of all pesticides is approved by the affected water utility;

iii. The golf course allows for periodic monitoring by the department or an affected water utility.

r. Noncommercial gravel and sand mining, provided the extraction of materials remains no less than 10 feet above the level of the aquifer.

3. Affected Agency Review. The city will notify Skagit County health district and affected water utilities and will request them to comment during the preliminary phases of the city's review process on all proposed projects defined in subsections (C)(1) and (2) of this section.

4. Inspection. City personnel may inspect at reasonable times, upon presentation of credentials, as part of its wellhead protection program any activity that is known to manage or potentially manage hazardous materials.

V. FLOOD HAZARD REGULATIONS

All regulated activities in flood hazard areas shall comply with Chapter 15.07 MVMC, Shoreline Master Program, and Chapter 15.36 MVMC, Floodplain Management Standards.

VI. GEOLOGICAL HAZARD AND HILLSIDE DEVELOPMENT STANDARDS

A. Purpose. The purposes of the geologic hazard and hillside development regulations are to:

1. Minimize damage due to landslide, erosion, subsidence, and alluvial fans through the control of development; and

2. Reduce the risks to the city and its citizens from development occurring on unstable slopes; and

3. Control erosion and sediment runoff from development.

B. Classification. Geologic hazards are classified into the following areas:

1. Erosion Hazard Areas. An area that contains one or more of the following characteristics:

a. Those areas containing soils that, according to the U.S. Natural Resource Conservation Service Survey, have severe to very severe erosion hazard potential; and/or

b. Those project areas that fall within any soil sloping greater than or equal to 30 percent; and/or

c. Those areas that may be considered to have an erosion hazard as a result of rapid stream incision or stream bank erosion.

2. Landslide Hazard Areas. An area that exhibits one or more of the following characteristics:

a. Contains or lies within 200 feet from slopes having the following characteristics: gradients of 15 percent or greater intersecting geologic contacts with permeable sediments overlying low permeability sediment or bedrock and springs or groundwater seepage are present; and/or

b. Contains or lies within 200 feet from any area having a 40 percent slope or steeper and with a vertical relief of 10 feet or more; and/or

c. Contains or lies within 200 feet from areas of historic failure such as areas designated as quaternary earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other slope failures on maps or technical reports published by the U.S. Geological Survey such as topographic or geologic maps, or the Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies; and/or

d. Contains or lies within 200 feet from areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action. Such area shall be addressed as a flood hazard consistent with this chapter; and/or

e. Areas that have shown movement (e.g., slides, rotational or mass failures, subsidence) during the Holocene epoch (i.e., the last 8,000 through 10,000 years) or that are underlain or covered by wastage debris of that epoch; and/or

f. Contains or lies within 200 feet from slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials; and/or

g. Contains or lies within 200 feet from slopes with a gradient greater than 80 percent and subject to rock fall during seismic shaking.

3. Seismic Hazard Areas. Seismic hazard areas shall include areas that are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting as follows:

a. Areas that have a potential for soil liquefaction and soil strength loss during ground shaking as identified on the city of Mount Vernon Soil Liquefaction Potential Map derived from Washington State Department of Natural Resources data or as identified by investigative maps or studies by the United States Geologic Survey.

b. Areas located on a Holocene fault line as indicated on investigative maps or described in studies by the United States Geologic Survey, Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies, or as identified in the field.

4. Volcanic Hazard Areas. Volcanic hazard areas include those lands identified as a volcanic hazard zone for Glacier Peak, Washington (USGS Open-File Report 95-499); or in a volcanic hazard area of Mount Baker, Washington (USGS Open-File Report 95-498).

5. Alluvial Fan Hazard Areas. Areas within or 200 feet from an alluvial fan as designated on the Skagit County Alluvial Fan Study Orthophoto Maps. An alluvial fan is an accumulation of sediment deposited by a stream where it issues from steep, confined hill slopes onto a floodplain or valley floor. The sediment mass includes rock, mud, woody debris, and other accumulations. The depositional mechanism is the decrease in gradient that causes the material to stop its downhill course. Repeated debris flows tend to obstruct the channel, forcing the material to find a new path of least resistance.

C. Geologic Hazard Areas Performance Standards.

1. General. Whenever a proposed development activity requires a development permit and a geologic hazard is present on the site of the proposed development or on abutting or adjacent sites within 200 feet of the subject site, a geotechnical study/geologic hazard report shall be required consistent with the detailed report requirements in MVMC 15.40.120(B).

a. Geologic hazard reports shall demonstrate all of the following criteria are met:

i. The proposal will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions; and

ii. The proposal will not adversely impact other critical areas; and

iii. The development can be safely accommodated on the site.

b. The geologic hazard report shall be prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington. If the study involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the

geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations.

c. Upon review of geotechnical studies, the director may apply conditions of approval to mitigate adverse environmental impacts and to meet the criteria in this chapter. Such conditions may include, but are not limited to, construction techniques, design, drainage, project size/configuration, or seasonal constraints on development. Additional possible conditions may be listed under the performance standards for each hazard type.

d. Slopes between 15 and 40 Percent. A geotechnical study shall address the hillside development standards for properties containing slopes between 15 and 40 percent.

e. Mitigation Plan Required. A mitigation plan shall be required by the director if alteration of the geologic hazard area is proposed and mitigation measures need to be established for the regulated activity. A mitigation plan is only required for slopes between 15 and 40 percent if the geotechnical report identifies a need for requirements beyond the hillside development standards.

f. Geotechnical Study or Mitigation Plan Waiver. May only be waived by the director when the applicant provides satisfactory evidence that:

i. The geologic hazard or slope between 15 and 40 percent does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby geologic hazard areas or other slopes between 15 and 40 percent; or

ii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

g. Peer Review. Peer review of the applicant's geotechnical report may be required by the city at the applicant's expense.

2. Erosion and Landslide Hazard Areas. Regulated development activities shall be subject to the following:

a. A temporary erosion and sedimentation control plan prepared in accordance with the best management practices (BMPs) set forth in the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2).

b. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water in accordance with the requirements of the Mount Vernon storm water regulations in accordance with the BMPs set forth in the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2).

c. All proposals involving excavations and placement of fills shall be subject to structural review under the appropriate provisions as found in the currently adopted building code of Mount Vernon.

d. All infiltration systems, such as storm water detention and retention facilities, and curtain drains utilizing buried pipe or French drains, are prohibited in erosion and landslide hazard areas and their buffers unless a site assessment report indicates such facilities or systems will not affect slope stability and the systems are designed by a licensed civil engineer. The engineer shall also certify that the system and/or facilities are installed as designed.

e. Vegetation Removal and Replanting. Removal of vegetation shall be minimal in erosion and landslide hazard areas. Any replanting that occurs shall consist of trees, shrubs, and ground cover that meets the objectives of erosion prevention and site stabilization, does not require permanent irrigation for long-term survival, and, if the removal and replanting are occurring inside a stream or wetland buffer, the plantings are suitable for that critical area and buffer function.

f. Additional Requirements – Landslide Hazard Areas.

i. Surface drainage shall not be directed across the face of a landslide hazard (including bluffs or ravines). If drainage must be discharged from the hazard area into adjacent waters, it shall be collected above the hazard and directed to the water by tight line drain and provided with an energy dissipating device at the point of discharge.

ii. A minimum buffer with a width of 50 feet shall be established from the top, toe and all edges of all landslide hazardous areas. Existing native vegetation shall be maintained in accordance with mitigation recommendations within the buffer area. The buffer may be reduced to a minimum of 10 feet when an applicant demonstrates to the director that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area. The buffer may be increased by the director when determined necessary to prevent risk of damage to proposed and existing development. Normal nondestructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide a view corridor, shall not be subject to these buffer requirements.

3. Seismic Hazard Areas. Structural development proposals shall meet all applicable provisions of the building code as adopted by the city. The director shall evaluate the geologic hazard area report and condition permit approvals to minimize the risk on both the subject property and affected adjacent properties.

4. Volcanic Hazard Areas.

a. Critical Facilities. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and

identify any engineering or other mitigation measures as appropriate. Mitigation plans may be required. The geologic hazard report shall be subject to third party review.

b. Other. Meet the requirements of the city's flood hazard regulations in Chapter 15.36 MVMC.

5. Alluvial Fan Hazard Areas. Based upon the results of the geologic hazard report and third party review, the director shall require conditions of approval for developments on sites that include or are affected by alluvial fan hazards. Conditions may include, but are not limited to, vegetation enhancement, slope stabilization, buffer zones, or other requirements.

D. Hillside Development Standards. While slopes of less than 40 percent are not defined by this chapter as environmentally sensitive, improper development or construction on such slopes may cause erosion, flooding, property damage, and damage to environmentally sensitive areas regulated by this chapter. Development on hillsides with slopes of 15 percent or greater shall comply with the following requirements, unless specifically exempted by another provision of this chapter:

1. Submittal Requirements. Proposals that include clearing, grading, filling, excavation, construction, paving, or removal of vegetation, on slopes between 15 percent and 39.99 percent, are subject to the following:

a. Preparation of a geotechnical report prepared by a licensed professional engineer that contains a description of how the proposed development and its associated grading plan will or will not impact each of the following on the subject property and adjoining properties:

i. Slope stability, erosion, and landslide hazards;

ii. Drainage, surface and subsurface hydrology, and water quality; and

iii. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and natural habitat value.

b. Recommended methods for mitigating identified impacts and a description of how these mitigation measures may impact adjacent properties.

2. Conditions. Based upon the results of the geotechnical report, the director may require conditions of approval including, but not limited to, vegetation enhancement, slope stabilization, restriction on clearing area or time of year, and/or other requirements.

VII. WETLANDS ~~STANDARDS~~

A. DESCRIPTION

1. Wetlands are those areas, ~~designated in accordance with the "Washington State Wetland Identification and Delineation Manual" as required by RCW 36.70A.175,~~ 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. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.
2. Wetlands help to maintain water quality; store and convey stormwater and floodwater; recharge ground water; provide important fish and wildlife habitat; and serve as areas for recreation, education, scientific study and aesthetic appreciation.
3. The City's overall goal is to achieve no net loss of wetlands. This goal shall be implemented through retention and restoration of the function and value of wetlands within the City.
4. Wetlands serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

B. PURPOSE

The purposes of the wetland regulations are to:

1. Ensure that development activities in or affecting wetlands do not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values;
2. Protect wetlands by regulating development activities within and around them;
3. Protect the public from costs associated with repair of downstream properties resulting from erosion and flooding due to the loss of water storage capacity provided by wetlands; and,
4. Prevent the net loss of wetland acreage and functions.

C. CLASSIFICATION AND DESIGNATION

Wetland ratings: Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the "Washington State Wetland Rating System for Western Washington" (Department of Ecology Publication No. 14-06-029, effective January 2015 ~~04-06-025~~) or as amended hereafter. These documents contain the definitions and methods for determining if the criteria below are met.

1. Wetland Rating Categories.
   a. Category I: Category I wetlands are those that meet any of the following criteria:
      i. Represent a unique or rare wetland type; or
      ii. Are more sensitive to disturbance than most wetlands; or

iii. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

iv. Are providing a high level of functions, scoring twenty-three ~~seventy~~ (23~~70~~) points or more out of twenty-seven ~~one hundred~~ (27~~100~~) (DOE Wetlands Rating System, 201~~0~~4); or

v. Are characterized as a national heritage wetland; or

vi. Are characterized as a bog; or

vii. Are over one (1) acre and characterized as a mature and old-growth forested wetland.

b. Category II. Category II wetlands are those wetlands that are not Category I wetlands and that meet any of the following criteria:

i. Provide high levels of some functions, being difficult, though not impossible to replace; or

ii. Perform most functions relatively well, scoring 20 to 22 points out of 27 (DOE Wetlands Rating System, 2014).~~OE Wetlands Rating System, 2004).~~

c. Category III. Category III wetlands are those wetlands that are not Category I or II wetlands, and that meet the following criterion: ~~to provide moderate levels of functions, scoring between thirty (30) through fifty (50) out of one hundred (100) points (DOE Wetlands Rating System, 2004).~~

i. Provide moderate levels of functions, scoring 16 to 19 points out of 27 (DOE Wetlands Rating System, 2014).

d. Category IV. Category IV wetlands are those that meet the following criterion:

ii. Provide low levels of functions, scoring less than 15 ~~thirty (30)~~ ~~out of one hundred (100)~~ points out of 27 (DOE Wetlands Rating System, ~~2004~~ 2014).

2. Date of Wetland Rating

Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the City, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

D. WETLAND REPORTS

i. Report required: Subject to the provisions of section (D)(3) below, a wetland report pursuant to the guidelines in MVMC 15.40.120.G addressing a wetland's classification and delineation shall be prepared by an applicant as follows:

a. Wetland report identifying classification: An applicant shall be required to conduct a study to determine the classification of the wetland if the subject property or project area is both within the SMZ and within 150 feet of a wetland, even if the wetland is not located on the subject property, but it is determined that

alterations of the subject property are likely to impact the wetland in question or its buffer. Wetland classification shall be performed as described in MVMC 15.40.090(C), and the report shall include a completed wetland rating form. If there is a potential Category I or II wetland within 300 feet of a proposed project, the City may require an applicant to conduct a study, even if the wetland is not located on the subject property, but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer. A wetland report shall be prepared by a certified professional at the applicant's expense.

b. Wetland report identifying delineation: A wetland delineation is required for any portion of a wetland on the subject property that will be impacted by the permitted activities. For the purpose of regulation, the exact location of the wetland edge shall be determined by the wetlands specialist hired at the expense of the applicant through the performance of a field investigation using the procedures provided in the Hydrogeomorphic (HGM) manual.

ii. Wetland mitigation plan required: The applicant shall be required to prepare a wetland mitigation plan per MVMC 15.40.120(H), if impacts are identified within a wetland classification or delineation report, or if a wetland buffer alteration is proposed. The approval of the wetland mitigation plan by the Director shall be based on the criteria located in MVMC 15.40.040, 15.40.080, 15.40.110, and 15.40.120(H).

iii. Report waived:

a. A wetland classification or delineation report may only be waived by the Director when the applicant provides satisfactory evidence that:

i. A public road, building or other physical barrier exists between the wetland and the proposed activity;

ii. The wetland does not intrude on the site of the proposed project, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby wetlands regulated under this section; or

iii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary, consistent with current rating system and mitigation standards.

b. The wetland mitigation plan may only be waived by the Director when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary, consistent with current rating system and mitigation standards.

c. Period of validity for wetland reports: Reports submitted and reviewed are valid for up to five (5) years from date of study completion as approved by the City unless the Director determines that conditions have changed significantly and a new or amended study is required.

d. Independent secondary review: Peer review of the wetland report may be required by the City at the applicant's expense.

E. DEVELOPMENT STANDARDS

1. Activities may only be permitted in a wetland if the applicant can show that the proposed activity will not degrade the functions and functional performance of the wetland.
2. Activities and uses shall be prohibited in wetlands, except as provided for herein.
3. Category I wetlands: Activities and uses shall be prohibited from Category I wetlands, except as provided for in the public agency and utility exception, ~~reasonable use exception~~, and variance sections of the MVMC.
4. Category II and III wetlands: With respect to activities proposed in Category II and III wetlands, the following standards shall apply:
   a. Water-dependent activities may be allowed where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers, and other wetlands.

   Where non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

      i. The basic project purpose cannot reasonably be accomplished by successfully avoiding the wetland, or result in less adverse impact on a wetland on another site or sites in the general region;
      ii. All alternative designs of the project as proposed that would avoid or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible; and
      iii. Full compensation for the acreage and loss functions will be provided under the terms established under sections (G)(6) and (G)(7) below.
5. Category IV wetlands: Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved wetland report and mitigation plan, if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the acreage and loss functions will be provided under the terms established under sections (G)(6) and (G)(7) below.

F. STANDARD WETLAND BUFFERS

1. 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, are as follows:

Wetland Category	Standard Buffer
I	200 ft.
II	100 ft.
III	75 ft.
IV	50 ft.

2. Measurement of wetland buffers: All buffers shall be measured horizontally from a perpendicular line established at the wetland edge as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers.

3. Increased wetland buffer widths: The Director shall require increased buffer widths in accordance with the recommendations of an experienced, certified professional wetland scientist, 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. This determination shall be based on one or more of the following criteria:

   a. A larger buffer is needed to protect other wetlands;

   b. The buffer or adjacent uplands has a slope greater than 15 percent or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland;

   c. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute**.** Where a buffer planting plan is proposed, it shall include plant densities that are in conformance with the recommendations of the Critical Area Ordinance (CAO) Guidebook and CAO Guidebook requirements for monitoring and maintenance to ensure success.

   d. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of nonnative plants when:

      i. Nonnative or invasive plant species provide the dominant cover,

      ii. Vegetation is lacking due to disturbance and wetland resources could be adversely affected, or

iii. Enhancement plantings in the buffer could significantly improve buffer functions.

e. An increase in buffer width onsite or restoration of existing buffer required under this section shall be directed to modifications reasonably necessary to mitigate impacts created by the proposed development and roughly proportional to the scope and scale of the impacts created by the proposed development.

4. Wetland buffer width averaging: The Director may allow modification of the standard wetland buffer width in accordance with an approved wetland 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 the applicant and a certified professional wetland scientist demonstrates that:

a. No feasible site design exists without buffer averaging;

b. It will not reduce wetland functions or functional performance;

c. 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;

d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and,

e. The buffer width is not reduced to less than 75 percent of the standard buffer width, applicable to Category I, II, or III wetlands or 35 feet for Category IV wetlands.

5. Buffer consistency: All mitigation sites shall have buffers consistent with the buffer requirements of these regulations.

6. Buffer maintenance: Except as otherwise specified or allowed in accordance with this title, wetland buffers shall be retained in an undisturbed or enhanced condition. Removal of invasive non-native weeds is required for the duration of the mitigation bond.

G. STANDARD MITIGATION REQUIREMENTS – WETLANDS

Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with the State Department of Ecology publication "Wetland Mitigation in Washington State," 2006 (Publication Nos. 06-06-011a and 06-06-011b), or as revised.

1. Mitigation includes the following alternatives. The priority shall be as follows, but may be modified where functions and values are retained, restored, or enhanced by alternate systems:

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

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

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

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

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

2. Mitigation for lost or affected functions: Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland functions as those lost, except when:

   a. The lost wetland provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or

   b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

3. Preference of mitigation actions: Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

   a. Restoring wetlands on upland sites that were formerly wetlands.

   b. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

   c. Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.

4. Type and location of mitigation: Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach or sub-basin. Mitigation actions shall be conducted within the same sub-basin and on the site as the alteration, except when all of the following apply:

   a. There are no reasonable on-site or sub-basin opportunities or the on-site and sub-basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the impacts. Consideration should include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, proposed water quality improvements, potential to mitigate riparian fish and wildlife impacts (such as connectivity);

b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and,

c. Off-site locations shall be in the same sub-basin unless:

i. Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or

ii. Credits from a state-certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

5. Mitigation timing: Mitigation and monitoring plans shall be approved prior to initiation of activities that will disturb wetlands. Mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

a. The Director may authorize a one-time temporary delay, up to 120 days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public.

b. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the City and include a financial guarantee.

6. Mitigation Ratios:

a. Acreage replacement ratios: The following ratios shall apply to creation or restoration that is in-kind, within the same drainage basin, is the same category, is timed prior to or concurrent with alteration, 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. These ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Category I	6-to-1
Category II	3-to-1
Category III	2-to-1
Category IV	1.5-to-1

b. Increased replacement ratio. The Director may increase the ratios under the following circumstances:

   i. Uncertainty exists as to the probable success of the proposed restoration or creation;

   ii. A significant period of time will elapse between impact and replication of wetland functions;

   iii. Proposed mitigation, without increase, will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

   iv. The impact was an unauthorized impact.

7. Wetlands Enhancement as Mitigation:

   a. Impacts to wetland functions may be mitigated by enhancement of existing significantly degraded wetlands, but must be used in conjunction with restoration and/or creation. Applicants proposing to enhance wetlands must produce a wetland 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.

   b. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under subsection G.6 of this section. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

   c. Mitigation ratios for enhancement in combination with other forms of mitigation shall range from 6:1 to 3:1 and be limited to Class III and Class IV wetlands.

   d. Any approval under subsections (b) and (c) above shall be consistent with Table 1a of "Wetland Mitigation in Washington State, Part I" (Ecology, et al., 2006)

8. Wetland Mitigation Banks:

   a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands ~~(but not wetland buffers)~~ when:

      i. The bank is certified under Chapter 173-700 WAC;

      ii. The Director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and,

      iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

   b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

   c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

VIII. SUBMITTAL REQUIREMENTS, REPORTS, STUDIES AND PLANS

A. General Requirements. When a regulated critical area or associated buffer is identified, the following procedures apply:

1. Preapplication Consultation. Any person seeking a permit from the city to develop properties known or suspected to have critical areas present shall schedule a preapplication conference with the city pursuant to adopted scheduling procedures. Preapplication consultation and planning will help applicants identify regulatory requirements under this section and assure integration of critical area planning into overall project design.

2. Submittal Requirements.

a. Plans. When an application is submitted for any regulated activity, the location of the critical areas and buffers on the site shall be indicated on the plans submitted based upon an inventory provided by a certified professional, as identified in subsections B through G of this section.

b. Waivers. The director may waive any of the requirements of this subsection if the size and complexity of the project do not warrant a step in the proceeding, as identified in subsections B through G of this section.

c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to:

i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the director shall select the third party review professional. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director; and/or

ii. A request for consultation with the State of Washington Department of Fish and Wildlife, Washington State Department of Ecology, State Department of Natural Resources, Skagit System Cooperative, the Upper Skagit Tribe, or other appropriate agency.

3. Fees. See Chapter 14.15 MVMC.

4. Combined Systems. Where streams, ponds, and wetlands function jointly on a property and/or adjoining properties, such systems shall be addressed as a single system for purposes of all required reports and approvals.

B. Geotechnical Study/Geologic Hazard Report. A study that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design,

retaining wall design, material selection, and all other pertinent elements. The preparation and content requirements in the table below shall also apply.

Table 15.40.120(A), Geotechnical Report – Detailed Requirements

Report Preparation/Content Requirements	Erosion	Landslide	Seismic	Volcanic Hazards	Alluvial Fan
1. Characterize soils, geology and drainage.	X	X	X	X	X
2. Describe and depict all natural and manmade features within 200 feet of the site boundary.	X	X	X	X	X
3. Identify any areas that have previously been disturbed or degraded by human activity or natural processes.	X	X	X	X	X
4. Characterize groundwater conditions including the presence of any public or private wells within 1,000 feet of the site.	X	X	X		X
5. Provide a site evaluation review of available information regarding the site.	X	X	X	X	X
6. Conduct a surface reconnaissance of the site and adjacent areas.	X	X	X		X
7. Conduct a subsurface exploration of soils and hydrologic conditions.	X	X	X		X
8. Provide a slope stability analysis.	X	X			X
9. Address principles of erosion control in proposal design including: Plan the development to fit the topography, drainage patterns, soils and natural vegetation on site; Minimize the extent of the area exposed at one time and the duration of the exposure; Stabilize and protect disturbed areas as soon as possible; Keep runoff velocities low; Protect disturbed areas from storm water runoff; Retain the sediment within the site area; Design a thorough maintenance and follow-up inspection program to ensure erosion control practices are effective.	X	X			X
10. Provide an evaluation of site response and liquefaction potential relative to the proposed development.			X		
11. Conduct sufficient subsurface exploration to provide a site coefficient (S) for use in the adopted building code to the satisfaction of the building official.			X		
12. Provide an analysis of proposed clearing, grading and construction activities including construction scheduling. Analyze potential direct and indirect on-site and off-site impacts from development.	X	X	X		X
13. Propose mitigation measures, such as any special construction techniques, monitoring or inspection programs, erosion or sedimentation programs during and after construction, surface water management controls, buffers, remediation, stabilization, etc.	X	X	X	X	X
14. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and identify any engineering or other mitigation measures as appropriate.				X	

Note: An "X" indicates that the requirement applies in the identified critical area.

C. Hydrogeologic Assessment. The assessment shall address the impact the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer.

1. The assessment shall be submitted to the department and shall address, at a minimum, the following criteria:

a. Surficial soil type and geologic setting;

b. Location and identification of wells within 1,000 feet of the site;

c. Location and identification of surface water bodies and springs within 1,000 feet of the site with recharge potential, unless geologic features in the basin make it clear that a larger area is hydraulically connected to any fish bearing stream in the affected basin;

d. Description of underlying aquifers and aquitards, including water level, gradients, and flow direction;

e. Available surface water and groundwater quality data;

f. Effects of the proposed development on water quality;

g. Sampling schedules required to assure water quality;

h. Discussion of the effects of the proposed development on the groundwater resource;

i. Recommendations on appropriate best management practices (BMPs), based on the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2), or mitigation to assure no significant degradation of groundwater quality;

j. Other information as required by the Skagit County health district; and

k. The assessment shall also address the types of pesticides, herbicides, and fertilizers that can safely be used for the care of landscaping proposed by the applicant.

2. The hydrogeologic assessment shall be prepared by a professional geologist/hydrologist or by a soil scientist with a strong background in geology (see definition of "Certified professional" in MVMC 15.40.170(B)).

3. Applications for development or operations with underground storage of petroleum products will be processed using the appropriate procedure as specified in existing Mount Vernon ordinances.

4. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to confirm if the soils present require a recharge area designation. Data collection will include, at a minimum, six soil logs to a depth of 10 feet (or to a depth of four feet below the lowest proposed excavation point, whichever is greater) for each acre in the parcel(s) being evaluated. At least one well, 200 feet or greater in depth with an adequate drilling report, must be available within one mile. The associated data shall be analyzed and included in the hydrogeologic assessment to determine the presence of highly permeable soils with the recharge area designation.

D. Habitat Management Plan. A habitat management plan (HMP) is a site investigation to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development.

1. The assessment of habitats for the site and project shall at a minimum include the following information:

a. A map prepared at an easily readable scale, showing:

i. The location of the proposed development site;

ii. Property boundaries;

iii. The relationship of the site to surrounding topographic, water, and cultural features;

iv. Proposed building locations and arrangements; and

v. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision;

b. Detailed description of vegetation on and adjacent to the project area and its associated buffer;

c. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

d. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

e. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;

f. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;

g. The use of alternative on-site wastewater systems in order to minimize site clearing;

h. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction;

i. The need for fencing and signage along the buffer edge;

j. A discussion of measures, including avoidance, minimization, and mitigation proposed to preserve existing habitats and restore any habitat that was degraded prior to the

current proposed land use activity and to be conducted in accordance with the mitigation sequencing required by this chapter; and

k. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring, maintenance, and enforcement programs.

2. When appropriate due to the type of habitat or species present or the project conditions, the director may also require the habitat management plan to include:

a. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;

b. A request for consultation with the Washington Department of Fish and Wildlife or the local Native American Indian tribe or other appropriate agency; and

c. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

3. Mitigation Measures. Possible mitigation measures to be included in the report, or required by the director, could include, but are not limited to:

a. Establishment of buffer zones;

b. Preservation of critically important plants and trees;

c. Limitation of access to habitat areas;

d. Seasonal restriction of construction activities;

e. Establishing phased development requirements; and

f. Monitoring plan for a period necessary to establish that performance standards have been met. Generally this will be for a period of seven to 10 years.

4. HMP Adequacy. The HMP shall demonstrate to the satisfaction of the city that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the city and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the appropriate federal or state agency. If the federal or state agencies are not available in a timely manner, the applicant may choose to have the city refer the HMPs to a third-party consultant at the expense of the applicant. After consultation with such state departments or third-party consultant, the director shall make a final decision on the adequacy of the HMP.

5. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the city grants either final plat approval or an occupancy permit, as applicable.

6. Any project that requires an HMP shall not be considered SEPA exempt and the HMP shall be processed along with appropriate SEPA review and agency comment as required by Chapter 197-11 WAC.

E. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

1. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

a. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

b. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

c. Stream classification, as recorded in city inventories (if unclassified, see subsection (F)(1) of this section);

d. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

e. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

f. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

g. Top view and typical cross-section views of the stream, banks, and management zones to scale;

h. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

i. The location, width, depth, and length of all existing and proposed structures, roads, storm water management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

j. Location of site access, ingress and egress.

2. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

3. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

a. The stream classification as recorded in city inventories;

b. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

c. The ecological functions currently provided by the stream/lake and existing riparian area;

d. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

e. Measures to protect trees and vegetation.

F. Stream Study, Supplemental. The application shall include the following information:

1. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

2. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

a. Avoid any disturbances to the stream or management zone;

b. Minimize any stream or management zone impacts;

c. Compensate for any stream or management zone impacts;

d. Restore any stream or management zone area impacted or lost temporarily; and

e. Enhance degraded stream habitat to compensate for lost functions and values.

3. Impact Evaluation.

a. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

i. Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

ii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

iii. Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

iv. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

b. For a violation, the impact evaluation must also include:

i. Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

ii. Determination of the impact of the violation on the resource(s) and functional values.

G. Wetland Assessment. A wetland assessment includes the following:

1. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

2. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Corps of Engineers Regional Supplement, 2010). Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

3. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, storm water management facilities, sewage treatment and installations within the wetland and its buffer;

4. The exact locations and specifications for all activities associated with site development including the type, extent, and method of operations;

5. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

6. Top view and typical cross-section views of the wetland and its buffer to scale;

7. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site;

8. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, maintenance and monitoring programs, and a contingency plan; and

9. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

a. Avoid any disturbance to the wetland or buffer;

b. Minimize any wetland or buffer impacts;

c. Compensate for any wetland or buffer impacts;

d. Restore any wetlands or buffer impacted or lost temporarily;

e. Create new wetlands and buffers for those lost; and

f. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

10. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

H. Mitigation and Monitoring Plans.

1. Baseline Information.

a. A written assessment and accompanying maps of the impacted critical area including, at a minimum, a critical area delineation by a qualified specialist; existing critical area acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project on the critical area; associated buffers and their functions; soil and substrata conditions; topographic elevations; and proposed restoration area.

b. If the mitigation site is different from the impacted critical area site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions; topographic elevations; existing and proposed adjacent site conditions; buffers; and site ownership.

2. Environmental Goals and Objectives. A written report by a qualified specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

a. The purposes of the restoration measures, including a description of site selection criteria; identification of restoration goals; identification of target evaluation species and ecological functions; dates for beginning and completion; and a complete description of the structure and functions sought in the restoration area or site. The goals and objectives

shall be related to the functions and values of the impacted critical area and associated buffer, or if off site and/or out-of-kind, the type of critical area to be emulated; and

b. A review of the best available science and author's experience to date in restoring or creating the type of critical area functions proposed shall be provided. An analysis of the likelihood of success of the restoration project shall be provided based on the experiences of comparable projects, preferably those in the same drainage basin, if any. An analysis of the likelihood of persistence of the created or restored critical area and buffer functions shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the critical area ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

3. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (H)(5) of this section, Monitoring Program. An assessment of the project's likelihood of success in achieving the goals and objectives of the mitigation plan should be included.

4. Detailed Techniques and Plans. Written specifications and descriptions of restoration techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques, if necessary, and planting instructions; and any other techniques or details appropriate to restoration construction. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques and/or anticipated final outcome. The city may request such other information as needed to determine the adequacy of a mitigation plan.

5. Monitoring Program. A program outlining the approach for monitoring construction and development of the restoration project and for assessing a completed project shall be provided in the mitigation plan. Monitoring and its associated reports of the critical area mitigation areas shall be completed by an agency or consultant selected by the city. Any maintenance required as a result of the monitoring, per performance standards set by the city, can be completed by the applicant and approved by the entity that completes the monitoring for the city; or the entity completing the monitoring can also complete any required work at the sole expense of the applicant. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, five, and seven after site construction). Monitoring shall be on a yearly basis, with the first year's worth of monitoring/reporting paid for before any work commences on the site, and how the

monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the restoration project. The restoration project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years, or 10 years in special circumstances such as scrub shrub or forested wetlands. The cost of all required years of monitoring shall be the responsibility of the applicant. Monitoring may include, but is not limited to:

a. Establishing vegetation plots to track changes in plant species composition and density over time;

b. Using photo reference points to evaluate vegetation community response;

c. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (i.e., pH, nutrients, heavy metals);

d. Measuring base flow rates and storm water runoff to model and evaluate hydrologic and water quality predictions;

e. Measuring sedimentation rates; and

f. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.

6. Contingency Plan. Should include an evaluation of the potential need for remedial action or contingency measures and an identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

7. Permit Conditions. Any restoration project prepared for mitigation and approved by the city shall become part of the application for the underlying project permit approval.

8. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the restoration project shall be provided.

9. Performance Surety. The cost of planting, labor, earthwork, etc., necessary for mitigation shall be estimated by the project proponent and reviewed by the city. The cost of monitoring and maintenance shall be established by the city based upon a cost estimate provided by the agency or consultant the city selects to perform monitoring and maintenance work. All mitigation and buffer enhancement shall be completed prior to final plat approval and/or building occupancy depending on the type of application. However, when improvements cannot be completed prior to final acceptance due to weather conditions that could negatively affect the success of the project, a performance surety may be used. The performance surety shall equal 150 percent of the cost of the mitigation project, and the required improvements shall be installed in a satisfactory manner within six months or less. To ensure that monitoring/reporting and maintenance work is paid for and/or completed, two separate financial securities in the form of bonds or cash deposits shall be provided to the city prior to any work commencing on the site. They are:

a. Maintenance Surety.

i. A maintenance surety shall be required on all mitigation and buffer enhancement projects to ensure that the improvement successfully survives the monitoring periods set above.

ii. The amount of the maintenance surety shall be calculated by taking the annual cost of the maintenance (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) and adding to it the cost of the plants, earthwork, and labor to install the mitigation project (provided by the applicant's critical area consultant) multiplied by the number of years of the required maintenance minus one (because the applicant will be required to pay for the first year of maintenance in advance) and then multiplied by 0.60 (60 percent).

b. Monitoring Surety.

i. A monitoring surety shall be required on all mitigation and buffer enhancement projects to ensure that these projects are adequately monitored.

ii. The amount of the monitoring surety shall be calculated by taking the annual monitoring cost (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) multiplied by the number of years of the required monitoring minus one (because the applicant will be required to pay for the first year of maintenance upfront) multiplied by one and one-half (or 150 percent).

c. Upfront Monitoring and Maintenance Costs. The applicant shall pay for the first year of monitoring and maintenance of the project, as determined by the city based upon an estimate provided by the agency or consultant that will be performing this work, prior to project approval.

10. Long-Term Maintenance. To ensure the long-term success of the mitigation plan, the applicant or their successors shall be responsible for the long-term maintenance of the habitat area and its associated buffer. The habitat and buffer shall be kept clear of weeds, invasive plant material, lawn clippings, junk, debris, intrusions or similar.

IX. FISH AND WILDLIFE HABITAT CONSERVATION AREAS

A. DESCRIPTION AND PURPOSE:

The intent of these regulations is to protect functions and values for waters, riparian habitat, resident and anadromous fish, and wildlife conservation areas. The primary purpose of this section is to minimize development impacts to habitat conservation areas in the Shoreline Management Zone and to:

1. Protect federal and state listed habitats and species and give special attention to protection or enhancement of anadromous fish populations; and,
2. Maintain a diversity of species and habitat within the City; and,

3. Coordinate habitat protection to maintain and provide habitat connections; and,
4. Help maintain air and water quality, and control erosion.

These standards, guidelines, criteria, and requirements intended to identify, evaluate and mitigate potential impacts to habitat conservation areas within the Shoreline Management Zone and associated critical areas and to provide guidelines to enhance degraded habitat and streams where feasible. In such circumstances, impacts resulting from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with these regulations. The intent of these regulations is to manage land so as to maintain fish and wildlife species in suitable habitats according to their natural geographic distribution so that isolated sub-populations are not created and achieve no net loss in fish or wildlife habitat or stream functions. Interpretations of these regulations shall be made to conform to the requirements of WAC 365-190-080.

B. CLASSIFICATION AND DESIGNATION OF FISH AND WILDLIFE HABITAT CONSERVATION AREAS:

Classification and designation of fish and wildlife habitat conservation areas is an ongoing process; while not all of the following critical habitat conservation areas are known to exist in the SMZ, their designation here allows for future categorization for protection. The following categories shall be used for relevant development standards contained herein ~~of this chapter~~.

1. Streams: All streams that meet the criteria for F, Np or Ns waters as set forth in

   WAC 222-16-030 of the Department of Natural Resources Water Typing System. (The City classification system is consistent with the definitions as provided in WAC 222-16-030.)

2. Lakes 20 Acres and Greater in Surface Area. Those lakes defined as shorelines of the state in the Shoreline Management Act of 1971.
3. Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for Type F, Np, and Ns waters as set forth in WAC 222-16-030 as amended. This includes lakes and ponds less than 20 acres in surface area and their submerged aquatic beds, lakes, and ponds planted with game fish by a governmental or tribal authority.

4. Class I Fish and Wildlife Conservation Areas, other than streams:

   a. Habitats and species recognized by federal or state agencies for federal and/or state-listed endangered, threatened and sensitive species that have primary association documented in maps or databases available to the City and that, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

   b. Areas targeted for preservation by the federal, state, and/or local government that provide fish and wildlife habitat benefits, such as the shared strategy process for Puget Sound; and areas of primary association for anadromous fish and important waterfowl areas identified by the U.S. Fish and Wildlife Service.

c. Areas that contain habitats and species of local importance. These critical areas are identified by the City, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Habitats of local importance can include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include snag-rich mitigation sites and urban natural open spaces.

5.Class II Fish and Wildlife Conservation Areas, other than streams:

a. Habitats for state-listed candidate and monitored species documented in maps or databases available to the City, which if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

b. Habitats that have been identified through maps, databases, reports, or studies that include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include snag-rich mitigation sites, and urban natural open space.

6. Habitats and Species of Local Importance: The City should accept and consider nominations for habitat areas and species to be designated as locally important.

a. Habitats and species to be designated shall exhibit the following characteristics:

i. Local populations of native species are in danger of extirpation based on existing trends;

ii. Local populations of native species that are likely to become endangered; or,

iii. Local populations of native species that are vulnerable or declining.

b. The species or habitat has recreation, commercial, game, tribal, or other special value.

c. Long-term persistence of a species locally is dependent on the protection, maintenance, and/or restoration of the nominated habitat.

d. Protection by other county, state, or federal policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat in the City.

e. Without protection, there is likelihood that the species or habitat will be diminished locally over the long term.

f. Areas nominated to protect a particular habitat or species must represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and which is of limited availability, highly vulnerable to

alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape.

g. Habitats and species may be nominated for designation by any person in accordance with the process in Chapter 15.40 MVMC, Appendix A.

C. PERFORMANCE STANDARDS - GENERAL:

A designated fish and wildlife habitat conservation area with its buffer is a critical area. Regulated uses identified within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this section.

