



120 First Avenue North
PO Box 548 • Ilwaco, WA 98624
Phone: 360.642.3145
Fax: 360.642.3155
info@ilwaco-wa.gov
www.ilwaco-wa.gov

DATE: December 14, 2023
TO: Ilwaco Hearing Examiner
CC: Tracy Loftstrom, Port Manager, Port of Ilwaco
FROM: Holly Beller and Alexandra Plumb
SUBJECT: Shoreline Substantial Development, Shoreline Conditional Use Permit, and SEPA Determination

I. GENERAL INFORMATION

Applicant/Property Owner: Tracy Lofstrom (Port of Ilwaco Manager), PO Box 307, Ilwaco, WA 98624

Contact: Victoria England, Moffatt & Nichol, 600 University Street Suite #610, Seattle, WA 98101

Project Address/Location: 117 Howerton Avenue SE Ilwaco, WA 98624; Port of Ilwaco; Parcel(s) 73048003011, 73048003009 and 73031013000.

Public Notice: Public notice requirements are described below under State Environmental Policy Act (SEPA).

Proposal: The Port of Ilwaco proposes to replace the failing east bulkhead with a sheetpile bulkhead, replace the slope protection to the north and south of the east bulkhead, and pave and regrade the upland wharf area directly landward of the east bulkhead. The replacement bulkhead has been designed to accommodate for future sea level rise projections to mitigate the effects of climate change and future flooding events.

State Environmental Policy Act (SEPA): The proposed project does not meet the threshold for a categorical exemption and therefore requires a SEPA determination pursuant to Washington Administrative Code (WAC) 197-11-800. The applicant submitted a SEPA Checklist with their application. The City published a Notice of Application in the *Chinook Observer* on August 9, 2023. The City issued a Determination of Non-Significance (DNS) and posted the determination to the Department of Ecology SEPA Register on November 6, 2023. The SEPA Checklist and DNS are provided as Attachment B. Public comments received are referenced as Attachment C.

Shoreline Master Program (SMP): The subject properties are located within the High Intensity Shoreline Environmental Designation (SED). Below the Ordinary High Water Mark (OHWM) is designated as the Aquatic SED.

Critical Areas: The site is located within a Fish and Wildlife Habitat Conservation Area and is near mapped aquatic wetlands. An Aquatic Critical Areas Assessment and Macrovegetation/Eelgrass Survey is included as Attachment E. The purpose of this study was to document baseline habitat conditions (wetland, stream and estuarine macrovegetation) that may be affected by proposed project elements in accordance with Ilwaco Municipal Code (IMC) Chapter 15.18 (Critical Areas Ordinance) and according

to the City of Ilwaco's Shoreline Master Program (SMP) (IMC Chapter 15.14). Per WAC 220-110-250(3)(a,b), eelgrass and macroalgae are saltwater habitats of special concern and under Ilwaco Municipal Code (IMC) Chapter 15.14 are considered critical saltwater habitats. Native eelgrass is not expected to be directly impacted by the project proposal, as shown in the survey below.



Zoning: The subject property is zoned Light Industrial (M-1). “Food/seafood processing” is a permitted use in the M-1 district per Table 15.44.020 (Land Use Table) in the Ilwaco Municipal Code (IMC). No changes to the existing use are included with this proposal.

Attachments:

- A. Application Forms and Site Plans**
- B. SEPA Checklist and DNS**
- C. Public Comments**
- D. Geotechnical Report**
- E. Aquatic Critical Areas Assessment and Macrovegetation/Eelgrass Survey**
- F. JARPA**
- G. Mitigation and No Net Loss Narrative Memorandum**
- H. Biological Evaluation**
- I¹. Letter from Department of Archaeology and Historic Preservation (DAHP)**
- J. Updated Letter of Concurrence from USFWS and NOAA Fisheries**

¹A Cultural Resources Assessment was submitted with the application materials but is not included in the attachments due to the confidential nature of the content included the report.

