

# City of Woodland

## DRAFT Shoreline Master Program

### FIRST PUBLIC DRAFT 2013-05-22

This DRAFT Shoreline Master Plan consists of three elements:

- Section I Amendments to the City of Woodland Comprehensive Plan
- Section II Amendment of Woodland City Code, Chapter 15.06 Shoreline Management
- Section III Amendment of Woodland City Code, Chapter 15.08 Critical Areas
- Section IV Amendment of Woodland City Code, Chapter 19.08 Approval, Review and Appeal Authority

Note: Sections I and II are new provisions.

Sections III and IV modify existing code provisions. Changes from the existing code text are indicated in redline underlined format for insertions and for deletions.

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## **Section I Amendment of Comprehensive Plan**

The City of Woodland Comprehensive Plan is hereby amended to add a new Chapter.

### **Shoreline Management**

The City of Woodland recognizes the intent of the voters and the legislature of the state of Washington in adopting the "Shoreline Management Act of 1971" and adopts by reference the finding 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 Act's paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or that offer opportunities for the public to enjoy the state's shorelines. With this clear mandate, the provisions of the SMA established a planning and regulatory program, which is initiated at the local level under state guidance.

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas. Local governments are required to plan for shoreline development by developing local Shoreline Master Programs (SMPs). They are also required to regulate such development through a shoreline permit system for substantial development projects.

Local government actions are monitored by the State of Washington Department of Ecology (Ecology), which approves new or amended SMPs, reviews substantial development permits, and approves conditional use permits and variances. The Shoreline Master Program is essentially a shoreline comprehensive plan with a distinct orientation toward shoreline areas and customized to local circumstances. Collectively, the local master programs comprise the State Shoreline Master Program.

The City developed and adopted its first Shoreline Master Program with the help of a citizen advisory group in 1976. The program was subsequently amended several times during the intervening years. For the current comprehensive update the City has conducted a comprehensive inventory of the natural characteristics, present land uses, and patterns of ownership along the City's shoreline that provides a substantial information base for understanding ecological functions and other considerations for the development of this

Shoreline Master Program update. The City with the involvement of its local citizens, agencies, and interested parties has developed this Shoreline Master Program to serve as both a planning guide and resource for specific regulations pertaining to development and use of the shorelines in City of Woodland. Included is a description of the goals, objectives, policies, environments, use regulations, and provisions for administration including variances and conditional uses.

## **Shoreline Goals and Policies**

### **1. Goal: Shoreline Use Element**

**SH-1 Ensure appropriate conservation and development of City of Woodland's shorelines by allowing those uses which are water dependent, as well as other development which provides an opportunity for a substantial number of people to enjoy the shorelines. This should be done in a manner which will achieve an orderly balance of shoreline uses that improve the quality of the environment.**

#### **Policies**

- SH-1.1 Ensure that all uses and developments are as compatible with the site, the surrounding area and the environment, provide restoration and do not result in a net loss of shoreline ecological functions.
- SH-1.2 Water-dependent and associated water-related uses are the highest priority for shorelines unless protection of the existing natural resource values of such areas precludes such uses.
- SH-1.3 Water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives are the second highest priority.
- SH-1.4 Limit non-water-oriented uses to those locations where access to the water is not provided or where the non-water-oriented use contributes to the objectives of the Act in providing ecological restoration and public access.
- SH-1.5 Reserve the shoreline areas for uses which allow optimal uses for future generations by recognition of potential long term benefits to the public, and discouragement of short term gain or convenience.
- SH-1.6 Allow multiple uses of shoreline areas where integration of compatible uses or activities is feasible.

### **2. Goal: Shoreline Economic Development Element**

**SH-2 Give priority to those industrial, commercial and recreational developments that are particularly dependent on their location on City of Woodland's shorelines. Encourage development that will provide the public an opportunity to enjoy the shorelines. No net loss of ecological function is envisioned in the implementation of this goal.**

**Policies**

- SH-2.1 Minimize the adverse effects of new commercial, industrial and recreational development upon the physical environment and natural processes through careful siting and design.
- SH-2.3 Ensure that commercial, industrial and recreational use and development are of an intensity appropriate to the ecological setting and are provided with existing public services appropriate to the use.
- SH-2.4 Ensure that commercial, industrial and recreational use and development do not increase flood hazards, are adequately protected from damage by flooding and do not require shoreline stabilization.

**3. Goal: Circulation Element**

**SH-3 Develop safe, convenient, and multi-modal shoreline circulation systems to ensure efficient movement of goods and people within the City of Woodland and throughout the region with minimum disruptions to the shoreline environment and minimum conflict between the different users.**

**Policies**

- SH-3.1 Locate and design major circulation systems well away from the shoreline, except for necessary crossings, so that natural shorelines remain substantially unmodified.
- SH-3.2 Encourage existing corridors for transportation facilities along shorelines to better accommodate public access to the shoreline and provide safe overcrossings to shoreline public access facilities.
- SH-3.3 Encourage multi-modal uses of any necessary roads.
- SH-3.4 Encourage alternate modes of transportation such as pedestrian and bicycle to the shoreline.

**4 Goal: Restoration & Conservation Element**

**SH-4 Ensure protection, preservation, and restoration of City of Woodland's, fragile and scenic shoreline resources, while encouraging the best management practices to ensure no net loss of shoreline ecological functions.**

**Policies**

SH-4.1 Existing natural resources should be conserved through regulatory and non-regulatory means that may include:

- Implementation of the Comprehensive Plan, interlocal watershed plans, local development regulations, and state, tribal, and federal programs;
- Regulation of development within the shoreline jurisdiction;
- Ecologically sound design;
- Restoration programs; and
- Education programs.

SH-4.2 Provide for beneficial utilization of shoreline and floodplain related resources without harming other natural systems or the overall quality of the natural environment.

SH-4.3 Conserve natural features and resources as well as scenic vistas, parkways and habitats of rare or endangered species.

SH-4.4 Preserve the natural, scenic and aesthetic qualities of shorelines, and vistas.

SH-4.5 Provide for restoration of degraded ecological functions through appropriate regulations that, among other things, emphasize non-water-dependent uses as part of publicly funded facilities.

**5 Goal: Public Access Element**

**SH-5 Ensure safe, convenient and multi-modal access for the public to the publicly owned shorelines of the City of Woodland and ensure that the intrusions created by public access will recognize the rights of private property owners, and will not adversely affect fragile natural areas.**

**Policies**

SH-5.1 Public access should be provided consistent with the existing character of the shoreline and with consideration of opportunities and constraints for physical and visual access, as well as consideration of ecological functions and public safety.

- SH-5.2 Public access to and along the water's edge should be available throughout publicly owned shoreline areas although direct physical access to the water's edge may be restricted to protect shoreline ecological values.
- SH-5.3 Future developments and redevelopments shall not adversely affect existing public access, and should provide new opportunities for the public to reach, touch and enjoy the water's edge.
- SH-5.4 Locate, design and maintain public access development in a manner that enhances the natural environment.
- SH-5.5 As opportunities and funds arise, purchase or otherwise make available to the public, shoreline properties including tide land tracts if their value for public use merits such action.
- SH-5.6 Existing highway and road corridors along shorelines should better accommodate public access to the shoreline and provide safe overcrossings to shoreline public access facilities.
- SH-5.7 Coordinate shoreline public access local, state, and federal agencies particularly with regional parks recreation, open space and trails plans.
- SH-5.8 Respect and protect private property rights when considering public access in development.

**6 Goal: Recreational Element**

**SH-6 Provide additional opportunities for diverse forms of recreation for the public and improvement of present facilities with an emphasis on water-dependent recreation in both the City of Woodland's shorelines and the region.**

**Policies**

- SH-6.1 Identify, obtain, preserve and protect areas with high values for recreation.
- SH-6.2 Allow location, design and operation of recreational uses as part of private development where compatible with other uses and activities.
- SH-6.3 Encourage a balanced choice of recreational opportunities, including those requirements of the elderly and the physically challenged.
- SH-6.4 Cultivate innovative and cooperative techniques among public agencies and private persons or groups which increase and diversify recreation opportunities.