1. Habitat Management Plan Required: If the City determines that impacts to habitats may occur as a result of a development project, a habitat management plan (HMP) shall be required in conformance with MVMC 15.40.120.D. The project proponent may choose to complete an HMP for a site-specific analysis to better determine the impact to habitat and to determine the appropriate buffer width and associated building setbacks for the project based on the site-specific analysis. The preparation and submission of this report is the responsibility of the applicant. The report shall rely on "best available science" as defined in WAC 365-195-900 through 365-195-925 and shall be prepared by a certified professional who is a biologist with five (5) years of experience preparing reports for the relevant type of habitat. The City may retain a qualified consultant at the applicant's expense to review and confirm the applicant's reports, studies and plans. The HMP shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers and building setbacks. An applicant may propose to implement an HMP as a means to protect habitat buffers associated with streams and/or fish and wildlife conservation areas. Approval for an HMP shall not occur prior to the consultation with the appropriate federal or state agencies.

   a. Intent: HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high-quality habitat buffers. While not primarily intended as a means to reduce buffers, the HMP may propose a reduction of the habitat buffer width where it is shown that the HMP will comply with the other requirements of this section.

   b. Effect of Buffers: An HMP shall provide habitat functions and values that are greater than would be provided by the prescribed habitat buffers. When habitat buffers are a component of an HMP, they shall be at least the minimum size necessary to accomplish the objectives of the HMP. The HMP may propose, but the City shall not require, a habitat buffer containing a greater area than is required by the prescribed habitat buffer.

   c. Impact Mitigation: The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated as defined in section (E) below. The developer of the plan shall use the best available science in all facets of the analyses. The Washington Department of Fish and Wildlife priority habitat and species management recommendations,

and/or bald eagle protection rules outlined in WAC 232-12-292, as amended, may serve as guidance for this report.

2. Endangered, Threatened, and Sensitive Species:

   a. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a habitat management plan (HMP) consistent with a habitat report identifying BMPs consistent with management guidelines recommended by state and federal agencies where present and otherwise consistent with best available science as established in the scientific literature for similar circumstances. Such plans shall identify the source of the recommendations and the key metrics by which success of the plan is to be measured and enforced.

   b. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with an HMP prepared by a certified professional and approved by the City. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate federal or state agencies.

   ~~Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest, territory, or communal roost and, activities that are adjacent to bald eagle sites within 800 feet or within one-half mile (2,640 feet) and in a shoreline foraging area shall require an approved HMP. The City shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the HMP by the Washington Department of Fish and Wildlife.~~

3. Anadromous Fish:

   a. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

      i. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;

      ii. If alternative alignment or location for the activity is not feasible, then activities shall be designed so that it will replace any affected functions and values with equivalent systems to avoid overall degradation to the functions and values of the fish habitat or other critical areas;

iii. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques where such approaches are reasonably effective, according to an approved critical area report; and

iv. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved habitat management plan.

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. Fish bypass facilities shall be provided that allow the upstream or downstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed, or otherwise adversely affect the overall lifecycle of such fish.

c. Fills, when authorized by the Shoreline Master Program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

4. Wetland Habitats: All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland development performance standards set forth above, in Section III. If non-wetlands habitat and wetlands are present at the same location, the provisions of this section or the wetlands section, whichever provides greater protection to the habitat, apply. Where a wetland is divided by a right of way or other improvement, but functions as a single system, the system shall be scored as a whole and not in pieces.

5. Buffers and Associated Building Setback Areas: The distance shall be measured from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified.

a. Buffers shall remain undisturbed natural beach or vegetation areas except where the buffer can be enhanced to improve its functional attributes, as approved by the Director. Buffers shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed below in Tables A and B of this section. Refuse shall not be placed in buffers. Alteration of buffer areas and building setbacks may be allowed for water-dependent and water-related activities and for other property development authorized by the Shoreline Master Program, through an HMP, shoreline exemptions, standards for existing (nonconforming) development, and shoreline variances; provided, however, in each instance mitigation shall be required to replace affected functions and values within the affected zone.

b. "Minimum building setback" is the required horizontal distance between the finished exterior wall of a structure and the edge of the critical area of the lot on which the structure is located. All portions of a structure must be located away from the critical area edge ~~or shoreline buffer edge, whichever is greater,~~ a distance equal to or greater than the minimum setback. Uses not requiring a permit defined in the City Building Code may be permitted in the setback if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area and other required SMZ setbacks are adhered

to, or prescribes a plan to replace affected functions and values within the affected area.

6. Habitat Conservation Area Buffers. Habitat conservation area buffers shall be shown on the development site plans or final plat maps along with the notation requirements identified in this chapter.

   a. If an existing property has a previously delineated and approved fish and wildlife habitat conservation area and associated buffer by the City, the approved conservation area and buffer may remain in effect. Redevelopment, and/or additions outside of the existing footprint shall be subject to the previously approved buffer; however, a buffer enhancement plan may be required in accordance if the habitat buffer area has become degraded or is currently not functioning or if the habitat area and/or buffer may be negatively affected by proposed new development. If, according to the buffer enhancement plan, additional buffer mitigation is not sufficient to protect the habitat, the City may require larger buffers where it is necessary to protect habitat functions based on site-specific characteristics.

7. Class I Fish and Wildlife Conservation Areas: All development as described within this chapter or within 200 feet of designated Class I wildlife conservation areas shall adhere to the following standards:

   a. All sites with known locations of Class I fish and wildlife conservation areas or sites within 200 feet to known locations of Class I fish and wildlife conservation areas will require, for all development permits, the submittal and approval of a habitat management plan (HMP) as specified in section C.1 above. In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife, meeting the requirements and guidelines of the bald eagle protection rules (WAC 232-12-292), as now or hereafter amended shall satisfy the requirements for an HMP. The requirement for an HMP shall be determined during the State Environmental Policy Act (SEPA) environmental review on the project. No project falling within a Class I fish and wildlife habitat conservation area shall be exempt from SEPA-compliant environmental review.

   b. All new development within 200 feet of habitat elements within which Class I fish and wildlife have a critical habitat may require the submittal of an HMP as specified in section C.1 above. The requirement for an HMP shall be determined during the SEPA-compliant environmental review of the project.

8. Class II Fish and Wildlife Conservation Area: All new development within Class II fish and wildlife conservation areas may require the submittal of an HMP as specified in section C.1 above if the Director determines that the activity is within a critical distance of a protected species for an activity which the species has a primary association. An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas review on the project. No project falling

within a Class II fish and wildlife habitat conservation area shall be exempt from SEPA review.

Table A, Wildlife Habitat Conservation Areas	
Class I	All developments within 200 ft. of a designated Class I wildlife habitat conservation area shall have buffer widths determined by a mandatory wildlife habitat management plan.
Class II	All development within a Class II wildlife habitat conservation area shall have the buffer widths be determined by the SEPA/critical area review on the project and may require a habitat management plan.

9. Other Allowed Uses in Fish and Wildlife Habitat Conservation Areas: Other activities may be allowed using the standard for a Category II wetland buffer.

D. PERFORMANCE STANDARDS – STREAMS:

1. The purposes of the stream regulations are to:
   a. Protect riparian habitat to provide bank and channel stability; sustained water supply; flood storage; recruitment of woody debris; leaf litter; nutrients; sediment and pollutant filtering; shade; shelter; and other functions that are important to both fish and wildlife; and,
   b. Prevent the loss of riparian acreage and functions and strive to achieve properly functioning conditions within a given stream segment where feasible; and,
   c. Designate and protect aquatic habitat for salmonid species; and,
   d. Give special attention to the protection or enhancement of anadromous fish.
2. Stream Studies:
   a. When Standard Stream Study Is Required: Subject to the provisions below, the applicant or project sponsors for activities requiring City approval shall be required to conduct a Standard Stream Study per MVMC 15.40.120(E) if a site contains a regulated stream or the project area is within 200 feet of a stream even if the stream is not located on the subject property. Such a report shall be prepared by a certified professional at the applicant's expense.
   b. When Supplemental Stream Study is Required: The applicant shall be required to conduct a Supplemental Stream Study per MVMC 15.40.120(F) if a site contains a stream or riparian management zone and alterations of the stream or alterations to management zones are proposed, either administratively or via a variance request. Such a report shall be prepared by a certified professional at the applicant's expense.
   c. When Stream Mitigation Plan is Required: The applicant shall be required to conduct a Stream Mitigation Plan per MVMC 15.40.120(H) if impacts are identified within a Supplemental Stream Study. Such a report shall be prepared by a certified professional at the applicant's expense. The approval of the Mitigation

Plan by the Director shall be based on the criteria located in MVMC 15.40.040, 15.40 ~~080,~~ .110, and 15.40.120(H).

d. Studies Waived:

i. Standard Stream Study: May only be waived by the Director when the applicant provides satisfactory evidence that:

(a) A public road, building or other long-term barrier exists between the stream and the proposed development activity; or,

(b) The stream or riparian management zone does not intrude on the applicant's property, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby streams regulated under this Chapter; or ,

(c) Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

ii. Supplemental Stream Study or Stream Mitigation Plan: May only be waived by the Director when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary.

e. Period of Validity for Stream Studies: Studies submitted and reviewed are valid for up to five (5) years from date of study completion as approved by the City, unless the Director determines that conditions have changed significantly and a new or amended study is required.

3. Stream Buffer Measurement. Streams shall be classified according to the stream type system as provided in WAC 222-16-031, Interim water typing system. Stream buffer areas are defined by these classifications, as shown in Table B of this section. Buffers shall be measured from the ordinary high water mark (OHWM) or from the top of the bank when the OHWM cannot be identified. The buffer width shall be increased to include streamside wetlands, which provide overflow storage for stormwater, feed water back to the stream during low flows, or provide shelter and food for fish. In braided channels, the OHWM or top of bank shall be defined so as to include the entire stream feature.

Table B, Water Type Standard Buffer Widths

Water Types	Attributes	Minimum Building Setback	Buffer Width Standard
F	Fish habitat waters	15 feet beyond buffer	150 feet
Np	Year-round, non-fish habitat	15 feet beyond buffer	50 feet
Ns	Seasonal, non-fish habitat	15 feet beyond buffer	35 feet

4. Buffer Conditions. Where existing buffer area plantings provide minimal vegetative cover and cannot meet the City's water quality standards or provide habitat functions (per the requirements of the Departments of Ecology and Fish and Wildlife), buffer enhancement shall be required. An increase in buffer width onsite or restoration of existing buffer required under this section shall be directed to modifications reasonably necessary to mitigate impacts created by the proposed development and roughly proportional to the scope and scale of the impacts created by the proposed development. Where buffer enhancement is required, a plan shall be prepared that includes plant densities that are in conformance with the recommendations in the CAO Guidebook. Monitoring and maintenance of plants shall be required in accordance with 15.40.120(H), Mitigation and Monitoring Plans. Existing buffer vegetation is considered "inadequate" and will require enhancement through additional native plantings and removal of nonnative plants when:

   a. Nonnative or invasive plant species provide the dominant cover;

   b. Vegetation is lacking due to disturbance and marine, stream, or habitat resources could be adversely affected; or,

   c. Enhancement plantings in the buffer could significantly improve buffer functions.

5. Buffer Averaging. Buffer widths may be modified by averaging, as long as the total area contained within the buffer after averaging is no less than the required buffer prior to averaging, and as set forth below. A buffer enhancement plan shall be required for any request for buffer averaging. The enhancement plan shall be similar to a mitigation plan, and include provisions for mitigation monitoring and contingency plans. Buffer width averaging shall be allowed only where the applicant demonstrates, through a report prepared by a qualified biologist or habitat specialist with five years experience, that:

   a. Buffer averaging is necessary to avoid a hardship caused by circumstances related to the property;

   b. The habitat contains variations in sensitivity due to existing physical characteristics, or the buffer varies in characteristics and it would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

   c. Lower intensity land uses would be located adjacent to areas where the buffer width is reduced;

   d. The widest portion of the buffer shall be the area where the habitat is most sensitive;

   e. Buffer width averaging will not adversely impact fish and wildlife habitat conservation areas; and,

   f. The buffer width may be reduced by 35 percent of the standard buffer, but not less than 35 feet unless provided for by a habitat management plan.

6. Buffer Reduction. Buffers and associated building setbacks may be reduced where the applicant demonstrates through an approved HMP, relying on best available science

and prepared by a qualified specialist with five years experience, that through buffer enhancement the smaller buffer would provide equal or better protection than the larger buffer. Enhancement techniques can include, but are not limited to:

a. Planting of native trees or shrubs, increasing the diversity of plant cover types, replacing exotic species with native species, or reestablishing fish areas adjacent to a marine shoreline or stream where one currently does not exist will result in improved function of the fish habitat;

b. Fish barrier removal to restore accessibility to resident or anadromous fish;

c. Fish habitat enhancement using log structures incorporated as part of a fish habitat enhancement plan;

d. Stream and/or retention/detention pond improvements:

i. Removal or modification of existing stream culverts (such as at road crossings) to improve fish passage and flow capabilities, or

ii. Upgrade of retention/detention facilities or other drainage facilities beyond required levels to provide a more naturalized habitat.

e. Removal of existing bulkheads to improve fish spawning and habitat areas;

f. Daylighting a stream that was previously culverted or piped, or daylighting box culverts or trestles.

E. STANDARD MITIGATION REQUIREMENTS AND CRITERIA:

1. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided herein, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved habitat management plan and SEPA documents, so as to result in no net loss of critical area functions and values.

2. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

3. Mitigation shall not be implemented until after the City's approval of an HMP that includes a mitigation plan and mitigation shall be in accordance with the provisions of the approved HMP.

4. Mitigation Sequencing: Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:

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

   b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

c. Rectifying the impact to habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;

d. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

e. Compensating for the impact to habitat conservation areas by replacing, enhancing, or providing substitute resources or environments;

f. Monitoring the hazard or other required mitigation and taking remedial action when necessary; and,

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

5. Mitigation Plan: Mitigation Plans required under this section shall be prepared in conformance to the guidelines in Chapter 15.40.120(H).

6. Innovative Mitigation:

a. The City may encourage, facilitate, and approve innovative mitigation projects that are based on the best available science. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein a group of one or more applicants or an organization with demonstrated capability may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

i. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;

ii. The group or organization demonstrates the organizational and fiscal capability to act cooperatively;

iii. The group or organization demonstrates that long-term management of the habitat area will be provided; and,

iv. There is a clear potential for success of the proposed mitigation at the identified mitigation site.

X. MAPS

A. The city's critical area reference maps are listed below as reference points only. The maps may be superseded by information generated as described in subsection B of this section.

1. Aquifer Recharge Areas: Plate 7 Land Cover Class/LandSAT Image 1998 in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004.

2. Geologic Hazard Areas.

a. Plate 4. Surficial Geology, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based upon Washington State Department of Natural Resources data).

b. Plate 5. Steep Slopes and Alluvium, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based on a topographic map, an unpublished master's thesis, and the Skagit County Alluvial Fan Study Orthophoto Maps).

c. Plate 6. Soil Liquefaction Potential, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based on Washington State Department of Natural Resources data, Hazard Mitigation Grant Program).

3. Habitat Conservation Areas. State of Washington Department of Fish and Wildlife, Priority Habitats and Species (PHS) Maps and Digital Data.

4. Streams.

a. Inventory and Evaluation of Streams and Riparian Habitats of Mount Vernon, Washington, by Shannon and Wilson, Inc., 2003.

b. For areas unaddressed by the mapping in D.1, Washington State Department of Natural Resources, Water Typing Maps.

5. Wetlands.

a. Wetland and Stream Inventory, City of Mount Vernon and Urban Growth Area, by Shannon and Wilson, January 2000.

b. National Wetland Inventory Maps, U.S. Department of the Interior.

B. The exact boundary of each critical area depicted on maps referenced herein is approximate and is intended only to provide an indication of the presence of a critical area on a particular site. It is recognized that not all critical areas are mapped. The lack of inclusion of a critical area on a map shall not relieve an applicant, project sponsor, or property owner from compliance with these critical area regulations. The inclusion of a critical area on the city maps shall be advisory, and if critical areas are not in fact present, the maps may be amended upon city acceptance of reclassification requests or new data in accordance with any specific procedures or criteria herein. The applicability of these regulations shall be based upon the classification criteria for each critical area and the actual presence of critical areas on or in the vicinity of subject properties.

XI. DEFINITIONS

A. Land Cover Definitions.

"Aquatic areas" means areas classified as regulated streams and regulated wetlands.

"Impervious surfaces" means:

1. For the purposes of the stream and wetland regulations: a hard surface area that either prevents or retards the infiltration of water into the soil and movement of water through soil

media. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, lawns, and oiled, macadam or other surfaces which impede the natural infiltration and movement of water. When such surfaces supported a permitted use on or before January 1, 2007, they shall be considered impervious surfaces. Earthwork (e.g., grading, filling, clearing preparatory to new development) does not create impervious surface.

2. For the purposes of aquifer protection regulations:

a. Impervious surfaces include those that have a lesser permeability than the undisturbed native soil, as indicated in Table 14 of the Soil Survey of Skagit County Area, Washington (USDA Soil Conservation Service, 1989).

b. Effective impervious surfaces are those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed in accordance with "Full Dispersion" measures as described in the applicable sections of the Washington State Department of Ecology's Stormwater Manual adopted within this chapter under MVMC 15.40.030(F)(2), or an equivalent manual as determined by the director.

"Pervious surfaces" means vegetated areas that do not meet the definition of tree cover.

"Tree cover" means the area of cover provided by conifer or hardwood tree(s) greater than four inches dbh (diameter at breast height). Tree cover excludes the portion of the canopy that overlies impervious surface areas.

B. General Definitions.

"Activities, development" means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; division of a parcel of land into two or more parcels; and any use or extension of the use of land.

"Alluvial fan hazard" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

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

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

"Artificial channel" means a stream channel that is entirely constructed, but does not include relocated natural channels. Except where fish bearing, an artificial channel is not a critical area.

"Best management practices (BMPs)" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

2. Minimize adverse impacts to surface water and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

3. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

4. Provide standards for proper use of chemical herbicides within critical areas.

"Buffer" means an area that is contiguous to and protects a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"Certified professional" means any person with the education, experience, and/or professional certification or licenses in a specialized field of study appropriate to the studies and analysis required, such as a wildlife biologist, hydrologist, hydrogeologist, wetland biologist, geotechnical engineer, or specialists in other disciplines.

"Critical areas" means wetlands, aquifer protection areas, fish and wildlife habitat, and frequently flooded and geologically hazardous areas as defined by the Growth Management Act.

"Critical facility" means 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.

"DBH" means diameter breast height, which means the outside bark diameter at breast height. Breast height is defined as four and one-half feet (1.37 meters) above the ground on the uphill side of the tree.

"Development permit" means written permission, after appropriate review for type of application, from the appropriate decision-maker authorizing the division of a parcel of land, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, utility, or any use or extension of the use of the land.

"Director" means the director of community and economic development for the city of Mount Vernon, or his/her designee.

"Drainage collection system" means a system for conveying, treating and detaining storm water runoff swales, ponds, and outfalls.

"Emergency" means an action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

"Fish and wildlife habitat conservation areas" are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species. "Habitats of local importance" designated as fish and wildlife habitat conservation areas include those areas found to be locally important by counties and cities. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

"Forested area" means a treed area that functions, or which over time will be restored to function, as a mature forest characterized by an undisturbed understory.

"Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, 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 be at risk, but may also 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:

1. Erosion hazard;
2. Liquefaction;
3. Landslide hazard;
4. Seismic hazard;
5. Volcanic hazard; and
6. Alluvial fan hazard.

"Innovative site design" means development techniques using creative approaches to site design, habitat and tree retention, significant reduction of impervious surfaces, and changes in traditional site features such as roads and structures in favor of natural habitat features that result in zero or near-zero drainage discharge from the site after development.

"Intermittent" means water is not present in the channel year round during years of normal or above normal rainfall.

"Normal rainfall" means rainfall that is at the mean or within one standard deviation of the mean of the accumulated annual rainfall record, based upon the water year for Skagit County as recorded at the Burlington/Mount Vernon, Skagit Regional Airport, Washington, United States.

"Ordinary high water mark" means, on lakes and streams, a mark 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 as of the effective date of regulations, as it may naturally change thereafter, or as it may change in accordance with permits issued by the city or state. Where the ordinary high water mark cannot be found, it shall be the stage of the 50 percent exceedance flow, according to the period of record of a measured or synthetic hydrograph. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

"Perennial" means water that flows continuously.

"Primary association area" means the area used on a regular basis by, is in close association with, or is necessary for the proper functioning of, the habitat of a critical species. "Regular basis" means that the habitat area normally contains or is 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" means habitat type or elements with unique or significant value to one or more species as classified by the State Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

"Regulated activity" means all activities located within a regulated critical area or critical area buffer/management zone.

"Riparian area" means the upland area immediately adjacent to and paralleling a body of water, usually composed of trees, shrubs and other plants. Riparian functions include bank and channel stability, sustained water supply, flood storage, recruitment of woody debris, leaf litter, nutrients, sediment and pollutant filtering, shade, shelter, and other functions that are important to both fish and wildlife.

"Salmonid migration barrier" means an in-stream blockage that consists of a natural drop (no human influence) with an uninterrupted slope greater than 100 percent (45-degree angle) and a height in excess of 11 vertical feet within anadromous salmon-bearing waters or a height in excess of three vertical feet within resident trout-only bearing waters. Constructed barriers to salmonid migration (e.g., culverts, weirs, etc.) shall be considered barriers to salmonid migration by this definition only if they were lawfully installed, present a complete barrier to salmonid passage based on hydraulic drop, water velocity, water depth, or any other feature that would prevent all salmonids from passing upstream; and in the opinion of the city reviewing official cannot be modified to provide salmonid passage without resulting in any of the following conditions:

1. Significant impacts to other environmental resources;

2. Significant impacts to major transportation and utility systems, or to the public health and safety;

3. Significant expense. For the purposes of this definition "significant expense" means a cost equal to or greater than 50 percent of the combined value of the proposed site buildings,

structures, and/or site improvements, and existing buildings, structures, and/or site improvements to be retained.

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

"Steep slopes" means slopes greater than 40 percent.

"Stream" means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used by salmonids or used to convey streams that were naturally occurring prior to construction of such watercourses.

"Utilities" means utility lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, telephone, and cable.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland 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 nonwetland areas to mitigate the conversion of wetlands.

C. Report Content Requirements.

1. Geotechnical Study. A study prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her

recommendations. The preparation and content requirements in Table 15.40.120(A), Geotechnical Report – Detailed Requirements, shall also apply.

2. Habitat/Wildlife Assessment. A report prepared by a qualified fish and wildlife biologist with experience assessing the relevant species and habitats and including, at a minimum, the following requirements:

a. Site plan prepared in accordance with the requirements of the community and economic development department indicating all habitat conservation areas falling within 200 feet of the subject property;

b. Project narrative describing the proposal including, but not limited to, associated grading and filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent to the habitat conservation area, and when deemed necessary by the director, surface and subsurface hydrologic analysis;

c. Impact analysis identifying and documenting the presence of all habitat conservation areas and discussing the project's effects on the habitat conservation areas;

d. Regulatory analysis including a discussion of any federal, state, tribal, and/or local requirements or special management recommendations that have been developed for species and/or habitats located on the site;

e. Mitigation report including a discussion of proposed measures for mitigating adverse impacts of the project and an evaluation of their potential effectiveness. Measures may include, but are not limited to, establishment of buffer zones, preservation of critically important plants and trees, limitation of access to habitat areas, seasonal restrictions of construction activities, establishment of a timetable for periodic review of the plan and/or establishment of performance or maintenance bonds;

f. Management and maintenance practices including a discussion of ongoing maintenance practices that will assure protection of all fish and wildlife habitat conservation areas on site after the project has been completed. This section should include a discussion of proposed monitoring criteria, methods and schedule.

3. Hydrogeologic Study. A report shall be prepared as follows:

a. The study shall be prepared by, or under the direction of, and signed by, a licensed hydrogeologist pursuant to Chapter 308-15 WAC.

b. Phase I Report Requirements. A Phase I reconnaissance level hydrogeologic report shall summarize existing information about the basic site hydrogeologic conditions such as soil types, land cover, likely groundwater flow directions and receiving waters, and which low impact development management practices will be implemented consistent with the Low Impact Development Technical Guidance Manual for Puget Sound, January 2005, or an equivalent manual as determined by the director.

c. Phase II Report Requirements. This report shall include:

i. A description of the geology and groundwater in the proposed permit area and adjacent areas down to and including the lowest aquifer that may be affected by the facility, including the following:

(A) The results of a sufficient number of test borings and core borings to accurately characterize geology, soils, groundwater flow, groundwater chemistry and flow systems of the proposed permit area and adjacent area, which shall be at least three test borings. The applicant shall include the actual surface elevations of the drill holes.

(B) The stratigraphy, lithologic, and physical characteristics and thickness of each stratum, including the location and depth of aquifers.

(C) The hydrologic characteristics of each aquifer described in subsection (C)(3)(c)(i)(B) of this section, including field test data for hydraulic conductivity, storage coefficient and transmissivity, groundwater hydraulic gradient and velocity. The description of these characteristics shall be based on multiple well aquifer tests if required by the city. The application shall include the procedures and calculations used to determine these characteristics.

(D) The geologic structure within the proposed permit area and adjacent area, and its relation to the regional geological structure.

(E) The aquifer characteristics necessary to accurately describe three-dimensional groundwater flow through the proposed permit area and adjacent area, including storage and discharge characteristics.

4. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories (if unclassified, see subsection (C)(5)(a) of this section);

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

ix. The location, width, depth, and length of all existing and proposed structures, roads, storm water management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

x. Location of site access, ingress, and egress.

b. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

c. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

i. The stream classification as recorded in city inventories;

ii. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

iii. The ecological functions currently provided by the stream/lake and existing riparian area;

iv. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

v. Measures to protect trees and vegetation.

5. Stream Study, Supplemental. The application shall include the following information:

a. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

b. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

i. Avoid any disturbances to the stream or management zone;

ii. Minimize any stream or management zone impacts;

iii. Compensate for any stream or management zone impacts;

iv. Restore any stream or management zone area impacted or lost temporarily;

v. Enhance degraded stream habitat to compensate for lost functions and values.

c. Impact Evaluation.

i. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

(A) Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

(B) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

(C) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

(D) To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

ii. For a violation, the impact evaluation must also include:

(A) Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

(B) Determination of the impact of the violation on the resource(s) and functional values.

6. Stream Mitigation Plan. The mitigation plan must ensure compensation for unavoidable significant adverse impacts that result from the chosen development alternative or from a violation as identified in the impact evaluation. A mitigation plan must include:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories or as determined through a supplemental stream study approved by the director;

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zones at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zones;

ix. The location, width, depth, and length of all existing and proposed structures, roads, storm water management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones;

x. Location of site access, ingress and egress;

xi. Indication of where proposed mitigation or remediation measures will take place on the site;

xii. Separate indication of areas where revegetation is to take place and areas where vegetation is anticipated to be removed; and

xiii. Any other areas of impact with clear indication of type and extent of impact indicated on site plan.

b. Mitigation narrative that includes the following elements:

i. Description of existing conditions on the site and associated water resource (baseline information);

ii. Resource(s) and functional values to be restored, created, or enhanced on the mitigation site(s);

iii. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

iv. Construction schedule;

v. Operations and maintenance practices for protection and maintenance of the site;

vi. Environmental goals, objectives, and performance standards to be achieved by mitigation;

vii. Monitoring and evaluation procedures for a three-year period minimum, including minimum monitoring standards and timelines (i.e., annual, semi-annual, quarterly);

viii. Contingency plan with remedial actions for unsuccessful mitigation;

ix. Cost estimates for implementation of mitigation plan for purposes of calculating surety device;

x. Discussion of compliance with approval criteria; and

xi. A review of the best available science supporting the proposed request for a reduced standard and/or the method of impact mitigation; a description of the report author's experience to date in restoring or creating the type of critical area proposed; and an analysis of the likelihood of success of the compensation project.

7. Wetland Assessment. A wetland assessment includes the following:

a. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

b. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Corps of Engineers Regional Supplement, 2010). Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

c. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, storm water management facilities, sewage treatment and installations within the wetland and its buffer;

d. The exact locations and specifications for all activities associated with site development including the type, extent and method of operations;

e. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

f. Top view and typical cross-section views of the wetland and its buffer to scale;

g. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site; and

h. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, a monitoring program, and a contingency plan.

i. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

i. Avoid any disturbances to the wetland or buffer;

ii. Minimize any wetland or buffer impacts;

iii. Compensate for any wetland or buffer impacts;

iv. Restore any wetlands or buffer impacted or lost temporarily;

v. Create new wetlands and buffers for those lost; and

vi. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

j. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

8. Wetland Mitigation Plan – Preliminary. A preliminary wetland mitigation plan shall include the following:

a. A conceptual site plan demonstrating sufficient area for replacement ratios;

b. Proposed planting scheme for created, restored, and enhanced wetlands; and

c. Written report consistent with final wetland mitigation plan requirements regarding baseline information, environmental goals and objectives, and performance standards.

9. Wetland Mitigation Plan – Final. A final wetland mitigation plan shall include:

a. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, a wetland delineation by a qualified wetland specialist; existing wetland acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project to the wetland area and wetland functions; soil and substrata conditions; topographic elevations and compensation site. If the mitigation site is different from the impacted wetland site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and

hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

b. Environmental Goals and Objectives. A written report by a qualified wetland specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

i. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or, if out-of-kind, the type of wetland to be emulated; and

ii. A review of the best available science and report author's experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, preferably those in the same drainage basins, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the wetland ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (C)(9)(e) of this section, Monitoring Program. An assessment of the project's success in achieving the goals and objectives of the mitigation plan should be included along with an evaluation of the need for remedial action or contingency measures.

d. Detailed Techniques and Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for wetland construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques and planting instructions; descriptions of water control structures and water level maintenance practices needed to achieve the necessary hydroperiod characteristics, etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final

grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations that are appropriate for the desired habitat type(s) and that provide sufficient hydrologic data. The city may request such other information as needed to determine the adequacy of a mitigation plan.

e. Monitoring Program. A program outlining the approach for monitoring construction and development of the compensation project and for assessing a completed project shall be provided in the mitigation plan. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate hydrologic and water quality predictions;

v. Measuring sedimentation rates;

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity; and

vii. A description shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted consistent with the periods identified in MVMC 15.40.120(H). The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

f. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

g. Permit Conditions. Any compensation project prepared for mitigation pursuant to MVMC 15.40.110 and approved by the city shall become part of the application for project approval.

h. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training, and experience with comparable projects.

XII. SEVERABILITY

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

EXHIBIT 5d, SMP UPDATE

City of MOUNT VERNON

SHORELINE ENVIRONMENTAL DESIGNATIONS

Environmental Designations

- Aquatic (waterward of OHWM)
- Natural (recreational, agriculture, open space, wetland mitigation bank)
- ~~Natural - Potential Wetland Connection~~
- Shoreline Residential (residential, public access, recreational)
- ~~Shoreline Residential - Potential Wetland Connection~~
- Urban Conservancy (open space, flood plains in urban settings, public access, public/water-oriented recreation)
- Urban Mixed-Use (medium to high-intensity urban commercial, industrial, residential, public access)
- ~~Urban Mixed-Use - Potential Wetland Connection~~
- Overlay zone indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction. See Subsection IV(A) of the SMP for additional information.
- Dike / Levee / Revetment
- Floodwall
- Lindegren Creek
- City Boundary

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Map Updated 6/25/2021

EXHIBIT 6:

PROPOSED ORDINANCE TO CODIFY THE SMP UPDATE AND TO RE-INDEX THE EXISTING GOALS, OBJECTIVES AND POLICIES FOR THE SMP WITHIN THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON AMENDING A SUBSECTION OF CHAPTER 15.07, CITY OF MOUNT VERNON SHORELINE MASTER PROGRAM OF THE MOUNT VERNON MUNICIPAL CODE TO REFERENCE A NEW ORDINANCE ADOPTED BY CITY COUNCIL RELATED TO A PERIODIC REVIEW OF THE CITY'S SHORELINE MASTER PROGRAM AND TO UPDATE THE NUMBERING OF THE EXISTING SHORELINE GOALS THAT ARE PART OF THE CITY'S LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon maintain a Comprehensive Plan, which is a coordinated land use policy statement of the City, including policies directed at management of the City shorelines; and

WHEREAS, The GMA requires comprehensive plans and development regulations to be consistent and that Comprehensive Plans be both internally and externally consistent.

WHEREAS, The SMA requires that local jurisdictions develop master programs that constitute use regulations for shorelines of statewide significance.

WHEREAS, Chapter 36.70A RCW, the Growth Management Act (GMA) mandates the City of Mount Vernon develop a Comprehensive Plan, which is a generalized, coordinated land use policy statement of the City.

WHEREAS, The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation.

WHEREAS, The City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments.

WHEREAS, On July 8, 2021, notice of the potential adoption of the proposed amendment to the Comprehensive Plan and Municipal Code was duly transmitted to the Washington State Department of Commerce for the mandated sixty-day review, in compliance with RCW 36.70A.106(1).

WHEREAS, On (date to-be inserted) the City of Mount Vernon Planning Commission held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

WHEREAS, On (date to-be inserted) the City of Mount Vernon City Council held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

WHEREAS, The Planning Commission and City Council hearings on (dates to-be inserted), were preceded with appropriate notice, issued on (date to-be inserted) distributed via mail/email on (date to-be inserted), and published on (date to-be inserted).

WHEREAS, The amendments to the Comprehensive Plan and Municipal Code Chapter 15.07 with the adoption of an updated Shoreline Master Program reflects the best interests of the citizens of the City of Mount Vernon, Washington, and reflects the desires of the public.

NOW, THEREFORE,

THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION ONE. RECITALS INCORPORATED. That the City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein.

SECTION TWO. PLANNING COMMISSION RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission's findings of fact and conclusions of law, outlined below, in their entirety.

A. Planning Commission's Findings of Fact:

1. The procedural requirements outlined in MVMC Chapter 14.05, Procedures, have been satisfied by City staff. This includes the Notice of Public Hearing, the environmental review pursuant to the SEPA statute, and receiving expedited review from the State Department of Commerce.

B. Planning Commission's Conclusions of Law:

1. In compliance with all the terms, conditions, and procedures of the State Environmental Policy Act (SEPA) and Chapter 15.06 Mount Vernon Municipal Code, an environmental assessment of the proposed amendment to the Comprehensive Plan was conducted and, upon determination that no probable significant, potentially adverse environmental impacts would result from the amendment, a determination of non-significance was issued and published on July 16, 2021, with no appeals having been filed prior to the close of the appeal period on August 8, 2021.

2. The requirements for public participation in the development of this amendment as required by the GMA and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

3. All procedural requirements for adoption of the accompanying amendments of the Comprehensive Plan as set forth in Chapter 35A.63 RCW and Chapter 36.70A RCW, and as set forth in the State Environmental Policy Act and Chapter 15.06 of the Mount Vernon Municipal Code have been complied with, and that adequate environmental review has been given.

4. The proposed updates to the Shoreline Master Program are found to be in compliance with both the Washington State Growth Management Act and the Shoreline Management Act.

5. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

C. **Planning Commission Recommendation to the City Council:**
At their public hearing on (insert date) after review of the materials presented by City staff and holding a public hearing the Planning Commission made a unanimous motion to approve the ordinance presented by staff.

SECTION THREE. Section 15.07.010, Adopted shoreline master program, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

15.07.010 Adopted shoreline master program
The city of Mount Vernon shoreline master program is set forth in Exhibit 2 attached to Ordinance No. ~~3535~~ (new ordinance number to be inserted here). A copy of the city of Mount Vernon shoreline master program (and any amendments thereto) is available at the Mount Vernon ~~community and economic~~ development services department and on the city website. (Ord. 3535 § 7, 2011).

SECTION FOUR. The Land Use Element Goals adopted with Ordinance 3535 into the Land Use Element of the Comprehensive Plan are renumbered and shall be re-incorporated into the Land Use Element of the Comprehensive Plan as shown in the accompanying Exhibit 1 that by this reference is incorporated into and made part of this Ordinance.

SECTION FIVE. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION SIX. City staff is hereby directed to complete preparation of the final ordinance including correction of any typographical edits.

SECTION SEVEN. This ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this _____ day of November, 2021.

SIGNED AND APPROVED this ____ day of _____, 2021.

_____
Jill Boudreau, Mayor

_____
_____Doug Volesky, Finance Director

Approved as to form:

_____

_____
Kevin Rogerson, City Attorney

Published _____

EXHIBIT 1

RE-NUMBERED SHORELINE GOALS WITHIN THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

Following are the existing Goals adopted as part of the Shoreline Management Master Program. These Goals are being re-numbered and re-adopted into the Land Use Element of the Comprehensive Plan.

SHORELINE ECONOMIC DEVELOPMENT GOALS:

Goal LU-~~6~~ 28: Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in the Shoreline Management Zone (SMZ) that will be an asset to the community and local economy, are consistent with life safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.

Goal LU-~~7~~ 29: Protect current economic activity and uses in the SMZ that are consistent with the objectives of the Comprehensive Plan and the City of Mount Vernon Downtown and Waterfront Master Plan, and provide environmentally sensitive redevelopment and new development.

Goal LU-~~8~~ 30: Seek opportunities that use both economic and environmental analyses to reduce flood risk, support development within the SMZ, and where appropriate, provide improvement of environmental functions.

Goal LU-~~9~~ 31: Ensure that economic activity in the SMZ does not harm the quality of the site's environment or adjacent shorelands.

Goal LU-~~10~~ 32: Encourage mixed-use development with public access along Mount Vernon's downtown waterfront and in those areas adjacent to the downtown waterfront that are suitable for compatible future redevelopment, consistent with the City's Comprehensive Plan and the 2008 City of Mount Vernon Downtown and Waterfront Master Plan.

SHORELINE USE GOALS:

Goal LU-~~11~~ 33: Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.

Goal LU-~~12~~ 34: Ensure that activities and facilities are located on shorelines in a manner so as to achieve flood damage reduction and support of flood risk management projects.

Goal LU-~~13~~ 35: Encourage shoreline uses that maintain or improve and enhance the quality of the environment as it is designated for that area by employing innovative features for purposes consistent with this program.

Goal LU-~~14~~ 36: Encourage joint-use activities in proposed shoreline developments.

Goal LU-~~15~~ 37: Encourage mixed-use development with public access on Mount Vernon's downtown waterfront consistent with the 2008 City of Mount Vernon Downtown and Waterfront Master Plan and the City's Comprehensive Plan.

Goal LU-~~16~~ 38: Ensure that planning, zoning, and other regulatory programs governing lands adjacent to areas of shoreline jurisdiction are consistent with Shoreline Management Act and Growth Management Act policies and regulations and the provisions of the SMP.

Goal LU-~~17~~ 39: In determining use priorities in cases where (i) competing uses of the same property are possible, and (ii) such competing uses are consistent with the City's

Comprehensive Plan, give preference to uses that protect and restore ecological functions (where such protection or restoration is technically and economically feasible) and to water-dependent and water-related uses where such new uses will not displace existing lawful, non-water-oriented uses.