II. PROJECT INFORMATION

The Port of Ilwaco is requesting approval of a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit to replace the failing east bulkhead with an anchored steel sheetpile bulkhead, repair the slope protection north and south of the bulkhead, and pave and regrade the upland wharf area near Safe Coast Seafoods. The applicant submitted application materials on July 6, 2023. After an initial review of the application materials, the City issued a determination of completeness on August 1, 2023. The City conducted SEPA review and issued a DNS on November 8, 2023. The proposal is subject to the requirements of the IMC 15.18, Critical Areas, and the City of Ilwaco Shoreline Master Program (SMP).

Figure 1: Zoning Area



Figure 2: Area of Proposed Development



III. GENERAL SITE INFORMATION

Zoning District	M-1 Light Industrial
Parcel Number(s) and Size	73048003011 73048003009 73031013000
Adjacent Land Uses	The surrounding land uses include the marina and businesses associated with the Port of Ilwaco.
Access Roads	Existing access to the site is gained from via Waterfront Way from Howerton Way SE. No changes to the location of the access road are proposed with this application. The proposal includes upgrades to the internal access road associated with Safe Coast Seafood facilities. The internal access road will be expanded and repaved to the edge of the new bulkhead and concrete cap. However, no work will occur within the public ROW. All proposed development will be located within the Safe Coast Seafoods property.
Existing Structures	The site currently contains Safe Coast Seafoods facilities and associated structural shoreline stabilization to support their temporary berthing operations and marina users.
Topography	The site is relatively flat with most of the work occurring in-water and along the shoreline. The geotechnical report submitted with the application materials includes more detailed information.
Existing Vegetation	The site is largely devoid of terrestrial vegetation as it is within a developed industrial area. Some upland vegetation may be

	impacted along the rip rap shoreline or behind the existing bulkhead wall.
Fish and Wildlife Habitat Conservation Areas	The 2022 eelgrass survey indicated that there is no eelgrass on or immediately adjacent to the project site. However, there are eelgrass beds within other areas of the marina. No streams were identified within the project site.
Frequently Flooded Areas	<p>According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Panel 530127, the site is located within a Special Flood Hazard Area.</p>
Geologically Hazardous Areas	The site is located in a seismic hazard area for ground shaking amplification (NEHRP Site Class D) and the risk of liquefaction is high. The geotechnical report indicates that the subject property is potentially underlain by liquefiable soils.
Wetlands	The project area is mapped as estuarine and marine wetlands. However, the Aquatic Critical Areas Assessment and Macrovegetation/Eelgrass Survey did not document any wetlands within the immediate project site.
Shoreline Environmental Designation	Upland: High Intensity In-water: Aquatic
Critical Aquifer Recharge Areas	The site is underlain by <i>Udorthents</i> soils and is therefore within a designated CARA.

IV. ILWACO MUNICIPAL CODE FINDINGS

Streets (IMC Chapter 14.04)

IMC 14.04.070(A)

A. Required minimum street right-of-way width is according to construction standards in the Pacific County Road standards.

Finding: The applicant is proposing improvements to the internal access road for the Safe Coast Seafoods facility that connects to Waterfront Way, a public road providing access to the site. However, all improvements will be made outside of the public right-of-way.

State Environmental Policy Act (IMC Chapter 15.12)

IMC 15.12.010 State Environmental Policy Act (SEPA).

A. The city adopts the applicable sections of the State Environmental Policy Act (SEPA) Rules, Chapter 197-11 WAC, including amendments that became effective in November 1997, as the city of Ilwaco's environmental management ordinance.

B. The city planner is named the responsible environmental official for the city, for purposes of administrating this title. (Ord. 627 (part), 1999)

Finding: The applicant submitted a complete SEPA checklist with their application, and the City issued a Determination of Non-Significance (DNS) on November 8, 2023. The public comment period concluded on December 10, 2023. Public comments received are included in Attachment C. The SEPA review for the project is complete. No comments were received during the Notice of Application comment period.