- SH-6.5 Provide compatible recreational uses including bicycle and foot paths in transportation and utility corridors where feasible.
- SH-6.6 Prepare management plans for recreation facilities that provide a balance between provision of a range of water-dependent and other recreational opportunities and ecological preservation and enhancement to result in no net loss of shoreline ecological functions or ecosystem-wide processes result.
- SH-6.7 Coordinate with local, state, and federal agencies so that shoreline recreational developments are consistent with the City and regional parks recreation, open space and trails plans.

**7. Goal: Historical / Cultural Element**

**SH-7 Protect, preserve and encourage restoration of those sites and areas on the shoreline which have significant historical, cultural, educational or scientific value.**

**Policies**

- SH-7.1 Identify historic, cultural and archaeological resources within the shoreline in cooperation with federal, state, local and tribal agencies.
- SH-7.2 Preserve permanently for their inherent cultural value and for scientific study as well as public enjoyment observation all areas known to contain significant archaeological data.
- SH-7.3 Preserve for the public benefit, with opportunity for appropriate public utilization, significant historic, scientific, and educational areas of the shoreline.
- SH-7.4 Ensure that the review of development permits includes appropriate assessment of historic, cultural and archaeological resources and that such resources are preserved or conserved in compliance with applicable laws.

**8. Goal: Flood Hazard Element**

**SH 8 Minimize flood hazards to human life and to property while enhancing the ecological processes of the shoreline in the City of Woodland.**

**Policies**

SH-8.1 Manage flood protection based on National Flood Insurance Program development regulations, applicable watershed management plans, comprehensive flood hazard management plans, and other comprehensive planning efforts for the Lewis River.

SH-8.2 Integrate bioengineering and/or soft engineering approaches where feasible into local and regional flood control measures, infrastructure, and related capital improvement projects.

SH-8.3 Support measures to increase the natural functions of the Lewis River floodplain.

**9. Goal: Educational Element**

**SH-9 Work with the public to increase awareness of the Shoreline Management Act, and the importance of protecting shorelines.**

**Section II Amendment of City of Woodland Code Title 15.06  
Shoreline Management**

The City of Woodland Code Title 15.06 Shoreline Management is hereby amended to adopt the following:

**15.06 Shoreline Management**

**15.06.01 Purpose:**

1. The City adopts the goals and principles of the Shoreline Management Act as provided in RCW 90.58.020 and as particularly relevant to City of Woodland.
2. The shoreline is one of the most valuable and fragile of the City's natural resources.
3. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the City's shoreline jurisdiction.
4. The City's shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
5. In the implementation of the Shoreline Master Program, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the City, and the people generally. To this end, 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 state's shoreline.

**15.06.02 Shoreline Master Program Elements**

The Shoreline Master Program consists of the following elements which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090:

1. Comprehensive Plan Policies Shoreline Element.
2. Regulations in City of Woodland Code (WMC) Chapter 15.06 Shoreline Management Regulations.
3. Critical Area Regulations in WMC Title 15.08 as amended by Section 3.
4. The Shoreline Restoration Element of the Shoreline Master Plan, of which one printed copy in book form is on file in the office of the City Clerk and made available for examination by the general public, shall not be considered to contain regulations but shall be utilized as a guideline for capital improvements planning by the City and other jurisdictions undertaking ecological restoration activities within Shoreline Management Act jurisdiction.
5. The Shoreline Environment Overlay Map, of which one printed copy has heretofore been filed and is on file in the office of the City Clerk and made available for examination by the general public, and another printed copy of which is available at the Planning Department. An electronic copy may also be posted online at the City's website.

### **15.06.03 Shoreline Environment Designations Overlay Districts**

#### **A. Shoreline Industrial Environment**

1. **Purpose:** The purpose of the Shoreline Industrial Environment is to provide for industrial activities where infrastructure such as inter-modal transportation, utilities, and other services exist or are planned to support such uses and where sites are not adjacent to commercially navigable waters.
2. **Management policies:**
  - a. Priority should be given to water-dependent uses, water-related and water-enjoyment uses in that order of preference. Non-water-oriented uses are appropriate on sites where there is no direct access to the shoreline because of levees, roads or other intervening features.
  - b. Non-water-oriented uses on sites adjacent to the water must provide public benefit in the form of ecological enhancement and public access.
  - c. No net loss of shoreline ecological functions shall occur as a result of development of a site. The existing range of ecological functions presently provided on a site shall be considered in determining appropriate mitigation. Design and operation of facilities shall minimize displacement of critical area buffers and nearshore areas. Where applicable, development shall include environmental cleanup and restoration of the shoreline in accordance with relevant state and federal law or if existing features lead to continuing trends of environmental degradation.
  - d. Where feasible, visual and physical public access should be required as provided for in appropriate policies and regulations of this program.
  - e. Aesthetic objectives of this program should be implemented by means such as appropriate development siting, height limits, screening and other standards, consistent with the primary purpose of accommodating industrial use.

3. **Designation criteria:** The Shoreline Industrial Environment is designated in those areas within the Urban Growth Areas or other areas designated for industrial development that either do not have access to commercially navigable channels maintained by state and federal agencies, or are on waters that are not commercially navigable, or are characterized by a predominance of current non-water-oriented uses, or are separated from navigable channels such that access to the water is not practical.

**B. Shoreline Commercial Environment**

1. **Purpose:** The Shoreline Commercial Environment is intended to accommodate high intensity business districts, light industry, and various commercial operations located in the shoreline jurisdiction. The designation is suitable for existing and future high intensity water oriented uses and water oriented commercial uses. The designation encourages commercial development that could enhance visual and physical public access to the shoreline. A primary goal is to provide a setting for commercial operations that will be of economic benefit while protecting and/or restoring ecological functions in areas that have been previously degraded.
2. **Management policies:**
  - a. Priority should be given to water dependent uses. Second priority should be given to water related and water enjoyment uses. Non-water oriented uses should not be allowed except in limited situations where they do not conflict with or limit opportunities for water oriented uses or on sites where there is no direct access to the shoreline or where public access and ecological restoration are provided.
  - b. Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with any relevant State and Federal laws.
  - c. Physical public access should be required as a condition of development where feasible, with visual access provided in other situations as provided for in appropriate policies and regulations of this program.
  - d. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.
3. **Designation criteria:** The Shoreline Commercial Environment is designated in those areas within the Urban Growth Areas or other areas designated in the Comprehensive Plan for commercial development.

**C. Shoreline Recreation Environment**

1. **Purpose:** The Shoreline Recreation Environment is intended to provide recreational and public access opportunities along Woodland's shorelines. It is an appropriate designation for areas occupied by recreational purposes such as parks and marinas. An additional purpose is to maintain and restore ecological functions to the area and preserve open space within the City.
2. **Management policies:**
  - a. A balance should be provided between the goal of enhancing recreational use of the shoreline and the goal of ecological stewardship ensuring no net loss of ecological function.

- b. Expanded recreational opportunities on the shoreline should emphasize water-dependent and water related uses including, but are not limited to, boating, swimming, walking, hiking, and recreational sports.
  - c. Recreational opportunities should be accessible by all persons with provisions for the special need populations where appropriate.
  - d. Park management should encourage ecological stewardship including, but not limited to, such measures as setting activity areas away from the water's edge, and planting and maintaining native vegetation buffers along the water.
3. **Designation criteria:** The Shoreline Recreation Environment is designated in those areas where public and private lands are devoted or designated for recreation use including parks and open space and water dependent uses such as marinas which provide recreational moorage.

**D. Shoreline Single Family Residential Environment**

1. **Purpose:** The purpose of the Shoreline Single Family Residential Environment is for areas which are currently primarily residential or intended for single family use. These areas are to maintain existing character and be consistent with that character in terms of open space, bulk, scale, and intensity of use within the provisions of current zoning. An additional purpose is to provide appropriate public access and recreational uses.
2. **Designation Criteria:** The Shoreline Single Family Residential Environment designation is appropriate for those areas of the City's shorelines that are so designated in the Comprehensive Plan and characterized predominantly by single family residential development or are planned or platted for single family residential development.
3. **Management Policies:** The following management policies should apply to all shorelines in the Shoreline Single Family Residential Environment:
  - a. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to maintain no net loss of shoreline ecological functions.
  - b. New residential developments should provide public access and joint use community recreational facilities where appropriate.
  - c. Access, utilities, and public services should be available or planned and adequate to serve existing needs and/or planned future development.