Goal LU-~~18~~ 40: Note that mixed-use projects combining two or more of the categories above are encouraged and should be evaluated with respect to the degree that they achieve a balance of the priorities above and the provisions of the Master Program.

SHORELINE PUBLIC ACCESS GOALS:

Goal LU-~~19~~ 41: To protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.

Goal LU-~~20~~ 42: Base public access on demand projections that take into account the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

Goal LU-~~21~~ 43: Provide, protect, and enhance the public trail system that provides physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State's shorelines consistent with the natural shoreline character, private rights, and public safety.

Goal LU-~~22~~ 44: To the extent feasible, construct a continuous pedestrian path along the Skagit River shoreline while providing protection of ecological functions.

Goal LU-~~23~~ 45: Integrate public access to shorelines as a part of the City public trail system consistent with the adopted Park, Recreation & Open Space Plan.

SHORELINE CIRCULATION GOALS:

Goal LU-~~24~~ 46: Provide, protect, and enhance the existing public trail system that provides physical and visual access to shorelines, utilizing public lands as much as possible, and private lands only in those cases where public access requirements have not already been satisfied through the prior acquisition of private property for construction of flood risk management and related public access projects, all consistent with the character of the natural shoreline, protection of private property rights, and public safety.

Goal LU-~~25~~ 47: To the extent feasible, site land circulation systems that are not shoreline dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses.

SHORELINE CONSERVATION GOALS:

Goal LU-~~26~~ 48: As a long-term goal, seek no further degradation of environmental functions.

Goal LU-~~27~~ 49: Ensure that utilization of a natural resource takes place with minimum adverse impact to natural systems and quality of the shoreline environment.

Goal LU-~~28~~ 50: Preserve the scenic quality of shoreline areas and vistas to the greatest extent feasible in areas outside of the urban core, within the Shoreline Residential, Urban Conservancy, Natural, and Aquatic environmental designations.

Goal LU-~~29~~ 51: Minimize the loss of native vegetation and preserve tree cover in riparian areas by using conservation best management practices.

Goal LU-~~30~~ 52: To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage owners of shoreline property to control populations of invasive or noxious plants and animals as identified by the State of Washington Invasive Species Council.

SHORELINE RESTORATION GOALS:

Goal LU-~~31~~ 53: Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

Goal LU-~~32~~ 54: Where appropriate, undertake the restoration of natural ecological functions within the SMZ and associated jurisdictional wetlands.

Goal LU-~~33~~ 55: Reclaim and restore areas that are biologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

Goal LU-~~34~~ 56: Support a comprehensive program of City-initiated ecological enhancements as identified in the Shoreline Restoration Report (Appendix B).

SHORELINE RECREATION GOALS:

Goal LU-~~35~~ 57: Base recreational opportunities on demand projections consistent with the Mount Vernon Park, Recreation & Open Space Plan and the Countywide UGA Open Space Plan.

Goal LU-~~36~~ 58: Increase opportunities in shoreline areas that can reasonably tolerate active or passive recreational uses without diminishing or degrading the integrity and character of the shoreline.

Goal LU-~~37~~ 59: Coordinate with the City Department of Parks and Recreation to implement the goals of the Park, Recreation & Open Space Plan by optimizing opportunities for water-oriented recreation.

Goal LU-~~38~~ 60: Integrate shoreline-related recreational elements into other regional trail systems and into federal, state, and local park and recreation planning.

SHORELINE HISTORIC AND CULTURAL GOALS:

Goal LU-~~39~~ 61: Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in the SMZ for educational and scientific purposes and enjoyment of the general public.

Goal LU-~~40~~ 62: Encourage educational projects and programs that foster an appreciation of the importance of shoreline management, water-related activities, environmental conservation, and local history.

SHORELINE FLOOD RISK MANAGEMENT GOALS:

Goal LU-~~41~~ 63: Continue to work closely with the Dike Districts, Skagit County, and business and property owners in flood risk management planning.

Goal LU-~~42~~ 64: Implement the flood risk management planning objectives and projects in the City of Mount Vernon Downtown and Waterfront Master Plan, approved Flood Protection Project, and approved engineering plans.

Goal LU-~~43~~ 65: Participate in watershed-wide programs to reduce flood hazards and improve shoreline ecology.

EXHIBIT 7:

COMMENT LETTER DATED OCTOBER 14, 2021 FROM MATTHEW J. VIVIAN WITH VANNESS FELDMAN, LLP

AND

CITY RESPONSE MATRIX TO THE COMMENTS CONTAINED IN MR. VIVIAN'S LETTER

CITY OF MOUNT VERNON SMP PERIODIC REVIEW: COMMENT RESPONSE MATRIX

SMP Joint Public Comment Period, August 1, 2021 to August 30, 2021
SEPA Comment Period, July 29, 2021 to August 11, 2021
Open Record Public Hearing Before Planning Commission on November 16, 2021
Open Record Public Hearing Before City Council TBD

Introduction to the SMP Public Comment Matrix:
The Planning Commission Public Comment Matrix includes public comments received during the City of Mount Vernon SMP Periodic Update. The Department is in receipt of one comment letter dated October 14, 2021, attached to this matrix as a reference. Each comment applicable to a specific section of the SMP is assigned numbers 1 through 13.

Planning Commission Public Comment Matrix: SUMMARY AND RESPONSE			
Comment Number	**Comment Topic and Section Number (Citation)**	**Comment**	**Department Response and Rationale**
1.	Clarification to Shoreline Modifications Table 2 Regarding "Fill."	**Clarification to Shoreline Modifications Table 2 Regarding "Fill."** To enhance the clarity of the information contained in Table 2 "Shoreline Modifications" in Section V ("Shoreline Use, Modification, and Development Standards Tables"), the SMP should clearly state that "Fill," where allowed in a particular shoreline designation, is allowed in critical areas within such shoreline designations so long as SMP Appendix C ("Shoreline Critical Area Regulations") is complied with. Below is a reproduction of the current Table 2, with the pertinent "shoreline modification" highlighted. Table 2, Shoreline Modifications, from the currently adopted SMP is inserted here within this comment. The footnotes to Table 2 do not clearly convey that Fill in critical areas (e.g., wetlands) is allowed as of right in the Shoreline Residential and Urban Mixed-Use shoreline designations so long as the shoreline modification comprising the Fill complies with the Shoreline Critical Area Regulations. (By comparison, Footnote 5 to Table 2 clearly conveys the conditions under which Fill is allowed in the Aquatic, Natural, and Urban Conservancy shoreline designations.) For enhanced clarity, it is proposed that a new footnote 22 be assigned to the "Fill" cell above, and added to the list of "Notes to Tables" below the Shoreline Use, Modification, and Development Standards Tables, which states:	Appendix C, Section II (D) states, critical areas and associated buffers may be altered or authorized through shoreline development permits, shoreline exemptions, or a shoreline variance. Section II (B) states development within wetlands shall be avoided, and alterations prohibited unless permitted in accordance with the Shoreline Master Program. Shoreline jurisdiction is defined as 200 feet upland from the Ordinary High-Water Mark (OHWM) of the Skagit River plus all associated wetlands (but not wetland buffers that extend beyond the 200-foot minimum jurisdiction) and all floodways as defined in RCW 90.58.030. Table 2 outlines shoreline modifications in each shoreline designation. Fill is a Permitted modification in both the Shoreline Residential and Urban Mixed-Use designations. Therefore, use of fill may be permitted for modifications to associated wetlands within the Shoreline Residential and Urban Mixed-Use designations as long as all requirements in the critical areas regulations are met and it is consistent with the rest of the master program.

		Fill in critical areas within the Shoreline Management Zone shall be allowed subject to compliance with applicable wetlands regulations set forth in Appendix C ("Shoreline Critical Area Regulations"). In consistency with the foregoing, it is proposed that the following nearly identical language be added to a new subsection F.3.l in the "Fill" subsection of Section VIII ("Shoreline Modification Provisions"): Fill in critical areas within the Shoreline Management Zone shall be allowed as set forth in the Section V Shoreline Modifications Table 2, subject to compliance with applicable wetlands regulations set forth in Appendix C ("Shoreline Critical Area Regulations"). Including the foregoing revisions in the SMP Update will provide enhanced clarity for the City and applicants alike when applying the Table 2 Shoreline Modifications standards.	As it relates to preliminary plat infrastructure and associated fill actions required for residential development, this action is permitted and reviewed by the underlying subdivision subject to appropriate mitigation.
2.	Clarification to Development Standards Table 3 Regarding Maximum Residential Density in "Shoreline Residential" Designation.	**Clarification to Development Standards Table 3 Regarding Maximum Residential Density in "Shoreline Residential" Designation.** To enhance the clarity of the information contained in Table 3 "Development Standards" in Section V ("Shoreline Use, Modification, and Development Standards Tables"), the SMP should clearly state that the density bonus allowed under MVMC 17.73 ("Regulations to Encourage Affordable Housing") applies in shoreline environments in which residential use is allowed. "Footnote 19" should be amended to state the following.[1] 19. Residential density, minimum and maximum if applicable, measured per net acre (du/a), in the Shoreline Residential environmental designation is as follows, unless otherwise allowed under MVMC 17.73 ("Regulations to Encourage Affordable Housing"): R-A zone: 1.24 du/a (min 35,000 lot size); R-1, 3.0: 3.23 du/a (min 9,000 sf lot); R-1, 4.0: 4.0 to 4.54 du/a (7,500 sf lot); R-1,7.0: 7.26 du/a (4,500 sf lot). The proposed revision confirms for applicants and the City alike that residential densities allowed under the affordable housing ordinance are allowed in shoreline environments.	This has been corrected to address this comment. Footnote 20 is revised to Footnote 19, and the amended footnote and portion of Table 3 now read as follows: 19. ~~Residential density,~~ The minimum and maximum residential density (as ~~if~~ applicable) is measured ~~per~~ in net dwelling units per acre (du/a), and in the Shoreline Residential environmental designations is as follows: R-A zone: 1.24 du/acre (minimum 35,000 sf lot ~~size~~) R-1, 3.0 zone: 3.23 du/acre (minimum 9,000 sf lot) R-1, 4.0 zone: 4.0 to 4.54 du/acre (minimum 7,500 sf lot) R-1, 5.0 zone: 4.0 to 5.73 du/acre (minimum 6,000 sf lot) R-1, 7.0 zone: 4.0 to 7.26 du/acre (minimum 4,500 sf lot) The above-listed minimum and maximum densities and minimum lot sizes can be deviated from when a development is permitted under Chapter 17.73

		[1] It appears that Development Standard "Density (max. and min. determined by underlying zoning district)" may be appended with the wrong footnote number. It is appended with a superscript "20," but footnote 20 to Table 3 refers to trails. Note "19" appears to be the correct "Note to Table" for the "Density" item.	MVMC, Regulations to Encourage Affordable Housing. Density (max. and min. determined by underlying zoning district ~~20~~ 19)
3.	Water Quality Policy.	**Water Quality Policy.** Subsection I ("Water Quality") of SMP Update Section IV ("General Provisions") contains the following draft proposed revision which should be deleted. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of water quality, quantity, or hydrologic conditions. The meaning and intent of the foregoing draft proposed revision are unclear. "Hydrologic conditions" is not a defined term in the SMP Update. It is generally understood to mean the study of water's interaction with the Earth's surfaces and sub-surfaces. Thus, in the regulatory context it is either redundant of "alteration of water quality [and] quantity" or has a different meaning which is not set forth in the SMP Update. The foregoing draft proposed revision should be deleted as follows. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of water quality, quantity, ~~or hydrologic conditions.~~ The proposed deletion improves clarity for applicants and the City alike.	This water quality policy has been changed to read as follows. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of the chemical, physical, and biological characteristics of waters/wetland systems. ~~water quality, quantity, or hydrologic conditions.~~ This change was made to ensure this goal is consistent with the goals and policies of the Clean Water Act, 33 U.S.C § 1251 et seq. (1972), RCW 90.58.020, and WAC 173-26-176.

4.	In-Stream Structures Policy.	**In-Stream Structures Policy.** Subsection I ("In-Stream Structures") of SMP Update Section VII ("Shoreline Use Policies and Regulations") contains the following existing provision. 2.b. In-stream structures should be allowed only for the purposes of environmental restoration and maintaining the existing bridges crossing the Skagit River. The foregoing should be revised as follows, to account for stormwater management facilities, such as flood gates and culverts, which may be necessary as in-stream structures. 2.b. In-stream structures should be allowed only for the purposes of environmental restoration and maintaining the existing bridges crossing the Skagit River, and for stormwater management facilities such as flood gates and culverts. The proposed revision confirms for applicants and the City alike that stormwater management facilities are permissible "in-stream structures."	This In-Stream Structure Policy has been changed to read as follows: In-stream structures should be allowed only for the purposes of environmental restoration and maintaining the existing bridges crossing the Skagit River. Stormwater management facilities, such as flood gates and culverts, can be permitted in cases where the City finds these facilities are necessary, essential, and there are no other less impactful means, methods or facilities that can be used/installed.
5.	Fill Policy.	**Fill Policy.** Subsection F ("Fill") of SMP Update Section VIII ("Shoreline Modification Provisions") contains the following draft proposed provision, which should be deleted because it is superfluous. 2.b. Filling activities in waters/wetlands and shorelines usually require permitting at federal, state, and City levels of jurisdiction. The foregoing draft proposed provision contains general advisory information and provides no particular policy direction. Accordingly, it should be deleted as shown below. ~~2.b. Filling activities in waters/wetlands and shorelines usually require permitting at federal, state, and City levels of jurisdiction.~~ The proposed deletion avoids the inclusion of a superfluous new provision which imposes no regulatory policy or standards.	The statement is factually correct and informs Applicants at the earliest opportunity that permits from other Federal and State agencies may be required when an Applicant proposes to fill waters of the state, wetlands and/or shorelines. This includes permits from one, or all of the following: U.S. Army Corps of Engineers, Washington Department of Fish and Wildlife, Washington Department of Natural Resources or Washington Department of Ecology. The City does not agree with the statement that the amendment is "superfluous" (commonly defined as going beyond what is enough or necessary). The comment states that this information "imposes no regulatory policy or standards". Other jurisdictions within Washington provide this statement in their updated Shoreline Master Programs, approved by the Department of Ecology (for example, see Mercer Island Municipal Code 19.13.010.E).

			Removing this information would be a disservice to City applicants as they design their projects to comply with multiple agencies. Therefore, the City declines to make the requested change. The City will however change 'usually' to 'may' as is customary in other critical area ordinances and shoreline master programs for Applicant clarification: 2.b. Filling activities in waters/wetlands and shorelines ~~usually~~ may require permitting at federal, state, and City levels of jurisdiction.
6.	Peer Review of Shoreline Applicants' Consultant Work.	**Peer Review of Shoreline Applicants' Consultant Work.** SMP Update § III "Shoreline Master Program Administrative Provisions" contains the following provision regarding "peer review" of application materials. Upon the review of materials submitted by an applicant the Director can, at their discretion, require peer review be completed by a consultant chosen by the Director, at the sole expense of the applicant. SMP Update § III.A.11. The foregoing provision is inconsistent with the intent of "peer review." Peer review is intended to be an independent evaluation of a scientist's methodology and conclusions, to ensure complete and accurate analysis consistent with industry standards. Such an independent evaluation requires a third party—the peer reviewer—who is independent of both the scientist and the audience receiving the scientist's work. The draft provision above, which allows the City to require peer review "by a consultant chosen by the Director," is inconsistent with these principles because the peer reviewer is not independent of the audience receiving the scientist's work. This may be particularly problematic where a city has relied exclusively on a single consulting biologist for much, if not all, of the city's shoreline analysis, including the city's drafting of an SMP update. Finally, the draft provision is inconsistent with the standard approach taken by local governments in Washington, which typically provides opportunity for an applicant to have input on who will conduct the peer review.	The City requires peer review of most critical area reports and their associated materials. Unlike a lot of cities and counties Mount Vernon does not have a biologist on staff. As such, when critical area reports are submitted, they are screened by Department staff and routinely routed to one of the City's consulting biologists for their review and comments. Peer review has also been determined to be necessary because over many years of reviewing critical area reports the City has encountered instances where submitted reports are incomplete, inconclusive, and/or incorrect. Of note, the City has no financial ties to projects, and it is the role of City staff to review and approve projects solely based on the City's development regulations that are based on Best Available Science (BAS), and Federal/State laws. The City's role differs from than that of a developer, and the consultants that a developer contracts with to prepare reports on their behalf. Developers have financial interests that are benefited when critical area impacts to property are minimized.

		Based on the foregoing, Hansell/Mitzel requests that SMP § III.A.11 be revised as follows. Upon the review of materials submitted by an applicant the Director can, at their discretion, require peer review be completed by a consultant chosen by the applicant from a list of three (3) consultants provided by the Director, at the sole expense of the applicant. Appendix C to the SMP Update contains two similar provisions at § I.G and § VIII.A.2.c.i: App. C § I.G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. The director has the discretion to choose the consultant who will complete the peer review. If peer review is required, then the applicant shall be responsible for paying the entire costs of the peer review. App. C § VII.A.2.c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to: i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the director shall select the third party review professional. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director . . . . Hansell/Mitzel requests that the foregoing provisions be revised as follows. App. C § I.G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. ~~The director has the discretion to choose the consultant who will complete the peer review~~. If peer review is required, then the applicant shall choose a reviewer from a list of three (3) consultants provided by the Director and shall be responsible for paying the entire costs of the peer review.	The City has two biologists under contract to complete peer review who are intimately familiar with the City's critical area regulations. These consultants are called upon to complete peer review of materials submitted to the City. When critical area reports are complete and comply with the critical area ordinance and/or shoreline master program, there are few corrections for the City's peer review biologist to suggest. In all cases, the peer review consultant findings are reviewed by City staff for consistency. Several jurisdictions in Washington State employ a single or one peer review consultant for private development review (both large and small) (i.e., City of Bonney Lake, City of Kirkland, and City of Kent). Until recently, Planning and Development staff at the City of Kent employed one on-call peer reviewer until permit volumes were such that a second peer reviewer was required. Mount Vernon is significantly smaller than the above jurisdiction. Larger jurisdictions who have the capacity employ multiple peer review consultants, typically do not permit an applicant to self-select their peer review consultant, unless there is a conflict of interest (i.e., the peer review consultant prepared the critical area study for private development submitted to the city). For the reasons outlined above, the City declines to make the requested changes.

		App. C § VII.A.2.c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to: i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the ~~director~~ applicant shall select the third party review professional from a list of three (3) consultants provided by the Director. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director . . . . Hansell/Mitzel acknowledges that peer review of application materials can be an appropriate tool in certain circumstances but proposes the foregoing revisions to ensure that the peer review process leads to a truly independent review.	
7.	City's Unique Wetlands Rating Model	**City's Unique Wetlands Rating Model.** SMP Update Appendix C, § I "Regulation of Critical Areas in Shoreline Jurisdiction" contains the following draft provision regarding the City's stand-alone wetlands rating model. App. C, § I.F.F.1.[2] The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses within the city and/or urban growth area. Mount Vernon will use their HGM system rather than the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. The city's HGM system is titled	As noted in Appendix C, Section I, subsection F(3)(h) and Section VII, subsection C of the draft SMP update, the City has adopted DOE's wetland rating system (Hruby, T., 2014, Washington State Wetland Rating System for Western Washington: 2014 Update (Publication No. 14-06-029), Olympia, WA: Washington Department of Ecology). However, when mitigation is required within a critical area the City uses the HGM tool to assess the ecosystem functions at baseline and at other specified intervals (usually at baseline, and then at years 1, 2, 3, 5, 7 and 10 – this will vary depending on how the mitigation site is responding) as part of the mitigation process. As indicated, the HGM site evaluation model is a "functional assessment approach" tool used when a project is proposing mitigation activities requiring monitoring.

		"Operational Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual. The foregoing provision, by which the City would apply its own wetlands rating system, is inconsistent with the Growth Management Act, which requires local governments to use "the best available science in developing policies and development regulations to protect the functions and values of critical areas." RCW 36.70A.172(1). To assist local governments in meeting this "best available science" requirement, the Department of Ecology publishes guidance on the best available science regarding wetlands, wetlands function, and wetlands management. The Department of Ecology also publishes the "Washington State Wetland Rating System for Western Washington" for use by local governments. The City's intent to use its own separate wetland rating system "rather than the Washington State Department of Ecology (DOE) wetland rating model" is inconsistent with RCW 36.70A.172(1). Using a separate wetland rating system is also inconsistent with Department of Ecology administrative regulations implementing the Shoreline Management Act. The Washington Administrative Code requires that "[i]dentification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements." WAC 173-22-035.[3] The City's intent to eschew Ecology and use its own separate wetland rating system "rather than the Washington State Department of Ecology (DOE) wetland rating model" is inconsistent with WAC 173-22-035. Further, from a practical perspective, introducing a separate wetland rating system introduces unnecessary complication and expense into the application process. The Department of Ecology wetlands rating system has a long track record, it has been used and tested time and again, and consultants are familiar with it. Applicants should be required to utilize only the Department of Ecology wetlands rating system and should not be required to conduct two separate analyses. The	In Mount Vernon the HGM model is a more accurate and locally focused tool for the assessment of the functions of impacted critical areas over time. The HGM model also allows deployment of adaptive management sooner and with more accuracy than other assessment models. DOE has not objected to use of this model versus the DOE wetland rating model that can be used to measure impacts to, and benefits from, activities in critical areas and buffers. In summary, the City does not have "its own wetlands rating system"; on the contrary the City has adopted DOE's wetland rating system (Hruby, T., 2014, Washington State Wetland Rating System for Western Washington: 2014 Update (Publication No. 14-06-029), Olympia, WA: Washington Department of Ecology) as required by state statute. The HGM manual is used for projects that impact critical areas or their associated buffers requiring monitoring to ensure the functions of the impacted critical areas are restored. Of note is the fact that the City has a program named the Managed Ecosystem Alternative that is codified in Mount Vernon Municipal Code (MVMC) 15.40.110. This portion of the MVMC cannot be used on properties subject to shoreline jurisdiction; but can be used for properties outside of shoreline jurisdiction. A component of the Managed Ecosystem Alternative is that the City owns and manages several properties encumbered with wetlands and their associated buffers. The city enhances, maintains, and monitors these sites. The monitoring component is completed with the HGM assessment tool. For these reasons the City declines to make the requested changes.

		proposed revision would cause duplication of efforts and inevitably increase consultant cost for applicants and review time for City staff. Based on the foregoing, Hansell/Mitzel requests that Appendix C, § I.F.F.1 be revised as follows: ~~The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses within the city and/or urban growth area.~~ Mount Vernon will use ~~their HGM system rather than~~ the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. ~~The city's HGM system is titled "Operational Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual.~~ Hansell/Mitzel respectfully requests that the City utilize only the Department of Ecology wetlands rating manual to ensure consistency with the Growth Management Act, the Washington Administrative Code, and to avoid unnecessary complication and expense for applicants. [2] The subsection numbering in this draft section appears to be internally inconsistent. For reference, this provision can be found on page C-5 of Appendix C. [3] The "regional supplement" applicable in the City is the US Army Corps of Engineers ' "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region."	

8.	Critical Areas Ordinance Restoration Guidebook.	**Critical Areas Ordinance Restoration Guidebook.** The draft updated Appendix C contains the following draft subsection § 1.F.F.4 regarding the City's Critical Areas Ordinance Restoration Guidebook. The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department. The City's "CAO guidebook" was published in 2008 and is outdated. In particular, the CAO guidebook does not reflect the most current mitigation guidance from the Department of Ecology and does not address wetland mitigation banking. The CAO guidance must be updated to incorporate the latest mitigation guidance from Ecology and incorporate information on the benefits and availability of the use of mitigation bank credits. Until the CAO guidance is updated, the foregoing provision should be deleted as follows. ~~The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department.~~ In addition, the benefits and availability of mitigation bank credits should be added to Appendix C § VIII.G.9, which contains a list of "alternative methods of developing the property" if "wetland changes are proposed." The Department of Ecology encourages the use of wetland mitigation bank credits. Appendix C should reflect this.	The City does not agree with comment number 8. The City's CAO guidebook reflects mitigation guidance from the Department of Ecology. Appendix C, Subsection VII(G)(8) specifically authorizes the use of wetland mitigation banks. For these reasons, the City declines to make the requested changes.

9.	Wetland Classification and Designation.	**Wetland Classification and Designation.** Appendix C § VII.C.1.d provides the criterion applicable to "Category IV" wetlands but has not been updated to reflect the 2014 Department of Ecology wetlands rating system. It reads as follows: d. Category IV. Category IV wetlands are those that meet the following criterion: ii. provide low levels of functions, scoring less than thirty (30) out of one hundred (100) points (DOE Wetlands Rating System, 2004). The foregoing provision should be updated to reflect the 2014 Department of Ecology wetlands rating system, in consistency with the draft new provisions which do so for Category I, II, and III wetlands. d. Category IV. Category IV wetlands are those that meet the following criterion: ii. provide low levels of functions, ~~scoring less than thirty (30)~~ 9-15 points out of 27 ~~out of one hundred (100) points~~ (DOE Wetlands Rating System, ~~2004~~ 2014). The foregoing revision will improve the internal consistency of this section of the SMP Update and improve consistency with the 2014 Department of Ecology wetlands rating system.	This provision within Appendix C was an error and has been revised as follows: Provide low levels of functions, scoring less than 15 ~~thirty (30)~~ ~~out of one hundred (100)~~ points out of 27 (DOE Wetlands Rating System, ~~2004~~ 2014). All of the other wetland categories have been updated in Appendix C; however, this one provision specific to Category IV wetlands was not updated like the other category of wetlands were.
10.	Allowed Activities and Uses in Category I Wetlands.	**Allowed Activities and Uses in Category I Wetlands.** The draft updated Appendix C contains the following draft deletion from § VII.E.3 which establishes allowed activities and uses in Category I wetlands. Category I wetlands: Activities and uses shall be prohibited from Category I wetlands. ~~, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of the MVMC.~~ The proposed deletion, which removes valid bases for allowing certain activities and uses in Category I wetlands, is inconsistent with the City Critical Areas Ordinance. The deletion is inconsistent with MVMC 15.40.090.E, which provides: "Category I Wetlands. Activities and uses shall be prohibited from Category I, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this title." *See also* MVMC	To remain consistent, the City has changed Section VII.E.3 to read as follows: "Category I wetlands: Activities and uses shall be prohibited from Category I wetlands, except as provided for in the public agency and utility exception and variance sections of the MVMC."

		15.40.040.F, which provides the exception for utilities; MVMC 15.40.130.B, which provides the reasonable use exception; and MVMC 15.40.130.C, which provides for variances from the Critical Areas Ordinance. The "Wetlands" section of Appendix C and the "Wetlands" section of the City Critical Areas Ordinance are virtually, if not actually, identical to each other and there is no basis for the proposed deletion. Therefore, the draft deletion should be restored as follows. Category I wetlands: Activities and uses shall be prohibited from Category I wetlands, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of the MVMC. Restoring the proposed deletion improves consistency between Appendix C and the City Critical Areas Ordinance, which provides clarity for applicants and the City alike.	
11.	Building Setbacks in Fish and Wildlife Habitat Conservation Areas.	**Building Setbacks in Fish and Wildlife Habitat Conservation Areas.** Appendix C, Section IX ("Fish and Wildlife Habitat Conservation Areas"), Subsection C.5 contains the following draft new provision regarding required minimum building setbacks in FWHCAs, which contains an undefined term "shoreline buffer" and is confusing. C.5.b. "Minimum building setback" is the required horizontal distance between the finished exterior wall of a structure and the edge of the critical area of the lot on which the structure is located. All portions of a structure must be located away from the critical area edge or shoreline buffer edge, whichever is greater, a distance equal to or greater than the minimum setback. Uses not requiring a permit defined in the City Building Code may be permitted in the setback if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area and other required SMZ setbacks are adhered to, or prescribes a plan to replace affected functions and values within the affected area. The intent of original subsection C.5.b is to provide for a minimum building setback from a FWHCA critical area, and it is unclear what the draft proposed clause adds or changes. A designated fish and wildlife habitat conservation area with its buffer is a critical area. *See*	The City agrees that the addition of shoreline buffer edge does not necessarily add to this provision. Per Table 3 Development Standards in Section V of the SMP, the shoreline setback for residential development in the Shoreline Residential and Urban Mixed-Use designations shall be no less than 50 feet landward of the landward toe of dikes and levees, with listed exceptions (MVMC 15.36.270). The intention of the proposed language is to convey that *if* a shoreline setback were greater than the minimum building setback of the critical area, the greater (or more restrictive) of the setbacks shall apply. There are no circumstances in the SMP and SMP Appendix C where that is the case. Therefore, the City will omit the insertion and maintain the existing SMP language, but declines the commenter's proposed language.

		Section IX.C. However, the draft new clause provides for a minimum building setback from the edge of a "shoreline buffer," which is not a defined term. "Buffer" means "an area adjacent to a wetland, river, or stream that, generally, functions to protect the public from loss suffered when the functions and values of the wetland, river, or stream are degraded." SMP IX. Thus, a "buffer" applies adjacent to critical areas and not adjacent to the "shoreline." An additional revision provided below also clarifies that when an FWHCA critical area is altered pursuant to SMP Appendix C, the minimum building setback is measured from the critical area edge as altered and not from the pre-alteration edge of the critical area. To remove ambiguity, Subsection C.5.b should be revised as follows: C.5.b. "Minimum building setback" is the required horizontal distance between the finished exterior wall of a structure and the edge of the critical area of the lot on which the structure is located. All portions of a structure must be located away from the Fish and Wildlife Habitat Conservation Area critical area edge ~~or shoreline buffer edge, whichever is greater~~, a distance equal to or greater than the minimum setback. When an FWHCA critical area is altered pursuant to SMP Appendix C, the minimum building setback is measured from the critical area edge as altered. Uses not requiring a permit defined in the City Building Code may be permitted in the setback if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area and other required SMZ setbacks are adhered to, or prescribes a plan to replace affected functions and values within the affected area. The foregoing revision clarifies that minimum building setbacks apply adjacent to the edge of FHWCA critical areas and prevents the introduction of the ambiguous undefined term "shoreline buffer."	

12.	Novel Shoreline Designation: "Potential Wetland Connection."	**Novel Shoreline Designation: "Potential Wetland Connection."** The draft updated shoreline designation maps found at Figures 2 through 4 of SMP Section IV ("Shoreline Environmental Designations") appear to introduce three new shoreline designations which are unprecedented, are inconsistent with the Shoreline Management Act, and introduce unnecessary ambiguity into the SMP Update. As shown on Figures 2 through 4, which comprise the City's draft new "Environmental Designations" maps, the City appears to have created three new shoreline designations: • "Natural – Potential Wetland Connection" • "Shoreline Residential – Potential Wetland Connection" • "Urban Mixed-Use – Potential Wetland Connection." The SMP Update contains no definitions or implementing regulations for these novel designations. The novel designations introduce unnecessary ambiguity into the SMP Update. The SMP Update does not actually contain any regulations or standards applicable to the "Potential Wetland Connection" suffix. Thus, a property identified as "Shoreline Residential-Potential Wetland Connection" is regulated identically to a property identified as "Shoreline Residential." It is, thus, meaningless and should be deleted from the SMP Update. The SMP Update provides an inadequate rationale for the "Potential Wetland Connection" suffix. New draft provision IV.A.2 notes that "there are variables the City is not able to accurately identify and map until site specific activities/developments are proposed" and that such "variables" include "the existence, location, and characteristics of waters/wetlands." This caveat is inadequate, given that local SMPs, including shoreline designation maps, are approved by the Department of Ecology and become the official State master program. *See* WAC 173-26-030 ("The state master program is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by" the Department of Ecology.) Thus, Figures 2 through 4 constitute the official City SMP "Environmental Designation maps" comprising a component of the state	The commenter has assigned the term 'novel shoreline designation', not the jurisdiction. To avoid any potential confusion the City has made the below-listed changes to the shoreline designation maps and associated items: • The shoreline designation map located in Appendix E and Figures 2, 3, 4, and 5 have removed "Natural – Potential Wetland Connection", Shoreline Residential – Potential Wetland Connection", and Urban Mixed-Use – Potential Wetland Connection" from the legend. • The shoreline designation map located in Appendix E and Figures 2, 3, 4, and 5 have hatched areas identified on the map and in the legend. The legend indicates the hatching is located on properties as an overlay indicating the potential presence of shoreline associated wetlands. This overlay is not a separate shoreline environmental designation. Consistent with the commentor's suggestion, the City has added additional clarifying details within Section IV(A) regarding shoreline associated wetlands. Shoreline associated wetlands have been made part of the shoreline environment designation areas as indicated in supporting documentation prepared for the Periodic Update, and assigned the appropriate designation per the Department and Department Biologist's technical analysis, the City's existing critical area inventory based upon existing critical area report submitted for development, and the United States Fish and Wildlife Service National Wetland Inventory (i.e., Natural, Shoreline Residential, Urban Mixed-Use, and Urban Conservancy, and Aquatic). A technical staff memorandum prepared by Dr. Lyndon Lee and the Department dated June 15, 2021, evaluates the proposed overlay, supporting proposed updates to the City of Mount Vernon, SMP Appendix A- Shoreline

		master program. Variables which will not be known until "site specific activities/developments are proposed" should not be codified in a local SMP. We understand from Development Services staff that the intent of the novel designations is to provide notice to the public that there "might" be areas within the hatched portions that could, in the future, based on permit review, be determined to be "associated wetlands" and that "associated wetlands" would be considered within shoreline jurisdiction. As noted above, the mapping approach is not consistent with the applicable regulations, because areas cannot be mapped as being in shoreline jurisdiction, unless a final determination has been made. To the extent that the novel designations are intended to identify areas where an "associated wetland" might be located, the SMP Update could include text that states, "Any area in the future that is formally determined to be an 'associated wetland' shall be regulated as a shoreland area under the SMP." Consistent with the foregoing, Figures 2 through 4 should utilize only the standard shoreline environment designations. Thus, it is proposed that all references to the following should be deleted from Figures 2 through 4: • "Natural – Potential Wetland Connection" • "Shoreline Residential – Potential Wetland Connection" • "Urban Mixed-Use – Potential Wetland Connection." Correspondingly, all cartographically distinct hatching patterns (horizontal lines) depicted on the draft Figures 2 through 4 should be deleted so that the visual depiction of each of the three novel designations shown on Figures 2 through 4 should be identical to, respectively, "Natural," "Shoreline Residential," and "Urban Mixed-Use."	Inventory, Characterization, and Cumulative Impacts Report and the subsequent draft Shoreline Environment Designation map. The document is available publicly on the City of Mount Vernon SMP Periodic Update Project website, posted July 2021. The technical memorandum was transmitted to the Department of Ecology on July 7, 2021 for preliminary review and a subsequent Initial Determination. During the agency's review to determine compliance with the State of Washington Shoreline Management Act, no required revisions were required by Ecology regarding the shoreline designations. Please see the following excerpt from the June 15, 2021 memorandum establishing compliance with State Law [RCW 90.58.020, the WAC Chapter 173-26-176, and WAC 173-26-201(2)(c)]: "In the 2021 SMP update, the City also focused on interpretations of "Associated jurisdictional wetlands or Associated wetlands", defining them as those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State. These wetlands are subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by the Skagit River. Within the City, this influence includes but is not limited to one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. Hydraulic continuity is generally defined as the interrelation between groundwater (water beneath land surfaces or surface water bodies) and surface water (water above ground, such as lakes and streams); and can be surface or shallow subsurface hydraulic connection(s) that may be permanent, or which occur seasonally (e.g., during the wet winter/spring season) with intermittent flow connections.