Critical Areas (IMC Chapter 15.18)

IMC 15.18.020 Development in critical areas.

A. Persons proposing development in critical areas must comply with the requirements of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife service, and the Washington State Department of Ecology, in addition to the regulations of this title.

Finding: On August 28, 2023, the applicant received a Letter of Concurrence from the U.S. Fish and Wildlife Service, as well as updated correspondence on September 6, 2023, documenting that the proposed changes lessen the impact and improve conditions compared to the initial proposal (Attachment J). Similarly, NOAA Fisheries provided a Letter of Concurrence on August 16, 2023, as well as updated correspondence on October 5, 2023, indicating that the proposed revisions do not change the determination in the Biological Evaluation that the proposed action is not likely to adversely affect salmon, steelhead, green sturgeon or eulachon, or critical habitat for these species (Attachment J). As a **condition of approval**, all local, state, and federal regulations must be adhered to. Additional permits or authorizations from other agencies will be required, including, but not limited to, Washington Department of Fish and Wildlife, United States Army Corps of Engineers, Washington State Department of Ecology, and Washington State Department of Natural Resources Aquatic Resources Division.

M-1 Light Industrial District (IMC Chapter 15.36)

IMC 15.36.020 Allowed uses.

Allowed uses in the M-1 district are listed in IMC Chapter 15.44.

Finding: There are no changes in the existing permitted use, a seafood processing facility, with this proposal. The proposal is to protect the existing facility by replacing the failing bulkhead.

Shoreline Master Program

SMP Section 6.3(1) No net loss of ecological functions.

Individual uses and developments shall not result in a net loss of shoreline ecological functions. Individual uses and developments are required to follow the mitigation sequence and mitigate environmental impacts not otherwise avoided or minimized by compliance with the City's Shoreline Master Program or other applicable regulations.

Finding: As described in the *Mitigation Sequencing and No Net Loss Narrative* prepared by Moffatt & Nichol on behalf of the Port of Ilwaco, mitigation sequencing was followed during the design of this project proposal and compensatory mitigation is anticipated to result in no net loss of shoreline ecological functions.

SMP Section 6.3(2) Mitigation sequence analysis, when required.

If a proposed shoreline use or modification is entirely addressed by specific, objective standards (such as setback distances, pier dimensions, or materials requirements) contained in the City's Shoreline Master Program, then the mitigation sequence analysis described in regulation 6.3(3) is not required. In the following circumstances, a project applicant must provide a mitigation sequence analysis as described in regulation 6.3(3):

- A. If a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible" or requiring the minimization of development size) contained in the City's shoreline regulations, then the mitigation sequence analysis is required for the discretionary standard(s).*
- B. When an action requires a shoreline conditional use permit or shoreline variance permit.*
- C. When specifically required by a provision in the City's Shoreline Master Program.*

Finding: Pursuant to SMP Table 7.1, Shoreline uses, development and modifications, fill below the ordinary high water mark (OHWM) requires a shoreline conditional use permit. Therefore, a mitigation sequence analysis is required under Section 6.3(2)(B).

SMP Section 6.3(3) Mitigation Sequence Analysis

An applicant required to complete a mitigation sequence analysis pursuant to regulation 6.3(2) must describe how the proposal will follow the below mitigation sequence. Application of the mitigation sequence must achieve no net loss of ecological functions for each new development and not have a significant adverse impact on other shoreline functions fostered by the policy of the Shoreline Management Act. Mitigation measures are listed in descending order of priority. Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable. Mitigation in excess of that necessary to ensure that development will result in no net loss of ecological functions will not be required, but may be voluntarily performed.