**E. Shoreline Multi-Family Residential Environment**

1. **Purpose:** The purpose of the Shoreline Multi-Family Residential Environment is for areas which are currently developed as or intended for multi-family residential use. These areas are to be consistent with the intensity of use, open space, bulk, and scale provisions of current zoning. Multi-family use is not a preferred use on the shoreline and is to provide appropriate public access and ecological restoration.
2. **Designation Criteria:** The Shoreline Multi-Family Residential Environment designation is appropriate for those areas of the City's shorelines that are so designated in the Comprehensive Plan.
3. **Management Policies:** The following management policies should apply to all shorelines in the Shoreline Multi-Family Residential Environment:

- a. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to maintain no net loss of shoreline ecological functions.
- b. New multi-family residential developments shall provide public access and joint use community recreational facilities where appropriate.
- c. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

**F. Urban Conservancy**

1. **Purpose:** The purpose of the Shoreline Urban Conservancy Environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses consistent with the Comprehensive Plan. These include areas that are currently or intended for recreational use and for areas identified as having biological or physical limitations or other unique or hazardous characteristics that are incompatible with intense development. Activities permitted in these areas are intended to have minimal adverse impacts upon the shoreline.
2. **Designation Criteria:** The Shoreline Urban Conservancy Environment designation is appropriate for those areas planned for development that are compatible with maintaining or restoring of the ecological functions of the area, and that are not generally suitable for intensive water dependent uses.
3. **Management Policies:**
  - a. Primary allowed uses and their associated development standards should preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands where they exist in urban and developed settings, either directly or over the long term. Priority should be given to water oriented uses over non-water oriented uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
  - b. Standards within the urban conservancy designation should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
  - c. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

**G. Aquatic**

1. **Purpose:** The purpose of the Aquatic Overlay is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.
2. **Designation Criteria:** The Aquatic Overlay is defined as the area waterward of the ordinary high water mark of all streams and rivers, and other water bodies constituting shorelines of the state together with their underlying lands and their water column; but do not include associated wetlands and other shorelands shoreward of the ordinary high water mark. This designation is not found on the Shoreline Environment Map, but shall be assigned based on the description above.
3. **Management Policies**

- a. Water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic Overlay, subject to provision of shoreline ecological enhancement and public access.
- b. New over-water structures are allowed only to serve water-dependent uses, public access, or ecological restoration and should be limited to the minimum necessary to support the structure's intended use.
- c. Transportation and utility facilities and Essential Public Facilities may be allowed for which no alternative location is feasible.
- d. Design and location of all uses should minimize interference with surface navigation, consider impacts to public views, allow for the safe, unobstructed passage of fish and wildlife, and prevent water quality degradation and alteration of natural hydrographic conditions.
- e. Uses that adversely impact ecological functions of critical saltwater and freshwater habitats limited should not be allowed except where necessary for other SMA objectives, and then only when their impacts are mitigated.
- f. Ecological enhancement is an allowed and preferred use.

**H. Undesignated Shorelines**

Undesignated shorelines shall be assigned an Urban Conservancy designation in accordance with Subsection F, above.

**15.06.04 General Standards and Use Regulations**

This section shall apply to all use and development activities within the shoreline.

**15.06.05 Shorelines of State-Wide Significance**

- A. Applicability: The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. All Lewis River shorelines within the City's jurisdiction are shorelines of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.
- B. Decision Criteria: Every project located on a Shoreline of Statewide Significance, shall address the following in all permit review, in addition to other criteria provided by this program:
  1. Recognize and protect the state-wide interest.
  2. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
  3. Recognize the following statewide interests specific to the Lewis River:
    - a. Preserve and restore ecological functions, particularly those associated with endangered species, commercial and recreational fisheries, and tribal fishing rights;
    - b. Promote recreational use and public access;
    - c. Promote water dependent uses where feasible;

- d. Promote compatible land transportation facilities to serve the economic development goals of the region and City of Woodland.
4. Preserve the natural character of the shoreline.
  - a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
  - b. Protect and preserve existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
5. Result in long-term over short-term benefit.
  - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
  - b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
  - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
6. Protect the resources and ecology of the shoreline.
  - a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to: stability, drainage, aesthetic values and water quality.
  - b. All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
  - c. Restrict or prohibit public access onto areas which cannot be maintained in a natural condition under human use.
  - d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.
  - e. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of presently degraded wetland areas.
7. Increase public access to publicly owned areas of the shoreline.
  - a. Retain and enhance public access to the shoreline including passive enjoyment, recreation, fishing and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.
  - b. Give priority to developing a system of linear access consisting of paths and trails along the shoreline areas, providing connections across current barriers such as highways and connecting to upland parking that enhance access to the community as a whole.
  - c. Provide multi-purpose non-motorized trail facilities also serving the mobility impaired wherever feasible.
8. Increase recreational opportunities for the public on the shoreline.
  - a. Plan for and encourage development of facilities for recreational use of the shoreline including boat launches.

- b. Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for nonmotorized access to the shoreline.

### **15.06.06 No Net Loss of Ecological Functions**

- A. Shoreline land uses and activities that may have adverse impacts on the environment should be minimized during all phases of development (e.g. design, construction, management and use) to ensure no net loss of ecological functions and processes. Permitted uses are designed and conducted to minimize, in so far as practical, any resultant damage to the ecology and environment (RCW 90.58.020). Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.
- B. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:
  - 1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
  - 2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
  - 3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.
  - 4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.
  - 5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on-site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.
  - 6. Monitoring the adverse impact and taking appropriate corrective measures.
- C. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline Master Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

### **15.06.07 Critical Areas within Shoreline Jurisdiction**

The following critical areas shall be regulated in accordance with the following provisions of WMC Chapter 15.08 Critical Areas (dated xxxx,xx,xxx, ordinance #xxxx), as amended by Section III of this ordinance.

15.08.010 - Purpose.

- 15.08.020 - Authority.
- 15.08.030 - Definitions.
- 15.08.040 - Relation to other regulations.
- 15.08.050 - Fees.
- 15.08.060 - Jurisdiction.
- 15.08.070 - Protection.
- 15.08.080 - Best available science.
- 15.08.090 - Applicability.
- 15.08.100 - Exemptions.
- 15.08.110 - Exception—Reasonable use.
- 15.08.120 - Preapplication conference.
- 15.08.130 - City review process.
- 15.08.140 - Critical area identification checklist.
- 15.08.150 - Public notice of initial determination.
- 15.08.160 - Critical area reports—Requirements.
- 15.08.170 - Critical area report—Modifications.
- 15.08.180 - Mitigation requirements.
- 15.08.190 - Mitigation sequencing.
- 15.08.200 - Mitigation plan requirements.
- 15.08.210 - Determination and review.
- 15.08.220 - Determination, favorable.
- 15.08.230 - Determination, unfavorable.
- 15.08.240 - Critical area review, complete.
- 15.08.250 - Appeal.
- 15.08.260 - Variances.
- 15.08.270 - Unauthorized critical area alterations and enforcement.
- 15.08.280 - Markers and signs.
- 15.08.290 - Notice on title.
- 15.08.300 - Setbacks.
- 15.08.310 - Bonds.
- 15.08.350 - Wetlands.
- 15.08.360 - Initial project review.
- 15.08.370 - Activities allowed in wetlands.
- 15.08.380 - Critical area report—Requirements for wetlands.
- 15.08.390 - Wetland performance standards—General requirements.

- 15.08.400 - Wetland buffers.
- 15.08.410 - Signing and fencing wetlands.
- 15.08.420 - Stormwater management.
- 15.08.430 - Wetland mitigation.
- 15.08.440 - Aquifer recharge areas.
- 15.08.450 - Critical area report—Additional requirements for aquifer recharge areas.
- 15.08.460 - Performance standards—General.
- 15.08.470 - Performance standards for specific uses.
- 15.08.480 - Prohibited uses.
- 15.08.500 - Frequently flooded areas.
- 15.08.600 - Geologically hazardous areas.
- 15.08.610 - Erosion and landslide hazard areas.
- 15.08.620 - Mapping of hazards.
- 15.08.630 - Allowed activities.
- 15.08.640 - Regulation.
- 15.08.700 - Designation of fish and wildlife habitat conservation areas.
- 15.08.710 - Critical area report—Additional requirements for habitat conservation areas.
- 15.08.720 - Performance standards—General requirements.
- 15.08.730 - Performance standards—Specific habitats.