			The City's biologist, Dr. Lyndon Lee, has reviewed all the proposed changes to the 2021 SMP update and finds with these changes the City's SMP remains consistent with the requirements RCW 90.58.020, the WAC Chapter 173-26-176, and WAC 173-26-201(2)(c) because it remains a regulatory document that prevents degradation of ecological functions compared to existing conditions, it addresses adverse cumulative impacts, and it fairly allocates the burden of addressing these impacts among development opportunities." For these reasons, the City has partially accepted the requested changes, as outlined above.
13.	Identification of "Associated Wetlands."	**Definition of "Associated Wetlands."** SMP Update § IX ("Definitions") contains the following draft revised definition for "Associated jurisdictional wetlands": **Associated jurisdictional wetlands or Associated wetlands** are those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State and are, therefore, subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by, the Skagit River, Barney Lake, or any other waterbody defined as a shoreline of the State within Chapter 90.58 RCW. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or surface or shallow subsurface hydraulic connection(s) that may be permanent or which occur seasonally (e.g. during the wet winter/spring season) with intermittent flow connections. The foregoing draft amended definition is inconsistent with WAC 173-22-040, which states, "The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW: . . . (2) Lakes. The shoreland area shall include: . . . (b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more	This provision has been amended as follows. **Associated jurisdictional wetlands or Associated wetlands** are those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State and are, therefore, subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by, ~~the Skagit River, Barney Lake, or~~ any ~~other~~ waterbody defined as a shoreline of the State within Chapter 90.58 RCW. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. Hydraulic continuity is generally defined in WAC 173-545-030(9) as "the interrelation between groundwater (water beneath land surfaces or surface water bodies) and surface water (water above ground, such as lakes and streams)." For example, hydraulic continuity can consist of surface or shallow subsurface water connection(s) that may be permanent, or which occur seasonally (e.g., during the wet winter/spring season) with intermittent flow characteristics.

		of the following: Periodic inundation or hydraulic continuity; . . . (3) Streams. The shoreland area shall include the greater of: . . . (c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity; . . . ." Hansell/Mitzel requests that the draft amended definition be revised in consistency with WAC 173-22-040, as follows. **Associated jurisdictional wetlands or Associated wetlands** are those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State and are, therefore, subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by, the Skagit River, Barney Lake, or any other waterbody defined as a shoreline of the State within Chapter 90.58 RCW. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. ~~surface or shallow subsurface hydraulic connection(s) that may be permanent or which occur seasonally (e.g. during the wet winter/spring season) with intermittent flow connections.~~ The requested revision ensures consistency with WAC 173-22-040 and provides certainty for applicants and the City in applying the definition of "associated wetlands."	
14.	Site Specific development named Swan View with the below listed Appendices: Appendix A: Soundview Consultants, LLC Memo Regarding a site-specific development named Swan View Appendix B: Correspondence from the	**14. Identification of "Associated Wetlands."** The technical memorandum supporting the Appendix A update and adoption of the novel "Potential Wetlands Connection" designation misinterprets the science and the law to improperly conclude that certain wetlands in the City are "associated wetlands." The Technical Memorandum prepared by L.C. Lee & Associates, Inc. dated April 30, 2021 regarding "Mr. Dan Mitzel – Swan View Plat – Shorelines" (the "**City Memo**") concludes that three wetlands located on the Swan View Property are "associated" with the shorelines areas of the Skagit River and Lindegren Creek and, accordingly, that shoreline jurisdiction under the SMP includes the three	These comments and their associated Exhibits A, B, and C are project-specific materials which are quasi-judicial and/or administrative in nature and not appropriate for consideration or inclusion in this shoreline Master Program update process which is a purely legislative process. There is no specific project before the Planning Commission or to go to the City Council, nor could there be as part of this legislative process. Such project-specific information and/or details are not

	Corps of Engineers regarding a site specific development named Swan View. Appendix C: Correspondence from the Department of Ecology regarding a site specific development named Swan View	wetlands. The City Memo also appears to form the basis for the novel shoreline environment designations discussed above with the suffix "Potential Wetland Connection." *See* City Memorandum "SMP, Appendix A Update" dated June 15, 2021 ("In the 2021 update, the City has identified these parcels that could be subject to shoreline jurisdiction due to the presence of associated wetlands . . . ."). The City Memo misinterprets the law and misapplies the science. For the reasons that follow, the City Memo should be deleted in its entirety from the Appendix A Update. "Associated wetland" is a technical term defined under the SMA to mean "those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act." WAC 173-22-030(1). An "associated wetland" is regulated as though it is located within the shoreline management zone even though it may be located outside of the 200-foot shoreline management zone adjacent to a stream. *See* WAC 173-22-040(3)(c) ("Streams. The shoreland area shall include the greater of: . . . (c) those wetlands which are in proximity to and either influence or are influenced by the stream."). Thus, the identification of an "associated wetland" has a significant regulatory impact. The apparent basis for the conclusion in the City Memo that the wetlands have "immediate proximity and physical and functional connections to the Skagit River and Lindegren Creek floodplains and 'Shoreline' ecosystems" is a determination of the presence of (i) a "habitat mosaic" and (ii) seasonal intermittent hydrologic connections with the Skagit River. City Memo at 1. As more particularly described in the Technical Memorandum prepared by Soundview Consultants LLC (the "**Soundview Memo**") attached as Exhibit A, neither of these bases survive scrutiny and the three wetlands are not "associated wetlands." As an initial matter, Lindegren Creek, which is proximate to the Swan View Property, is not relevant for the purpose of applying the definition of "associated wetlands" under WAC 173- 22-030(1). Lindegren Creek is not a regulated shoreline under the Shoreline Management Act (SMA) because its mean annual flow does not meet the twenty cubic feet per second	appropriate for Planning Commission or City Council consideration on this legislative process since, among other concerns, such considerations are outside of or not relevant to the SMA criteria and since certain types of shoreline permits can be appealed to the City Council potentially creating a conflict of interest or an appearance of fairness issue for City Council decision-makers. Accordingly, Staff requests that the Planning Commission and the City Council disregard and not consider these comments and their associated Exhibits A, B, and C as part of this legislative process. However, in the event the Planning Commission or the City Council elects to consider these comments and their associated Exhibits A, B, and C Staff recommends these comments and exhibits be given no weight, or be disregarded, because they conflict with the Technical Memorandum dated April 30, 2021 from Dr. Lyndon Lee that is attached to the draft updated Appendix A of the SMP and with the information and directions provided to the City by Department of Ecology (DOE) Staff. The information and direction from DOE staff is contained in the materials accompanying this response matrix, identified as Exhibit 1.

		threshold necessary for the SMA to apply. *See* RCW 90.58.030(2)(e) ("'Shorelines' means all of the water areas of the state, . . . and their associated shorelands, . . . except . . . (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments . . . ."). Thus, Lindegren Creek is not relevant to an analysis of "associated wetlands" on the Swan View Property and the only relevant regulated shoreline is that of the Skagit River. As set forth in detail in the Soundview Memo, the three subject wetlands on the Hansell/Mitzel property are not "associated wetlands." First, by any reasonable measure the wetlands lack "proximity to" the Skagit River—they are located approximately 3,350 feet east of the Skagit River. No legal precedent supports the proposition that such a distance constitutes "proximity to" a shoreline waterbody. In fact, the legal precedent suggests that a wetland located within 200 feet of a body of water is "in proximity," but that a wetland located three quarters to one mile from a body of water is not. *See In the Matter of a Substantial Development Permit Denied by Island County to William L. Massey, William L. Massey, Appellant vs. Island County,* SHB No. 80-3, Final Findings of Fact, Conclusions of Law and Order, March 3, 1981; *Juanita Bay Valley Community Association v. City of Kirkland*, 9 Wn.App.59 (1973). Additionally, though the shoreline management zone includes flood plains which extend landward 200 feet from floodways, *see* WAC 173-22-040(3)(b), the test for "associated wetlands" is not whether a wetland is in proximity to the shoreline management zone. The test is whether a wetland is "in proximity to . . . the stream." WAC 173-22-040(3)(c). Here, though the wetlands may be in proximity to a flood plain, they are 3,350 feet from the stream and thus are not proximate. The second element of an "associated wetland" is that it must "either influence or [be] influenced by" the stream. Legal precedent establishes several guiding principles regarding such "influence." An "associated wetland" "would be essentially at the same level as the major body of water and also [] would have a direct surface connection." *Juanita Bay*	

		Valley Community Association v. City of Kirkland, 9 Wn.App.59 (1973). "[A] body of water and its 'associated wetlands' will share the same water, the water quality of one will affect the other, and there will be a visual and esthetic connection between the two." *Id.* at 81. A wetland was an "associated wetland" when the wetland (i) was located within 200 feet of Skagit Bay, (ii) was once part of a marshy lagoon with a direct tidal connection, and (iii) drainage was influenced by the rise and fall in the tide. *In the Matter of a Substantial Development Permit Denied by Island County to William L. Massey, William L. Massey, Appellant vs. Island County,* SHB No. 80-3, Final Findings of Fact, Conclusions of Law and Order, March 3, 1981. The subject wetlands are not consistent with any of the foregoing. Further, the Department of Ecology Shoreline Master Program Handbook describes "hydraulic continuity" as a factor in determining whether a wetland is an "associated wetland." "Hydraulic continuity clues include undrained hydric soils contiguous with the water body and sheet flow from the site during or following precipitation events." Handbook at 25. Thus, hydraulic continuity pertains to the physical connection between the wetland and the stream via groundwater. And though a floodplain may be included in the shoreline management zone, by definition an "associated wetland" requires a hydraulic connection with the stream itself—not the floodplain. *See* WAC 173-22-030(1). Here, the wetlands do not the meet the definition of "associated wetlands." First, they are clearly not in proximity to the Skagit River because they are located approximately 3,350 feet to the east. Second, as set forth in the Soundview Memo, the wetlands do not "influence" the Skagit River and do not have "hydraulic continuity" with the river. Third, the wetlands clearly cannot be "influenced by" the Skagit River because the wetlands are situated upslope from the Skagit River, each at an elevation of at least 41 feet higher than the river. *See* Soundview Memo; *see also* U.S. Army Corps of Engineers Determination, Reference No. NWS-2004-357, April 30, 2019 (determining that the subject wetlands have no significant nexus to the Skagit River and are not "waters of the U.S." because they "do not significantly affect the chemical, physical, or biological integrity of the Skagit River" and "their	

		ability to . . . have a subsurface connection to the Skagit River is highly unlikely.”); Department of Ecology Administrative Order No. 16961, January 3, 2020 (accepting U.S. Army Corps of Engineers Determination No. NWS-2005-357 and authorizing fill of 1.627 acres of Category IV wetlands on the Swan View Property). A copy of the U.S. Army Corps of Engineers Determination is attached as Exhibit B. A copy of the Department of Ecology Administrative Order No. 16961 is attached as Exhibit C. The City’s apparent conclusion that the subject wetlands are “associated wetlands” because of (i) a “habitat mosaic” and (ii) seasonal intermittent hydrologic connections with the Skagit River is flawed. The subject wetlands are not “associated wetlands” under Ecology guidance or legal precedent. For the foregoing reasons, the Technical Memo should be deleted in its entirety from the Appendix A update, as should all references in Figures 2 through 4 to “Potential Wetland Connection.”	

City of MOUNT VERNON
DEVELOPMENT SERVICES

February 8, 2021

Mr. Dan Mitzel
1111 Cleveland Ave, Suite 203
Mount Vernon, WA 98273

Reference: Administrative Determination, Shoreline Designation on P24350

Dear Mr. Mitzel:

Following is an administrative interpretation regarding the Shoreline Designation of property you own identified as Lot 2 of Short Plat PL03-0689 (recorded under Auditor File Number: 200402100118), also described by the Skagit County Assessor as parcel: P24350 (hereinafter "site" or "subject site").

ADMINISTRATIVE DETERMINATION

In accordance with Mount Vernon Municipal Code (MVMC) Chapter 2.35, 14.05, and 15.07 an Administrative Determination is hereby made regarding the Shoreline Master Program's (SMP) environmental designation of the subject site:

1. The shoreline jurisdiction for the subject site includes the floodplain (elevation 37) and the three delineated wetlands east of the floodplain, but not the upland buffers associated with these wetlands as depicted on **Attachment 1.**
2. The environmental designation of the area subject to the shoreline jurisdiction is Natural.

Correspondence with the WA State Department of Ecology documenting their direction to the City regarding the extent of the shoreline jurisdiction and its associated environmental designation is attached to this letter identified as **Attachment 2.**

To put this Administrative Determination into context, a summary of events leading up to this determination follows.

BACKGROUND

1. December 2006 to April 2007 preliminary plat process on the subject site:
   a. December 1, 2006, Swan View preliminary plat (City File No. LU06-079) that included a Shoreline Substantial Development Permit was deemed technically complete for processing. The Swan View preliminary plat proposed 44 single-family residential lots and identified wetlands and Lindegren Creek.
   b. Mount Vernon operated under Skagit County's Shoreline Management Master Program (SMMP) from 1977 to 2011 when the City adopted its own SMP. As such, the Swan View preliminary plat was subject to Skagit County's SMMP that identified the site as having a shoreline environment of 'Rural'.
   c. A Mitigated Determination of Non-Significance (MDNS) through the SEPA process was issued on January 31, 2007, for the Swan View preliminary plat.

d. An open record public hearing was held on February 22, 2007, before the City's Hearing Examiner who issued a recommendation dated March 14, 2007, to approve, with conditions, the Swan View preliminary plat.
e. Resolution 736 was approved by Mount Vernon City Council on April 26, 2007, authorizing, with conditions, the Swan View preliminary plat.
f. On May 30, 2007, the City transmitted the City's Shoreline Permit for the Swan View preliminary plat to the DOE as required by law.

2. Extensions and expiration of the Swan View preliminary plat approval:
    a. The Swan View preliminary plat was a valid land use for five years following its approval by City Council on April 26, 2007, resulting in an expiration of April 26, 2012.
    b. On August 17, 2010, the City Council authorized additional time within which the Swan View preliminary plat would remain a valid application from April 26, 2012 to April 26, 2015.
    c. During the 2013 legislative session the State Legislature approved SHB 1074 providing additional extensions to preliminary subdivisions, which extended the preliminary plat approval for Swan View to April 26, 2017.
    d. On July 26, 2017, the City Council approved a Development Agreement via Resolution 933 extending the preliminary plat approval timeframe for the Swan View plat to April 26, 2020.
    e. The Swan View preliminary plat expired on April 26, 2020.
    f. No infrastructure was installed/constructed following the original April 26, 2007, preliminary plat approval and the expiration of the preliminary plat on April 26, 2020.

3. On June 22, 2011, the City Council passed Ordinance 3535 adopting an updated SMP that remains in effect today.

4. On March 10, 2020, BYK Construction scheduled a Pre-Application Meeting to discuss the development potential of the subject site.
    a. In anticipation of the Pre-Application meeting planning staff reviewed the City's current SMP and found what appeared to be a mapping error because the subject site was not shown as being subject to the SMP on Figure 2 (pg. 21 of SMP) and its location was not described within any of the environment locations of the SMP.

    b. Assuming a mapping error had occurred, planning staff advised the Applicant that the City would assign the Natural shoreline environment designation to the subject site because the Natural designation is physically the closest designation to the subject site. Planning staff also advised the Applicant that the City would be updating the SMP in the near future and encouraged the Applicant to participate in this process that would likely result in assigning a different environmental designation to the site.

5. Dr. Lyndon Lee, the City's Biologist, reviewed applicable records and determined that although the three wetlands depicted in Attachment 1 are not located in the floodplain and do not influence the Skagit River, they are influenced by the Skagit River and would have subsurface hydraulic connection(s) to the abutting floodplain and the Skagit River. These conclusions support a finding that the shoreline jurisdiction runs as depicted in Attachment A, a conclusion confirmed by the State Department of Ecology.

APPEAL RIGHTS

This Administrative Determination is a Type I decision that you may appeal to the Hearing Examiner. Any appeal must be in writing, contain the information outlined in MVMC 14.05.160(C)(3), and include applicable filing fees. This decision will be final unless an appeal to the hearing examiner is filed with Mount Vernon Development Services, 910 Cleveland Avenue, Mount Vernon, WA 98273, within 14-days of the date set out in this letter's heading.

The Department looks forward to working with you. Please let me know if you have any further questions or concerns.

Sincerely,

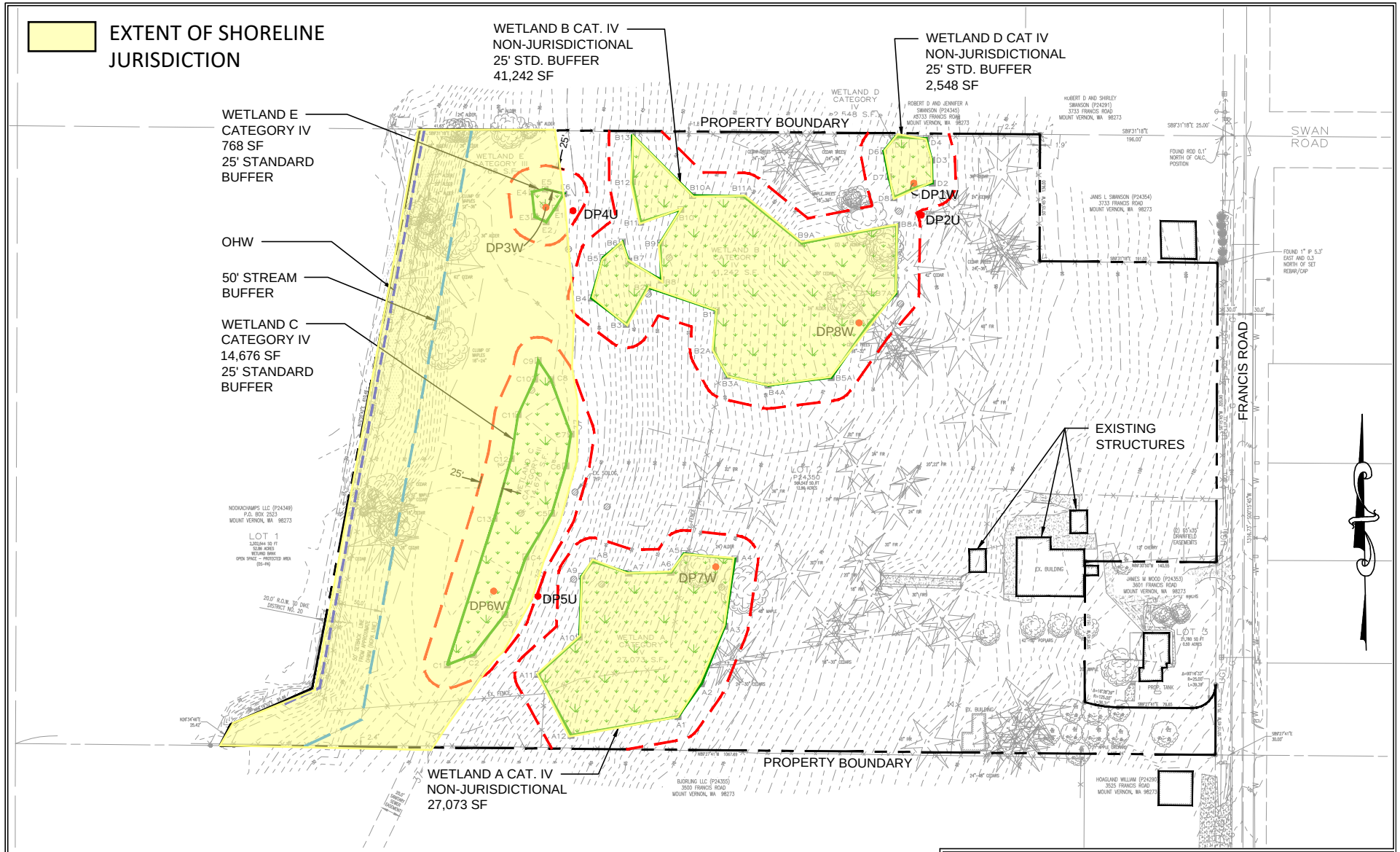
Chris Phillips,
Director

C: Kevin Rogerson, City Attorney

Attachments:

Attachment 1: Map identifying the extent of the shoreline jurisdiction
Attachment 2: Emails with DOE staff

Created by City Staff for Illustrative Purposes Only



PRELIMINARY
INFORMATION ONLY

NOT FOR CONSTRUCTION

SOUNDVIEW CONSULTANTS LLC ASSUMES NO LIABILITY OR RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENTS, OR ESTIMATES BASED ON THIS PLAN SET

EXISTING CONDITIONS

0 75 150 300

GRAPHIC SCALE
1"=150'

PROJECT: SWAN VIEW	
REFERENCE#	
APPLICANT: MITZEL, DAN	
LOCATION: XXXX FRANCIS ROAD MOUNT VERNON, WA 98273	
SHEET: 2 of 7	**DATE:** 6/21/2019

Rebecca Lowell

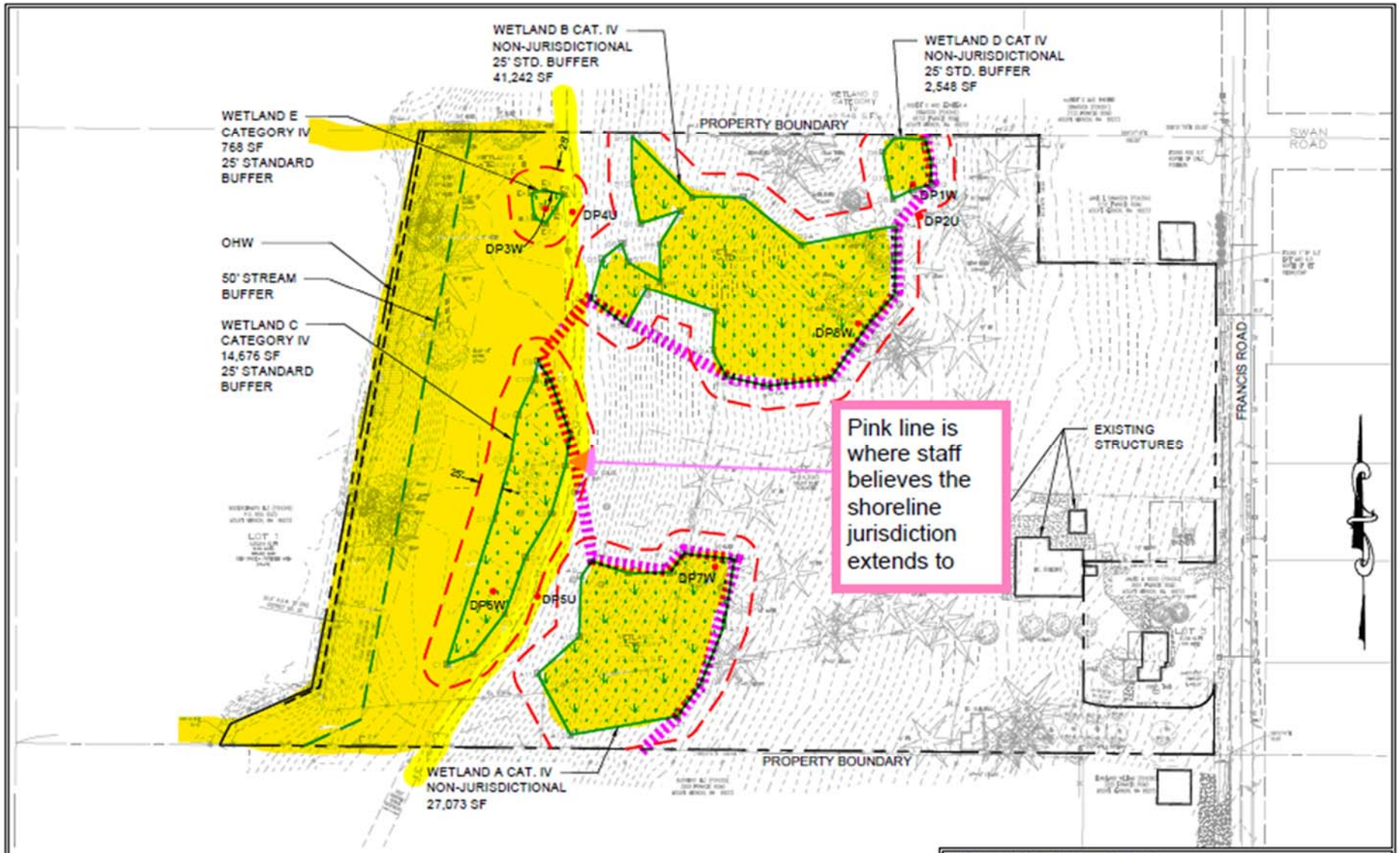
Subject: FW: SMP Update Progress Report

From: Yunge, Chad (ECY) [mailto:CYUN461@ECY.WA.GOV]
Sent: Monday, January 25, 2021 9:23 AM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>; Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Cc: Chris Phillips <cphillips@mountvernonwa.gov>
Subject: RE: SMP Update Progress Report

Caution External Message

Good morning, Rebecca,

Based on the information you have provided, the following map would slightly alter the location of shoreline jurisdiction by including the entire floodplain. In addition, only the delineated wetland areas themselves, for the three shoreline-associated wetlands located east of the floodplain, would be included within shoreline jurisdiction and not the upland areas surround them.



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EXISTING CONDITIONS

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GRAPHIC SCALE
1"=150'

PROJECT: SWAN VIEW	
REFERENCE#	
APPLICANT: MITZEL, DAN	
LOCATION: XXXX FRANCIS ROAD MOUNT VERNON, WA 98273	
SHEET: 2 of 7	**DATE:** 6/21/2019

In terms of permit processing, any development activity within shoreline jurisdiction would require review through the City's SMP, which incorporates specific critical area provisions. Portions of the project that lie outside of shoreline jurisdiction would be reviewed through a critical areas permit or whatever local review process used by the City. So depending on the scope of work, a shoreline permit and a critical areas permit may be required at this property. I have not reviewed the City's SMP in regards to wetland fill on this property, however from your email it sounds like the current Shoreline Environment Designation (SED) may not allow it. If the City is planning on changing the SED during the SMP Periodic Review, keep in mind that any changes would have to be supported by the City's shoreline inventory and characterization, and not solely based on an individual's desire to fill wetlands in this case. I am not saying the change can't be made, but you should continue to work with Lauren on the scope of the changes and what analysis may be needed.

Please let either Lauren or myself know if you have any questions on the above information.

Kind regards,
Chad

Chad Yunge | Senior Regional Shoreline Planner
Shorelands & Environmental Assistance Program | Bellingham Field Office
360.255.4374 Office | 360.366.6186 Cell
chad.yunge@ecy.wa.gov

This communication is a public record and may be subject to disclosure as per the Washington State Public Records Act (RCW 42.56)

From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Friday, January 15, 2021 6:04 PM
To: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Cc: Chris Phillips <cphillips@mountvernonwa.gov>; Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>
Subject: RE: SMP Update Progress Report

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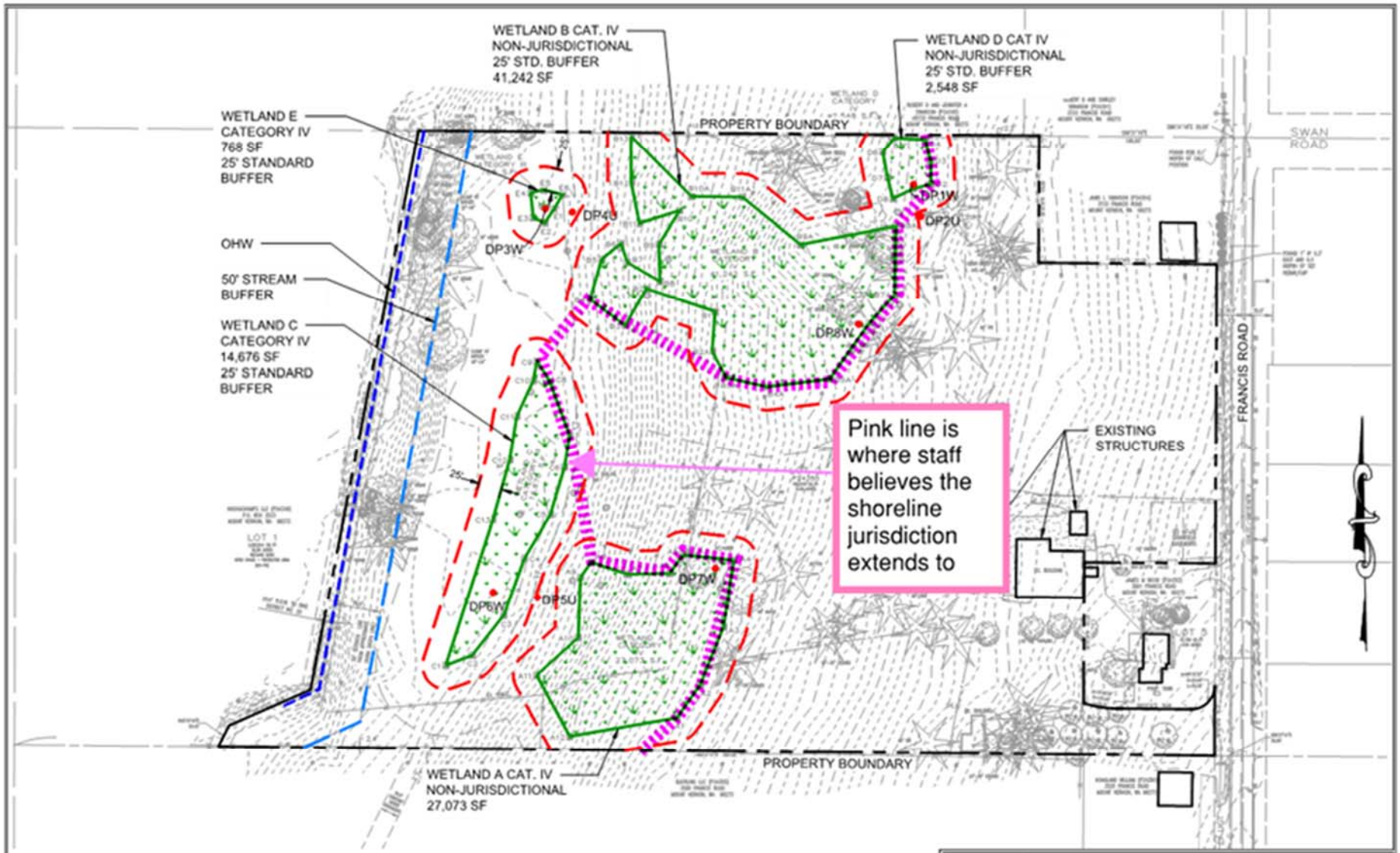
Hi Lauren:

I have a few follow up questions to make sure we are regulating this site correctly.

I've spoken with our City Biologist (Dr. Lyndon Lee) about the criteria you outlined for us in your email below and Dr. Lee confirmed for us that:

1. The eastern three wetlands not located in the floodplain do not influence the Skagit River.
2. The eastern three wetlands not located in the floodplain are influenced by the Skagit River.
3. The eastern three wetlands not located in the floodplain would have subsurface hydraulic connection(s) to the abutting floodplain and the Skagit River.

With the above (#1 – #3) in mind I think the shoreline jurisdiction extends to the far eastern edge of the on-site wetlands, but does not include the buffers for these wetlands. I've identified this area on the map below.



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EXISTING CONDITIONS

0 75 150 300

GRAPHIC SCALE
1"=150'

PROJECT: SWAN VIEW	
REFERENCE#	
APPLICANT: MITZEL, DAN	
LOCATION: XXXX FRANCIS ROAD MOUNT VERNON, WA 98273	
SHEET: 2 of 7	**DATE:** 6/21/2019

Could you please verify with the information provided whether or not I've correctly identified the extent of the shoreline jurisdiction.

Last, assuming the three wetlands on the far east side of the site are within the shoreline jurisdiction I wanted to make sure there wouldn't be an issue with the City processing a critical area permit allowing these three wetlands to be filled once the environmental designation of the site is officially changed to Shoreline Residential (assuming an analysis can support this change in designation). I think this would be allowed based on the set of critical area regulations the City adopted as part of our SMP. As a side note the property owner has already received a Nationwide Permit from the Corps and a Water Quality Certification from DOE to allow these three wetlands to be filled. However, the required City permit to allow the filling of these wetlands has not been submitted.

Thank you again for all of your help!

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: https://ci-mountvernon-wa.smartgovcommunity.com

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From: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Sent: Tuesday, December 22, 2020 3:18 PM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Cc: Chris Phillips <cphillips@mountvernonwa.gov>; Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>
Subject: RE: SMP Update Progress Report

Caution External Message

Hi Rebecca,
Thank you for your patience in getting this response to your SMP questions. You will find the full response to each question in red below.
This property certainly has a lot going on but hopefully the response below will clarify how it fits into the City's SMP. Please don't hesitate to send us additional questions if further clarification is required.
I will be out of the office starting tomorrow for the holiday and back in on Monday.

Happy Holidays to you and yours.

Lauren Bromley
Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance
Eastern Region,4601 N. Monroe Street, Spokane, WA 99205
Work: (509) 329-3550 | Mobile: (509) 220-7750 | lauren.bromley@ecy.wa.gov

"The birds have vanished into the sky and now the last cloud drains away. We sit together the mountain and me, until only the mountain remains." - **Li Po**

DEPARTMENT OF ECOLOGY State of Washington

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From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Tuesday, December 15, 2020 7:49 PM
To: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Cc: Chris Phillips <cphillips@mountvernonwa.gov>
Subject: RE: SMP Update Progress Report

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Hi Lauren:

I just left you a voicemail about the following issue I'm hoping you can provide direction to the City on.

Questions I need assistance with:

1. Is the below described property subject to the City's SMP?; **Yes**
   and,

2. If the answer to question #1 is yes, where does the jurisdiction extend to and what would the SMP environmental designation be?

2a. At a minimum, it appears that there are shoreline associated wetlands on the property that are regulated under the SMA and the City's SMP. The two westernmost wetlands appear to be within the FEMA floodplain boundary and thus are automatically considered to be shoreline associated wetlands. Regarding the other wetlands on the property, the City would have to determine if the three (3) Category IV wetlands are shoreline associated. This means that the wetlands either influence or are influenced by the Skagit River in this case, including but not limited to being hydrologically connected to the floodplain. If determined to be shoreline associated, these wetlands would be regulated similarly to the other two. If they are not shoreline associated wetlands, they would be regulated directly through the City's Critical Areas Ordinance. Keep in mind that only the shoreline associated wetlands themselves are regulated by the Mount Vernon SMP in this case, as the City elected not to include critical area buffers within shoreline jurisdiction when such jurisdiction extends beyond 200-feet of the ordinary high watermark. Any work done within a shoreline associated wetland would require review per the SMP, but any associated buffer requirements would be applied through the CAO.

2b. Beyond any shoreline associated wetlands, in order to determine where the jurisdiction extends, the City would have to determine the location of the floodway boundary in relation to this property. The official shoreline map in the SMP does not show the floodway location but contains a note that indicates that its location is based on a site-specific analysis at the time of permit review. The FEMA FIRM for the area also lacks a mapped floodway boundary. Mount Vernon SMP Section IV.A.1 defines how the floodway should be determined, and based on these criteria, it may be possible that the floodway extends onto the western portion of the subject property. In your email dated December 15, you indicate that while the City does not have a mapped floodway, its regulations adopt the FEMA A1 Zone as its regulatory floodway. If this is the case, the landward extent of shoreline jurisdiction would be up to this A1 floodplain boundary plus any presence of shoreline associated wetlands as discussed above.

Regarding the appropriate shoreline environment designation, the existing Natural SED would apply to any shoreline jurisdictional areas on the subject property as this is an extension of the SED mapped on the City's shoreline maps.

Subject Property: Pages 1 to 4 of the attachment to this email contains a maps and information showing the location of the subject property that is described as Lot 2 of Short Plat PL03-0689 (recorded under Auditor File Number: 200402100118), also described by the Skagit County Assessor as parcel: P24350.

Background Information:

- The subject property is not mapped or described in the City's SMP. I'm left wondering if this was a mapping error or an omission.
- The City does not have a floodway that is mapped like other jurisdictions have. However, the City's development regulations identify zone A1 on FEMA's FIRM maps as being a floodway regulated by the City.
- Page 5 of the attached contains FEMA's FIRM map with the project site identified. A portion of the project site is located in zone A1.
- Page 6 of the attached contains a map identifying the on-site stream (Lindegren Creek not the off-site Skagit River) and several wetlands.
- The second attachment to this email is a copy of most of our current SMP. Within this copy I've highlighted in yellow and placed red boxes around portions of this document that I've referenced to-date in an attempt to correctly classify the site in question. This attachment may not be at all helpful for you; however, I created it for our attorney and I thought you might find it useful.

There are other details about this issue that will be easier to explain over the telephone. Looking forward to discussing with you when you have a chance.

Thanks!

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON
Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

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From: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Sent: Tuesday, December 15, 2020 8:37 AM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Cc: Slone, Layne (ECY) <lnak461@ECY.WA.GOV>; Shawna Gossett <shawnag@mountvernonwa.gov>
Subject: RE: SMP Update Progress Report

Caution External Message

Good morning Rebecca,
For all things EAGL, Layne Slone (cc'd) would be the person to help. Layne is the grant manager for your specific project and will be able to walk through how to get into EAGL and management of the grant itself throughout the project. I would recommend that Shawna contact her and then any SMP questions such as technical, permitting, legal, implementation, or just any overall SMP questions would be my side of things.

Both Layne and myself are here to assist you and your team, so don't hesitate to ask. ☺

Lauren Bromley
Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance
Eastern Region,4601 N. Monroe Street, Spokane, WA 99205
Work: (509) 329-3550 | Mobil: (509) 220-7750 | lauren.bromley@ecy.wa.gov

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DEPARTMENT OF ECOLOGY State of Washington

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From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Friday, December 11, 2020 6:22 PM
To: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Cc: Slone, Layne (ECY) <lnak461@ECY.WA.GOV>; Shawna Gossett <shawnag@mountvernonwa.gov>
Subject: RE: SMP Update Progress Report

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Thank you Lauren:

I was able to find the answer for the question I had a week or so ago. However, I spent about an hour trying to access EAGL and failed miserably. As such, I'm going to ask our amazing Permit Tech Shawna Gossett to connect with you so that she can figure out how to access/update the system to keep us in good standing.

Would you please let Shawna know when a good time to contact you would be.

Thanks so much!

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON

Development Services
910 Cleveland Ave
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From: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Sent: Thursday, December 3, 2020 3:19 PM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Cc: Slone, Layne (ECY) <lnak461@ECY.WA.GOV>
Subject: RE: SMP Update Progress Report

Caution External Message

Good afternoon Rebecca,
Was your question regarding the SMP process or more of an EAGL grant questions?
Layne is really the expert to speak with regarding the grant otherwise I'm your contact for the SMP.

Lauren Bromley
Shoreline Planner | WA Department of Ecology | Shorelands & Environmental Assistance
Eastern Region,4601 N. Monroe Street, Spokane, WA 99205
Work: (509) 329-3550 | Mobil: (509) 220-7750 | lauren.bromley@ecy.wa.gov

"The birds have vanished into the sky and now the last cloud drains away. We sit together the mountain and me, until only the mountain remains." - **Li Po**

DEPARTMENT OF ECOLOGY State of Washington

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From: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Sent: Monday, November 30, 2020 10:41 AM
To: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>

Cc: Slone, Layne (ECY) <lnak461@ECY.WA.GOV>
Subject: RE: SMP Update Progress Report

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Hi Lauren, thank you for the reminder regarding the grant updates. I will log into the system and provide an update.

COVID-19 has thrown us a curveball and I have not been able to do any work on our update so far this year.

I do have a project specific shoreline designation question that would be easier to explain over the telephone. Would it be best for me to call you or Layne?

Thanks,

Rebecca S. Bradley-Lowell,
Principal Planner/Planning Manager

City of MOUNT VERNON

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: https://ci-mountvernon-wa.smartgovcommunity.com

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From: Bromley, Lauren (ECY) <labr461@ECY.WA.GOV>
Sent: Monday, November 16, 2020 3:38 PM
To: Rebecca Lowell <rebeccab@mountvernonwa.gov>
Cc: Slone, Layne (ECY) <lnak461@ECY.WA.GOV>
Subject: SMP Update Progress Report

Caution External Message

Good afternoon Rebecca,

My name is Lauren Bromely and I am assisting Chad Yunge in managing the SMP Update for the City of Mount Vernon. As your project planner, I am here to assist you throughout the update process and also help you work through the EAGL grant system. I understand both can be daunting tasks, so please feel free to contact me any time and as often as you need. I am here to be a resource to you.
On the note of the EAGL database, we have Mt. Vernon's grant as active since April but we have not received a progress report yet. Even if nothing is to be claimed for funds, the application still needs to have quarterly reports uploaded and the request amount would just read as $0.
However, if you do have actions performed that the City would like to be reimbursed for, this would be the time to do so.
Please let me know if you need assistance with the process or have questions.
Thank you,

Lauren Bromley

Shoreline Planner
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DEPARTMENT OF ECOLOGY State of Washington

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Van Ness Feldman LLP

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October 14, 2021

VIA U.S. MAIL

Planning Commission
City of Mount Vernon
910 Cleveland Ave.
Mount Vernon, WA 98273

Re: City of Mount Vernon Shoreline Master Program Update—Comment Letter

Dear Planning Commissioners:

We submit this letter to the City of Mount Vernon ("**City**") Planning Commission on behalf of Hansell/Mitzel, LLC ("**Hansell/Mitzel**") to provide comments on the City's draft Shoreline Master Program update ("**SMP Update**"), a matter which is on the October 19, 2021 Planning Commission agenda for an open record public hearing. Hansell/Mitzel is the owner of real property in the City which is affected by the SMP Update, including an approximately 13-acre property abutting the west frontage of Francis Road (Parcel No. P24350) ("**Swan View Property**") and approximately 12 acres in Highland Greens Divisions II and VII (Parcel No. 124125). Hansell/Mitzel has reviewed Development Services staff's draft SMP Update dated July 7, 2021 and supporting memoranda, and presents the following specific comments on the draft.

1. Clarification to Shoreline Modifications Table 2 Regarding "Fill." To enhance the clarity of the information contained in Table 2 "Shoreline Modifications" in Section V ("Shoreline Use, Modification, and Development Standards Tables"), the SMP should clearly state that "Fill," where allowed in a particular shoreline designation, is allowed in critical areas within such shoreline designations so long as SMP Appendix C ("Shoreline Critical Area Regulations") is complied with. Below is a reproduction of the current Table 2, with the pertinent "shoreline modification" highlighted.