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

- B. *Minimize 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. *Rectify the impact by repairing, rehabilitating, or restoring the affected environment;*
- D. *Reduce or eliminate the impact over time by preservation and maintenance operations;*
- E. *Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and*
- F. *Monitor the impact and the compensation projects and taking appropriate corrective measures.*

Finding: As described in the *Mitigation Sequencing and No Net Loss Narrative* prepared by Moffatt & Nichol on behalf of the Port of Ilwaco, mitigation sequencing was followed during the design of this project proposal. Avoidance by taking no action was demonstrated to be not feasible as it was documented in the Geotechnical Engineering Report that the bulkhead is at risk of failure. Additional alternatives were considered but were deemed not feasible or inadequate. The project proposal has been minimized to the extent practicable. Avoidance and minimization measures, including BMPs, will be implemented throughout construction. The applicant has prepared a compensatory mitigation plan that enhances the aquatic environment compared to current conditions. Additional monitoring efforts are not expected to be necessary for this project proposal as outlined in the findings of SMP Section 6.3(4), Compensatory mitigation.

SMP Section 6.3(4) Compensatory mitigation

When compensatory measures are appropriate pursuant to the mitigation sequence analysis described in regulation 6.3(3):

- A. *Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.*
- B. *Compensatory mitigation measures must be maintained over the life of the use or development.*
- C. *Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.*

Finding: The proposed mitigation to offset the expected project impacts include piling removal, removal of creosote from the aquatic environment, beach nourishment, and removal of floating timber debris/overwater coverage from the marine environment. Approximately twenty-eight (28) creosote-treated timber piles (12-inch diameter) and three (3) steel piles (12-inch diameter) will be removed adjacent to the existing bulkhead and as part of the north shoreline rehabilitation. In addition, the Port proposes to remove approximately thirty-six (36) 12-inch diameter derelict creosote-treated timber piles and 3 creosote-treated timber pile caps as mitigation for the fill and benthic habitat impacts created by the placement of the new bulkhead wall in front of the existing structure. The removal of approximately sixty-four (64) 12-inch creosote-treated timber piles, three (3) 12-inch steel piles, 70 linear feet of creosote treated timber retaining wall, and 40 linear feet of derelict creosote-treated timber pile caps will restore approximately 165 square feet of benthic habitat and remove approximately 34 tons of creosote from the marine environment. Additionally, floating timber debris will be removed from the south portion of the marina as part of the project mitigation. This will remove approximately 2,510 square feet of overwater coverage currently present in that portion of the marina. The proposed compensatory mitigation was identified in consultation with federal and state agencies including additional coordination with WDFW to identify sufficient mitigation to address project impacts. No additional safeguard measures are expected to be needed provided that the mitigation plan is implemented as proposed. As a condition of approval, documentation must be provided that the mitigation measures have been implemented as proposed prior to the final inspection of the project.

SMP Section 7.9(2) Fill & excavation

When allowed, waterward of the ordinary high water mark. Fills waterward of the ordinary high water mark shall be allowed only when necessary to support:

- A. A water-dependent or public access use.*

Finding: The Safe Coast Seafoods facility is a permitted water-dependent use as a seafood processing facility in the High Intensity SED. The existing port facilities are protected by structural shoreline stabilization measures that have been documented as failing in the *Geotechnical Engineering Report* prepared by GeoEngineers. The proposed replacement shoreline stabilization along Waterfront Way will protect an existing public road and a temporary berth for the marina. Approximately 1,000 square feet of the fill would encounter the bottom substrate and result in permanent impacts to the existing aquatic soft bottom habitat. These impacts will be mitigated through compensatory mitigation to ensure no net loss of shoreline ecological function. Fill in the aquatic environment (below the ordinary high water mark) is considered a Shoreline Conditional Use pursuant to SMP Section 7.1 (Table 7-1 – Shoreline use, development, and modification matrix).

SMP Section 7.9(3) Protection of shoreline ecological functions

Fills and excavations shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.

Finding: The project proposal has been designed to ensure that there is no net loss of shoreline ecological function. The proposed fill placement and excavation activities have been minimized to the extent practicable. The proposal includes removal of creosote and concrete from the aquatic environment, removal of derelict overwater structures, and will include beach nourishment in the form of fish mix on top of the replaced shoreline stabilization at the head of the berth.

SMP Section 7.9(4) Design.