### **15.06.08 Shoreline Vegetation Conservation**

In addition to the Critical Areas standards of WMC Chapter 15.08, the following shall apply to development on the shoreline:

- A. A vegetation management plan shall be required for all Critical Area buffer areas when new development or substantial redevelopment occurs within SMA jurisdiction to include:
  - 1. Maintaining adequate cover of native vegetation including trees and understory. If a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax mixed evergreen and deciduous planting, supplemental plantings shall be required.
  - 2. Providing a dense screen of native evergreen trees at the perimeter of the buffer to provide and protect ecological functions. Except at locations of water-dependent facilities or designated public physical or visual access, if existing vegetation is not sufficient to prevent viewing adjacent development from within the buffer, planting shall be required equivalent to two rows of 3' high stock of native evergreens at a triangular spacing of 15 feet, or three rows of gallon containers at a triangular spacing of 8 feet. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.
  - 3. Providing a plan for control of invasive weeds, and removing existing invasive species.

4. Providing for a monitoring and maintenance plan for a period of at least five (5) years.  
This provision may be waived for single family residential lots.
- B. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss in the ecological functions performed. Mitigation shall take place on-site to the maximum extent feasible. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule that assures completion prior to occupancy has been approved.
- C. Lawns and other non-native vegetation maintained within shoreline jurisdiction shall minimize use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical treatments shall not be applied within 10 feet of the OHWM. Applications in solid time release form shall be preferred over liquid or concentrate application. Best Management Practices (BMPs) shall be implemented in all chemical applications.
- D. 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 weed materials.
  1. 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 laws and standards.
  2. The control of aquatic weeds by derooting, rotovating or other method, which disturbs the bottom sediment or benthos, shall be considered development for which a shoreline permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline permit.
  3. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. A conditional use permit, and compliance with applicable federal and state laws, shall be required in such case.

#### **15.06.09 Public Access**

- A. All developments requiring shoreline substantial development or conditional use permits, and all subdivision or development of more than 4 lots or units shall provide public access to the shoreline unless the applicant demonstrates one or more of the following provisions apply:
  1. Unavoidable health or safety hazards to the public would accompany public access that cannot be avoided by application of alternative design features or other solutions;
  2. Inherent security requirements of the use cannot be satisfied through the application of alternative design features;
  3. The cost of providing the access, easement, or an alternative amenity, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term cost of the proposed development;

4. Unacceptable environmental harm will result from the public access that cannot be mitigated;
  5. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated;
  6. Public access is provided by a public entity through implementation of a public access plan incorporated into its master plan, developed through a public participation process and incorporated into this program;
  7. Prior to deciding public access is not required on a site pursuant to (1) through (6) above, the City must determine that all reasonable alternatives have been exhausted; including, but not limited to:
    - (i) Limiting the size or placement of public access facilities;
    - (ii) Regulating access by such means as maintaining a gate and/or limiting hours of use;
    - (iii) Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and
    - (iv) Provisions for access at a site geographically separated from the proposal including contribution to regional trail or public access plans.
- B. Public access shall generally not be required for the following except as determined on a case-by-case basis in conjunction with permit decision and use criteria:
1. Single family development of four or fewer units
  2. Dredging
  3. Landfill and excavation
  4. Mining
  5. Private docks serving four or fewer units
  6. Minor additions or changes to an existing use that does not change the configuration of the existing use or add substantial facilities
  7. Ecological restoration or enhancement activities not associated with a development
- C. Specific provisions for public access shall be evaluated on a case by case basis to ensure that they are of the kind, quality and scope so as to provide a substantial public benefit with respect to the Shoreline Management Act's objectives and do not create a disproportionate impact on landowners.
- D. Public access shall consist of: a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays and shall conform to the following location and design criteria:
1. Public access shall be provided as close as possible to the water's edge to provide the general public with opportunity to reach, touch, view, and enjoy the water's edge and shall be as close horizontally and vertically to the shoreline's edge as feasible, provided that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.
  2. If open space is provided along the shoreline in the form of Critical Area buffers, and public access can be provided in a manner that will not result in a loss of ecological

- function, a public pedestrian access walkway along and parallel to the waterfront of the property is the preferred design. The walkway shall be set back from sensitive features and may provide only limited and controlled access to the water's edge. Fencing may be provided to control damage to plants and other sensitive features and shall provide for wildlife movement. Soft surface trails and limited width should be specified as necessary to reduce impacts to ecologically sensitive resources.
3. Public access shall be connected directly to the nearest public street; shall include provisions for handicapped and physically impaired persons where feasible and where additional impact on ecological functions will not occur; and shall be located adjacent to other public areas, accesses, and connecting trails.
  4. Where physical access to the water's edge is not present or appropriate, a public viewing area shall be provided in cases where views of the water or shoreline are available.
  5. Design should minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.
  6. Design should provide for the safety of users, including the control of offensive conduct through public visibility, or provision of specific oversight. The Administrator may authorize public access to be temporarily closed to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved as a permit revision.
  7. Public amenities appropriate to the use of the public access space such as benches, picnic tables, public docks and sufficient public parking to serve the users shall be provided. Development by public entities may be required to provide public restrooms and facilities for animal waste. Commercial development that attracts a substantial number of persons may be required to provide public restrooms and other public facilities.
- E. Public access shall be maintained over the life of the use or development. Future actions by the applicant successors in interest or other parties shall not diminish the usefulness or value of the public access provided.
1. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with provisions for guaranteeing installation through a performance assurance.
  2. Public access provisions shall be recorded as an easement or a dedication to the public on the face of a plat or short plat. Said recording with the County Auditor's Office shall occur at the time of building permit approval or plat recording, whichever comes first.
  3. Maintenance of the public access shall be the responsibility of the owner unless specifically accepted by a public or non-profit agency.
  4. The minimum width of public access easements shall be fifteen (15) feet, unless the Administrator determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
  5. Public access shall be available to the public twenty-four (24) hours per day unless specific exceptions are granted through the substantial development permit process where safety hazards to users or adjacent uses can be substantiated.

6. The standard State approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed, and maintained by the applicant and owner, in conspicuous locations at public access sites. Signs may control or restrict public access as provided by a specific condition of permit approval.
- F. The amount of public access required shall depend on the proposed use(s) and the following criteria:
1. Any development or use that creates increased demand for public access to the shoreline, shall provide public access to mitigate this impact.
  2. Any development or use that interferes with an existing public access way shall provide public access to mitigate this impact.
  3. Uses and developments that utilize public aquatic lands, except as related to a single family residential use, or that are developed with public funding or other public resources shall provide public access consistent with maintaining the use and with public safety and shall generally provide access over ten (10) percent to twenty (20) percent of the public land harbor or aquatic land utilized. Where said over-water access is found to be infeasible pursuant to item A of this subsection upland on and off-site facilities may be approved as an alternative.
  4. New or expanded dikes and levees shall provide linear public access trails along the facility.
  5. Public roads or other public facilities parallel to or crossing shorelines shall provide public access trails or sidewalks within the right-of-way. Additional right-of-way acquisition may be required to provide public access.
  6. Public utilities within the shoreline, shall provide public access consistent with maintaining the use and with public safety.
- G. Public access afforded by shoreline street ends, public utilities and rights-of-way shall be preserved, maintained and enhanced pursuant to RCW 35.79.035 and RCW 36.87.130.
- H. Public Access Guidelines by Reach. Public access for new and substantially altered development shall incorporate the location and design criteria provided for specific reaches in Appendix A to this program.

### **15.06.10 Signage**

- A. All signs shall be located and designed to be compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Signs shall minimize interference with vistas, viewpoints and visual access to the shoreline.
- B. Signs placed in SMA jurisdiction should be limited to public information signs directly relating to a shoreline use or activity, water navigational signs, and legally required road signs necessary for operation, safety and direction except where no feasible location outside of SMA jurisdiction is available.
- C. Over-water signs or signs on floats or pilings shall be allowed only when serving a related water-dependent use and only when the primary users of the facility approach by water and would not be served by land-mounted signs.
- D. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from public access facilities or watercourses.