TABLE 2, SHORELINE MODIFICATIONS:

SHORELINE MODIFICATIONS ↓	Shoreline Designations:				
	Aquatic	Natural	Urban Conservancy	Shoreline Residential	Urban Mixed-use
Shoreline Stabilization:					
Bioengineering	C[5]	C[5]	C[5]	P[5]	P[5]
Revetment	X	X	C[5]	P	P
Dikes/Levees	C	P	P	P	P
Dredging	C[6]	n/a	n/a	n/a	n/a
Dredge material disposal	C[14]	C[14]	C[14]	P	P
Hazardous Waste Cleanup	P	P	P	P	P
Fill	C[5]	C[5]	C[5]	P	P
Piers and Docks	P[1]	X	C	P	P
Breakwaters, jetties, and weirs	P[13]/C[13]	X	X	X	X

The footnotes to Table 2 do not clearly convey that Fill in critical areas (e.g., wetlands) is allowed as of right in the Shoreline Residential and Urban Mixed-Use shoreline designations so long as the shoreline modification comprising the Fill complies with the Shoreline Critical Area Regulations. (By comparison, Footnote 5 to Table 2 clearly conveys the conditions under which Fill is allowed in the Aquatic, Natural, and Urban Conservancy shoreline designations.) For enhanced clarity, it is proposed that a new footnote 22 be assigned to the "Fill" cell above, and added to the list of "Notes to Tables" below the Shoreline Use, Modification, and Development Standards Tables, which states:

> Fill in critical areas within the Shoreline Management Zone shall be allowed subject to compliance with applicable wetlands regulations set forth in Appendix C ("Shoreline Critical Area Regulations").

In consistency with the foregoing, it is proposed that the following nearly identical language be added to a new subsection F.3.l in the "Fill" subsection of Section VIII ("Shoreline Modification Provisions"):

> Fill in critical areas within the Shoreline Management Zone shall be allowed as set forth in the Section V Shoreline Modifications Table 2, subject to compliance with applicable wetlands regulations set forth in Appendix C ("Shoreline Critical Area Regulations").

Including the foregoing revisions in the SMP Update will provide enhanced clarity for the City and applicants alike when applying the Table 2 Shoreline Modifications standards.

2. Clarification to Development Standards Table 3 Regarding Maximum Residential Density in "Shoreline Residential" Designation. To enhance the clarity of the information contained in Table 3 "Development Standards" in Section V ("Shoreline Use, Modification, and Development Standards Tables"), the SMP should clearly state that the density bonus allowed under MVMC 17.73 ("Regulations to Encourage Affordable Housing") applies in

shoreline environments in which residential use is allowed. "Footnote 19" should be amended to state the following.[1]

> 19. Residential density, minimum and maximum if applicable, measured per net acre (du/a), in the Shoreline Residential environmental designation is as follows, unless otherwise allowed under MVMC 17.73 ("Regulations to Encourage Affordable Housing"): R-A zone: 1.24 du/a (min 35,000 lot size); R-1, 3.0: 3.23 du/a (min 9,000 sf lot); R-1, 4.0: 4.0 to 4.54 du/a (7,500 sf lot); R-1, 7.0: 7.26 du/a (4,500 sf lot).

The proposed revision confirms for applicants and the City alike that residential densities allowed under the affordable housing ordinance are allowed in shoreline environments.

3. Water Quality Policy. Subsection I ("Water Quality") of SMP Update Section IV ("General Provisions") contains the following draft proposed revision which should be deleted.

> All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of water quality, quantity, or hydrologic conditions.

The meaning and intent of the foregoing draft proposed revision are unclear. "Hydrologic conditions" is not a defined term in the SMP Update. It is generally understood to mean the study of water's interaction with the Earth's surfaces and sub-surfaces. Thus, in the regulatory context it is either redundant of "alteration of water quality [and] quantity" or has a different meaning which is not set forth in the SMP Update. The foregoing draft proposed revision should be deleted as follows.

> All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by alteration of water quality, quantity~~, or hydrologic conditions~~.

The proposed deletion improves clarity for applicants and the City alike.

4. In-Stream Structures Policy. Subsection I ("In-Stream Structures") of SMP Update Section VII ("Shoreline Use Policies and Regulations") contains the following existing provision.

---

[1] It appears that Development Standard "Density (max. and min. determined by underlying zoning district)" may be appended with the wrong footnote number. It is appended with a superscript "20," but footnote 20 to Table 3 refers to trails. Note "19" appears to be the correct "Note to Table" for the "Density" item.

> 2.b. In-stream structures should be allowed only for the purposes of environmental restoration and maintaining the existing bridges crossing the Skagit River.

The foregoing should be revised as follows, to account for stormwater management facilities, such as flood gates and culverts, which may be necessary as in-stream structures.

> 2.b. In-stream structures should be allowed only for the purposes of environmental restoration and maintaining the existing bridges crossing the Skagit River, and for stormwater management facilities such as flood gates and culverts.

The proposed revision confirms for applicants and the City alike that stormwater management facilities are permissible "in-stream structures."

5. Fill Policy. Subsection F ("Fill") of SMP Update Section VIII ("Shoreline Modification Provisions") contains the following draft proposed provision, which should be deleted because it is superfluous.

> 2.b. Filling activities in waters/wetlands and shorelines usually require permitting at federal, state, and City levels of jurisdiction.

The foregoing draft proposed provision contains general advisory information and provides no particular policy direction. Accordingly, it should be deleted as shown below.

> ~~2.b. Filling activities in waters/wetlands and shorelines usually require permitting at federal, state, and City levels of jurisdiction.~~

The proposed deletion avoids the inclusion of a superfluous new provision which imposes no regulatory policy or standards.

6. Peer Review of Shoreline Applicants' Consultant Work. SMP Update § III "Shoreline Master Program Administrative Provisions" contains the following provision regarding "peer review" of application materials.

> Upon the review of materials submitted by an applicant the Director can, at their discretion, require peer review be completed by a consultant chosen by the Director, at the sole expense of the applicant. SMP Update § III.A.11.

The foregoing provision is inconsistent with the intent of "peer review." Peer review is intended to be an independent evaluation of a scientist's methodology and conclusions, to ensure complete and accurate analysis consistent with industry standards. Such an independent

evaluation requires a third party—the peer reviewer—who is independent of both the scientist and the audience receiving the scientist's work. The draft provision above, which allows the City to require peer review "by a consultant chosen by the Director," is inconsistent with these principles because the peer reviewer is not independent of the audience receiving the scientist's work. This may be particularly problematic where a city has relied exclusively on a single consulting biologist for much, if not all, of the city's shoreline analysis, including the city's drafting of an SMP update. Finally, the draft provision is inconsistent with the standard approach taken by local governments in Washington, which typically provides opportunity for an applicant to have input on who will conduct the peer review.

Based on the foregoing, Hansell/Mitzel requests that SMP § III.A.11 be revised as follows.

> Upon the review of materials submitted by an applicant the Director can, at their discretion, require peer review be completed by a consultant chosen by the applicant from a list of three (3) consultants provided by the Director, at the sole expense of the applicant.

Appendix C to the SMP Update contains two similar provisions at § I.G and § VIII.A.2.c.i:

> App. C § I.G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. The director has the discretion to choose the consultant who will complete the peer review. If peer review is required, then the applicant shall be responsible for paying the entire costs of the peer review.
>
> App. C § VII.A.2.c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to: i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the director shall select the third party review professional. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director . . . .

Hansell/Mitzel requests that the foregoing provisions be revised as follows.

> App. C § I.G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. ~~The director has the discretion to choose the consultant who will complete the peer review.~~ If peer review is required, then the applicant shall choose a reviewer from a list of three (3) consultants provided by the Director and shall be responsible for paying the entire costs of the peer review.
>
> App. C § VII.A.2.c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to: i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the ~~director~~ applicant shall select the third party review professional from a list of three (3) consultants provided by the Director. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director . . . .

Hansell/Mitzel acknowledges that peer review of application materials can be an appropriate tool in certain circumstances but proposes the foregoing revisions to ensure that the peer review process leads to a truly independent review.

7. City's Unique Wetlands Rating Model. SMP Update Appendix C, § I "Regulation of Critical Areas in Shoreline Jurisdiction" contains the following draft provision regarding the City's stand-alone wetlands rating model.

> App. C, § I.F.F.1.[2] The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses

[2] The subsection numbering in this draft section appears to be internally inconsistent. For reference, this provision can be found on page C-5 of Appendix C.

> within the city and/or urban growth area. Mount Vernon will use their HGM system rather than the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. The city's HGM system is titled "Operational Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual.

The foregoing provision, by which the City would apply its own wetlands rating system, is inconsistent with the Growth Management Act, which requires local governments to use "the best available science in developing policies and development regulations to protect the functions and values of critical areas." RCW 36.70A.172(1). To assist local governments in meeting this "best available science" requirement, the Department of Ecology publishes guidance on the best available science regarding wetlands, wetlands function, and wetlands management. The Department of Ecology also publishes the "Washington State Wetland Rating System for Western Washington" for use by local governments. The City's intent to use its own separate wetland rating system "rather than the Washington State Department of Ecology (DOE) wetland rating model" is inconsistent with RCW 36.70A.172(1).

Using a separate wetland rating system is also inconsistent with Department of Ecology administrative regulations implementing the Shoreline Management Act. The Washington Administrative Code requires that "[i]dentification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements." WAC 173-22-035.[3] The City's intent to eschew Ecology and use its own separate wetland rating system "rather than the Washington State Department of Ecology (DOE) wetland rating model" is inconsistent with WAC 173-22-035.

Further, from a practical perspective, introducing a separate wetland rating system introduces unnecessary complication and expense into the application process. The Department of Ecology wetlands rating system has a long track record, it has been used and tested time and again, and consultants are familiar with it. Applicants should be required to utilize only the Department of Ecology wetlands rating system and should not be required to conduct two separate analyses. The proposed revision would cause duplication of efforts and inevitably increase consultant cost for applicants and review time for City staff.

Based on the foregoing, Hansell/Mitzel requests that Appendix C, § I.F.F.1 be revised as follows:

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[3] The "regional supplement" applicable in the City is the US Army Corps of Engineers' "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region."

> ~~The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses within the city and/or urban growth area.~~ Mount Vernon will use ~~their HGM system rather than~~ the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. ~~The city's HGM system is titled "Operational Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual.~~

Hansell/Mitzel respectfully requests that the City utilize only the Department of Ecology wetlands rating manual to ensure consistency with the Growth Management Act, the Washington Administrative Code, and to avoid unnecessary complication and expense for applicants.

8. Critical Areas Ordinance Restoration Guidebook. The draft updated Appendix C contains the following draft subsection § 1.F.F.4 regarding the City's Critical Areas Ordinance Restoration Guidebook.

> The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department.

The City's "CAO guidebook" was published in 2008 and is outdated. In particular, the CAO guidebook does not reflect the most current mitigation guidance from the Department of Ecology and does not address wetland mitigation banking. The CAO guidance must be updated to incorporate the latest mitigation guidance from Ecology and incorporate information on the benefits and availability of the use of mitigation bank credits. Until the CAO guidance is updated, the foregoing provision should be deleted as follows.

> ~~The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department.~~

In addition, the benefits and availability of mitigation bank credits should be added to Appendix C § VIII.G.9, which contains a list of "alternative methods of developing the property" if "wetland changes are proposed." The Department of Ecology encourages the use of wetland mitigation bank credits. Appendix C should reflect this.

9. Wetland Classification and Designation. Appendix C § VII.C.1.d provides the criterion applicable to "Category IV" wetlands but has not been updated to reflect the 2014 Department of Ecology wetlands rating system. It reads as follows:

> d. Category IV. Category IV wetlands are those that meet the following criterion: ii. provide low levels of functions, scoring less than thirty (30) out of one hundred (100) points (DOE Wetlands Rating System, 2004).

The foregoing provision should be updated to reflect the 2014 Department of Ecology wetlands rating system, in consistency with the draft new provisions which do so for Category I, II, and III wetlands.

> d. Category IV. Category IV wetlands are those that meet the following criterion: ii. provide low levels of functions, scoring ~~less than thirty (30)~~ 9-15 points out of 27 ~~out of one hundred (100) points~~ (DOE Wetlands Rating System, ~~2004~~2014).

The foregoing revision will improve the internal consistency of this section of the SMP Update and improve consistency with the 2014 Department of Ecology wetlands rating system.

10. Allowed Activities and Uses in Category I Wetlands. The draft updated Appendix C contains the following draft deletion from § VII.E.3 which establishes allowed activities and uses in Category I wetlands.

> Category I wetlands: Activities and uses shall be prohibited from Category I wetlands.~~, except as provided for in the public agency~~

> ~~and utility exception, reasonable use exception, and variance sections of the MVMC.~~

The proposed deletion, which removes valid bases for allowing certain activities and uses in Category I wetlands, is inconsistent with the City Critical Areas Ordinance. The deletion is inconsistent with MVMC 15.40.090.E, which provides: "Category I Wetlands. Activities and uses shall be prohibited from Category I, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this title." *See also* MVMC 15.40.040.F, which provides the exception for utilities; MVMC 15.40.130.B, which provides the reasonable use exception; and MVMC 15.40.130.C, which provides for variances from the Critical Areas Ordinance. The "Wetlands" section of Appendix C and the "Wetlands" section of the City Critical Areas Ordinance are virtually, if not actually, identical to each other and there is no basis for the proposed deletion. Therefore, the draft deletion should be restored as follows.

> Category I wetlands: Activities and uses shall be prohibited from Category I wetlands, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of the MVMC.

Restoring the proposed deletion improves consistency between Appendix C and the City Critical Areas Ordinance, which provides clarity for applicants and the City alike.

11. Building Setbacks in Fish and Wildlife Habitat Conservation Areas. Appendix C, Section IX ("Fish and Wildlife Habitat Conservation Areas"), Subsection C.5 contains the following draft new provision regarding required minimum building setbacks in FWHCAs, which contains an undefined term "shoreline buffer" and is confusing.

> C.5.b. "Minimum building setback" is the required horizontal distance between the finished exterior wall of a structure and the edge of the critical area of the lot on which the structure is located. All portions of a structure must be located away from the critical area edge or shoreline buffer edge, whichever is greater, a distance equal to or greater than the minimum setback. Uses not requiring a permit defined in the City Building Code may be permitted in the setback if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area and other required SMZ setbacks are adhered to, or prescribes a plan to replace affected functions and values within the affected area.

The intent of original subsection C.5.b is to provide for a minimum building setback from a FWHCA critical area, and it is unclear what the draft proposed clause adds or changes. A designated fish and wildlife habitat conservation area with its buffer is a critical area. *See* Section IX.C. However, the draft new clause provides for a minimum building setback from the

edge of a "shoreline buffer," which is not a defined term. "Buffer" means "an area adjacent to a wetland, river, or stream that, generally, functions to protect the public from loss suffered when the functions and values of the wetland, river, or stream are degraded." SMP IX. Thus, a "buffer" applies adjacent to critical areas and not adjacent to the "shoreline."

An additional revision provided below also clarifies that when an FWHCA critical area is altered pursuant to SMP Appendix C, the minimum building setback is measured from the critical area edge as altered and not from the pre-alteration edge of the critical area.

To remove ambiguity, Subsection C.5.b should be revised as follows:

> C.5.b. "Minimum building setback" is the required horizontal distance between the finished exterior wall of a structure and the edge of the critical area of the lot on which the structure is located. All portions of a structure must be located away from the Fish and Wildlife Habitat Conservation Area critical area edge ~~or shoreline buffer edge, whichever is greater,~~ a distance equal to or greater than the minimum setback. When an FWHCA critical area is altered pursuant to SMP Appendix C, the minimum building setback is measured from the critical area edge as altered. Uses not requiring a permit defined in the City Building Code may be permitted in the setback if the Director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area and other required SMZ setbacks are adhered to, or prescribes a plan to replace affected functions and values within the affected area.

The foregoing revision clarifies that minimum building setbacks apply adjacent to the edge of FHWCA critical areas and prevents the introduction of the ambiguous undefined term "shoreline buffer."

12. Novel Shoreline Designation: "Potential Wetland Connection." The draft updated shoreline designation maps found at Figures 2 through 4 of SMP Section IV ("Shoreline Environmental Designations") appear to introduce three new shoreline designations which are unprecedented, are inconsistent with the Shoreline Management Act, and introduce unnecessary ambiguity into the SMP Update.

As shown on Figures 2 through 4, which comprise the City's draft new "Environmental Designations" maps, the City appears to have created three new shoreline designations:

- "Natural – Potential Wetland Connection"
- "Shoreline Residential – Potential Wetland Connection"
- "Urban Mixed-Use – Potential Wetland Connection."

The SMP Update contains no definitions or implementing regulations for these novel designations.

The novel designations introduce unnecessary ambiguity into the SMP Update. The SMP Update does not actually contain any regulations or standards applicable to the "Potential Wetland Connection" suffix. Thus, a property identified as "Shoreline Residential-Potential Wetland Connection" is regulated identically to a property identified as "Shoreline Residential." It is, thus, meaningless and should be deleted from the SMP Update.

The SMP Update provides an inadequate rationale for the "Potential Wetland Connection" suffix. New draft provision IV.A.2 notes that "there are variables the City is not able to accurately identify and map until site specific activities/developments are proposed" and that such "variables" include "the existence, location, and characteristics of waters/wetlands." This caveat is inadequate, given that local SMPs, including shoreline designation maps, are approved by the Department of Ecology and become the official State master program. *See* WAC 173-26-030 ("The state master program is the cumulative total of all shoreline master programs and amendments thereto approved or adopted by" the Department of Ecology.) Thus, Figures 2 through 4 constitute the official City SMP "Environmental Designation maps" comprising a component of the state master program. Variables which will not be known until "site specific activities/developments are proposed" should not be codified in a local SMP.

We understand from Development Services staff that the intent of the novel designations is to provide notice to the public that there "might" be areas within the hatched portions that could, in the future, based on permit review, be determined to be "associated wetlands" and that "associated wetlands" would be considered within shoreline jurisdiction. As noted above, the mapping approach is not consistent with the applicable regulations, because areas cannot be mapped as being in shoreline jurisdiction, unless a final determination has been made. To the extent that the novel designations are intended to identify areas where an "associated wetland" might be located, the SMP Update could include text that states, "Any area in the future that is formally determined to be an 'associated wetland' shall be regulated as a shoreland area under the SMP."

Consistent with the foregoing, Figures 2 through 4 should utilize only the standard shoreline environment designations. Thus, it is proposed that all references to the following should be deleted from Figures 2 through 4:

- "Natural – Potential Wetland Connection"
- "Shoreline Residential – Potential Wetland Connection"
- "Urban Mixed-Use – Potential Wetland Connection."

Correspondingly, all cartographically distinct hatching patterns (horizontal lines) depicted on the draft Figures 2 through 4 should be deleted so that the visual depiction of each of the three novel designations shown on Figures 2 through 4 should be identical to, respectively, "Natural," "Shoreline Residential," and "Urban Mixed-Use."

13. Definition of "Associated Wetlands." SMP Update § IX ("Definitions") contains the following draft revised definition for "Associated jurisdictional wetlands":

> **Associated jurisdictional wetlands or Associated wetlands** are those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State and are, therefore, subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by, the Skagit River, Barney Lake, or any other waterbody defined as a shoreline of the State within Chapter 90.58 RCW. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or surface or shallow subsurface hydraulic connection(s) that may be permanent or which occur seasonally (e.g. during the wet winter/spring season) with intermittent flow connections.

The foregoing draft amended definition is inconsistent with WAC 173-22-040, which states, "The following criteria contain the standards for the department's designation of shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW: . . . (2) Lakes. The shoreland area shall include: . . . (b) Those wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity; . . . (3) Streams. The shoreland area shall include the greater of: . . . (c) Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity; . . . ."

Hansell/Mitzel requests that the draft amended definition be revised in consistency with WAC 173-22-040, as follows.

> **Associated jurisdictional wetlands or Associated wetlands** are those wetlands that are in proximity to and either influence or are influenced by shorelines of significance to the State and are, therefore, subject to the Shoreline Management Act. Consistent with WAC 173-22-040 this definition includes wetlands that are determined by the City to be in proximity to, and either influence or are influenced by, the Skagit River, Barney Lake, or any other waterbody defined as a shoreline of the State within Chapter 90.58 RCW. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity. ~~surface or shallow subsurface hydraulic connection(s) that may be permanent or which occur seasonally (e.g. during the wet winter/spring season) with intermittent flow connections.~~

The requested revision ensures consistency with WAC 173-22-040 and provides certainty for applicants and the City in applying the definition of "associated wetlands."

14. Identification of "Associated Wetlands." The technical memorandum supporting the Appendix A update and adoption of the novel "Potential Wetlands Connection" designation misinterprets the science and the law to improperly conclude that certain wetlands in the City are "associated wetlands." The Technical Memorandum prepared by L.C. Lee & Associates, Inc. dated April 30, 2021 regarding "Mr. Dan Mitzel – Swan View Plat – Shorelines" (the "**City Memo**") concludes that three wetlands located on the Swan View Property are "associated" with the shorelines areas of the Skagit River and Lindegren Creek and, accordingly, that shoreline jurisdiction under the SMP includes the three wetlands. The City Memo also appears to form the basis for the novel shoreline environment designations discussed above with the suffix "Potential Wetland Connection." *See* City Memorandum "SMP, Appendix A Update" dated June 15, 2021 ("In the 2021 update, the City has identified these parcels that could be subject to shoreline jurisdiction due to the presence of associated wetlands . . . ."). The City Memo misinterprets the law and misapplies the science. For the reasons that follow, the City Memo should be deleted in its entirety from the Appendix A Update.

"Associated wetland" is a technical term defined under the SMA to mean "those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act." WAC 173-22-030(1). An "associated wetland" is regulated as though it is located within the shoreline management zone even though it may be located outside of the 200-foot shoreline management zone adjacent to a stream. *See* WAC 173-22-040(3)(c) ("Streams. The shoreland area shall include the greater of: . . . (c) those wetlands which are in proximity to and either influence or are influenced by the stream."). Thus, the identification of an "associated wetland" has a significant regulatory impact.

The apparent basis for the conclusion in the City Memo that the wetlands have "immediate proximity and physical and functional connections to the Skagit River and Lindegren Creek floodplains and 'Shoreline' ecosystems" is a determination of the presence of (i) a "habitat mosaic" and (ii) seasonal intermittent hydrologic connections with the Skagit River. City Memo at 1. As more particularly described in the Technical Memorandum prepared by Soundview Consultants LLC (the "**Soundview Memo**") attached as Exhibit A, neither of these bases survive scrutiny and the three wetlands are not "associated wetlands."

As an initial matter, Lindegren Creek, which is proximate to the Swan View Property, is not relevant for the purpose of applying the definition of "associated wetlands" under WAC 173-22-030(1). Lindegren Creek is not a regulated shoreline under the Shoreline Management Act (SMA) because its mean annual flow does not meet the twenty cubic feet per second threshold necessary for the SMA to apply. *See* RCW 90.58.030(2)(e) ("'Shorelines' means all of the water areas of the state, . . . and their associated shorelands, . . . except . . . (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments . . . ."). Thus, Lindegren Creek is

not relevant to an analysis of "associated wetlands" on the Swan View Property and the only relevant regulated shoreline is that of the Skagit River.

As set forth in detail in the Soundview Memo, the three subject wetlands on the Hansell/Mitzel property are not "associated wetlands." First, by any reasonable measure the wetlands lack "proximity to" the Skagit River—they are located approximately 3,350 feet east of the Skagit River. No legal precedent supports the proposition that such a distance constitutes "proximity to" a shoreline waterbody. In fact, the legal precedent suggests that a wetland located within 200 feet of a body of water is "in proximity," but that a wetland located three quarters to one mile from a body of water is not. *See In the Matter of a Substantial Development Permit Denied by Island County to William L. Massey, William L. Massey, Appellant vs. Island County,* SHB No. 80-3, Final Findings of Fact, Conclusions of Law and Order, March 3, 1981; *Juanita Bay Valley Community Association v. City of Kirkland*, 9 Wn.App.59 (1973).

Additionally, though the shoreline management zone includes flood plains which extend landward 200 feet from floodways, *see* WAC 173-22-040(3)(b), the test for "associated wetlands" is not whether a wetland is in proximity to the shoreline management zone. The test is whether a wetland is "in proximity to . . . the stream." WAC 173-22-040(3)(c). Here, though the wetlands may be in proximity to a flood plain, they are 3,350 feet from the stream and thus are not proximate.

The second element of an "associated wetland" is that it must "either influence or [be] influenced by" the stream. Legal precedent establishes several guiding principles regarding such "influence." An "associated wetland" "would be essentially at the same level as the major body of water and also [] would have a direct surface connection." *Juanita Bay Valley Community Association v. City of Kirkland*, 9 Wn.App.59 (1973). "[A] body of water and its 'associated wetlands' will share the same water, the water quality of one will affect the other, and there will be a visual and esthetic connection between the two." *Id.* at 81. A wetland was an "associated wetland" when the wetland (i) was located within 200 feet of Skagit Bay, (ii) was once part of a marshy lagoon with a direct tidal connection, and (iii) drainage was influenced by the rise and fall in the tide. *In the Matter of a Substantial Development Permit Denied by Island County to William L. Massey, William L. Massey, Appellant vs. Island County,* SHB No. 80-3, Final Findings of Fact, Conclusions of Law and Order, March 3, 1981. The subject wetlands are not consistent with any of the foregoing.

Further, the Department of Ecology Shoreline Master Program Handbook describes "hydraulic continuity" as a factor in determining whether a wetland is an "associated wetland." "Hydraulic continuity clues include undrained hydric soils contiguous with the water body and sheet flow from the site during or following precipitation events." Handbook at 25. Thus, hydraulic continuity pertains to the physical connection between the wetland and the stream via groundwater. And though a floodplain may be included in the shoreline management zone, by definition an "associated wetland" requires a hydraulic connection with the stream itself—not the floodplain. *See* WAC 173-22-030(1).

Here, the wetlands do not the meet the definition of "associated wetlands." First, they are clearly not in proximity to the Skagit River because they are located approximately 3,350 feet to the east. Second, as set forth in the Soundview Memo, the wetlands do not "influence" the Skagit River and do not have "hydraulic continuity" with the river. Third, the wetlands clearly cannot be "influenced by" the Skagit River because the wetlands are situated upslope from the Skagit River, each at an elevation of at least 41 feet higher than the river. *See* Soundview Memo; *see also* U.S. Army Corps of Engineers Determination, Reference No. NWS-2004-357, April 30, 2019 (determining that the subject wetlands have no significant nexus to the Skagit River and are not "waters of the U.S." because they "do not significantly affect the chemical, physical, or biological integrity of the Skagit River" and "their ability to . . . have a subsurface connection to the Skagit River is highly unlikely."); Department of Ecology Administrative Order No. 16961, January 3, 2020 (accepting U.S. Army Corps of Engineers Determination No. NWS-2005-357 and authorizing fill of 1.627 acres of Category IV wetlands on the Swan View Property). A copy of the U.S. Army Corps of Engineers Determination is attached as Exhibit B. A copy of the Department of Ecology Administrative Order No. 16961 is attached as Exhibit C.

The City's apparent conclusion that the subject wetlands are "associated wetlands" because of (i) a "habitat mosaic" and (ii) seasonal intermittent hydrologic connections with the Skagit River is flawed. The subject wetlands are not "associated wetlands" under Ecology guidance or legal precedent.

For the foregoing reasons, the Technical Memo should be deleted in its entirety from the Appendix A update, as should all references in Figures 2 through 4 to "Potential Wetland Connection."

Hansell/Mitzel appreciates the Planning Commission's consideration of the foregoing comments on the SMP Update. Thank you.

Sincerely,

Matthew J. Vivian

Exhibit A

Soundview Consultants LLC
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Technical Memorandum

To: **Rebecca Lowell & Chris Phillips, City of Mount Vernon** **File Number: 1723.0001**

From: **Ann Boeholt, Soundview Consultants LLC** **Date: October 8, 2021**

Re: **Response to Shoreline Master Program Third-Party Comments – Swan View Plat**

Dear Ms. Lowell & Mr. Phillips,

Soundview Consultants LLC (SVC) is assisting Hansell Mitzel LLC (Applicant) with Environmental Planning and permitting for a proposed single-family residential plat (Swan View Plat) on a 30.88-acre site located adjacent to 3773 Francis Road in the City of Mount Vernon (City), Washington. The subject property consists of two parcels situated in the Northwest ¼, of Section 9, Township 34 North, Range 4 East, W.M (Skagit County Tax Parcel Numbers P24350 and P24355). SVC has prepared a Wetland and Fish and Wildlife Habitat Assessment Report and Conceptual Mitigation Plan (Buffer Enhancement and Mitigation Bank Use Plan) and is continuing to support this project during review by the City. The parcel south of the Swan View Plat is owned by Mike and Roberta Bjorling and has been included in the project area because of the sanitary sewer connection that is planned to run across the westerly portion of the Bjorling property. The Swan View project area is 12.96 acres.

The City had solicited technical input from their third-party consulting biologist, L.C. Lee and Associates, Inc. ("Consulting Biologist"), who prepared a technical memorandum dated April 30, 2021 in which depressional wetlands A, B, and D on the subject Swan View property ("subject property") were interpreted as being Associated Wetlands, subject to the City's Shoreline Master Program. This memorandum clearly presented implications for the proposed Swan View Plat; moreover, prior to this jurisdictional status having been fully vetted, it is being used in consideration of the City's current efforts to re-designate Shoreline Environments and to seemingly expand shoreline jurisdiction within portions of the City.

This Technical Memorandum has been prepared as a general response to that April 30, 2021 Technical Memorandum from the City's Consulting Biologist. SVC agrees that Wetlands C and E are associated wetlands, as these wetlands are within the Federal Emergency Management Agency (FEMA) 100-year floodplain area (which includes all lands up to the 37-foot base flood elevation). However, Soundview Consultants finds that there is a lack of proximity and influence between wetlands A, B, and D on the subject property and the Shoreline Water body in question, which is the Skagit River, and disagrees with a determination that these wetlands are "associated" with the shoreline of the Skagit River.

Analysis and Discussion of "Associated Wetlands" Regarding the Swan View Project

The City's Consulting Biologist claims that Wetlands A, B, and D are "associated" with the shoreline areas of the Skagit River and Lindgren Creek and that, therefore, shoreline jurisdiction extends to include the entirety of these wetlands. This claim is based on the unique opinion that "the eastern three wetlands not located in the floodplain are influenced by the Skagit River" due to their "hydraulic connection(s) to the abutting floodplain and the Skagit River."

From a review of publicly available information, including the small handful of Washington case law and administrative decisions relating to associated wetland determinations and the record of regulatory review for this proposed project, coupled with our intimate knowledge of the subject property from multiple site visits, leads to the conclusion that Wetlands A, B, and D are clearly not "associated wetlands".

Per WAC 173-22-030, "associated wetlands' means those wetlands which are in proximity to and either influence, or are influenced by, tidal waters or a lake or stream subject to the Shoreline Management Act." The shoreline waterbody relevant to the subject property is the Skagit River. Notably, Lindgren Creek is not a shoreline waterbody, subject to RCW 90.58.030(2)(e)(ii), in that it does not have a mean annual flow of 20 CFM (see also WAC 173-18-330, where Lindgren Creek is not listed). The questions, therefore, are: 1) do the subject Wetlands A, B, and D (or any of them, singularly) have proximity to the Skagit River; and 2) do these wetlands influence, or are they influenced by, the Skagit River. Guidance from the Washington State Department of Ecology (WSDOE) has clarified that a wetland must meet the tests for *both* influence and proximity in order to be determined associated, and furthermore, the greater the distance wetlands are to a shoreline waterbody (i.e. less proximity), the greater the influence needs to be in order to make a determination of associated wetland status.

Proximity

The wetlands in question on the subject site are situated approximately 0.57-mile from the Skagit River and outside of the 37-foot elevation of the floodplain/shoreline extent. The City's Consulting Biologist, in their April 30 Technical Memorandum, does state that the main channel of the Skagit River is approximately 3,350 feet west of the subject property; this would not be considered "proximate".

WSDOE has issued Shoreline Master Program guidance in the form of a *Shoreline Master Program Handbook*, (WSDOE Publication 11-06-010) ("Handbook"). Chapter 5 of the Handbook addresses Shoreline Jurisdiction and, on pages 24-25, it discusses associated wetlands. Here, it repeats the definition of "associated wetlands" adopted in WAC 173-22-030, and then identifies "factors" to be used to determine whether wetlands meet the "proximity and influence" test. The Handbook states: "in some cases, wetlands *outside* the 100-year floodplain *may* be "associated" if they are hydraulically connected with shoreline waters through surface or subsurface flows (page 25, emphasis in original). In so stating, with the italicized wording above, the position by Ecology is that wetlands outside of the floodplain *most often* do not have sufficient proximity or influence.

In Juanita Bay Valley Community Association v. City of Kirkland, 9 Wn.App.59 (1973), a community group challenged the City's issuance of a grading permit to a proposed industrial park, in part, arguing that the proposal was located within associated wetlands and required a shoreline substantial

development permit. The Court found that the site was not within associated wetlands. The Court's decision notes that the site was located "not less than ¾ to 1 mile east of the highwater mark of Lake Washington." The City had not mapped as within shoreline jurisdiction the marshlands on the proponent's property and at trial WSDOE testified that the criteria it used to assess whether the wetlands on the site were associated wetlands was "that the wetland area would be essentially at the same level as the major body of water and also that it would have a direct surface connection."

The Court noted that the legislature adopted a very specific but arbitrary standard of 20 cubic feet per second for bringing a stream into shoreline jurisdiction. The Court continued, "It is obvious that the legislature, by making such a specific and arbitrary designation, was seeking to delineate with care the geographic coverage of the act. Similarly, it is apparent that the [WSDOE's] approach is consistent with such legislative intent. The Department's designation of areas having a surface water connection at grade essentially guarantees protection under SMA to bodies of water having a close physical proximity to their respective 'associated wetlands.' Under such a 'zero grade' test, each body of water and its 'associated wetlands' will share the same water, the water quality of one will affect the other, and there will be a visual and esthetic connection between the two."

While regulations, guidance documents, and case law do not define a distance for what is "proximate", it is clear that proximity and influence are both necessary, that proximate generally means close (that they may share the same water), and that proximity is tied to influence, such that the further a wetland is away from a shoreline, the greater it must influence or be influenced by the shoreline in order to be classified as an "associated" wetland.

<u>Influence</u>

The City's Consulting Biologist states that wetlands A, B, and D, due to their small size and landscape position, are not influencing the Skagit River Ecosystem. Rather, they assert that the landscape position of Wetlands A, B, and D immediately proximate to the Skagit River and Lindgren Creek *Ecosystems* means that these wetlands are influenced by the structure and function of these ecosystems (i.e. that they meet the test for being "influenced by") because "there are no doubt important movement and dispersal pathways and habitat connections that are used by several classes of faunal species that either seasonally migrate to or reside wholly within wetland A, B, and D and other waters/wetland elements of the Skagit River/Lindgren Creek landscape." This justification does not meet the requirements in determining "influence" from the Skagit River based on geographic, topographic, hydrologic, and pedologic factors, as discussed in detail below. Furthermore, if any such influence exists from the Skagit River (not just the river's ecosystem) upon the wetlands, this influence is not strong enough to overcome the problem of lack of proximity.

There is no question that the Washington State term "associated" within WAC 173-22-030 is not the same as the definition used by the federal government for determining Waters of the United States (WOTUS), for purposes of considering influence. That said, it is important to note that the USACE determined Wetlands A, B, and D—situated further upslope, to the east of the floodplain— to be "isolated" from traditionally navigable waters (i.e. the Skagit River) and tributaries to it. This "isolated" determination was based on the USACE's findings that Wetlands A, B, and D are not bordering, contiguous with, or neighboring a jurisdictional water and also do not meet the significant nexus test given that these wetlands were found to not significantly affect the chemical, physical, or biological integrity of jurisdictional waters of Lindgren Creek or the Skagit River (refer to the Agency Determinations section below for more details). Granted, this determination did not address whether

there was any significant affect the other way around: i.e. whether Lindgren Creek or the Skagit River have any affect on the wetlands in question. This does, however, emphasize that the only affect to be considered is that of the river upon the wetlands.

Per the Handbook, "factors used to determine whether wetlands meet the 'proximity and influence' test include but are not limited to one or more of the following:

- Period inundation.
- Hydraulic continuity.
- On marine waters, formation by tidally influenced geo-hydraulic processes, or a surface connection through a culvert or tide gate."

The geographic landscape position, site topography, and movement of water through the subject property do not support the alleged "influence" from the Skagit River, but rather points to hydraulic discontinuity. As mentioned above, Wetlands A, B, and D on the subject property are situated approximately 0.57-mile from the Skagit River and outside of the 37-foot elevation of the floodplain/shoreline extent. The dominant slope gradient onsite is to the west. Wetlands C and E are depressional wetlands situated on a relatively flat terrace at the toe of slope, entirely within the 37-foot elevation associated within the 100-year floodplain. Wetlands C and E are within shoreline jurisdiction. However, Wetlands A, B, and D are slope wetlands that are located further upslope and away from the extent of the 100-year floodplain and as such are not similarly situated as Wetlands C and E. Specifically, Wetland A is situated approximately 45 horizontal feet upslope from the 100-year floodplain and begins at a 43-foot elevation; Wetland B is situated approximately 20 horizontal feet upslope from the 100-year floodplain and begins at a 41-foot elevation; and Wetland D is situated approximately 334 horizontal feet upslope from the 100-year floodplain and begins at a 72-foot elevation. Additionally, no surface hydrological connections (e.g. drainages, etc.) exist between Wetlands A, B, and D to the 100-year floodplain, further supporting the hydraulic disconnection from these wetlands to the 100-year floodplain.

In addition, the wetlands within and outside of the floodplain contain different hydrologic regimes. While Wetlands C and E within the floodplain contain areas of seasonal ponding, Wetlands A, B, and D outside of the floodplain only contain seasonal saturation and completely lack areas of surface ponding. As such, no direct surface hydrological connection or interaction exists between the wetlands within and outside of the floodplain. While very rudimentary, it is also important to note that the movement of water follows the laws of physics, meaning that hydrology flows downgradient to the lowest point, and is not able to flow backwards or upgradient. With Wetlands A, B, and D situated upslope from Wetlands C and E as well as upslope from the Skagit River and its associated floodplain, both surface sheet flow and groundwater move downslope. This fact proves that any potential surface or groundwater hydrology associated with the Skagit River, its associated floodplain, and Wetlands C and E cannot physically move easterly against the dominant slope gradient to influence Wetlands A, B, or D upslope. Even during flooding events and/or during the wet season where the groundwater is fully recharged, Wetlands A, B, and D are too far removed in the landscape for any potential sheet flow (i.e. surface hydrology) or groundwater influence from the Skagit River, located at least 0.55-mile to the west and 41 feet lower topographically. As such, these geographic, topographic, and hydrologic factors help lead to the determination that there is no hydraulic connection, and no influence, from the Skagit River.