All fills and excavations, except when for the purpose of shoreline restoration, must be designed:

- A. To be the minimum size necessary to implement the allowed use or modification.*
- B. To fit the topography so that minimum alterations of natural conditions will be necessary.*
- C. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.*

Finding: The fill and excavation have been minimized to the extent practicable and are the minimum size necessary to protect the existing facilities and mitigate the future effects of sea level rise. The *Geotechnical Engineering Report* prepared by GeoEngineers includes an analysis that the proposed development actions will not increase the risk of slope failure anywhere along the project area.

SMP Section 7.9(5) Fill material

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

Finding: The backfill material behind the east bulkhead will be clean gravel. The material on top of the proposed slope protection along the south side of the berth will be fish mix as recommended by Washington Department of Fish and Wildlife (WDFW). As a **condition of approval**, all material shall be obtained from a state-authorized source to meet this requirement.

SMP Section 7.9(6) Temporary erosion and sediment control plan.

A temporary erosion and sediment control plan, including best management practices, shall be provided for all proposed fill and excavation activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.

Finding: The contractor must adhere to the best management practices (BMPs) and the erosion control measures outlined in the JARPA and detailed plan set prepared by Moffat & Nichol. Fill in, over or near water will be required to be conducted within the appropriate in-water construction window and must follow all appropriate BMPs.

SMP Section 7.18 Shoreline stabilization

SMP Section 7.18(3) New or enlarged structural stabilization measures, when allowed.

New or enlarged structural stabilization measures shall not be allowed except as follows.

C. In support of water-dependent development, when all of the conditions below apply.

- 1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.*

Finding: The existing facility is protected by shoreline stabilization to the north, east and south of the project area. As described in the *Mitigation Sequencing and No Net Loss Narrative* prepared by Moffatt & Nichol, if left in its current state, the eastern bulkhead will eventually fail, which will result in a permanent loss of access to the facility (the access driveway adjacent to the bulkhead would be permanently blocked off), potential damage to buildings/building foundations, life/safety issues for Safe Coast Seafoods workers and marina tenants, inability for Safe Coast Seafoods to maintain operations resulting in loss of income and revenue for this small community, and obstruction of a portion of the marina (adjacent slip) making it unusable. The failing bulkhead is not caused by upland conditions.

- 2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.*

Finding: Non-structural measures are not feasible for the existing wharf. Drainage improvements have been incorporated into the design of the bulkhead and the paving/regrading portion of the project to improve resiliency of the Safe Coast Seafoods facility.

- 3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report prepared in accordance with regulation 7.18(6).*

Finding: The *Geotechnical Engineering Report* prepared by GeoEngineers describes that the bulkhead is in serious structural condition and at risk of failing. Recent biweekly and monthly measurements have been completed to monitor ongoing movement of the bulkhead. The monitoring has recorded movement along 13 monitoring points along the face of the bulkhead ranging from approximately 0.06 inch to up to 0.31 inch waterward since monitoring began in November 2022. The monitoring indicates that the bulkhead is in the process of active failure. Frequent flooding due to high water levels from “king tides” and severe winter storm surges further threaten the structural capacity of the bulkhead. The majority of the existing timber bulkhead will be abandoned in place behind the replacement bulkhead in order to protect the existing buildings at the Safe Coast Seafoods facility, as complete removal of the existing timber bulkhead will undermine the stability of the soil behind the bulkhead and the adjacent building foundations threatening Safe Coast buildings, infrastructure, and operations. Pavement settlement has been observed on the adjacent landward driveway and bulkhead movement measured during monthly monitoring (late 2022/early 2023) and access is now restricted based on those conditions and the condition of the deteriorating bulkhead.

Figure 3: Damaged East Bulkhead Wall (GeoEngineers Report)



4. *The stabilization measure will not result in a net loss of shoreline ecological functions.*

Finding: As described in the *Mitigation Sequencing and No Net Loss Narrative* prepared by Moffatt & Nichol on behalf of the Port of Ilwaco, mitigation sequencing was followed during the design of this project proposal and compensatory mitigation is anticipated to result in no net loss of shoreline ecological functions.