- E. Conceptual sign plans and design guidelines shall be submitted for review and approval at the time of shoreline permit approval and shall be utilized in future review of sign permits for the property.

### **15.06.11 Archaeological and Historic Resources**

- A. If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the administrative official. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The administrative official may provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies. All shoreline permits shall contain a special provision notifying permittees of this requirement. Failure to comply with this requirement shall be considered a violation of the shoreline permit and shall subject the permittee to legal action as specified in WMC Chapter 17.60.
- B. Prior to approval of development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties. Conditions of approval may require preservation or conservation of cultural resources as provided by applicable federal, state and local statutes. All permits issued for development in areas known to be archaeologically significant shall provide for monitoring of any development activity for previously unidentified cultural resources.
- C. All developments proposed for location adjacent to historical sites, which are registered on the local, state, or national historic register shall be located and designed so as to be complimentary to the historic site. Development which is detrimental to the historic character of such sites shall not be permitted.
- D. Owners of property containing identified or probable historical, cultural, or archaeological sites are encouraged to coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.

### **15.06.12 Water Quality**

- A. All shoreline development shall comply with the applicable requirements of the City's adopted stormwater and erosion control ordinances and best management practices to prevent impacts to water quality and storm water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.
- B. Stormwater management structures including ponds, basins, and vaults shall be located outside of SMA jurisdiction where possible and as far from the water's edge as feasible and shall minimize disturbance of vegetation conservation buffers. Low impact development (LID) facilities that do not substantially change the character of the shoreline, such as vegetation filter strips, grassed lined swales, vegetated bioretention and infiltration facilities, are encouraged for development allowed in SMA jurisdiction.

- C. Use of pesticides, herbicides, and fertilizers in or near the land/water interface shall be restricted by employing native vegetation where feasible and by strict control of application. Aerial application within SMA jurisdiction is prohibited unless as part of a public agency program for control of noxious species, or specific pests for quarantine or public health purposes or for a crisis exemption.

### **15.06.13 Permitted Use Table**

- A. The following table determines which shoreline uses are allowed or prohibited in each shoreline environment.
- B. Except for the land uses prohibited in this table, land uses allowed in the underlying zoning district are allowed subject to the preference for water-oriented uses and subject to specific criteria for uses included in these regulations.
- C. Uses allowed in the Aquatic Environment are those allowed in the adjacent upland environment, limited to water dependent use, ecological enhancement, and those transportation and utility facilities and Essential Public Facilities for which no alternative location is feasible.
- D. Land uses in the underlying zoning district that require a conditional use permit in the underlying zoning district, require a Shoreline Conditional Use Permit.
- E. If a use is prohibited in the underlying zoning district, it is also prohibited in the shoreline.
- F. KEY: X= Prohibited, P= Permitted, CU= Conditional Use Permit, U = Governed by Underlying Zoning

USE	Industrial	Commercial	Multi-Family	Single Family	Recreation	Public Facility	Conservancy
<b>Residential</b>							
Single family	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	P <sup>1</sup>	X	CU <sup>2</sup>
Multi-family	X	P <sup>3</sup>	P	X	X	X	X
Accessory Dwelling Unit RCW 43.63A.215	X	X	X	P	X	X	X
Home occupation	X	P	P	P	X	X	X
Manufactured homes	P <sup>1</sup>	P <sup>1</sup>	X	P	X	X	X
<b>Recreation</b>	X	X	X	X	X	X	X
Recreation facilities - active	CU	CU	CU	CU	CU	CU	CU
Recreation facilities - passive	P	P	P	P	P	X	P
Recreation facilities for use of residents	X	P	P	P	P	X	P
Golf courses	X	CU	X	X	CU	CU	X
Trails	P	P	P	P	P	P	P
Fitness centers/sport clubs	X	P	X	X	CU	X	X
Marinas	CU	CU	X	X	CU	X	X
<b>Community Services</b>							
Boat launches	CU	CU	CU	CU	CU	CU	CU
Community centers	X	CU	CU	CU	CU	X	X
Educational facilities, schools	X	CU	CU	CU	CU	X	X
Government offices	X	CU	CU	CU	CU	X	X
Community clubs fraternal societies, memorial buildings	X	P	X	X	X	X	X
Child day care center	X	P	P	P	CU	X	X
Assisted living home	X	P	P	P	X	X	X
Family day care center	X	P	P	P	X	X	X
Museums	X	P	CU	CU	X	X	X
Health care facilities	X	P	X	X	X	X	X
Religious facilities	X	P	CU	CU	X	X	X
<b>Industrial</b>		X	X	X	X	X	X

USE	Industrial	Commercial	Multi-Family	Single Family	Recreation	Public Facility	Conservancy
Water dependent - industrial	P	X	X	X	X	X	X
Water related - industrial	P	X	X	X	X	X	X
Water oriented - industrial	P	X	X	X	X	X	X
Agriculture	P	P	X	X	X	X	X
Agriculture products processing	P	X	X	X	X	X	X
Aquaculture	P	CU	X	X	X	X	X
Junk or salvage yards	CU	X	X	X	X	X	X
Solid waste processing or disposal	CU	X	X	X	X	X	X
Hazardous materials processing or disposal	CU	X	X	X	X	X	X
Commercial moving and storage	P	X	X	X	X	X	X
Vessel repair	P	P	X	X	X	X	X
Equipment supply	P	X	X	X	X	X	X
Manufacturing	P	X	X	X	X	X	X
Sale of items manufactured on site	P	X	X	X	X	X	X
Warehousing	P						
<b>Commercial/Retail</b>							
Automotive, truck, RV sales and service	P	CU	X	X	X	X	X
Gasoline sales	P	X	X	X	X	X	X
Retail sales	X	P	X	X	X	X	X
Restaurants, taverns	X	P	X	X	X	X	X
Hotel, motel	X	P	X	X	X	X	X
Commercial recreation and entertainment	X	P	X	X	X	X	X
Kennels'	CU	X	X	X	X	X	X
Offices	P	P	X	X	X	X	X
Printing and publishing	P	X	X	X	X	X	X
Post office	X	P	X	X	X	X	X
<b>Transportation</b>							
Roads serving shoreline uses	P	P	P	P	P	P	P

USE	Industrial	Commercial	Multi-Family	Single Family	Recreation	Public Facility	Conservancy
Roads not serving shoreline uses	CU	CU	CU	CU	CU	CU	CU
Park and ride lots	CU	P	X	X	X	X	X
Parking areas serving primary use within the shoreline	P	P	P	P	P	P	P
Parking areas not serving primary use within the shoreline	X	X	X	X	X	X	X
Parking as a principal use	X	X	X	X	X	X	X
Transit facilities, not including stops and right of way	CU	X	X	X	X	X	X
<b>Utilities</b>							
Public and private utility distribution serving shoreline uses, water, sewer, electrical, gas communication	P	P	P	P	P	P	P
Public and private utility distribution serving uses within the City	P	P	P	P	P	P	CU
Utility facilities serving uses not within the City	CU	CU	CU	CU	CU	CU	CU
Electrical transmission of greater than 50 kilovolt (kv)	CU	CU	CU	CU	CU	CU	CU
Gas transmission larger than 6 inches diameter	CU	CU	CU	CU	CU	CU	CU
Oil or other pipelines	CU	CU	CU	CU	CU	CU	CU
Utility buildings including pump stations	CU	CU	CU	CU	CU	CU	CU
Communication antennas	CU	CU	CU	CU	CU	CU	CU
<b>Other</b>							
Structures for flood management, including drainage or storage and pumping facilities	CU	CU	CU	CU	CU	CU	CU
Fish and wildlife resource enhancement	P	P					
Essential Public Facilities	CU	CU	CU	CU	CU	CU	CU
Mining	X	X	X	X	X	X	X
<b>USES NOT SPECIFIED</b>	CU	CU	CU	CU	CU	CU	CU

**Table 15.06.13 Notes**

1. Caretaker residence only
2. Allowed only as part of a marina or similar water-dependent use
3. Not part of a home occupation
4. Allowed only to serve on-site water-dependent use
5. Use may be permitted, but new structures shall not be placed within the shoreline jurisdiction unless no feasible alternative location is available

### 15.06.14 Shoreline Bulk Standards

The following table determines bulk standards for each shoreline environment.