The Natural Resource Conservation Service (NRCS)-mapped soils present on the subject property, Tokul gravelly medial loam, 8 to 15 percent slopes, do not support the alleged "influence" from the Skagit River, but also points to hydraulic discontinuity. Per the NRCS soil survey definition of this soil type (Attachment A), the properties and qualities of the soil are described as moderately well drained with no frequency of flooding or ponding. The depth to water table is typically between 18 to 36 inches below ground surface. A seasonal high water table within 12 inches of the soil surface is considered a primary indicator of wetland hydrology under current wetland delineation methodology (Environmental Laboratory, 1987; USACE, 2010). As such, the lack of seasonal inundation in the upper 18-36 inches in the soil is consistent with the 95 percent non-hydric (i.e. non-wetland) classification of the soil. The WSDOE Handbook states that hydraulic continuity clues include undrained hydric soils contiguous with a waterbody. The hydric soils identified within the boundaries of Wetlands A, B, and D are separated from the Skagit River downgradient by the non-hydric/non-wetland Tokul soils. As such, the eastern portion of the site (where Wetlands A, B, and D are found) lacks undrained hydric soils contiguous with the Skagit River, bolstering the determination that there is no hydraulic connection, and no influence, to or from the Skagit River.

Instead of relying upon the WSDOE Handbook and current regulations, the City's Consulting Biologist utilized an obsolete 1990 guidance document (WSDOE Publication 90-45b) no longer relevant that has been replaced by the Handbook. In addition, it is clear the basis for determining influence was established upon this obsolete guidance. The current Handbook and further illustrated by recent case law demonstrates periodic inundation and hydraulic continuity are the overwhelming factors that apply to determining influence of the shoreline (Skagit River).

SVC found that the site-specific habitat functions associated with Wetlands A, B, and D are degraded, lower functioning, and physically separated from core habitat areas associated with the Skagit River, and do not contain intact habitat integral to the development or persistence of species potentially present in the vicinity of the subject property, contrary to the Consulting Biologist's assertions. Wetlands A, B, and D are low-functioning, Category IV wetlands that have low habitat scores based on their wetland ratings under current guidance from WSDOE (Hruby, 2014). This indicates that these wetland areas generally lack or contain minimal plant structure, hydroperiods, interspersion of habitats, special habitat features, accessible habitat, undisturbed habitat, or habitat valuable to society. All three of these wetlands are dominated by or contain non-native invasive species including reed canarygrass (*Phalaris arundinacea*) and Himalayan blackberry (*Rubus armeniacus*). In addition, these non-native invasive species are dominant between these wetlands and Wetlands C and E as well as throughout the uplands on the subject property. Non-native invasive species severely reduce biodiversity, compete with native organisms for limited resources, and alter habitats to the point of causing fundamental disruptions of native ecosystems. As such, these wetlands do not contain intact wildlife habitat or habitat that is more beneficial than the surrounding upland areas onsite.

Wetlands A, B, and D are also impacted by the existing moderate and high land use intensities directly upslope, including single-family residences and roadways. Such land uses contribute pollutants and cause habitat isolation.

The slope hydrogeomorphic classification of Wetlands A, B, and D is another limiting factor in habitat development and separates these wetlands from the downgradient depressional wetlands and floodplain (i.e. "core" habitat areas). The lack of occasional or seasonal surface ponding precludes Wetlands A, B, or D from producing those macroinvertebrates that begin their life cycle in water. Such macroinvertebrates directly contribute a basic food source for amphibians, reptiles, songbirds,

and waterfowl, which in turn serve as prey to other species continuing up the food chain. Comparatively, Wetlands C and E and other potential wetlands located within the floodplain share surface or groundwater influence with the Skagit River and as such contain a range of hydrologic regimes that include temporary to permanent ponding. Such areas in close proximity to the river are core habitat areas for a wide range of fauna. While various terrestrial and avian species may be present in Wetlands A, B, or D at certain times, presence is typically fleeting as optimal habitat is absent from the area. As such, the existing habitat elements in Wetlands A, B, and D are disconnected from and are not influenced by the Skagit River.

Agency Determinations

U.S. Army Corps of Engineers

On May 2, 2019, the U.S. Army Corps of Engineers (USACE) issued an approved jurisdictional determination for the subject property (NWS-2004-357) which determined that "Wetlands C and E are waters of the U.S. based on proximity to Lindgren Creek (approximately 120 feet) and their location in the 100-year floodplain for the creek. We have also determined that Wetlands A, B, and D are not waters of the U.S." At the time of this determination, the 2015 Clean Water Rule was in effect. The terms "adjacent" and "significant nexus" defined under the 2015 Clean Water Rule are similar to the term "associated wetlands" as defined under WAC 173-22-030. Factors used to determine whether a water is associated include periodic inundation, hydraulic continuity, and on marine waters, formation by tidally influenced geo-hydraulic processes, or a surface connection through a culvert or tide gate. In the case of this project, the USACE determined that Wetlands A, B, and D are non-jurisdictional since they are not bordering, contiguous with, nor neighboring a jurisdictional water and also do not meet the significant nexus test given that these wetlands were found to not significantly affect the chemical, physical, or biological integrity of jurisdictional waters of Lindgren Creek or the Skagit River.

Washington State Department of Ecology

On January 3, 2020, WSDOE issued an administrative order (No. 16961) to permanently fill/impact 1.627 acres of non-federally regulated wetlands on the subject property. During WSDOE's review, they found that the project is compliant with the RCW Chapter 90.48 and other applicable requirements of state law, including the shoreline regulations under RCW Chapter 90.58. In other words, WSDOE has already reviewed these wetlands and did not assert that they were associated wetlands, subject to the Shoreline Management Act.

Conclusion

In summary, while wetlands A, B, and D are within 45, 20, and 344 horizontal feet, respectively of the Skagit River floodplain, they are over 0.55-mile from the Skagit River itself. This does not appear to meet the test of proximity within the WAC definition of "associated wetland", especially given the weak (at best) influence that these wetlands may have from or upon the Skagit River. Allegations that these wetlands are integral to the ecosystem of the Lindgren Creek and the Skagit River floodplain are irrelevant, if not questionable, because the question at hand is not whether there is an association with the floodplain of the Skagit River, but whether there is an association, as that term is defined in WAC 173-22-030, between the shoreline water body (i.e. the Skagit River itself) and the wetlands on the eastern portion of the subject property (Wetlands A, B, and D).

Wetlands A, B, and D lack proximity, and lack influence from or to the Skagit River. It is incorrect to conclude that Wetlands A, B, and D are "associated wetlands" subject to the City's Shoreline Master Program; they are not associated wetlands and do not fall under jurisdiction of the City's Shoreline Master Program or the Shoreline Management Act.

City of Mount Vernon Shoreline Master Program Update and Expansion of Shoreline Jurisdiction

While a different issue, the City's consideration of their shoreline Master Program Update and expansion and designation of Shoreline Environments is clearly leaning upon the disputed allegation that Wetlands A, B, and D, and other wetlands like them are associated wetlands.

Within Exhibit 5b of the proposed SMP update, the description of changes to Figure 2 of the SMP states that the Consulting Biologist's findings that shoreline jurisdiction extends onto the subject Swan View property led the City to consider whether nearby areas could also potentially be subject to shoreline jurisdiction. Figure 2 then shows the entire subject property as being a conditional shoreline jurisdictional area. While there is no disagreement that Wetlands C and E on the subject property are associated wetland due to their location with the 100-year floodplain of the Skagit River, providing a figure that includes the entire subject property as a conditional shoreline jurisdictional area implies a degree of finality that does not exist and is problematic.

On the one hand, identifying areas as possibly containing wetlands that might be determined to be associated wetlands, can avoid surprises by land developers in the future (that may otherwise discover late in site development planning that portions of their property are subject to shoreline regulations). However, this is problematic in that it may devalue property or may lead to false conclusions by evaluators that associated wetland status has in fact been confirmed. Furthermore, of great concern is that in the City's contemplated Shoreline Environment Designation maps, only select parcels are identified as having potentially associated wetlands. It appears that only parcels where there has been some evaluation due to a past or pending land use proposal are identified as conditional shoreline jurisdictional areas. This gives the impression of a land grab, or of an intention to further regulate proposed developments by bringing them into jurisdiction of the Shoreline Master Program, which surely is not the City's intent. Developed sites, oddly, do not appear to be included within these conditional shoreline jurisdictional areas, and yet developed sites certainly could, now or in the future, contain wetlands that are just as likely to be considered associated wetlands as those wetlands on the subject Swan View property, for instance, or within similar nearby properties. *Note: The proposed map does include the Divisions IV and V of the Highland Greens PUD. Division V has a 51-unit apartment project and a 24-unit Senior living project made up of 8 multifamily units.*

If areas are to be identified as conditional shoreline jurisdictional areas based on the possibility of the presence of associated wetlands within them, it is critical that such conditional mapping not just include properties that have already been investigated for wetlands, but also include properties where no evaluation has occurred.

Please do not hesitate to contact me with any question or concerns you may have.

Sincerely,

Ann Boeholt
Senior Environmental Scientist and Planner, PWS
ann@soundviewconsultants.com

References

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1*, US Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.

Hruby, T. 2014. *Washington State Wetland Rating System for Western Washington – Revised.* Washington State Department of Ecology Publication # 14-06-29.

U.S. Army Corps of Engineers (USACE). 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Ver 2.0),* ed. J.S. Wakeley, Lichvar, R.W. and Noble, C.V. ERDC/EL TR-10-3. Vicksburg, MSS: U.S. Army Engineer Research and Development Center.

Washington State Department of Ecology. 1990. *Shoreline Administrator's Manual*, *First Edition, 1990.* Ecology publication number 90-45b. Published October, 1990.

Washington State Department of Ecology. 2017 *Shoreline Master Program Handbook*. Ecology publication number 11-06-010. Published August 2009, revised December 2017.

Attachment A — NRCS Soil Classification

Map Unit Description: Tokul gravelly medial loam, 8 to 15 percent slopes---Skagit County Area, Washington

Skagit County Area, Washington

147—Tokul gravelly medial loam, 8 to 15 percent slopes

Map Unit Setting

National map unit symbol: 2t61l
Elevation: 160 to 1,150 feet
Mean annual precipitation: 45 to 70 inches
Mean annual air temperature: 46 to 52 degrees F
Frost-free period: 140 to 200 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Tokul and similar soils: 70 percent
Minor components: 30 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Tokul

Setting

Landform: Hillslopes, till plains
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Side slope, tread
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Volcanic ash mixed with loess over glacial till

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material
Oa - 1 to 2 inches: highly decomposed plant material
A - 2 to 6 inches: gravelly medial loam
Bs1 - 6 to 9 inches: gravelly medial loam
Bs2 - 9 to 17 inches: gravelly medial loam
Bs3 - 17 to 24 inches: gravelly medial loam
BC - 24 to 33 inches: gravelly medial fine sandy loam
2Bsm - 33 to 62 inches: cemented material

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 20 to 39 inches to cemented horizon; 20 to 39 inches to densic material
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 18 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Moderate (about 8.7 inches)

Attachment B— Qualifications

All information and supporting documentation, including this *Technical Memorandum* in response to the Swan View project, was prepared by, or under the direction of Ann Boeholt, Jon Pickett, and Kyla Caddey of SVC.

Ann Boeholt

Senior Environmental Scientist and Planner, PWS

Professional Experience: 30+ years

Ann Boeholt is a Senior Environmental Planner and a Certified Professional Wetland Scientist with over 30 years of experience in aquatic resources management in western Washington. Ann earned a Bachelor of Science degree in Environmental Science from the Evergreen State College and completed coursework and a thesis towards a Master of Science in Aquatic Ecology from the University of Washington's School of Aquatic and Fisheries Sciences. Ann has formal training and extensive experience in wetlands delineations and ratings, shorelands management, fish and wildlife and marine assessments, ordinary high water mark determinations, environmental planning, negotiations and permitting, native plant selection, care and maintenance, ecological performance monitoring, scientific data analysis, mitigation banking and alternative mitigation programs. She is independently listed as a Qualified Wetland Scientist by Pierce County and as a WSDOT Junior BA author.

Ann was previously employed (for 14 years) with the Washington State Department of Ecology's Shorelands and Environmental Assistance Program. In her capacity as a Regional Wetland and Shoreland Specialist there, Ann provided technical assistance, local government and consultant training, and review of ordinary high water mark delineations and associated wetland determinations throughout western Washington. On numerous occasions Ann has provided expert testimony relating to such determinations to the Shoreline Hearings Board and local Hearing Examiners

As a Senior Environmental Planner, Ann is responsible for project planning and management, including researching regulations, analyzing and sharing findings, participating in strategic planning of projects, reviewing and finalizing assessment reports and permit applications, supporting projects through the permit review process, and related tasks. She presently manages several complex shoreline projects.

Jon Pickett

Associate Principal
Professional Experience: 10+ years

Jon Pickett is an Associate Principal and Senior Scientist with a diverse background in environmental and shoreline compliance and permitting, wetland and stream ecology, fish and wildlife biology, mitigation compliance and design, and environmental planning and land use due diligence. Jon oversees a wide range of large-scale industrial, commercial, and multi-family residential projects throughout Western Washington, providing environmental permitting and regulatory compliance assistance for land use entitlement projects from feasibility through mitigation compliance. Jon performs wetland, stream, and shoreline delineations and fish & wildlife habitat assessments; conducts

code and regulation analysis and review; prepares reports and permit applications and documents; provides environmental compliance recommendation; and provides restoration and mitigation design.

Jon earned a Bachelor of Science degree in Natural Resource Sciences from Washington State University and Bachelor of Science and Minor in Forestry from Washington State University. Jon has received 40-hour wetland delineation training (Western Mountains, Valleys, & Coast and Arid West Regional Supplements) and regularly performs wetland, stream, and shoreline delineations. Jon is a Whatcom County Qualified Wetland Specialist and Wildlife Biologist and is a Pierce County Qualified Wetland Specialist. He has been formally trained by WSDOE in the use of the Washington State Wetland Rating System 2014, How to Determine the Ordinary High-Water Mark (Freshwater and Marine), Using Field Indicators for Hydric Soils, and the Using the Credit-Debit Method for Estimating Mitigation Needs.

Kyla Caddey

Environmental Scientist & Certified Ecologist
Professional Experience: 7 years

Kyla Caddey is a senior-level Environmental Scientist with a diverse background in stream and wetland ecology, wildlife ecology and conservation, wildlife and natural resource assessments and monitoring, and riparian habitat restoration at various public and private entities. Kyla has field experience performing in-depth studies in both the Pacific Northwest and Central American ecosystems which included various environmental science research and statistical analysis. Kyla has advanced expertise in federal- and state-listed endangered, threatened, and sensitive species surveys and assessment of aquatic and terrestrial systems throughout the Puget Sound region. She has completed hundreds of wetland delineations and has extensive knowledge and interest in hydric soil identification. As the senior writer, she provides informed project oversight and performs final quality assurance / quality control on various types of scientific reports for agency submittal, including: Biological Assessments/Evaluations; Wetland, Shoreline, and Fish and Wildlife Habitat Assessments; Mitigation Plans, and Mitigation Monitoring Reports. She currently performs wetland, stream, and shoreline delineations and fish and wildlife habitat assessments; prepares scientific reports; and provides environmental permitting and regulatory compliance assistance to support a wide range of commercial, industrial, and multi-family residential land use projects.

Kyla earned a Bachelor of Science degree in Environmental Science and Resource Management from the University of Washington, Seattle with a focus in Wildlife Conservation and a minor in Quantitative Science. She has also completed additional coursework in Comprehensive Bird Biology from Cornell University. Ms. Caddey is a Certified Ecologist through the Ecological Society of America. She has received 40-hour wetland delineation training (Western Mtns, Valleys, & Coast and Arid West Regional Supplement), is a Pierce County Qualified Wetland Specialist and Wildlife Biologist, and is an approved Mazama pocket gopher survey biologist through USFWS. Kyla has been formally trained through the Washington State Department of Ecology, Coastal Training Program, and the Washington Native Plant Society in winter twig and grass, sedge, and rush identification for Western WA; Using the Credit-Debit Method in Estimating Wetland Mitigation Needs; How to Determine the Ordinary High Water Mark; Using Field Indicators for Hydric Soils; How to Administer Development Permits in Washington Shorelines; Puget Sound Coastal Processes; and Forage Fish Survey Techniques. Additionally, she has received formal training in preparing WSDOT Biological Assessments.

Exhibit B

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, SEATTLE DISTRICT
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch May 2, 2019

Mr. Dan Mitzel
Hansell Mitzel, LLC
1111Cleveland Avenue
Suite 201
Mount Vernon, Washington 98273

Reference: NWS-2004-357
Mitzel, Dan

Dear Mr. Mitzel:

This letter is in response to your request for verification of the jurisdictional limits of waters of the U.S. at Mount Vernon, Skagit County, Washington, in the review area of the subject property as shown on the enclosed drawings dated May 2, 2019. The U.S. Army Corps of Engineers has determined that Wetlands "C" and "E" are waters of the U.S. based on proximity to Lindgren Creek (approximately 120 feet) and their location in the 100-year floodplain for the creek. This determination applies only to the review area.

We have also determined that Wetlands "A", "B", and "D" are not waters of the U.S. As such, work that would occur within these areas does not require Department of the Army authorization under Section 404 of the Clean Water Act. Other state and local regulations may still apply to these wetlands. For example, the Washington State Department of Ecology (Ecology) may regulate these wetlands. The enclosed Ecology *Focus* sheet explains how Ecology regulates this type of wetlands. You should contact Ecology's Federal Permit Coordinator at (360) 407-6068 or ecyrefedpermits@ecy.wa.gov for more information on how to obtain State approval for your project. We are sending a copy of this letter to Ecology and to the Environmental Protection Agency's Aquatic Resources Unit.

This approved jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination. A copy of this jurisdictional determination, dated April 30, 2019, can be found on our website at www.nws.usace.army.mil select "Regulatory Branch, Permit Information" and then "Jurisdictional Determinations". If you object to this determination, you may request an administrative appeal under our regulations (33 Code of Federal Regulations, Part 331) as described in the enclosed *Appeal Process Fact Sheet* and the *Notification of Administrative Appeal Options and Process and Request for Appeal* form.

If you propose to do any work in the areas identified to be waters of the U.S., you should contact our office prior to commencing work to determine permit requirements. Please note that conducting certain activities in waters of the U.S. without Department of the Army authorization would violate Federal law. If you have any questions, please contact me at ronald.j.wilcox@usace.army.mil or at (206) 316-3893.

Sincerely,

Ron Wilcox, Senior Project manager
Regulatory Branch

Enclosures

Regulatory Program

INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers
This form should be completed by following the instructions provided
in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): 4/26/19

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NWS-2004-357

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State:WA County/parish/borough: Skagit City: Mount Vernon
Center coordinates of site (lat/long in degree decimal format): Lat. 48.4535, Long. -122.3029.
Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☒ attached ☒ in report/map titled Wetland/fish/wildlife Assessment.
☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

D. REVIEW PERFORMED FOR SITE EVALUATION:
☒ Office (Desk) Determination Only. Date: 4/26/19.
☐ Office (Desk) and Field Determination. Office/Desk Dates: Field Date(s): .

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.
☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Wetland Delineation and Habitat Assessment 10/31/18.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☒ Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: Wetland Delineation and Habitat Assessment 10/31/18.
☐ Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon: .
Revised Title/Date: .
☐ Data sheets prepared by the Corps. Title/Date: .
☐ Corps navigable waters study. Title/Date: .
☒ CorpsMap ORM map layers. Title/Date: 3/21/19.
☐ USGS Hydrologic Atlas. Title/Date: .
☐ USGS, NHD, or WBD data/maps. Title/Date: .
☐ USGS 8, 10 and/or 12 digit HUC maps. HUC number: .
☐ USGS maps. Scale & quad name and date: .
☒ USDA NRCS Soil Survey. Citation: 7/5/18.
☒ USFWS National Wetlands Inventory maps. Citation: 6/13/18.
☒ State/Local wetland inventory maps. Citation: 5/11/15.
☒ FEMA/FIRM maps. Citation: 7/5/18.
☐ Photographs: ☐ Aerial. Citation: . or ☐ Other. Citation: .
☐ LiDAR data/maps. Citation: .
☒ Previous JDs. File no. and date of JD letter: NWS-2004-357; 7/14/04.
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

☐ "*navigable waters of the U.S.*" within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "*waters of the U.S.*" within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

☐ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

- **Complete Table 1 - Required**

☐ This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

☐ (a)(2): All interstate waters, including interstate wetlands.

- **Complete Table 2 - Required**

☐ (a)(3): The territorial seas.

- **Complete Table 3 - Required**

☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Table 4 - Required**

☒ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 5 - Required**

☒ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Table 6 - Required**

☐ Bordering/Contiguous.

Neighboring:

☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

☒ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

☐ The review area is comprised entirely of dry land.

☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

☐ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):

- **Complete Table 10 - Required**

☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.

☐ (b)(2): Prior converted cropland.

☐ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.

☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.

☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).

☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.

☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.

☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.[1]

☐ (b)(4)(iv): Small ornamental waters created in dry land.[1]

☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.

☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.[1]

☐ (b)(4)(vii): Puddles.[1]

☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.[1]

☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.[1]

☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: .

[1] In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jurisdictional Waters of the U.S.

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5)Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
Lindegren Creek	Perennial	Skagit River	No	See attached map
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
Wetland C	Lundegren Creek	Bordering
Wetland E	Lundegren Creek	Bordering
N/A	N/A	N/A
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	Wetlands A, B, D	Skagit River	See MFR in the administrative record for this project for Similarly Situated Waters and Significant Nexus Determination dated April 26, 2019 for rationale to support a finding of no significant nexus.
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	N/A
N/A	N/A

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

CENWS-ODR
Reference: NWS-2004-357; Mitzel, Dan

MEMORANDUM FOR RECORD

SUBJECT: **Similarly Situated Waters and Significant Nexus Determination**
The waters specified at paragraph (a)(8) require a determination whether they are similarly situated. Under this step, the agencies apply factors in the determination of when waters evaluated under paragraph (a)(8) should be considered either individually or in combination for purposes of a significant nexus analysis. A determination of ''similarly situated'' requires an evaluation of whether a group of waters in the region that meet the distance thresholds set out under paragraph (a)(8) can reasonably be expected to function together in their effect on the chemical, physical, or biological integrity of downstream traditional navigable waters, interstate waters, or the territorial seas. Similarly situated waters can be identified as sufficiently close together for purposes of this paragraph of the regulation when they are within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (*e.g.,* plain, mountain, valley, etc.).

A water has a significant nexus when any single function or combination of functions performed by the water, alone or together with similarly situated waters in the region, contributes significantly to the chemical, physical, or biological integrity of the nearest water identified in paragraphs (a)(1) through (3).

NOTE: This evaluation is for Wetlands A, B, and D only. On-site Wetlands C and E are (a)(6) waters based on proximity to Lindgren Creek (approximately 120 feet) and their location in the 100-year floodplain for the creek.

1. Subject Wetlands

a. Soils: Based on USDA Soil Survey Data, soils at and immediately around the project area of Wetlands A, B, C, D, and E are mapped as Skagit silt loam (0 to 15% slopes – listed hydric soil) and Tokul gravelly medium loam (8 to 15% slopes – non hydric soil). Soils at the project site are mapped as partially hydric (1% -25%) and moderately drained.

b. Vegetation: Wetland A, 0.62 of an acre (27,073 square feet) (SF) category IV is a Palustrine, Scrub-Shrub, Seasonally Saturated, Continuously Saturated (PSSBD) sloped wetland; Vegetation consists of Alnus rubra (red alder), Juncus effuses (soft rush), Holcus lanatus (common velvet grass), Ranunculus repens (creeping butter cup), and Lysichiton americanum (skunk cabbage);

Wetland B, 0.95 of an acre (41,242 SF) Palustrine Forested, Emergent, Seasonally Saturated, Continuously Saturated wetland (PFO/EMBD) category IV sloped wetland; Vegetation consists of Salix lasiandra (Pacific willow), Salix scouleriana (Scouler's willow), Rubus spectabilis (salmonberry) and Lysichiton americanum (skunk cabbage).

Wetland D, 0.06 of an acre (2,548 SF) Palustrine Forested, Seasonally Saturated (PFOB) category IV sloped wetland; Vegetation consists of Acer macrophyllum (big-leaf maple), Alnus rubra (red alder), Rt,bus spectabilis (salmonberry), Equisetum arvense (field horsetail) and Lysichiton americanum (skunk cabbage).

c. Landform: The wetlands are located in irregular plains moderately well drained land forms. Vicinity has mosaic of wetlands scattered over a wide forested / developed area along a ridge running southwest to northwest and generally slopes west toward Lindgren Creek which flows to an (a)(1) water, the Skagit River. Wetlands A, B, and D are not within the mapped 100-year flood plain and are located upslope from Wetlands C and E.

d. Proximity: Wetlands C and E are within the flood plain and adjacent to Lindgren Creek. Wetlands A, B, and D are not within the flood plain and area located 241-feet, 320-feet, and 544-feet, respectively, from Lindgren Creek.

2. Similarly Situated Characteristics

a. NWS-2004-357 Single Point of Entry (SPOE) basin is delineated in the attached figure. The Lindgren Creek SPOE is located within the lower Skagit River drainage area within Mount Vernon, Washington.

b. Similarly situated waters would be PSS/PFO/PEM/ seasonally saturated sloped wetlands in irregular landforms with soils that have been identified as hydric, moderately drained, located above the 100-year flood plain, and within 4000 feet of OHWM of Lindgren Creek, an (a)(5) tributary that drains to the Skagit River.

3. Similarly Situated Waters Identified
Based on NWI Mapping and characteristics discussed above, three wetlands totaling 8.50 acres were identified as similarly situated wetlands. Other wetlands were excluded because they were not situated within the same land cover, landform class, and soil drainage class.

4. Significant Nexus Determination

The subject waters (Wetlands A, B, and D) either alone or in combination with other similarly situated waters in the region, do not significantly affect the chemical, physical, or biological integrity of the Skagit River based on the discussion below:

Wetlands A, B, and D, functions evaluated include storage of floodwater; recharge of groundwater that sustains river base flow; retention and transformation of nutrients, metals, and pesticides; export of organism or seeds to downstream waters; and habitats needed for stream species.

Wetlands A, B, and D may provide some pollutant filtration as dense, woody plants cover at least half their areas. However, the areas immediately surrounding the wetlands is unmanaged and does not generate pollutants requiring wetland filtration. The wetlands likely provide forage and cover for small terrestrial mammals and birds. However, the diversity of niches within the wetlands are is limited by the presence of only one Cowardin class.
For the subject wetlands, the hydrologic connectively and effects to the downstream WOTUS is severely impacted and disconnected by natural and anthropological conditions (dikes, gated culverts, drainage ditches, artificial wetlands, upland hills). The landscape between Lindegren Creek and Wetlands A, B and D consists of upland areas which slope down to a depression where Wetlands C and E are located. An upland berm is located between Wetlands C and E before sloping down to Lindegren Creek, approximately 145-feet to the west. The downstream connection from the subject wetlands to the Skagit River is approximately 5,200 feet.

As Wetlands A, B and D are low functioning sloped wetlands, their ability to recharge groundwater that sustains river base flow or have a subsurface connection to the Skagit River is highly unlikely. Due to the wetlands location in the landscape above the 100 year flood plain they are unlikely to provide storage of floodwater; have little ability to provide retention and transformation of nutrients, metals, and pesticides; have little ability to provide export of organism or seeds to downstream waters; and no ability to provide habitat for aquatic species.

A review of aerial imagery indicates that the three NWI wetlands have similar characteristic to the subject wetlands – no direct connectivity to Lindgren Creek, situated in areas that have been modified through development, and offering little if any functional contributions to conditions in the Skagit River.

As such, Wetland C and the similarly situated wetlands working in combination are not providing significant contributions to flow, sediment and toxin trapping, nutrient recycling, retention and attenuation of flood waters, export of organic matter, or export of food resources at a level that would significantly affect the downstream (a)(1) water..

The Skagit River contains Essential Fisheries Habitat for anadromous salmonids that utilize the waters of Oakland Bay. In addition, the river provides rearing and spawning habitat for ESA listed bull trout, steelhead and chinook salmon. No fish use was identified in Lindegren Creek above a fish passage barrier found 3,600 feet downstream from the subject property. The subject waters either alone or in combination with other similarly situated waters in the SPOE basin, do

not contribute to fish habitat conditions in the Skagit River through primary food support, water quality protection, and/or moderation of flow regimes.

5. Conclusion: Because there is not a significant nexus, Wetlands A, B, and D are not waters of the U.S.

_____ 30 April 2019
Ron Wilcox Date
Senior Project Manager

_____ 30 April 2019
Randel Perry Date
Senior Project Manager

Attachments:
Vicinity Map
Aerial
Site Wetlands Map
Topo Map
SPOE Map
NWI/Drainage Class Map
NWI/Landform Map
NHD Map
NWI Map
Soil Survey

Exhibit C

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 3, 2020

Dan Mitzel
Hansell Mitzel Homes, LLC
PO Box 2523
Mt. Vernon, WA 98273

Re: Administrative Order No. 16961 to permanently fill/impact 1.627 acres of non-federally regulated wetlands to construct Swan View residential development in the City of Mount Vernon, Skagit County, Washington

Dear Dan Mitzel:

On June 25, 2019, the Department of Ecology received your request for an Administrative Order to conduct work in wetlands. Ecology has determined the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Chris Luerkens at (360) 255-4399. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Joe Burear, Section Manager
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 9171 9690 0935 0233 1182 03

E-cc: Ron Wilcox, U.S. Army Corps of Engineers
ECY RE FED PERMITS
Jon Picket, Soundview Consultants

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY Hansell Mitzel Homes, LLC FOR AN ADMINISTRATIVE ORDER TO CONDUCT WORK IN NON-FEDERALLY REGULATED WETLANDS	)))))	ORDER #16961 Corps AJD Ref #NWS-2004-357

TO: Hansell Mitzel Homes, LLC
Dan Mitzel
PO Box 2523
Mt. Vernon, WA 98273

This is an Administrative Order requiring Hansell Mitzel Homes, LLC to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions, which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On June 25, 2019, Ecology received a request to impact 1.627 acres of non-federally regulated wetlands to construct Swan View residential development in Skagit County. The U.S. Army Corps of Engineers (Corps) issued its jurisdictional determination that Wetlands A, B, and D are not waters of the U.S. on May 2, 2019. The site is located at 3773 Francis Road, Mount Vernon, Washington, Section 9, TOWNSHIP 34 North, RANGE 4 East, Skagit County, and WRIA 3.

The applicant proposes the development of a 43-lot residential plat, including associated roads, utilities, and stormwater infrastructure within the City of Mount Vernon.

This Administrative Order authorizes fill of 1.627 acres of Category IV wetland at the project location, which will be mitigated through purchase of 1.382 credits at the Nookachamps Wetland Mitigation Bank. Additionally, stream and wetland buffer impacts will be mitigated onsite through enhancement of 36,447 square feet of stream buffer and 11,450 square feet of wetland buffer, as well as all other actions as proposed in the *Hansell Mitzel Homes – Francis Road, Wetland, Shoreline, and Fish and Wildlife Habitat Assessment and Conceptual Mitigation Plan (Revised June 2019)*.

For purposes of this Order, the term "Applicant" shall mean Hansell Mitzel Homes, LLC and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that the Applicant shall comply with the following:

A. General Conditions:

A1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on June 25, 2019, or as otherwise approved by Ecology. The JARPA list the project name as "*Swan View*".

A2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Bellingham Field Office, Attn: Chris Luerkens, SEA Program, 913 Squalicum Way, Suite 101 or via email to fednotification@ecy.wa.gov and a cc to chris.luerkens@ecy.wa.gov. Any submittals shall reference Order No. 16961.

A3. The Applicant shall provide access to the project site and mitigation site upon request by Ecology.

A4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.

A5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

A6. The Applicant shall ensure all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. **These statements shall be provided to Ecology before construction begins at the project.**

A7. The Applicant shall install erosion-control silt fencing outside of the outer edge of the retained wetland buffers for Wetlands C and E prior to the start of construction. The Applicant shall have a wetland professional on site during installation to verify the correct location of the silt fencing.

A8. The applicant shall install permanent fencing at the outer edge of the retained buffers once grading of the project areas adjacent to the wetland buffers is complete.

B. Notification Requirements:

B1. The Applicant shall provide written notification (FAX, email, or mail) to Ecology's Bellingham Field Office in accordance with condition A2 above for the following activities:

a. At least seven (7) days within the start of impacts to wetlands.
b. Immediately following a violation of the state water quality standards or any condition of this Order.
c. Within seven (7) days of installation of silt fencing per condition A7.

d. Within seven (7) days of installation of permanent fencing per condition A8.
e. At least seven (7) days prior to completing the wetland buffer mitigation site.

C. Wetland Compensatory Mitigation Conditions

C1. The Applicant shall mitigate wetland impacts as described in the *Hansell Mitzel Homes – Francis Road, Wetland, Shoreline and Fish and Wildlife Habitat Assessment Report and Conceptual Mitigation Plan (Revised June 2019)* (hereafter called the "Mitigation Plan") prepared by Soundview Consultants, and dated October 2018, revised June 2019, or as modified by this Order or revised and approved by Ecology.

C2. The Applicant shall submit any changes to the Mitigation Plan in writing to Ecology (see A2) for review and approval before work begins.

C3. The Applicant shall have a wetland professional at the wetland site to supervise during construction and planting.

Implementation

C4. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 1.382 wetland mitigation bank credits from the Nookachamps Wetland Mitigation Bank. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.

C5. The Applicant shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for temporal loss of wetland functions.

C6. If the mitigation cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
a) Hansell Mitzell Homes, LLC, Swan View Project.
b) Nookachamps Wetland Mitigation Bank.
With the:
c) Reason for the delay.
d) Expected date of completion.
The Applicant shall submit an updated written notification every 12 months thereafter until the Hansell Mitzell Homes, LLC, Swan View Project and the required credits are purchased.

On-Site Mitigation and Implementation

C7. The Applicant shall mitigate impacts of 7,578 square feet of wetland buffer and install approximately 36,447 square feet of stream buffer enhancement along Lindegren Creek

as described in the Mitigation Plan, or as modified by this Order, or revised and approved by Ecology.

C8. Unless otherwise approved by Ecology in writing, the Applicant shall begin the buffer compensatory mitigation project before, or concurrent with, impacting wetlands, or Ecology may require additional compensation to account for additional temporal loss of wetland functions.

C9. If the buffer mitigation is not constructed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:

a) Hansell Mitzell Homes, LLC, Swan View Project.
b) The on-site buffer mitigation.

With the:

c) Expected date of completion, and
d) Reason for the delay

The Applicant shall submit an updated written notification regarding the on-site buffer mitigation every 12 months thereafter until the Hansell Mitzell Homes, LLC, Swan View Project and buffer mitigation sites are complete.

C10. The Applicant shall ensure all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers at the wetland mitigation site and above the 100-year floodplain.

C11. The Applicant shall ensure no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.

C12. The Applicant shall ensure no construction debris is deposited within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.

C13. The Applicant shall not use polyacrylamide at the mitigation site(s).

C14. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s).

C15. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit. Applicators shall comply with all conditions of the Noxious Weed Control Permit.

C16. If weed-barrier fabric is used on the site, the Applicant shall use only permeable, fully biodegradable, non-toxic weed-barrier fabric for entire-site and/or individual plant weed

control. Non-biodegradable plastic weed-barrier fabric shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.

C17. If seeding is used as a best management practice for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species.

C18. The Applicant will install a split rail fence outside of the outer edge of all wetland and stream buffers, unless otherwise approved by Ecology.

C19. The Applicant shall place signs at the mitigation area's(s') boundaries, including buffers, as described in the Mitigation Plan.

C20. After completing construction and planting of the mitigation sites(s), the Applicant shall submit to Ecology (see A2) an as-built report, including plan sheets, documenting site conditions at year zero. The as-built report must:

a) Be submitted within 90 days of completing construction and planting. Include one hard copy and one electronic file.
b) Include the information listed in Attachment B (Information Required for As-built Reports).
c) Include documentation of the recorded legal mechanism required in condition C21.

C21. Within 90 days of completing construction and planting of the Hansell Mitzell Homes, LLC, Swan View Project buffer mitigation sites, the Applicant shall send a draft conservation easement to Ecology for review and approval. Within 90 days after Ecology approval, the approved conservation easement must be recorded with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property and a copy of the recorded notice sent to Ecology (see A2). The conservation easement shall be recorded with a figure that corresponds with the legal description showing the area being protected, a copy of this Order, and a site map showing the location of wetlands and their buffers.

Monitoring and Maintenance

C22. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless permission is received in writing from Ecology to allow the system to remain for a longer period.

C23. The Applicant shall monitor the mitigation site for a minimum of five years. The Applicant shall use the monitoring methods described on pages 27-28 of the Mitigation Plan.

C24. The Applicant shall submit to Ecology (see A2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, and 5. The monitoring reports must:

a) Be submitted by December 31 of each monitoring year. Include one hard copy and one electronic file.
b) Include the information listed in Attachment C (Information Required for Monitoring Reports).

C25. The Applicant shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.

C26. Prior to implementing contingency measures not specified in the Mitigation Plan, the Applicant shall consult with and obtain written approval from Ecology for the changes.

C27. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the first available planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.

C28. If the Applicant has not met all conditions, including performance standards, for the mitigation site at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.

C29. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under condition C1 to mitigate for wetland impacts is not met.

D. Timing

D1. This Order shall remain in effect until compliance with all requirements of this Order have been met and the Applicant has received written notification from Ecology to that effect.

D2. Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel Road SW STE 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Chris Luerkens
Department of Ecology
Bellingham Field Office
913 Squalicum Way, Suite 101
Bellingham, WA 98225
(360) 255-4399
chris.luerkens@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
  http://www.eluho.wa.gov/Board/PCHB
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
  http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B
- **Chapter 371-08 WAC – Practice And Procedure**
  http://app.leg.wa.gov/WAC/default.aspx?cite=371-08
- **Chapter 34.05 RCW – Administrative Procedure Act**
  http://app.leg.wa.gov/RCW/default.aspx?cite=34.05

- **Chapter 90.48 RCW – Water Pollution Control**
  http://app.leg.wa.gov/RCW/default.aspx?cite=90.48
- **Chapter 173.204 WAC – Sediment Management Standards**
  http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
  http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
  http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A

DATED January 3, 2020, at Bellevue, Washington:

Joe Burcar, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

ATTACHMENT A
Statement of Understanding of Administrative Order Conditions

HANSELL MITZEL HOMES, LLC
SWAN VIEW PROJECT
Administrative Order #16961
and
Corps Reference No. NWS-2004-357

As the Applicant for the Swan View project, I have read and understand the conditions of Washington State Department of Ecology Order #16961, and any permits, plans, documents, and approvals referenced in the Order.