SMP Section 7.18 (7) Design of structural stabilization measures.

- A. *Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses. Hard armoring solutions shall not be authorized except when a geotechnical report prepared in accordance with regulation 7.18(6) confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.*

Finding: The *Geotechnical Engineering Report* prepared by GeoEngineers describes that the bulkhead is in serious structural condition and at risk of failing. Recent biweekly and monthly measurements have been completed to monitor ongoing movement of the bulkhead. The monitoring has recorded movement along 13 monitoring points along the face of the bulkhead ranging from approximately 0.06 inch to up to 0.31 inch waterward since monitoring began in November 2022. The monitoring indicates that the bulkhead is in the process of active failure. Frequent flooding due to high water levels from “king tides” and severe winter storm surges further threaten the structural capacity of the bulkhead. Softer alternatives are not feasible to protect the existing wharf and facilities.

B. The size of stabilization measures shall be limited to the minimum necessary.

Finding: The size of the stabilization measures has been determined to be the minimum necessary as demonstrated by the *Mitigation Sequencing and No Net Loss Narrative* prepared by Moffatt & Nichol. Alternatives were evaluated and determined to be insufficient or not feasible. The replaced shoreline stabilization measures will remove concrete debris and creosote from the aquatic environment compared to current conditions. Improvements to the existing northern timber bulkhead are proposed that will include a fish mix layer to act as beach nourishment on top of the hard shoreline stabilization for a “softer” approach than current conditions.

C. Measures shall be used to assure no net loss of shoreline ecological functions.

Finding: As described in the *Mitigation Sequencing and No Net Loss Narrative* prepared by Moffatt & Nichol, on behalf of the Port of Ilwaco, mitigation sequencing was followed during the design of this project proposal and compensatory mitigation is anticipated to result in no net loss of shoreline ecological functions.

D. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

Finding: No applicable. Soft shoreline stabilization measures are not proposed as a part of this proposal. Improvements to the existing northern timber bulkhead are proposed that will include a fish mix layer to act as beach nourishment on top of the hard shoreline stabilization for a “softer” approach than current conditions.

E. Avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the local governments should coordinate shoreline management efforts.

Finding: Minor, localized, and temporary effects from increased suspended sediment due to construction activities are likely, however, BMPs will be implemented to reduce turbidity and/or any incidental impacts to water quality as the result of leaks or spills. The piles will be removed in a single, slow, and continuous motion in order to minimize sediment disturbance and turbidity in the water column.

F. Publicly financed or subsidized shoreline erosion control measures must not restrict appropriate public access to the shoreline except where such access is determined to be infeasible in accordance with regulation 6.5(5). Where feasible, ecological restoration and public access improvements shall be incorporated into projects.

Finding: The project will not interfere or change public access to the site or existing permitted uses. The proposal will restore the bulkhead’s function as a temporary berth for Safe Coast Seafoods and for marina access that cannot currently be used to the deteriorating condition. A portion of the project includes paving and regrading of the currently restricted internal access road due to the condition of the deteriorating bulkhead. The proposed mitigation includes piling removal, removal of creosote from the aquatic environment, beach nourishment, and removal of floating timber debris/overwater coverage from the marine environment.

SMP Section 8.10.2 Review criteria for shoreline substantial development permits

SMP Section 8.10.2(1) Authorization criteria.

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

- A. The policies and procedures of the Shoreline Management Act;*
- B. The provisions of this regulation; and*
- C. The City's Shoreline Master Program.*

Finding: The proposed development includes replacement of existing shoreline stabilization structures that protect the water-dependent uses associated with the Safe Coast Seafoods facility and the Port of Ilwaco marina. The new bulkhead is intended to replace the existing, failing bulkhead and improve resiliency to sea level rise. The project will not otherwise interfere with or change public access to the site or existing permitted uses. Demonstration of compliance with the applicable regulations in the SMP are outlined above..