	Industrial	Commercial	Multi-Family	Single Family	Recreation	Public Facility	Conservancy
<b>Critical Areas Vegetation Buffer from OHWM</b>	Determined by Critical Areas regulations						
<b>Building Setback from Critical Areas Vegetation Buffer</b>	20'	20'	20'	20'	20'	20'	30'
<b>Building Setback from OHWM if no Critical Areas Vegetation Buffer is required</b>							
Water Dependent Use <sup>1</sup>	NA	NA	NA	NA	NA	NA <sup>6</sup>	NA
Water Related Use	50'	50'	50'	50'	50'	NA <sup>6</sup>	50'
Water Enjoyment Use	75'	75'	75'	75'	75'	NA <sup>6</sup>	75'
Non-Water-Oriented Use	100'	100'	100'	100'	100'	NA <sup>6</sup>	100'
<b>Maximum Height</b>	35' <sup>3</sup>	35'	35'	35'	35'	35' <sup>3</sup>	35' <sup>3</sup>
<b>Maximum Impervious Surface within 100 feet of OHWM<sup>4</sup></b>							
Water Dependent Use <sup>5</sup>	NA	NA	NA	NA	NA	NA <sup>6</sup>	NA
Water Related Use	70%	70%	50%	50%	50%	NA <sup>6</sup>	20%
Water Enjoyment Use	50%	50%	50%	50%	50%	NA <sup>6</sup>	20%
Non-Water-Oriented Use	40%	40%	40%	40%	40%	NA <sup>6</sup>	10%
<b>Minimum Lot Size</b>	Governed by underlying zoning district						
<b>Minimum Lot Width</b>	Governed by underlying zoning district						
<b>Minimum Lot Depth</b>	Governed by underlying zoning district						
<b>Front Setback</b>	Governed by underlying zoning district						
<b>Street Setback</b>	Governed by underlying zoning district						
<b>Side Setback</b>	Governed by underlying zoning district						
<b>Side Setback</b>	Governed by underlying zoning district						
<b>Rear Setback</b>	Governed by underlying zoning district						
<b>Density</b>	Governed by underlying zoning district						

Notes:

1. No vegetated buffer or building setback is required for those elements of a Water-Dependent Use that requires direct access to the water. Other elements of the use are subject to the buffer standards for water-related uses
2. Does not apply to interim use of an existing building or existing impervious surface
3. Additional height may be approved in accordance with Section 15.06.28.H
4. Does not apply to area within Critical Areas Vegetation buffer, which is normally zero-percent (0%) impervious, does not include impervious area of required public access facilities
5. No impervious surface limit applies to those elements of a Water-Dependent Use that requires direct access to the water. Other elements of the use are subject to the imperious standards for water-related uses
6. Standards for Public Facilities are determined by specific conditions at the time of approval of new facilities or expansion of existing facilities

### 15.06.15 Reach Performance Standards

The following table determines performance standards for each shoreline reach.

<b>Code Reach Number</b>	<b>Water Body</b> (Inventory/ Analysis (IA) Reach Number)	<b>Shoreline Environmental Designation</b>	<b>Vegetation Buffer FWCA</b> (Fish and Wildlife Habitat Conservation Area)	<b>Public Access Performance Standard</b>
<b>L-1</b>	<b>Lewis River</b> (IA Reaches 07, 11)	Public Facility	Maintain and enhance the existing vegetation buffer consistent with balancing guidelines for airport safety zones and analysis of the specific risks to aviation based on location, orientation, level of use and presence of existing obstructions. Removal of existing trees should not be considered normal maintenance.	Provide public access to the shoreline in a manner that doesn't interfere with operation of the Woodland State Airport soft surface trail access parallel to the water at the top of the embankment is preferred with controlled access on the embankment to the water's edge.
<b>L-2</b>	<b>Lewis River</b> (IA Reach 11)	Commercial	100 feet.	Hard surface pedestrian access trail at the edge of, or within the outer 25 percent of the vegetation buffer with controlled access to the water's edge.
<b>L-3</b>	<b>Lewis River</b> (IA Reach 12)	Commercial	75 feet except where existing parcels are less than 200 feet deep. For parcels less than 200 feet deep, buffer is 30 percent of the parcel depth.	Hard surface pedestrian access trail at the edge of, or within the outer 25 percent of the vegetation buffer with controlled access to the water's edge.
<b>L-4</b>	<b>Lewis River</b> (IA Reach 12)	Parallel Urban Conservancy between road and OHWM/Upland varies with zoning	Buffer extends from the OHWM to the boundary of the existing roadside operational area.	Hard surface pedestrian access trail set back from the stream, at the top-of slope outside the flood-control wall, with limited access to the water's edge.
<b>L-5</b>	<b>Lewis River</b> (IA Reach 13)	Parallel Urban Conservancy between road and OHWM and within Floodway/Upland	Entire floodway or 75 feet from OHWM, whichever is greater.	Soft surface pedestrian access trail with controlled access to the water's edge.

<b>Code Reach Number</b>	<b>Water Body</b> (Inventory/ Analysis (IA) Reach Number)	<b>Shoreline Environmental Designation</b>	<b>Vegetation Buffer FWCA</b> (Fish and Wildlife Habitat Conservation Area)	<b>Public Access Performance Standard</b>
		varies with zoning		
<b>L-6</b>	<b>Lewis River</b> (IA Reaches 14, 15 & 16)	Single Family Residential	150 feet except where existing platted lots or where approved lots are within a preliminary plat that has not expired, the alternative buffers for single family lots in WMC 15.08.720 may be applied.	Soft surface pedestrian access trail at the edge of, or within the outer 25 percent of the vegetation buffer with controlled access to the water's edge.
<b>L-7</b>	<b>Lewis River</b> (IA Reach 14)	Natural	This island is public aquatic lands and should be preserved in a natural state.	Public access should be strictly controlled to protect habitat value.
<b>H-1</b>	<b>Horseshoe Lake</b> (IA Reach08)	Single Family Residential	Where shoreline is adjacent to the road, the buffer extends from the OHWM to the boundary of the existing roadside operational area. Existing single family lots are subject to the alternative buffers for single family lots in WMC 15.08.720. Undeveloped parcel (Dunlap) 125 foot buffer.	Where shoreline is adjacent to the road, provide tails parallel to the shoreline with limited access to the water. No public access on existing platted lots. New development: Hard surface pedestrian access trail at the edge of, or within the outer 25 percent of the vegetation buffer with controlled access to the water's edge.
<b>H-2</b>	<b>Horseshoe Lake</b> (IA Reach08)	Multi-Family Residential	50 feet	Hard surface pedestrian access trail at the edge of, or within the outer 25 percent of the vegetation buffer with controlled access to the water's edge connecting between Dunham Avenue and Davidson Avenue.
<b>H-3</b>	<b>Horseshoe Lake</b> (IA Reach08)	Commercial	25 feet	Hard surface pedestrian access trail at the edge of the vegetation buffer with controlled access to the water's edge connecting between the parcel to the south and Davidson Avenue.
<b>H-4</b>	<b>Horseshoe Lake</b> (IA Reach10)	Recreation	Buffers of native vegetation are to be established in a Park Management Plan that strikes a balance between water-oriented	As provided in the Park Management Plan.

<b>Code Reach Number</b>	<b>Water Body</b> (Inventory/ Analysis (IA) Reach Number)	<b>Shoreline Environmental Designation</b>	<b>Vegetation Buffer FWCA</b> (Fish and Wildlife Habitat Conservation Area)	<b>Public Access Performance Standard</b>
			recreation and ecological functions.	
<b>H-5</b>	<b>Horseshoe Lake</b> (IA Reach11 and part of Lewis River Reach 07)	Public Facility	Where shoreline is adjacent to the road, the buffer extends from the OHWM to the boundary of the existing roadside operational area.	Sidewalk
<b>H-6</b>	<b>Horseshoe Lake</b> (IA Reach09)	Single Family Residential	Existing single family lots are subject to the alternative buffers for single family lots in WMC 15.08.720.	No public access on existing platted lots.
<b>H-7</b>	<b>Horseshoe Lake</b> (IA Reach06)	Urban Conservancy	Undeveloped parcel subject to standard Critical Areas Fish and Wildlife Conservation Areas buffer.	Soft surface pedestrian access trail at the edge of, or within the outer 25% of the vegetation buffer with controlled access to the water's edge.