I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

_____ _____
Signature Date

_____ _____
Title Phone

_____
Company

ATTACHMENT B
Information Required for As-built Reports

HANSELL MITZEL HOMES, LLC
SWAN VIEW PROJECT
Administrative Order #16961
Corps Reference #NWS-2004-3570

Background Information

1) Project name.
2) Ecology reference number and the Corps reference number.
3) Name and contact information of the person preparing the as-built report. Also include the names of:
    a) The applicant.
    b) The landowner (if different than the applicant).
    c) Wetland professional on site during construction of the compensatory mitigation site.
4) Date the report was produced.

The Compensatory Mitigation Project

5) Brief description of the **final** compensatory mitigation project with any changes from the approved plan made during construction. Include:
    a) **Actual** acreage and type(s) (re-establishment, rehabilitation, creation, enhancement, and preservation) of mitigation authorized to compensate for wetland impacts.
    b) Important dates including:
        i. Start of project construction.
        ii. When work on the compensatory mitigation site began and ended.
        iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.

7) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the compensatory mitigation site.
8) List of any follow-up actions needed, with a schedule.
9) Final site maps (8-1/2" x 11" or larger) of the compensatory mitigation site(s), including the following (at a minimum):
    a) Geographic location of the site with landmarks;
    b) Clear delineation of the project perimeter(s);
    c) Topography (with a description of how elevations were determined);
    d) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material);
    e) Location of habitat features;
    f) Location of permanent photo stations.

    The final site maps should reflect on-the-ground conditions after the site work is completed. Include the month and year when the maps were produced and, if applicable, when information was collected.

10) Photographs of the site at as-built conditions taken from permanent photo stations. We recommend photo pans.
11) Copies of any records of deed notifications or conservation easements.

ATTACHMENT C
Information Required for Monitoring Reports
(See Condition B24)

HANSELL MITZEL, LLC
SWAN VIEW PROJECT
Administrative Order #16961
Corps Reference #NWS-2004-357

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

1) Project name.
2) Ecology Order number and the Corps reference number.
3) Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
   a) The applicant
   b) The landowner
   c) The party responsible for the monitoring activities.
4) Dates the monitoring data were collected.
5) Date the report was produced.

Mitigation Project Information

6) Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
7) Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
   a) Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.
   b) Size and shape of plots or transects.
   c) Number of sampling locations and how you determined the number of sampling locations to use.
   d) Percent of the mitigation area being sampled.
   e) Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
   f) Schedule for sampling (how often and when).
   g) Description of how the data was evaluated and analyzed.

8) Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
9) Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
10) Goals and objectives and a discussion of whether the project is progressing toward achieving them.
11) Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
12) Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
13) Specific recommendations for additional maintenance or corrective actions with a timetable.
14) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
15) Vicinity map showing the geographic location of the site(s) with landmarks.
16) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
    a) Boundary of the site(s).
    b) Location of permanent photo stations and any other photos taken.
    c) Data sampling locations, such as points, plots, or transects.
    d) Approximate locations of any replanted vegetation.
    e) Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.

    Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.

EXHIBIT 8:

DOE'S DRAFT SMP INITIAL DETERMINATION THAT INCLUDES RESPONSES FROM THE CITY REGARDING THE REQUIRED AND RECOMMENDED CHANGES DOE REQUESTED

AND

DOE'S FINAL INITIAL DETERMINATION OF CONCURRENCE

Attachment 1: City of Mount Vernon - Ecology Required and Recommended Changes

The changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and consistent with SMA (RCW 90.58) policy and the SMP Guidelines (WAC 173-26, Part III). Note that all references to SMP Provisions are based on the proposed SMP numbering and naming conventions.

ITEM	PROVISION	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE	CITY RESPONSE
Req-1	**III.A.2** **III.A.14.b**	III.A.2 – The City will periodically review the cumulative effect of authorized development ~~actions taken~~ within ~~the~~ shoreline jurisdiction ~~to ensure that the goal of no net loss of shoreline environmental functions~~. The City will conduct this review in preparation for periodic updates of this master program. This process may involve a joint effort by local governments, state resource agencies, affected Indian tribes, and/or other parties. III.A.14.b – Copies of Shoreline Management Act Permit Data Sheet and Transmittal Letters forwarded to the Department of Ecology, and other permit or exempt permit-related information shall be utilized for evaluation of the potential cumulative effects ~~of previous and proposed~~ authorized developments ~~actions~~ in shoreline areas per Part III.A.2 of this Program.	Required Change 1- Restore deleted language at III.A.2 to meet SMP Guidelines Deleting provisions III.A.2 removes the City's obligation to track cumulative impacts, as required in the SMA Guidelines at WAC 173-26-191(2)(a)(iii)(D). The modified language in III.A.2 was based on input for City staff and aligns the existing requirement to be more consistent with the above-referenced WAC provision. In addition, a related provision at III.A.14.b was altered to clarify that the primary tracking mechanism must include all authorized development, which would include information related to projects that were exempt from the requirement to obtain a substantial development permit.	These required changes have been made to the SMP document. See pages 6 and 8 of the SMP.
Req-2	**III.A.9**	Add new line items before III.A.9: X. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project. X. The permit and documentation of the final local decision will be mailed together with the complete permit application; a	Required Change 2 - Revise text to include local permit filing procedures which incorporates the 2011 statute Ecology's Checklist Guidance for 2017d incorporate a 2011 law relating to permit filing. These details are important because the date of filing establishes the start of the Shorelines Hearings Board appeal period. Changes include: • "Date of filing" replaces "date of receipt" for shoreline permits sent to Ecology. • Requires concurrent filing of permits if there are separate Substantial Development, Conditional Use Permits, and/or Variances.	This required change has been made to the SMP document. The second set of required changes was chosen. See pages 7 and 8. Please note that the numbering changed and the item that was previously #10, became #11 and was deleted as directed.

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		findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents. X. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing. X. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and City. X. For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City. OR Add new line items before III.A.9 and delete III.A.10: X. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project. X. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.	• Ecology will notify local government and the applicant of the date of filing by telephone or electronic means followed by written communication.	

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		X. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below: a. For projects that only require a Substantial Development Permit: the date that Ecology receives the City decision. b. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and City. c. For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.		
Rec-1	**III.B.a**	~~a.~~ A substantial development permit is not required for developments listed in WAC 173-27-040(2) ~~as not requiring substantial developments permits in WAC 173-27-040(2)~~	Recommended Change 1 – Revised language to remove redundancy.	This recommended change has been made to the SMP document. See page 9 of the SMP.
Req-3	**III.B.1.b**	a. ~~A substantial development permit~~ Shoreline review is not required for those actions, developments and improvements listed in WAC 173-27-044. ~~And 173-27-045.~~ Developments not subject to the Shoreline Management Act are included in WAC 173-27-045.	Required Change 3 – Revise text to ensure consistent implementation of developments excepted from the requirement to obtain local shoreline review (WAC 173-27-044) and those developments that do not require compliance with the SMA (WAC 173-27-045)	These required changes have been made to the SMP document. See page 9 of the SMP.
Rec-2	**III.B.1.b.i-xvi**	i. Any development of which the total cost or fair market value, whichever is higher, does not exceed $7,047, if such development does not materially interfere with the normal public use of the water or shorelines of the state. [Note: The State of Washington requires that every five years the dollar threshold for this exemption be adjusted for inflation by the Washington Office of Financial Management (OFM). The adjustment is based upon changes in the Consumer Price Index during that time period. (see Section IX, Definitions) The OFM must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to	Recommended Change 2 – Reinsert deleted permit exemption language under III.B.1.a. This provides clarity of shoreline permit exemptions – an often asked about element of the SMA.	Respectively, the City declines to make this suggested change. The reason why is due to the dollar amount that changes and the City wants to ensure staff and Applicants have to look up this information when evaluating whether or not an exemption is applicable.

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		take effect. WAC 173-27-040(2)(a)] 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 the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials; ii. 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, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as 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; iii. 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 applicable chapter (Chapter 173-27 WAC); iv. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or		

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		similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to head gates, pumping facilities, and irrigation channels. Provided, that a feedlot of any size; all process plants; other activities of a commercial nature; alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities; v. Construction or modification of navigational aids such as channel markers and anchor buoys; vi. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW; vii. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either: a. In fresh waters the fair market value of the dock does not exceed: i. Twenty-two thousand five hundred dollars ($22,500) for docks constructed to replace existing docks, are of equal of lesser square footage than the existing dock being replaced; or ii. Eleven thousand two hundred dollars ($11,200) for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior		

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		construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter. viii. 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 from the irrigation of lands; ix. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water; x. 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 a part of an agricultural drainage or diking system; xi. Any project with a certification from the governor pursuant to Chapter 80.50 RCW; xii. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization, 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		

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		and land configuration of the site are restored to conditions existing before the activity; 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; and e) The activity is not subject to the permit requirements of RCW 90.58.550. xiii. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW; xiv. Watershed restoration projects as defined within the SMP (Appendix B); xv. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply; a) The project has been approved in writing by the Department of Fish and Wildlife; b) The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter 77.55 RCW; and c) The project has been determined to be substantially consistent with the Shoreline Master Program. xvi. Standard subdivision and short plats; however, physical improvements being made as part of a plat's condition of approval that meet the definition of substantial development, require a shoreline permit before any construction activities can occur.		

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		xvii. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.		
Rec-3	**Appendix C – I.D.1**	1. No separate critical areas permit is required for a development proposal that requires a shoreline permit(s) or an exemption from one per Section E below.	Recommended change 3 - Consider using the letter of exemption required in E below as the nexus to apply the CA regulations instead of a stand-alone CA permit.	This recommended change has been made to Appendix C. See page C-3.
Rec-4	**Appendix C – I.F.2**	2. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing city, state, or federal regulations. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. Where provisions of this chapter conflict with the text of the SMP, the provisions most protective of the shoreline environment shall apply.	Recommended change 4 – While it is implied that this appendix must be interpreted consistent with the actual text of the SMP, the existing language could be interpreted as a CA use allowance overrides a use prohibition in the SMP.	This recommended change has been made to Appendix C. See page C-4.
Rec-5	**Appendix C – II.A** **Appendix C – II.G**	The performance standards for each critical area are specified in MVMC 15.40.050 through 15.40.090. Following are general performance standards that shall be applied in addition to the performance standards found within the SMP through review of a shoreline development permit, shoreline exemption, shoreline conditional use permit or shoreline variance. Performance standards must be consistent with mitigation sequencing and no net loss criteria outlined in this SMP. G. Placement of utilities within designated critical areas and associated buffers may be allowed pursuant to ~~a shoreline development permit, shoreline exemption, or shoreline variance, if consistent with the SMP and~~ the following standards:	Recommended change 5 – These changes clarify that all of the use specific performance standards listed in this section are subject to consistency review through the appropriate SMP review process. By placing this general statement in II A, it eliminates the need to apply it to II.G specific to utilities. Otherwise, we recommend that the statement added in II.G be repeated for each use category of this section.	These recommended changes have been made to Appendix C. See pages C-7 and C-8.

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Req-4	**Appendix C – VII.A.1**	1. Wetlands are those areas, ~~designated in accordance with the "~~ 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. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.	Required change 4 – Update reference to wetland delineation manual. Ecology repealed the State Delineation Manual rule and replaced it with a rule requiring that identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. This change is necessary to comply with WAC 173-22-035.	These required changes have been made to Appendix C. See page C-24
Req-5 Rec-6	**IV.A.2**	The primary purpose of the Map is to identify shoreline environmental designations. At current mapping scales, the Map does not identify or depict the aerial extent of shoreline jurisdiction because there are variables the City is not able to accurately identify and map until site specific activities/developments are proposed. The variables the City is not able to accurately identify and map include: the location of the ordinary high water mark (OHWM), the physical characteristics of existing levees, and the existence, location, and characteristics of waters/wetlands. This means the Map is the City's best interpretation as to the aerial extent of shoreline jurisdiction and when site specific activities/developments are proposed the City will require submittal of technical information to enable accurate determinations of the extent of shoreline jurisdiction. As stated above, the aerial extent of shoreline jurisdiction, or Shoreline Management Zone (SMZ) will be determined on a case-by-case basis and will be established using the below-listed criteria that results in the maximum aerial extent of shoreline jurisdiction: a. Those lands extending 200 feet upland in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM) or floodways and contiguous floodplain areas landward 200-feet from such floodways, whichever is greater, ~~of the Skagit River, or,~~ and ~~b. 200-feet upland from the OHWM of the Skagit River plus a~~All ~~associated~~ wetlands associated with shorelines of the state subject to RCW 90.58.030. ~~(but not wetlands buffers) and all floodways as defined in RCW 90.58.030.~~	Required change 5 – These changes are for consistency with the City's definition of "Shorelands or shoreland areas" per IX of the SMP. The City of Mount Vernon has elected to not include critical areas buffers that extend beyond the minimum shoreline jurisdiction as defined within this definition. Since the definition of SMZ has been replaced with a refined definition in this section, the term is re-inserted here. Otherwise the reference to SMZ throughout the SMP would be irrelevant. Recommended change 6 – An additional figure or figures should be included in this section in order to illustrate the changes of Required change 5 above.	These changes (required and recommended) have been made to the SMP document and an additional figure has been added to illustrate the jurisdiction. See page 18

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		See Figure 1, below, that illustrates how the aerial extent of shoreline jurisdiction will be determined. ~~The regulatory jurisdiction, the Shoreline Management Zone (SMZ), extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk management devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. (The SMZ is further identified in Section E.3, "Natural Environment," below.)~~		
Req-6 Rec - 7	**IX Definitions**	**Floodway** means ~~the area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps; or (ii) consists of~~ those portions of a river valley laying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regulatory, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from floodwaters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. In the event that the Federal Emergency Management Agency (FEMA) completes floodway mapping throughout all or portions of the City, such maps will be used for those mapped portions of the Skagit River.	Required change 6 – The City must choose which of the two options listed in the Floodway definition found in the SMA at RCW 90.58.030 will apply within its jurisdiction. Recommended change 7 – The proposed language uses part II of the above-referenced Floodway definition consistent with the SMPs current definition incorporated into the term Shoreline Management Zone (SMZ). Since there are currently no FEMA-mapped floodways within the City, the proviso language leaves open the option to use mapped FEMA Floodways in the future should they be completed.	These changes (required and recommended) have been made to the SMP document. See page 89.

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Req-7	**IX Definitions**	SMZ is the Shoreline Management Zone is the same as **Shorelands or shoreland areas**.	Required change 7 – Since the SMZ definition within the text of the SMP was deleted at IV.A.2 (see Required change 5 above), this change would refer to the existing definition of "Shorelands" to retain a definition of SMZ as numerous sections of the SMP refer to this term.	This required change has been made to the SMP document. See page 92
Req-8	**IX Definitions**	~~**Shoreline Management Zone (SMZ)** extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.~~	Required change 8 – This change deletes the definition of SMZ consistent with the deletion of the term in section IV.A.2 of the SMP text. (See also Required change 5 and 7 above).	This required change has been made to the SMP document. See page 93
Rec-8	**VII.J.2.a** **VII.J.3.d**	a. A ~~The minimum~~ vegetative buffer ~~allowed under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C~~ should be maintained between agricultural lands and water bodies or wetlands to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood risk, and maintain habitat for fish and wildlife. d. A buffer of natural or planted native vegetation shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The City will determine the extent and composition of the buffer when the application for a permit or letter of exemption is submitted. The minimum vegetative buffer allowed is defined	Recommended Change 3 – The revision reads like a regulation and not a policy. Consider retaining original text unchanged and relocating new text to VII.J.3.d. See below.	These recommended changes have been made to the SMP document. See pages 71 and 72

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		under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C.		
Req-9	**IX Definitions**	**Date of filing of a final decision involving approval or denial of a Substantial Development Permit** is the date of actual receipt by the Department of Ecology epartment of the City's final decision on the permit. ~~date the applicant receives written notice of filing by the Department of Ecology of the City's final decision on the permit.~~ Filing is not complete until all the required documents have been received by the Department of Ecology. **Date of filing involving approval or denial of a variance or conditional use permit** **or** substantial development permit transmitted simultaneously with a shoreline conditional use permit or variance, or both, is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.~~date the applicant and the City both receive the Department of Ecology's final written decision on the applicant's request for a variance or conditional use permit, as the case may be.~~	Required Change – Revise definition for "Date of Filing for a final decision involving approval or denial of a Substantial Development Permit" and "Date of Filing involving approval or denial of a variance or conditional use permit". Revision required for consistency with the definitions for Date of Filing in WAC 173-27-130(6-8)	These required changes have been made to the SMP document. See page 89

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Attachment 1: City of Mount Vernon - Ecology Required and Recommended Changes

The changes in red are required for consistency with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III). Changes in blue are recommended and consistent with SMA (RCW 90.58) policy and the SMP Guidelines (WAC 173-26, Part III). Note that all references to SMP Provisions are based on the proposed SMP numbering and naming conventions.

ITEM	PROVISION	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
Req-1	**III.A.2** **III.A.14.b**	III.A.2 – The City will periodically review the cumulative effect of authorized development ~~actions taken~~ within ~~the~~ shoreline jurisdiction ~~to ensure that the goal of no net loss of shoreline environmental functions~~. The City will conduct this review in preparation for periodic updates of this master program. This process may involve a joint effort by local governments, state resource agencies, affected Indian tribes, and/or other parties. III.A.14.b – Copies of Shoreline Management Act Permit Data Sheet and Transmittal Letters forwarded to the Department of Ecology, and other permit or exempt permit-related information shall be utilized for evaluation of the potential cumulative effects ~~of previous and proposed~~ authorized developments ~~actions~~ in shoreline areas per Part III.A.2 of this Program.	Required Change 1- Restore deleted language at III.A.2 to meet SMP Guidelines Deleting provisions III.A.2 removes the City's obligation to track cumulative impacts, as required in the SMA Guidelines at WAC 173-26-191(2)(a)(iii)(D). The modified language in III.A.2 was based on input for City staff and aligns the existing requirement to be more consistent with the above-referenced WAC provision. In addition, a related provision at III.A.14.b was altered to clarify that the primary tracking mechanism must include all authorized development, which would include information related to projects that were exempt from the requirement to obtain a substantial development permit.
Req-2	**III.A.9**	Add new line items before III.A.9: X. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project. X. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents. X. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing.	Required Change 2 - Revise text to include local permit filing procedures which incorporates the 2011 statute Ecology's Checklist Guidance for 2017d incorporate a 2011 law relating to permit filing. These details are important because the date of filing establishes the start of the Shorelines Hearings Board appeal period. Changes include: • "Date of filing" replaces "date of receipt" for shoreline permits sent to Ecology. • Requires concurrent filing of permits if there are separate Substantial Development, Conditional Use Permits, and/or Variances. • Ecology will notify local government and the applicant of the date of filing by telephone or electronic means followed by written communication.

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		X. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and City. X. For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City. OR Add new line items before III.A.9 and delete III.A.10: X. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both Conditional Use Permits and or Variances shall be mailed simultaneously with any Substantial Development Permits for the project. X. The permit and documentation of the final local decision will be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents. X. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the date of filing, which is defined below: a. For projects that only require a Substantial Development Permit: the date that Ecology receives the City decision. b. For a Conditional Use Permit (CUP) or Variance: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and City. c. For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.	

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Rec-1	**III.B.a**	~~a.~~ A substantial development permit is not required for developments listed in WAC 173-27-040(2) ~~as not requiring substantial developments permits in WAC 173-27-040(2)~~	Recommended Change 1 – Revised language to remove redundancy.
Req-3	**III.B.1.b**	a. ~~A substantial development permit~~ Shoreline review is not required for those actions, developments and improvements listed in WAC 173-27-044. ~~And 173-27-045.~~ Developments not subject to the Shoreline Management Act are included in WAC 173-27-045.	Required Change 3 – Revise text to ensure consistent implementation of developments excepted from the requirement to obtain local shoreline review (WAC 173-27-044) and those developments that do not require compliance with the SMA (WAC 173-27-045)
Rec-2	**III.B.1.b.i-xvi**	i. Any development of which the total cost or fair market value, whichever is higher, does not exceed $7,047, if such development does not materially interfere with the normal public use of the water or shorelines of the state. [Note: The State of Washington requires that every five years the dollar threshold for this exemption be adjusted for inflation by the Washington Office of Financial Management (OFM). The adjustment is based upon changes in the Consumer Price Index during that time period. (see Section IX, Definitions) The OFM must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect. WAC 173-27-040(2)(a)] 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 the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials; ii. 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, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the	Recommended Change 2 – Reinsert deleted permit exemption language under III.B.1.a. This provides clarity of shoreline permit exemptions – an often asked about element of the SMA.

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		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; iii. 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 applicable chapter (Chapter 173-27 WAC); iv. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to head gates, pumping facilities, and irrigation channels. Provided, that a feedlot of any size; all process plants; other activities of a commercial nature; alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities; v. Construction or modification of navigational aids such as channel markers and anchor buoys; vi. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW; vii. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either: a. In fresh waters the fair market value of the dock does not exceed:	

Initial Determination

		i. Twenty-two thousand five hundred dollars ($22,500) for docks constructed to replace existing docks, are of equal of lesser square footage than the existing dock being replaced; or ii. Eleven thousand two hundred dollars ($11,200) for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter. viii. 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 from the irrigation of lands; ix. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water; x. 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 a part of an agricultural drainage or diking system; xi. Any project with a certification from the governor pursuant to Chapter 80.50 RCW; xii. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization, 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;	

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		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; 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; and e) The activity is not subject to the permit requirements of RCW 90.58.550. xiii. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW; xiv. Watershed restoration projects as defined within the SMP (Appendix B); xv. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply; a) The project has been approved in writing by the Department of Fish and Wildlife; b) The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter 77.55 RCW; and c) The project has been determined to be substantially consistent with the Shoreline Master Program. xvi. Standard subdivision and short plats; however, physical improvements being made as part of a plat's condition of approval that meet the definition of substantial development, require a shoreline permit before any construction activities can occur. xvii. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42	

Initial Determination

		U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.	
Rec-3	**Appendix C – I.D.1**	1. No separate critical areas permit is required for a development proposal that requires a shoreline permit(s) or an exemption from one per Section E below.	Recommended change 3 - Consider using the letter of exemption required in E below as the nexus to apply the CA regulations instead of a stand-alone CA permit.
Rec-4	**Appendix C – I.F.2**	2. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing city, state, or federal regulations. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. Where provisions of this chapter conflict with the text of the SMP, the provisions most protective of the shoreline environment shall apply.	Recommended change 4 – While it is implied that this appendix must be interpreted consistent with the actual text of the SMP, the existing language could be interpreted as a CA use allowance overrides a use prohibition in the SMP.
Rec-5	**Appendix C – II.A** **Appendix C – II.G**	The performance standards for each critical area are specified in MVMC 15.40.050 through 15.40.090. Following are general performance standards that shall be applied in addition to the performance standards found within the SMP through review of a shoreline development permit, shoreline exemption, shoreline conditional use permit or shoreline variance. Performance standards must be consistent with mitigation sequencing and no net loss criteria outlined in this SMP. G. Placement of utilities within designated critical areas and associated buffers may be allowed pursuant to ~~a shoreline development permit, shoreline exemption, or shoreline variance, if consistent with the SMP and~~ the following standards:	Recommended change 5 – These changes clarify that all of the use specific performance standards listed in this section are subject to consistency review through the appropriate SMP review process. By placing this general statement in II A, it eliminates the need to apply it to II.G specific to utilities. Otherwise, we recommend that the statement added in II.G be repeated for each use category of this section.
Req-4	**Appendix C – VII.A.1**	1. Wetlands are those areas, ~~designated in accordance with the "~~ 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. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.	Required change 4 – Update reference to wetland delineation manual. Ecology repealed the State Delineation Manual rule and replaced it with a rule requiring that identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. This change is necessary to comply with WAC 173-22-035.
Req-5 Rec-6	**IV.A.2**	The primary purpose of the Map is to identify shoreline environmental designations. At current mapping scales, the Map does not identify or depict the aerial extent of shoreline jurisdiction because there are variables the City is not able to accurately identify and map until site specific activities/developments are proposed. The variables the City is not able to accurately identify and map include: the location of the ordinary high water mark (OHWM), the physical characteristics of existing levees, and the existence, location, and characteristics of waters/wetlands.	Required change 5 – These changes are for consistency with the City's definition of "Shorelands or shoreland areas" per IX of the SMP. The City of Mount Vernon has elected to not include critical areas buffers that extend beyond the minimum shoreline jurisdiction as defined within this definition. Since the definition of SMZ has been replaced with a refined definition in this section, the term is re-inserted here. Otherwise the reference to SMZ throughout the SMP would be irrelevant.

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		This means the Map is the City's best interpretation as to the aerial extent of shoreline jurisdiction and when site specific activities/developments are proposed the City will require submittal of technical information to enable accurate determinations of the extent of shoreline jurisdiction. As stated above, the aerial extent of shoreline jurisdiction, or Shoreline Management Zone (SMZ) will be determined on a case-by-case basis and will be established using the below-listed criteria that results in the maximum aerial extent of shoreline jurisdiction: a. Those lands extending 200 feet upland in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM) or floodways and contiguous floodplain areas landward 200-feet from such floodways, whichever is greater, ~~of the Skagit River, or,~~ and ~~b. 200-feet upland from the OHWM of the Skagit River plus a~~All ~~associated~~ wetlands associated with shorelines of the state subject to RCW 90.58.030. ~~(but not wetlands buffers) and all floodways as defined in RCW 90.58.030.~~ See Figure 1, below, that illustrates how the aerial extent of shoreline jurisdiction will be determined. ~~The regulatory jurisdiction, the Shoreline Management Zone (SMZ), extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk management devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. (The SMZ is further identified in Section E.3, "Natural Environment," below.)~~	Recommended change 6 – An additional figure or figures should be included in this section in order to illustrate the changes of Required change 5 above.
Req-6 Rec - 7	**IX Definitions**	**Floodway** means ~~the area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps; or (ii) consists of~~ those portions of a river valley	Required change 6 – The City must choose which of the two options listed in the Floodway definition found in the SMA at RCW 90.58.030 will apply within its jurisdiction.

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		laying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regulatory, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from floodwaters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. In the event that the Federal Emergency Management Agency (FEMA) completes floodway mapping throughout all or portions of the City, such maps will be used for those mapped portions of the Skagit River.	Recommended change 7 – The proposed language uses part II of the above-referenced Floodway definition consistent with the SMPs current definition incorporated into the term Shoreline Management Zone (SMZ). Since there are currently no FEMA-mapped floodways within the City, the proviso language leaves open the option to use mapped FEMA Floodways in the future should they be completed.
Req-7	**IX Definitions**	SMZ is the Shoreline Management Zone is the same as **Shorelands or shoreland areas**.	Required change 7 – Since the SMZ definition within the text of the SMP was deleted at IV.A.2 (see Required change 5 above), this change would refer to the existing definition of "Shorelands" to retain a definition of SMZ as numerous sections of the SMP refer to this term.
Req-8	**IX Definitions**	~~**Shoreline Management Zone (SMZ)** extends a minimum of 200 feet upland from the line of the ordinary high water mark (OHWM) of the Skagit River and includes contiguous land upon which flood waters may be carried during periods of flooding that can occur with reasonable regularity, although not necessarily annually. These areas prone to flooding have been identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding. The SMZ includes associated wetlands, but not wetland buffers. Also excluded are lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.~~	Required change 8 – This change deletes the definition of SMZ consistent with the deletion of the term in section IV.A.2 of the SMP text. (See also Required change 5 and 7 above).

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Rec-8	**VII.J.2.a** **VII.J.3.d**	a. A ~~The minimum~~ vegetative buffer ~~allowed under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C~~ should be maintained between agricultural lands and water bodies or wetlands to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood risk, and maintain habitat for fish and wildlife. d. A buffer of natural or planted native vegetation shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The City will determine the extent and composition of the buffer when the application for a permit or letter of exemption is submitted. The minimum vegetative buffer allowed is defined under MVMC Table 15.40.110(A) and Table 15.40.110(B), the complete text of which is contained in Appendix C.	Recommended Change 3 – The revision reads like a regulation and not a policy. Consider retaining original text unchanged and relocating new text to VII.J.3.d. See below.
Req-9	**IX Definitions**	**Date of filing of a final decision involving approval or denial of a Substantial Development Permit** is the date of actual receipt by the Department of Ecology epartment of the City's final decision on the permit. ~~date the applicant receives written notice of filing by the Department of Ecology of the City's final decision on the permit.~~ Filing is not complete until all the required documents have been received by the Department of Ecology. **Date of filing involving approval or denial of a variance or conditional use permit or** substantial development permit transmitted simultaneously with a shoreline conditional use permit or variance, or both, is the date of transmittal of the department's final decision on the variance or conditional use permit to local government and the applicant.~~date the applicant and the City both receive the Department of Ecology's final written decision on the applicant's request for a variance or conditional use permit, as the case may be.~~	Required Change – Revise definition for "Date of Filing for a final decision involving approval or denial of a Substantial Development Permit" and "Date of Filing involving approval or denial of a variance or conditional use permit". Revision required for consistency with the definitions for Date of Filing in WAC 173-27-130(6-8)

Initial Determination

EXHIBIT 4

CITY COUNCIL MEMO, POWERPOINT AND MATERIALS ENTERED INTO THE RECORD ON DECEMBER 8, 2021

City of Mount Vernon
Planning Commission Meeting
DRAFT Minutes November 16, 2021

Rebecca Lowell called the meeting to order at 6:05 pm.

Present were Planning Commission members Christian Carlson, Mary Mae Hardt, Jim Fickkert, Adair Orr and Andrew Vander Stoep.

Planning Commissioner Christopher Bollinger was absent.

City Staff
Principal Planner Rebecca Lowell
Development Services Director Chris Phillips
Senior Permit Technician Shawna Gossett

City Representatives and Consultants
Lyndon C Lee, LC Lee & Associates
Sean Dwyer, Keating, Bucklin & McCormack, Inc
Leila Willoughby-Oakes, Watershed
Dan Nickel, Watershed

Members of the Public
Paul Woodmansee, BYK Construction
Stacy Mattson, Mt Vernon Moose Lodge
Larry Trim
Denise Stiffarm, Attorney, Mount Vernon School District
Dan Mitzel
Richard Brocksmith

1. **APPROVAL OF MEETING MINUES FROM OCTOBER 5, 2021**

A motion was made by Commissioner Orr, seconded by Commissioner Carlson to table the approval of the October 5, 2021 minutes to the next Planning Commission Meeting.
The motion passed unanimously 5-0.

2. PUBLIC HEARING – Shoreline Master Program Periodic Update

Attached to these meeting minutes is a copy of the Powerpoint Presentation slides presented by Ms. Lowell during her staff presentation.

Ms. Lowell presented a summary of the proposed changes to the Shoreline Master Program including the Department of Ecology's (DOE) Initial Determination that includes responses from the City regarding the required and recommended changes requested and DOE's final Initial Determination of Consistency. In addition, suggested changes, in part, from a comment letter by Matthew J. Vivian with VanNess Feldman, LLP.

Ms. Lowell continued her staff presentation explaining the Shoreline jurisdiction in Mount Vernon extends from the Skagit River and is required to include:

- Upland areas called shorelands that extend 200 feet landward from the edge of the Skagit River;
- Biological wetlands and river deltas connected to the Skagit River; and,
- Some or all of the 100-year floodplain, including all wetlands.

Three examples of the shoreline jurisdiction were presented:
Potential Extent of Shoreline Jurisdiction

- 200 feet from the Ordinary High-Water Mark (OHWM) where no floodway or associated wetlands exist
- 200 feet from the waterward point of the slope inflection on existing levees where no associated wetlands exist, and the floodway is located on the waterward side of the existing levee
- 200 feet from the waterward face of the existing floodwall where no associated wetlands exist, and the floodway is located on the waterward side of the existing floodwall.

Ms. Lowell reviewed the process and schedule outlining City Council will hold a public hearing in December for local adoption, followed by submittal of the locally adopted SMP to the Department of Ecology.

The Commission did not have any questions for staff at this time.

PUBLIC COMMENT

Paul Woodmansee, Sedro Woolley:

- Is not in favor of the amendments due to impacts to the development community.
- Asked what the regulatory benefit would be for a property to be designated on the shoreline map.
- Concerns regarding impacts to the development community and impacts of a continuous floodplain mapped on development potential on sites, new edge where the SMP has jurisdiction
- Opinion of commenter that this a roadblock to development, and impacts the existing housing issues, or lack of inventory in the City/County-roadblock on development (.2% vacancy rate)
- Comment that this an additional layer of the permitting process (stop a lot of development happening for housing)
- Mr. Woodmansee of BYK Construction, developed a 72- unit building in the City of Burlington in the floodplain

Dennis Stiffarm, Attorney representing Mount Vernon School District:

- Two parcels are owned by the MVSD impacted by this legislative proposal
- Ms. Stiffarm interested/looking forward to working with the city to understand how the parcels if located in shoreline jurisdiction will be impacted
- One parcel is an existing school district facility; other is an undeveloped 10-acre site slated for future development
- Is the future viability of the site in jeopardy, is development on this site still a go?

Dan Mitzel, Mount Vernon:

- Mr. Mitzel has had assistance from Law Firm VanNess Feldman in 2021 on a private development proposal
- He provided detailed comments on the proposed SMP updates and appreciates the changes made to-date by staff
- Regarding the picture shown by staff (part of staff's Power Point presentation) that was taken today of the Swanview property, the only area underwater is the westerly 20-25% of property which is in the floodplain and the water was only one foot to 1.5 feet below the floodplain. This is the this is highest he has seen the water since 2005.

- US Army Corps. of Engineers made wetland determinations on his property already (jurisdictional and non-jurisdictional); submitted Joint Aquatic resource Permit Application (Form)
- Concern over creating this pre-emptive designation, already have DOE sign-off on property
- Comment regarding Highland Greens 2 & 7- of the opinion these do not connect to Barney Lake and do not have a hydrological designation and will put a cloud over the property
- Opinion that the draft Shoreline Master Program maps developed are incorrect
- Opinion the overlay indicating associated wetland should go away entirely
- Opinion is not in favor of the amendments, in particular the new designation of Shoreline with Potential Wetlands Connections and concerned about the pre-emptive designation on properties.

Sean Dwyer stated that comments that are project specific or relate to quasi-judicial matters are not appropriate for consideration or discussion during this legislative forum.

In response to Public Testimony Planning Commissioner Christian Carlson stated:

- Spirit of environmental regulations in ecologically sensitive areas is conservation; foregoing these updates and building these developments to prevent flooding/impact to humans is not the only policy goal of the SMP
- Shoreline jurisdiction is the most sensitive land we have, the city should accommodate that over fiscal/business interests
- The answer can't continue to be in Skagit County to continue to develop- undeveloped land (i.e., greenfield sites)
- Increasing density is the answer going forward, otherwise always stuck in the same cycle.
- Appreciates the intent of this law, and shoreline protection as a guiding principle for development

Discussion followed and the Commission asked questions of City staff.

Ms. Lowell then responded to questions asked during the testimony as follows:

Question: What are the benefits of predesignating properties?
When a property is not mapped or designated in the SMP and there are wetlands on a site that are associated with shorelines, the property is automatically designated as Urban Conservancy. This has not changed from the 2009 SMP. The Urban Conservancy designation has very limited development options.

By predesignating properties that have potential for wetlands, property owners or developers do not have to go through the time-consuming process of changing shoreline designation in order to develop. When a property is pre-designated with the potential for wetlands on the property and during the permitting process it is determined that there are no wetlands, then it is simply is not subject to the shoreline provisions.

Also of note, just because a property has to get a shoreline permit does not mean the property cannot be developed, just that additional permits may be required.

Question: How was the mapping changed?
In response to the comments received from Mr. Vivian changes were made to the maps. Originally there were separate designations in the legend of the map for specific designations. We clarified these by removing the designations from the legend and noted that there is an overlay zone which indicates

that shoreline associated wetlands may be present. This means that site specific technical information will be required in order to determine if property is in a shoreline jurisdiction. If there are no wetlands found, then there is no shoreline jurisdiction.

Developers could submit an Administrative Determination permit to the City to determine if a property will need to submit for a Shoreline Permit in order to develop the property. This can occur prior to development permit submittal.

Discussion followed with input from City representative Lyndon Lee and Dan Nickel on the above topics.

Planning Commissioner Adair Orr stated:

- Supportive of the SMP Periodic Update
- There to be increased scrutiny for ecological conservation – the proposed changes are not duress – it is a process, straight forward

The Commission closed the Public Hearing at 7:11 pm.

Motion by Adair Orr, seconded by Christian Carlson recommending City Council adopt the updates to the City's SMP along with the Findings of Fact and Conclusions of Law and SMP mapping changes as presented by staff. In addition, the Planning Commission will disregard and not consider the quasi-judicial portions of comment #14 and its associated Exhibits A, B, and C that are contained in and responded to within Exhibit 7 of the staff report.

The motion passed unanimously 5-0.

The Commission took a 5-minute break

3. PUBLIC HEARING – Code Amendments to chapter 15.36 and Title 17

Rebecca Lowell presented proposed changes to the Floodplain Management Standards (MVMC15.36). Amendments are being made to remain compliant with the National Flood Insurance Program (NFIP) and ensure the City remains, at a minimum, a Class 8 City per the Community Rating System (CRS). To be a Class 8 City means that our residences have a reduced flood insurance rate.
The amendments include the following

- Add a cumulative 10 year requirement for substantial improvements and substantial damage
- Clarifies that equipment for residential construction is required to be elevated at least one foot above the base flood elevation
- Describes that nonresidential construction that is flood proofed must be "dry" flood proofed
- Clarifies insurance premiums for nonresidential structures that are flood proofed
- Amends the manufactured home requirements to be the same as what is required for other residential structures
- Adds the AH zone to the requirements for AE and A1 – 30 Zones
- Adds details to the description of AO zones
- Adds a requirement in the AO zones that adequate drainage paths around structures on slopes to guide floodwaters around and away from structures is required.

Discussion followed and the Commission asked questions of staff.

Motion by Mary Mae Hardt seconded by Adair Orr to recommend to City Council for adoption of the code amendment to Chapter 15.36.

Christian Carlson proposed that the remaining code amendments be tabled until the January Planning Commission Meeting.

The Commission agreed unanimously.

4. MISCELLANEOUS

Ms. Lowell informed the Commission that City Council would be meeting tomorrow with Berk Consulting regarding the update of the 2016 report and on affordable housing. Further that she will be providing a few slides on the topic of fully contained communities and their affect.
Discussion followed on the above topics and the Commission asked questions of staff.
There being no further business, the meeting adjourned at 8:11pm.

City of MOUNT VERNON

DEVELOPMENT SERVICES

Planning Commission Hearing
November 16, 2021

AGENDA

1. Approval of October 5, 2021 Minutes
2. Public Hearing - Shoreline Master Program Update
3. Public Hearing – Code Amendments
4. Miscellaneous

City of MOUNT VERNON

HEARING PROCEDURES

- Shawna will create electronic sign-in record for the hearings now.
- Testimony is limited to 3 minutes per speaker – or 5 minutes if the speaker represents an organization.
- Keep in mind the Planning Commission was provided copies of all public comments prior to this hearing.