SMP Section 8.10.3 Review criteria for shoreline conditional use permits

SMP Section 8.10.3(2) Authorization criteria.

Uses which are classified or set forth in the City's Shoreline Master Program as shoreline conditional uses may be authorized provided that the applicant demonstrates all of the following:

- A. That the proposed use is consistent with the policies of RCW 90.58.020 and the City's Shoreline Master Program;*

Finding: No changes to the existing permitted use of the site as a seafood processing facility are proposed with this application. The development will be limited to replacement of existing shoreline stabilization structures and regrading/paving of the existing access road. Given that the existing bulkhead cannot be removed as outlined in the *Mitigation Sequencing and No Net Loss Narrative* prepared by Moffatt & Nichol, the replacement sheetpile bulkhead will be constructed waterward of the existing timber shoreline stabilization structure.

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

Finding: The project will not interfere or change public access to the site or existing permitted uses. The proposal will restore the bulkhead's function as a temporary berth for Safe Coast Seafoods and for marina access that cannot currently be used.

- 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 City's Shoreline Master Program;*

Finding: The proposed use and design are compatible with the other authorized uses of the Port of Ilwaco marina and any planned uses. The use of the property will be retained as Safe Coast Seafoods, and the bulkhead replacement and related proposed shoreline stabilization measures are compatible with the existing structures.

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

Finding: The project proposal has been designed to include an increase in habitat value and a functional lift by removing creosote and concrete from the aquatic environment. Additional benefit has been added by placing a fish mix over the proposed shoreline stabilization at the head of the slip that will act as beach nourishment.

E. *That the public interest suffers no substantial detrimental effect.*

Finding: The project proposal has been designed to incorporate sea level rise projections to mitigate the impacts of a changing climate. Failure of the existing bulkhead would cause negative economic impacts for the community and overall Port of Ilwaco marina operations. Increased climate resiliency for the Safe Coast Seafoods facility and Port of Ilwaco marina is expected to preserve the public interest.

SMP Section 8.10.3(3) Consideration of cumulative impacts.

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

Finding: Additional requests for like actions in the area are unlikely. The proposal is for the replacement and/or improvement of existing shoreline stabilization structures at a wharf with seafood processing facilities. There is very limited potential for other developments in the area where similar circumstances exist.

V. STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

The City recommends **APPROVAL** of the site plan review with the following conditions.

1. The permit shall not begin and is not authorized until twenty-one (21) days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, as amended, or until all review proceedings initiated within twenty-one (21) days from the date of such filings have been terminated, except as provided in RCW 90.58.140(5)(c) and (d).
2. All development must adhere to the recommendations included in the *Geotechnical Engineering Services Report* prepared by GeoEngineers dated October 4, 2023.
3. All local, state, and federal regulations are adhered to. Additional permits or authorizations from other agencies will be required, including, but not limited to, Washington Department of Fish and Wildlife, United States Army Corps of Engineers, Washington State Department of Ecology, and Washington State Department of Natural Resources Aquatic Resources Division.
4. Gravel, drainrock, and fish mix fill material shall be obtained from a shall be obtained from a state-authorized source in compliance with SMP Section 7.9(5).
5. Documentation must be provided that the mitigation measures have been implemented as proposed prior to the final inspection of the project.

VI. HEARINGS EXAMINER CONDITIONS OF APPROVAL

Conditions of Approval

The Hearings Examiner will issue their conditions of approval at the hearing.

VII. APPEALS PROCESS

Appeals

Pursuant to SMP Section 8.14, all appeals of any final permit decisions under RCW 90.58 and WAC 173-27 are governed by the procedures established in RCW 90.58.180 and WAC 461-08. Questions regarding this decision and staff report can be addressed to Holly Beller, via email at treasurer@ilwaco-wa.gov, or by phone at (360) 678-7817.



Holly Beller
City Administrator



Alexandra Plumb
Consultant Planner