### **15.06.16 Shoreline Modification Regulations**

In considering the approval of shoreline modification the decision maker shall make findings that the following general principles are met. Appropriate studies by qualified professionals shall be required to document compliance.

- A. Shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect an allowed use or structure or are necessary to allow water-dependent use or for shoreline mitigation, enhancement or restoration purposes.
- B. Modifications shall only be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions. The adverse effects as well as the number and extent of shoreline modifications shall be minimized as much as possible.
- C. The individual and cumulative effects of shoreline modification shall 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 requiring mitigation of identified impacts resulting from shoreline modifications. Ecological impacts shall be avoided and mitigated in accordance with the mitigation sequence in Section 15.06.06 of this program and WAC 173-26-201(2)(e).

### **15.06.17 Shoreline Stabilization (bulkheads and revetments)**

- A. New development, including subdivision, shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible. New lots created by subdivision shall not require shoreline stabilization in order for reasonable development to occur. New development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed. In all cases, compliance with this criteria shall be documented by geotechnical analysis by qualified professionals. [Reference: WAC 231(3)(a)].
- B. Shoreline stabilization shall be designed and constructed to avoid stream channel direction modification, realignment and straightening or result in increased channelization of normal stream flows.
- C. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by natural processes rather than from upland conditions such as poorly managed stormwater or vegetation removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from

- the shoreline edge before considering structural shoreline stabilization. The erosion control structure shall not result in a net loss of shoreline ecological functions.
- D. Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:
1. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.
  2. Stabilization constructed of natural materials incorporating measures such as soft shore protection and bioengineering, including beach nourishment, protective berms, or vegetative stabilization.
  3. Soft-shore stabilization, as described above, in combination with rigid works, as described below, constructed as a protective measure.
  4. Rigid works constructed of artificial materials such as riprap or concrete.
- E. Shoreline stabilization may be permitted to protect a water-dependent development, or single family residences, when all of the conditions below have been demonstrated to apply and are documented in a report by a qualified professional:
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  2. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
  4. The stabilization structure shall not result in a net loss of shoreline ecological functions.
- F. Shoreline stabilization may be permitted to protect an existing non-water-dependent development when all of the conditions below have been demonstrated to apply and are documented in a report by a qualified professional:
1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
  4. Supplementary beach nourishment is shown to be impractical and ineffective, as demonstrated through a geotechnical report.
  5. The affected structure cannot be feasibly located or relocated outside of the area affected by natural shoreline erosion processes.
  6. The stabilization structure will not result in a net loss of shoreline ecological functions.
- G. Shoreline protection for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW, shall meet the conditions below and be documented by a qualified professional:

1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  2. The erosion control structure will not result in a net loss of shoreline ecological functions.
- H. The construction of shoreline protection for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.
- I. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities (e.g. roads, bridges, and utility systems) from erosion caused by stream undercutting or wave action; provided that the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity.
1. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by stream geohydraulic processes.
  2. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
  3. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
  4. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.
  5. For purposes of this subsection standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- J. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
- K. A publicly funded shoreline stabilization project shall include appropriate provisions for public access to the shoreline, not create barriers to public access if in existence, and incorporate ecological restoration measures if feasible.
- L. Bioengineered projects shall be designed by a qualified professional in accordance with best available science and incorporate a variety of native plants, unless demonstrated infeasible for the particular site.
- M. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this Program are feasible,

because of their limited durability and the potential hazard to shore users and the shoreline environment.

**15.06.18 Breakwaters, jetties, and groins**

- A. Breakwaters, jetties, rock weirs, and groins shall only be permitted by conditional use for navigational purposes, water dependent industry, and marinas where water-dependent uses are located waterward of the OHWM, and where protection from strong wave action is essential.
- B. Breakwaters, jetties, rock weirs, and groins may be approved only if analysis by a qualified professional demonstrates that erosion and accretion processes, riparian habitat, channel migration, and floodplain functions will not be adversely affected or are mitigated by a specific program implemented over the lifespan of the effect.
- C. Open-pile or floating breakwaters shall be preferred unless it can be shown that they are infeasible or solid breakwaters will have no significant adverse effect on the aquatic biology and shore processes, or that such adverse effects can be adequately mitigated.
- D. The design of breakwaters, jetties, rock weirs, and groins shall conform to all applicable requirements established by the Washington Departments of Fish and Wildlife and the U.S. Army Corps of Engineers. Breakwaters, jetties, rock weirs, and groins shall be designed and constructed in a manner that will prevent detrimental impacts on water circulation, sand movement, and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.
- E. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access such as sightseeing and public fishing if it is determined such access is feasible and desirable.
- F. Materials used for the construction of breakwaters, jetties, rock weirs, and groins shall exhibit the qualities of long-term durability, ease of maintenance, and compatibility with local shore features, processes, and aesthetics. The use of solid waste, junk, or abandoned automobiles, asphalt, or any building demolition debris is prohibited.
- G. Breakwaters, jetties, groins, weirs, and similar structures require a conditional use permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

**15.06.19 Flood Hazard Management**

- A. New or substantially altered structural flood hazard reduction measures, such as dikes, levees, berms and similar flood control structures, shall be consistent with basin-wide flood control strategies in regional flood hazard management plans.
- B. Flood control works shall be permitted for the following purposes only, as documented through a geotechnical or geofluvial analysis.
  - 1. They are necessary to protect existing development;
  - 2. Non-structural flood hazard reduction measures are infeasible;

3. Impacts to ecological processes and functions, priority fish and wildlife species and habitats, and the aquatic food chain can be successfully mitigated to assure no net loss of functions;
  4. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.
- C. Public access shall be provided in accordance with public access policies and regulations of this program. If the project is publicly funded then, where feasible, the design must provide appropriate public access to the shoreline, and provide ecological restoration.
- D. Dike and levee design shall, to the maximum extent feasible be:
1. Limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification.
  2. Placed landward of Fish and Wildlife Conservation Area and Wetland buffers unless there is no other feasible alternative to reduce flood hazard to existing development.
  3. Located and designed so as to protect and restore the natural character of the stream, avoid the disruption of channel integrity and provide the maximum opportunity for natural floodway functions to take place, including levee setbacks to allow for more natural function of floodplains, channel migration zones, off channel habitat and associated wetlands directly interrelated and interdependence with the stream.
  4. Incorporate appropriate vegetation management.
- E. All flood protection measures shall demonstrate that downstream flooding will not be increased and the integrity of downstream ecological functions will not be adversely effected, including disruption of natural drainage flows and stormwater runoff.
- F. Removal of materials from the river channel for flood management purposes may be allowed only as part of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of gravel removal.

#### **15.06.20 Clearing and Grading**

- A. Clearing and grading activities in shoreline areas shall be allowed only in association with an permitted shoreline development and be limited to the minimum necessary to accommodate shoreline development while retaining the natural topography of a site to retain natural features and functions to the maximum extent feasible.
- B. Fill is restricted in wetlands or Fish and Wildlife Conservation Areas in accordance with Critical Areas regulations.
- C. Fill may not be placed in floodways except where it is demonstrated that adverse impacts to hydrogeologic processes will be avoided and the provisions of WMC Chapter 14.40 Flood Damage Prevention and Chapter 17.30 – Floodway Use District are met.

- D. Fill may be placed below OHWM only when it is consistent with WMC Chapter 14.40 Flood Damage Prevention and Chapter 17.30 Floodway Use District and is demonstrated that it is necessary to:
1. Accomplish an aquatic habitat restoration plan,
  2. Correct the adverse results of past shoreline modification that has disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat,
  3. Support water-dependent use,
  4. Provide public access,
  5. Provide for cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan,
  6. For disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources,
  7. For expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible,
  8. Fills waterward of the ordinary high-water mark for any use except ecological restoration shall require a conditional use permit.