The order of testimony will be as follows:

1. Staff will provide a presentation on the Agenda item
2. Planning Commissioners will then ask questions they may have of staff
3. Testimony will then be taken from members of the public
4. After the public testimony is taken, responses from staff can be made (any questions answered here)
5. The hearing will then be closed
6. An open record hearing will be held before the City Council in the coming weeks
7. Revised Ex. 7 – on Portal and Website
8. Introductions of City Staff and Consultants

City of MOUNT VERNON

WHAT IS BEING AMENDED & WHY

- State law (RCW 90.58) requires the City to review and update our Shoreline Master Program (SMP) every eight-years

- The intent of this review/update is to ensure our SMP:
  - Stays current with changes in laws and rules
  - Remains consistent with other City plans and regulations
  - Is responsive to changed circumstances, new information, and improved data

PURPOSE & REGULATIONS OF SMA

- The purpose of the Shoreline Management Act (1971) is to manage and protect the shorelines of the state by regulating development in the shoreline area.

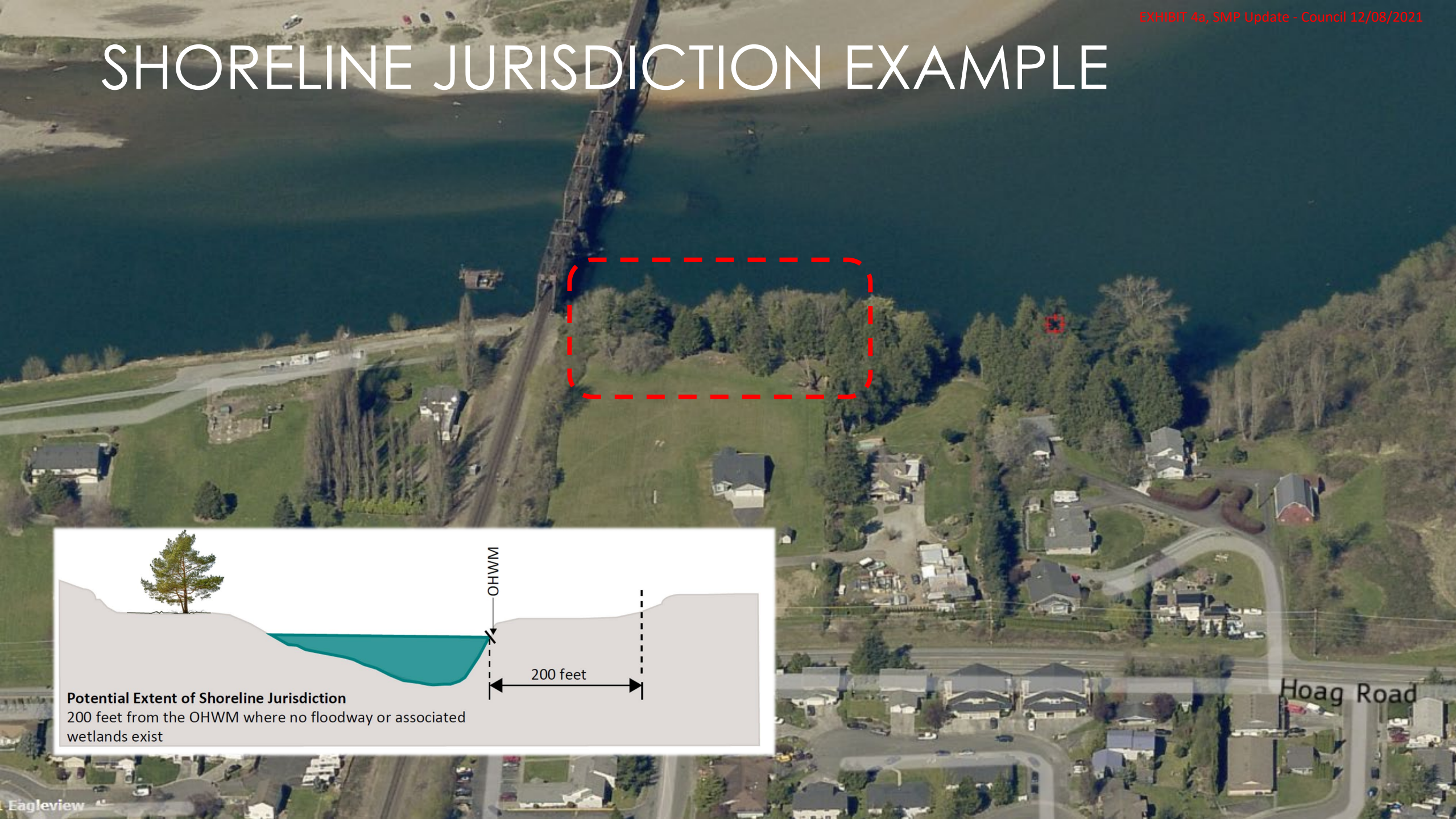
- Development subject to the City's SMP have additional use and dimensional requirements (i.e. building height and setbacks) that other developments are not subject to.

SHORELINE JURISDICTION

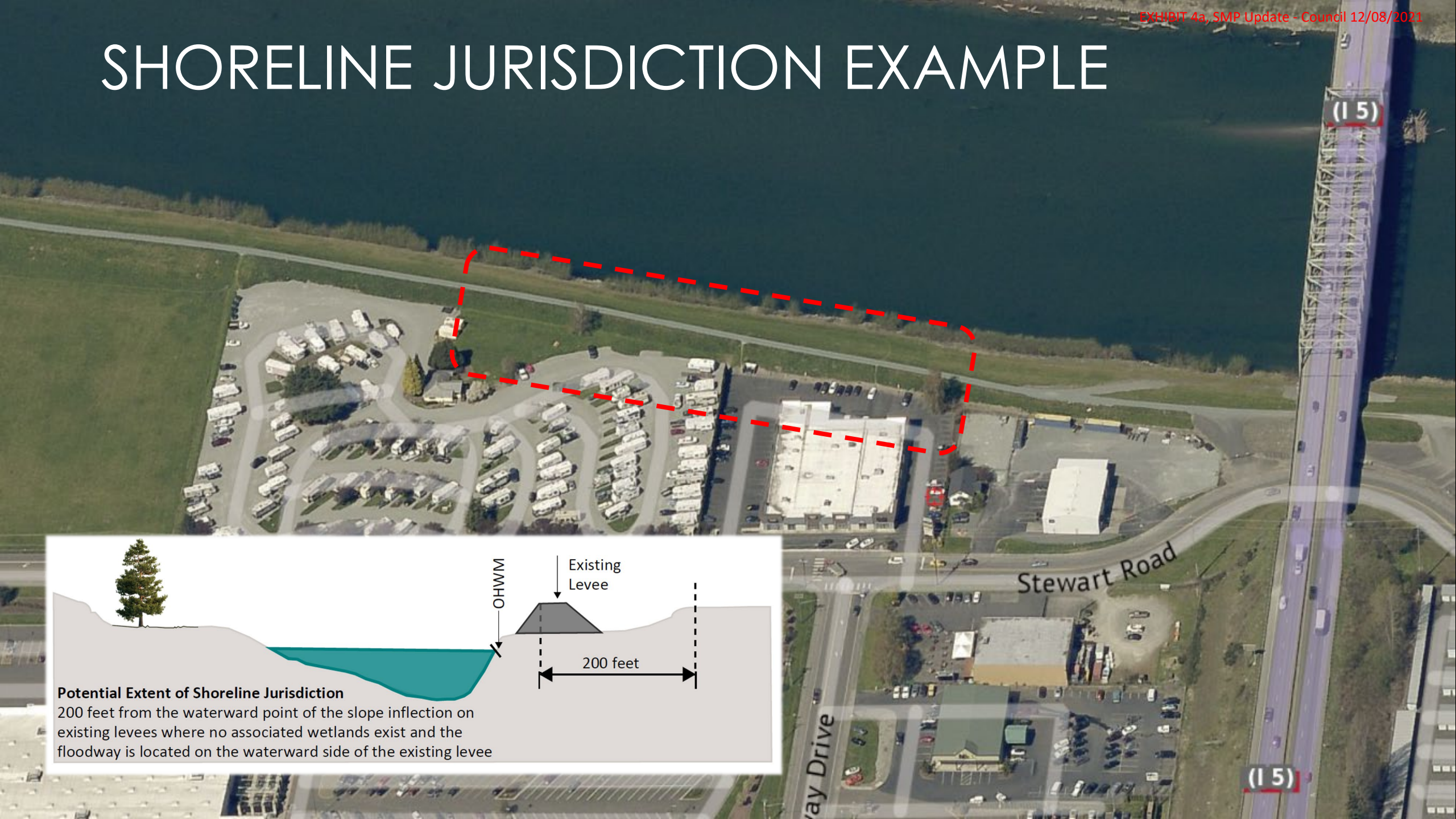
Shoreline jurisdiction in Mount Vernon extends from the Skagit River and is required to include:

- Lands extending 200 feet upland in all directions as measured on a horizontal place from the OHWM, levees, floodwall, or floodways and contiguous floodplain areas landward 200 feet from such floodways, whichever is greater; and,
- All wetlands associated with shorelines of the state subject to RCW 90.58.030.

SHORELINE JURISDICTION EXAMPLE

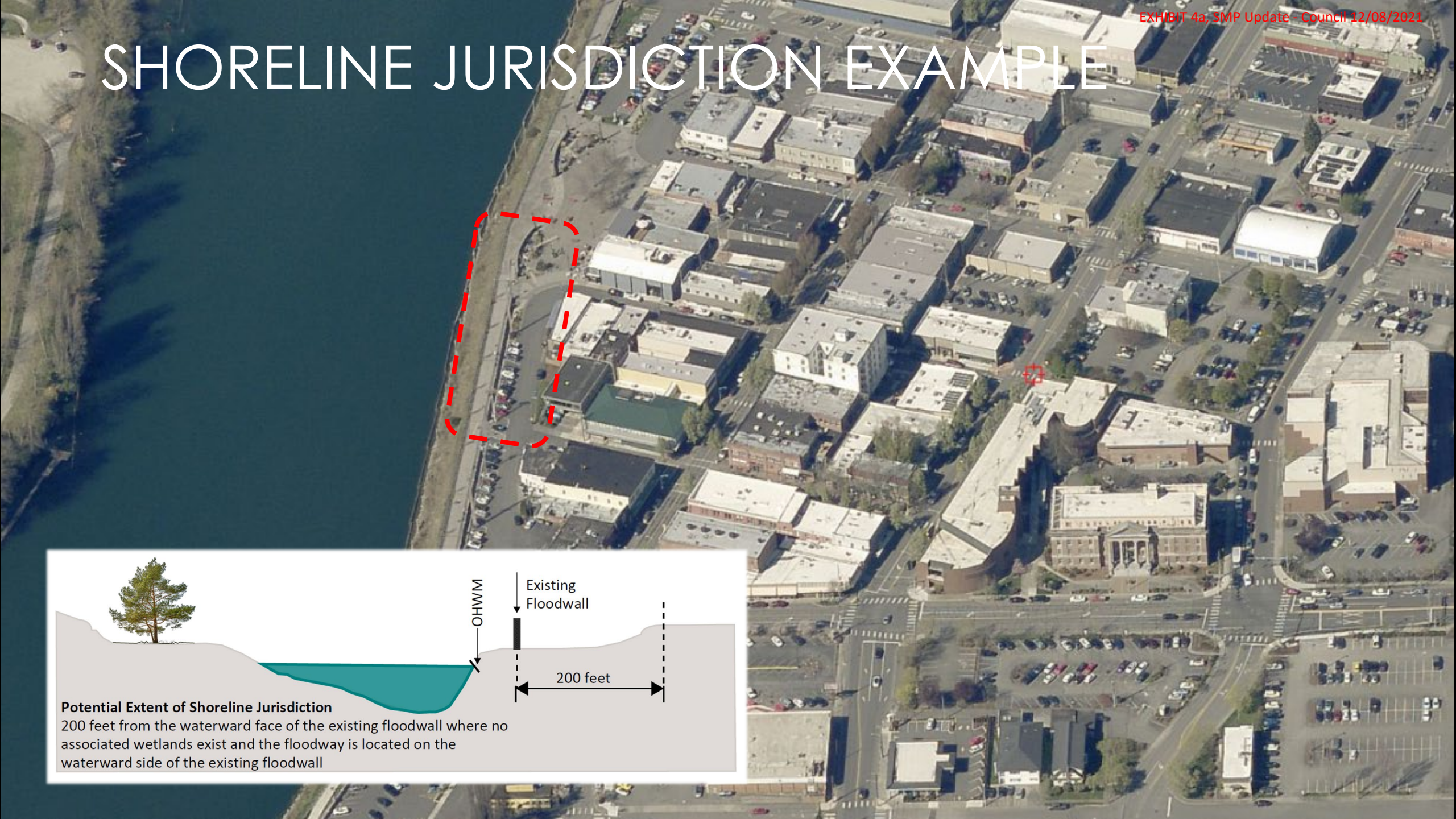


SHORELINE JURISDICTION EXAMPLE



Potential Extent of Shoreline Jurisdiction
200 feet from the waterward point of the slope inflection on existing levees where no associated wetlands exist and the floodway is located on the waterward side of the existing levee

SHORELINE JURISDICTION EXAMPLE



Potential Extent of Shoreline Jurisdiction
200 feet from the waterward face of the existing floodwall where no associated wetlands exist and the floodway is located on the waterward side of the existing floodwall

SHORELINE JURISDICTION – SHORELINE ASSOCIATED WETLANDS

WAC 173-22-040(3)(c), “Those wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a flood plain; or hydraulic continuity;”

SHORELINE JURISDICTION – SHORELINE ASSOCIATED WETLANDS

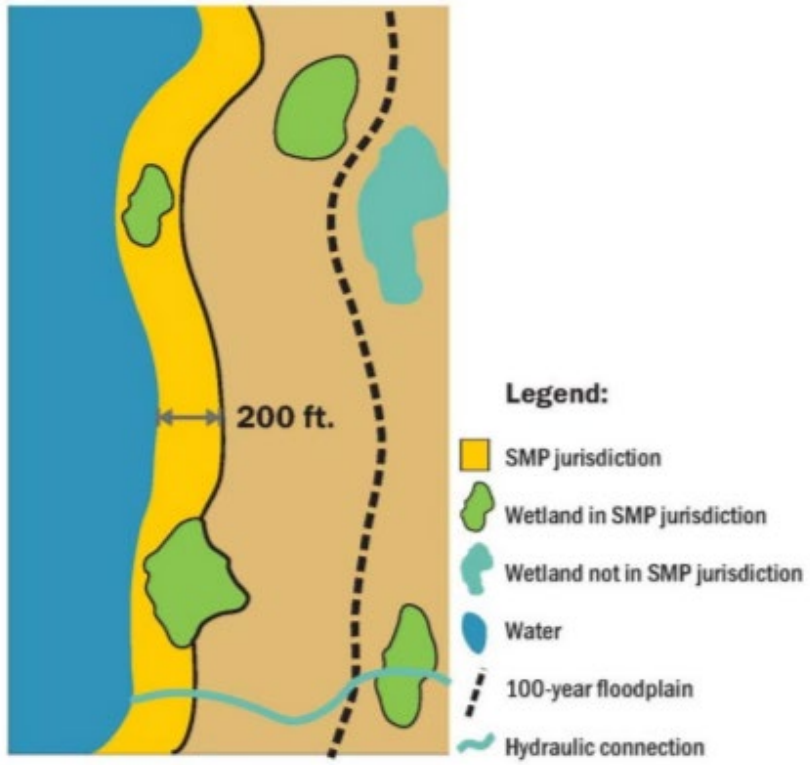
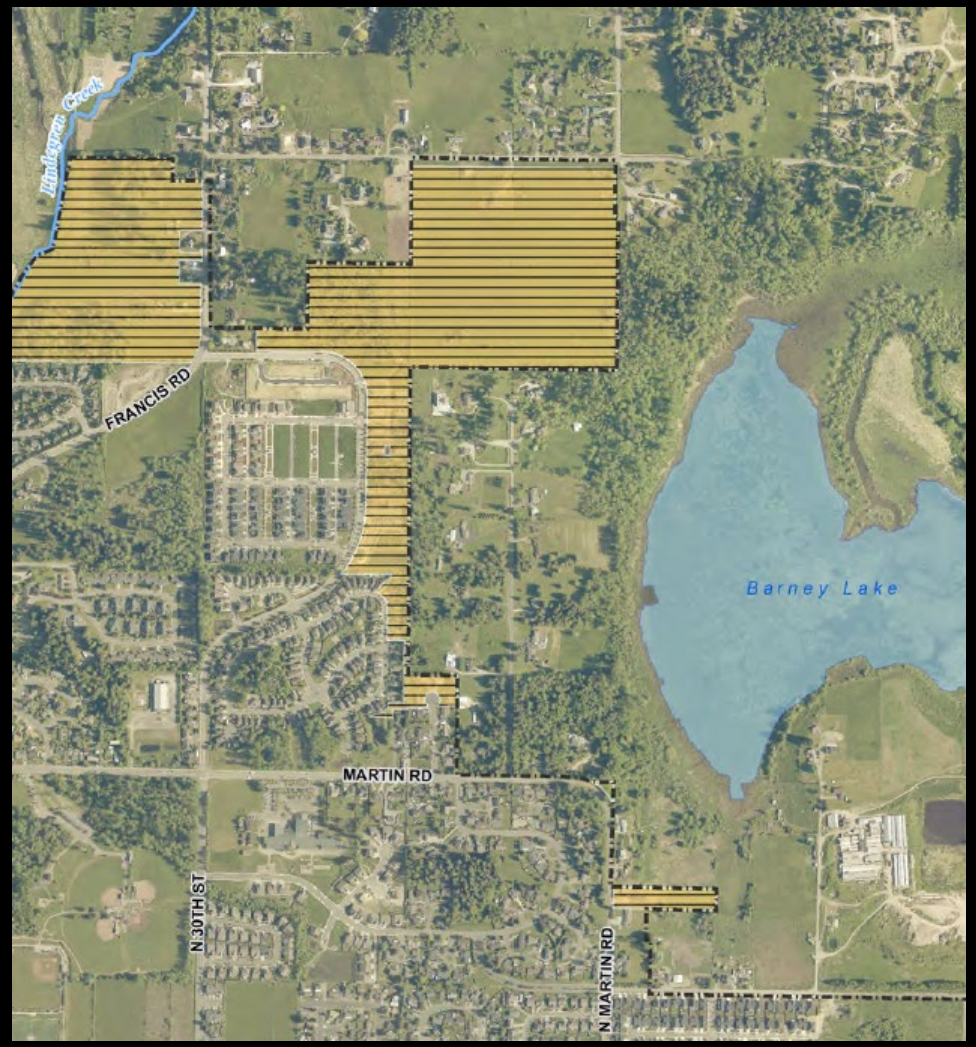


Figure 5-17: Wetlands in shoreline jurisdiction are either fully or partially within 200 feet of the OHWM, within the floodplain, or associated through hydraulic continuity.

"In some cases, wetlands *outside* the 100-year floodplain *may* be "associated" if they are hydraulically connected with shoreline waters through surface or subsurface flows."

Figure 5-17 (to the left) and quote above are from page 25 of DOE's SMP Handbook (Publication Number: 11-06-010)

SHORELINE JURISDICTION – SHORELINE ASSOCIATED WETLANDS



Map on Pg. 27 of SMP Update Docs.

Areas with yellow and horizontal hatching have a shoreline Environmental Designation of Residential. They also have an overlay indicating shoreline associated wetlands could be present and that site-specific technical information will be required to be submitted to enable accurate determinations of the extent of shoreline jurisdiction.

SHORELINE JURISDICTION – SHORELINE ASSOCIATED WETLANDS

Taken 11/16/2021 at 10:41 and 11:11 am – City inspector was standing on Francis Road looking west across Parcel P24350. The Skagit River has spilled out to the east approximately 3,700 linear feet from its bank and was now covering the western half of this parcel – including existing wetlands not located in the FEMA floodplain.

PROCESS

Procedural (SEPA, Commerce, etc)
July 2021

30-day Comment Period
08/01/2021 to 08/30/2021

Joint Meeting Planning Commission & DOE
August 17, 2021

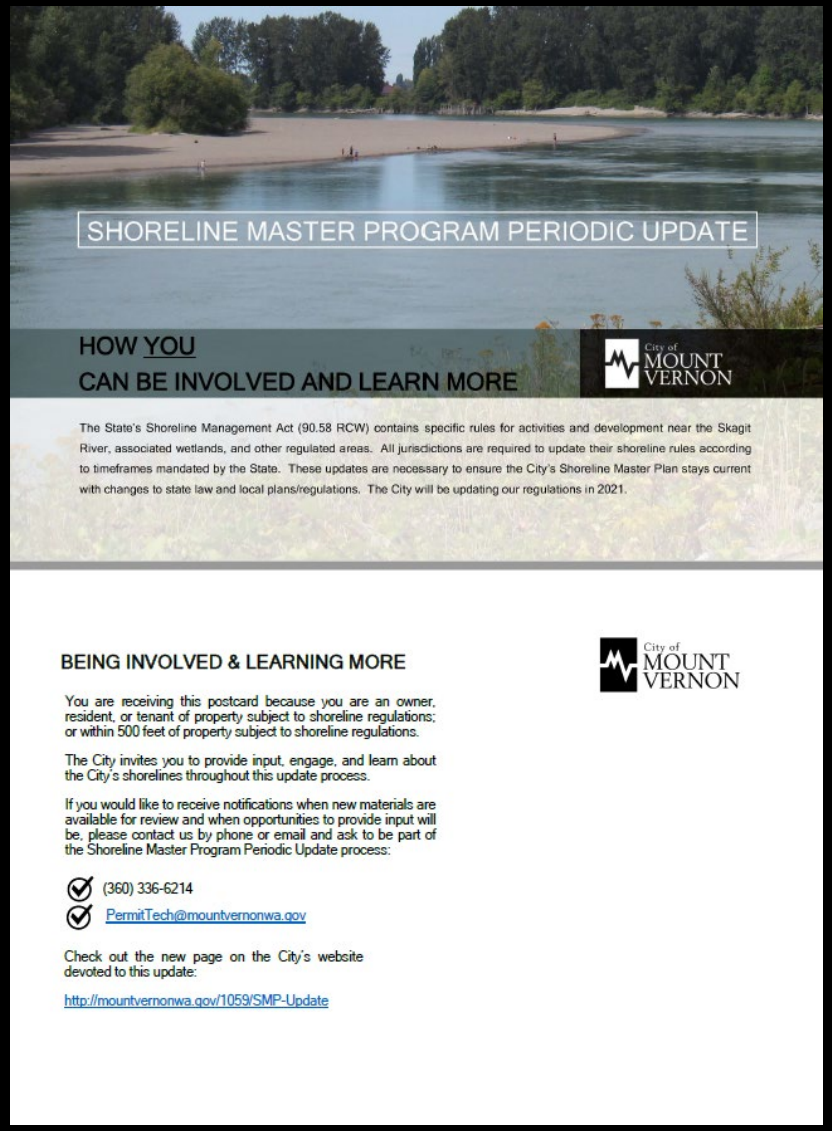
PC and CC Briefings
- *07/20/2021 (PC)*
- *08/18/2021 (CC)*
- *09/15/2021 (CC)*
- *10/05/2021 (PC)*
- *10/20/2021 (CC)*

Public Participation (Next Slide)
March to November 2021

Planning Commission Hearing(s)
November 16, 2021

City Council Hearing
December 2021

PUBLIC PARTICIPATION



SHORELINE MASTER PROGRAM PERIODIC UPDATE

HOW YOU
CAN BE INVOLVED AND LEARN MORE

City of MOUNT VERNON

The State's Shoreline Management Act (90.58 RCW) contains specific rules for activities and development near the Skagit River, associated wetlands, and other regulated areas. All jurisdictions are required to update their shoreline rules according to timeframes mandated by the State. These updates are necessary to ensure the City's Shoreline Master Plan stays current with changes to state law and local plans/regulations. The City will be updating our regulations in 2021.

BEING INVOLVED & LEARNING MORE

City of MOUNT VERNON

You are receiving this postcard because you are an owner, resident, or tenant of property subject to shoreline regulations; or within 500 feet of property subject to shoreline regulations.

The City invites you to provide input, engage, and learn about the City's shorelines throughout this update process.

If you would like to receive notifications when new materials are available for review and when opportunities to provide input will be, please contact us by phone or email and ask to be part of the Shoreline Master Program Periodic Update process:

- (360) 336-6214
- PermitTech@mountvernonwa.gov

Check out the new page on the City's website devoted to this update:

http://mountvernonwa.gov/1059/SMP-Update

- Page on City Website created in March and updated to-date process
- 1150± property owners, residents, parties of record, stakeholders, those within shoreline jurisdiction and 500 feet from potential shoreline jurisdiction
- 1150± notices mailed four times
- Published in Skagit Valley Herald too

3.0 STAKEHOLDERS

The City will engage the following stakeholders:

- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Commerce
- Washington State Department of Natural Resources
- Washington State Department of Transportation
- Northwest Clear Air Authority
- U.S. Army Corps of Engineers
- Skagit River System Cooperative
- Skagit County (Planning and Development Services and Assessor)
- Skagit Council of Governments
- Skagit Transit
- Skagit Conservation District
- Skagit Fisheries Enhancement Group
- Dike Districts 1, 3, 17, and 20
- Drainage Districts 20 and 17
- City of Mount Vernon (Public Works and Parks & Enrichment Services)
- City of Burlington
- Port of Skagit County
- Skagit River Systems Cooperative
- Swinomish Tribe
- Upper Skagit Indian Tribe
- Samish Tribe
- Sauk-Suiattle Tribe
- Tulalip Tribe
- Stillaguamish Tribe
- Skagit Public Utility District #1
- Puget Sound Energy
- Cascade Natural Gas
- Zipley Fiber
- Comcast

PUBLIC PARTICIPATION - STAKEHOLDERS

DOE'S INITIAL DETERMINATION OF CONCURRENCY

DOE is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules. DOE transmitted this initial determination of consistency to the City on November 9, 2021 – Exhibit 8 in Staff Report.

- All of the required changes from DOE have been made and are incorporated into the draft before the Commission.
- All but one of the recommended changes from DOE have been made and are incorporated into the draft before the Commission.

OTHER COMMENTS

Additional substantive comments were received by the City dated October 14, 2021 from Mathew Vivian with VanNess Feldman. Staff responded to these comments in a matrix identified as a portion of Exhibit 7 to Staff Report.

Total of 14 comments made:

- The City agreed with two of the comments and made the suggested changes
- The City partially agreed with six of the comments and partially modified the draft document
- The City disagreed with six of the comments and declined to make the suggested changes

The draft document before the Commission incorporates the suggested changes outlined above.

QUESTIONS FOR STAFF OR DOE??

Thank YOU.

From: Barney, Stephanie (ECY)
To: Rebecca Lowell; Leila Willoughby-Oakes; Dan Nickel
Cc: Chandler, Jackie (ECY); Yunge, Chad (ECY)
Subject: Determination of initial concurrence
Date: Tuesday, November 9, 2021 8:04:37 AM
Attachments: Attachment 1_Mt Vernon Initial Required and Recommended Changes.pdf

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Caution External Message

Hello Rebecca,

Thank you for your July 8, 2021 initial submittal of amendments to the City of Mount Vernon Shoreline Master Program (SMP). Ecology is required under WAC 173-26-104(3)(b) to make an initial determination of consistency with applicable laws and rules.

This serves as Ecology's formal written statement of initial concurrence of your proposed amendments.

As described under WAC 173-26-104(4), the next step in the approval process is for your jurisdiction to formally adopt the amendment through resolution or ordinance and send the final SMP submittal for formal agency approval as outlined in WAC 173-26-110.

Ecology has determined the amendments are largely consistent but we have identified elements that appear inconsistent with applicable laws and rules. The intent of this initial review is to provide local elected officials an opportunity to consider Ecology's analysis before local adoption. We have attached suggested approaches to address our concerns.

Please let me know if you have questions or concerns.

Stephanie Barney | Regional Shoreline Planner
Shorelands & Environmental Assistance Program| Bellingham Field Office
(360) 255-4375 Desk|(360) 296-2103 Cell
stephanie.barney@ecy.wa.gov

My work hours: Mon-Thurs 7AM-5:30PM

L.C. Lee & Associates, Inc.
421 North Forest Street
Bellingham, Washington 98225
Tel: 206.979.5633
Email: [lyndon@lcleeinc.com]

Technical Memorandum
December 1, 2021

To: Rebecca Bradley- Lowell
City of Mount Vernon

From: Lyndon C. Lee, Ph.D., PWS
L.C. Lee & Associates, Inc.

CC: LCLA/cf

Ref: Shoreline Master Plan Update - Comments

This Technical Memorandum has been developed to offer clarifying comments regarding interpretations of wetlands "associated" with areas under shoreline jurisdiction in the City of Mount Vernon. To begin -

1. "Associated" wetlands in the context of the Shoreline Management Act are defined as those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

2. "Proximity" and Association

The 2017 Shorelines Master Program Handbook states (Chapter 5, page 25)

> "in some cases, wetlands *outside* the 100-year floodplain *may* be "associated" if they are hydraulically connected with shoreline waters through surface or subsurface flows."

This Guidance calls for case by case analyses of potentially connected sites in the field and at field observation scales.

3. Zero Grade Test, Proximity, and the Nature of Hydrologic Connections.

The Department of Ecology's designation of areas having a surface water connection at grade essentially guarantees protection under the SMA to bodies of water having a close physical proximity to their respective 'associated wetlands.'

Some have interpreted this "zero grade" language to mean that under zero grade test logic, each body of water and its 'associated wetlands' will share the same water, the water quality of one will affect the other, and there will be a visual and esthetic connection between the two.

To clarify, it is my opinion that the analyses regarding association have nothing to do with visual and esthetic connections. The emphasis in the shorelines program has always been maintenance of the suite of hydrologic, biogeochemical, plant community, and faunal support/habitat functions performed by shoreline ecosystems and their associated (functionally connected) wetlands.

Second, the zero grade interpretation introduced above can lead to misinterpretation of the way that waters/wetlands interact functionally in glaciated Pacific Northwest floodplain landscapes. Assuming that in order to be hydrologically connected, an "associated" wetland has to share bidirectional flow of water with the shoreline water is not correct. The 2017 SMP Handbook (Chapter 5, page 25) states:

> "Consider all factors together when determining "association." A wetland's hydrology does not have to be in a defined channel to be considered "associated." Hydraulic continuity clues include undrained hydric soils contiguous with the water body, and sheet flow from the site during or following precipitation events."

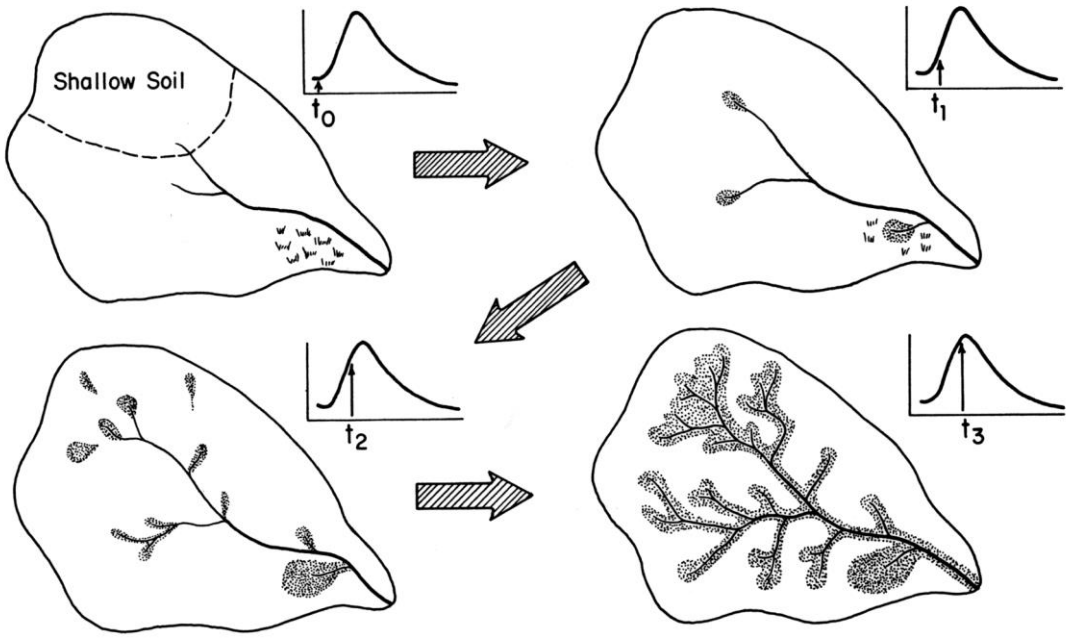
In the sloping and glaciated large floodplain landscapes of northwestern Washington (such as the Skagit River floodplain) some wetlands can be hydrologically connected the floodplain/shoreline area via surface and shallow subsurface water flows that travel downgradient (not across zero grade). These areas often exhibit seasonal flow with hydrologic connections occurring intermittently. These flows are usually unidirectional from the wetland to the shoreline water. Two keys to understanding these seasonal flow connections are –

1. Soils - how they function hydrologically, and how they are mapped at scale by the Natural Resource Conservation Service (NRCS) and exactly what NRCS maps show versus what you can expect to see in the field.

2. Variable Source Area Hydrology – contributing areas to stream flow are dynamic. They expand and contract in response to antecedent moisture conditions in soils, the magnitude and duration of incoming storms (or series of storms), and the specific characteristics of soils in proximity to stream channel systems with respect to the storage capacity and hydraulic conductivity (Figure 1).

For example, Bellingham, Skipopa, and Skagit silt loams (all Hydric soils) and Tokul gravelly loam (not hydric) are often mapped by NRCS in proximity to one another in the Skagit River Valley. The standard NRCS mapping scale is usually around 1:24,000. The definitions of Tokul soils states that they can have inclusions of other soil units, (including hydric soil inclusions that occur in small generally linear depressions) for up to 30% of the map unit. This means that at a mapping scale of 1:24,000, 30% of the mapped unit could be a different (e.g. hydric) soil type such as a Skagit silt loam, or Bellingham or Skipopa soils, which are all hydric. I see these conditions in Mount Vernon all the time. The point is that if you have a line on a map at 1:24,000 and a mapped soil unit with the potential for up to 30% (hydric or other) inclusions, the location of soil unit transitions in the field and at field scale are not well represented on the map.

Figure 1 – Variable Source Area Summary



Stormflow Production from a Forested Watershed (Variable Source Area)
[Cite: Hewlett, J.D. and W.L. Nutter. 1970. The varying source area of streamflow from upland basins. Proceedings of the Symposium on Interdisciplinary Aspects of Watershed Management. Held in Bozeman, MT. August 3-6, 1970. pp. 65-83. ASCE. New York.]

Further to the point of shallow subsurface hydrologic connections, Tokul soils have a slowly permeable ("restrictive" or densic) layer 20 – 39 inches deep in typical soils mapped by NRCS. Skagit silt loams, Bellingham, and Skipopa soils also have relatively shallow slowly permeable layers and thus, along with Tokul soils have relatively low water storage capacity. In typical the winter wet seasons, the water storage "compartments" in these soils fills up and water and either saturates to or ponds on the soil surface. If these soils occur on slopes (which they often do), water flows downgradient on the surface or through shallow subsurface horizons. If there is a shoreline area relatively proximate, the surface/shallow subsurface hydrologic connection can be made and in my experience often is, especially during winter wet soason storms or back to back storm events. Such connections are sufficient to functionally connect a wetland that is not immediately proximate to a shoreline area under jurisdiction. This is because water flowing from the proximate, upslope, and potentially associated wetland to the shoreline water is influencing the amount, quality, and timing of water accumulation in the shoreline water. That is what tributaries do albeit some (relatively small) tributary connections are seasonal and intermittent as shown above in Figure 1.

4. Low functioning/degraded wetlands/degraded

Some commenters have suggested that because a wetland is degraded or low functioning, then it cannot be important, influence, or be influenced by a larger landscape system such as the Skagit River ecosystem. It is my opinion that just because a wetland is degraded in its structure or functioning does not mean that it does not function at all or that it is not important. On the contrary, and especially in urbanizing landscapes degraded waters/wetland areas are common and they are critical portions of the landscape. This is because they are among the few remaining areas that offer the suite of hydrologic, biogeochemical/water quality, plant community and faunal support/habitat ecosystem functions that are important to a range of resident and migratory faunal species and to humans.

City of MOUNT VERNON

DATE: December 8, 2021

TO: Mayor Boudreau and City Council

FROM: Rebecca Lowell, Development Services

SUBJECT: PUBLIC HEARING ON ADOPTION OF AN UPDATED SHORELINE MASTER PROGRAM (SMP), AMENDMENTS TO THE COMPREHENSIVE PLAN AND CHAPTER 15.07 MVMC

RECOMMENDED ACTION:

Staff recommends that Council make a motion to authorize the Mayor to sign the accompanying Ordinance adopting an update SMP, amendments to the Comprehensive Plan and Chapter 15.07 of the Mount Vernon Municipal Code.

INTRODUCTION/BACKGROUND:

In 2003 the Shoreline Management Act (SMA) was amended to require jurisdictions to regularly update their Shoreline Master Programs (SMPs) with the adoption a timetable for all local governments to update their SMPs. For Mount Vernon, RCW 90.58.080(2) and (4) required an update to our SMP in 2012 (the City completed this update in 2011) and then once every eight (8) years following approval by the Department of Ecology (DOE). This means the City's update to our SMP was due in 2020; however, DOE has authorized a one-year extension for the City's SMP update which is now due in 2021.

Consistent with RCW 90.58.080(4) the City's scope of review for the SMP update includes:

- Making sure our SMP complies with applicable laws and guidelines in effect at the time of the review.
- Ensuring our SMP is consistent with our comprehensive plan and development regulations adopted under chapter 36.70A RCW, and other local requirements.
- Bringing our SMP into compliance with the requirements of the act that have been added or changed since the last review that occurred in 2011, and for responding to changes in guidelines adopted by DOE.
- Incorporating amendments to reflect changed circumstances, new information, and improved data.

FINDINGS/CONCLUSIONS:

The draft Ordinance provided for Council's consideration with its associated exhibits contains the findings of fact and conclusions of law staff is asking Council to adopt.

RECOMMENDATION:

Council move to authorize the Mayor to sign the accompanying Ordinance adopting an updated SMP, updates to the City'

ATTACHED:

- Proposed Ordinance and its associated Exhibits that include:
  - Exhibit 1, Planning Commission's Findings of Fact, Conclusions of Law and Recommendation to the City Council
  - Exhibit 2, Proposed Update to the SMP and the re-numbered Comprehensive Plan Goals
  - Exhibit 3, Planning Commission's Staff Report and its associated Exhibits
  - Exhibit 4, City Council Memo and other materials entered into the Record on 12/08/2021