**15.06.21 Dredging and Dredge Material Disposal**

- A. Dredging shall be permitted only:
1. For navigation or navigational access;
  2. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
  3. As part of an approved habitat improvement project;
  4. To improve water flow or water quality;
  5. In conjunction with a bridge, navigational structure, or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or
- B. Removal of the portion of an accretion point bars below OHWM but above the water level at the time of operation during a low water season may be permitted as a conditional use for flood control purposes only and if demonstrated that removal of materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole. Specific studies accompanying the application shall demonstrate that no adverse flood, erosion, or other environmental impacts occur either upstream or downstream of extraction sites.
- C. Dredge material disposal shall be permitted only where it is demonstrated by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to

shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.

#### **15.06.22 Instream Structures**

- A. Instream structures may be allowed only when the public benefits of such facilities clearly outweighs any loss of ecological processes and functions and only when an analysis of alternatives demonstrates that the proposed location and design would result in less adverse impact than alternative locations and designs.
- B. In-stream structures may be approved only for:
  - 1. Water dependent use where the in-stream structure is essential to operation of the use,
  - 2. A project that has received Governor's certification pursuant to RCW 80.50,
  - 3. A project that has received approval and licensing by the Federal Energy Regulatory Commission.
- C. All in-stream structures shall include detailed mitigation plans that demonstrate that they result in no net loss of ecological functions and detail all mitigation measures, timetables for implementation and monitoring programs.
- D. In-stream structures and their support facilities shall be located and designed to avoid the necessity for shoreline defense structures to the maximum extent feasible. Shoreline defense structures demonstrated to be needed shall be approved in accordance with Section 15.06.17, Shoreline Stabilization.
- E. Instream structures shall avoid or minimize to the extent feasible land use and water use conflicts to properties and uses in shoreline jurisdiction and to properties and uses, upstream and downstream of the proposed site including public navigation and recreational navigation. Compensatory mitigation for the loss of public and recreational navigation may be required.
- F. Instream structures and associated facilities should avoid, and where avoidance is not feasible, shall mitigate adverse impacts to public access facilities, publicly owned lands or waters used for recreation and public and private recreation facilities. Impacts to be avoided include the visual impact of the structure or facilities, the intrusion of roads or utility corridors into undeveloped area used for recreation, noise and visual impacts from reduced water flows.
- G. Instream structures shall be designed and constructed to insure public access to and along the shoreline, in accordance with the public access policies and regulations contained in Section 15.06.09. Existing public access and recreational opportunities should be retained, enhanced or replaced.

#### **15.06.23 Shoreline Uses**

- A. Shoreline uses are preferred that are unique to or dependent upon uses of the state's shoreline areas and are consistent with the control of pollution and prevention of damage to the natural environment.

- B. All shoreline uses shall demonstrate that they result in no net loss of ecological processes and functions through incorporation of features or mitigation, including off site mitigation to protect the land and its vegetation and wildlife.
- C. All shoreline uses shall protect the public's health, safety, and welfare, and property rights of others while implementing the policies of the Shoreline Management Act.

**15.06.24 Aquaculture**

- A. No aquatic species shall be introduced into City waters without prior written approval of the appropriate state or federal regulatory agency for the species proposed for introduction. Such approval(s) shall be submitted in writing to the City as part of the shoreline permit application.
- B. Aquaculture facilities shall only be permitted where impacts to existing uses can be fully mitigated.
- C. Fish net-pens shall not occupy more than one (1) surface acre of water, excluding booming and anchoring equipment and shall be located greater than one (1) nautical mile from all other aquaculture facilities.
- D. No processing of any aquaculture product, except for the sorting or culling of the cultured species and the washing or removal of surface materials or species after harvest, shall occur in or over the water. All other processing activities and facilities shall be located on land.
- E. Periodic operational monitoring by a City-approved consultant (unless otherwise provided for) may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures on an annual basis and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.
- F. Aquaculture uses and facilities not involving substantial substrate modification shall be located at least six hundred (600) feet from any wildlife refuge lands; those involving substantial substrate modification shall be located at least fifteen hundred (1,500) feet from such areas. Greater distances may be required if recommended by the reviewing resource agencies. Lesser distances may be authorized without a variance if the following are provided by the applicant: (1) it is demonstrated by the applicant that the fish and wildlife habitat resources will be protected; and (2) if the change is supported by the reviewing resource agencies.
- G. Aquaculture structures and activities that are not water-dependent (including but not limited to, warehouses for storage of products, parking and loading facilities) shall be located landward of the OHWM and landward of water dependent portions of the project, and shall minimize detrimental impacts to the shoreline.

**REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Industrial: Aquaculture may be permitted as a conditional use

- B. Commercial: Aquaculture may be permitted as a conditional use
- C. Recreation: Aquaculture may be permitted as a conditional use
- D. Single and Multi-Family Residential: Aquaculture is prohibited
- E. Conservancy: Aquaculture is prohibited

**15.06.25 Boat and Vessel Facilities**

- A. All boating uses, development and facilities shall protect the rights of navigation and shall demonstrate that they result in no net loss of ecological functions and may be required to provide on-site and off-site mitigation.
- B. Shared moorage serving single family use consisting of docks and piers with more than 10 berths are regulated as marinas, Joint-use/shared docks and piers with 10 or fewer berths or any number of mooring buoys is regulated under this section.
- C. Commercial moorage available to the general public, and moorage related to clubs or other groups not associated with a particular residential development are regulated as marinas.
- D. Boating facilities serving single family residences shall not be permitted on the Lewis River within the City because the largely braided and meandering river channel is subject to change in alignment and does not provide a stable shoreline in areas where adverse impacts can be reasonably avoided.
- E. Boating facilities shall not be located along braided or meandering river channels where the channel is subject to change in alignment; on point bars or other accretion beaches. Boating facilities shall locate only on stable shorelines in areas where the need for shoreline modification is minimized and appropriate technical studies demonstrate that they will not adversely impact upland riparian or nearshore habitat for aquatic species, adversely affect flood channel capacity or create a flood hazard; where adequate water mixing and flushing is available to avoid degradation of water quality; where water depths for vessels are adequate without dredging and where wave action caused by boating use would increase erosion rates.
- F. Boating facilities shall be located a minimum of 50-feet from public beaches commonly used for swimming, fishing, and from aquaculture harvest areas.
- G. Boating facilities shall provide public access in accordance with Section 15.06.09 of this program and shall be located and designed such that designed so that existing public access to public shorelines is not obstructed nor made hazardous.
- H. All in and over-water structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Docks generally shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.
- I. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
- J. Boat Launches

1. Boat launches accessory to single family and multi-family residential use are prohibited.
  2. Private Boat launches shall be allowed only for water dependent uses and marinas and only when it is demonstrated that public boat launches will not feasibly serve the use. Rail and track systems shall be preferred over concrete ramps.
  3. New public boat launches for general public use, or expansion by adding launch lanes shall be approved only by conditional use and shall demonstrate that:
    - a. They are located downstream of accretion shoreforms, or on stable banks where no or minimal current deflections will be necessary.
    - b. Water depths are adequate to avoid the need for dredging and eliminate or minimize potential loss of shoreline ecological functions or other shoreline resources from offshore or foreshore channel dredging.
    - c. Facilities, users, and watercraft are adequately protected from floods and/or destructive storms with minimal defense structures.
    - d. They will not adversely impact beaches commonly used for swimming, commercial fishing and aquaculture areas, or commercial navigation unless no alternative locations exist, and mitigation is provided to minimize impacts to such areas.
    - e. Setbacks from adjacent properties which are used for non-commercial purposes are adequate to attenuate proximity impacts such as noise, light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.
    - f. Exterior lighting will not create glare, will avoid illuminating nearby properties used for non-commercial purposes as to not unreasonably infringe on the use and enjoyment of such property, and will provide the appropriate level of illumination to prevent unsafe conditions for the boating public. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields and screening.
    - g. Exterior lighting will not adversely impact aquatic species.
    - h. Adequate provisions are made for restroom, sewage and solid waste disposal facilities in compliance with applicable health regulations.
    - i. Access and parking shall be consistent with development standards and SMP 15.06.35 Parking.
- K. New moorage to serve one single family residences may be allowed only if:
1. An applicant demonstrates that existing facilities (public and private marinas) are not reasonably available to meet demand.
  2. The lot does not have access to shared moorage in an existing subdivision and there is no homeowners association or other corporate entity capable of developing shared moorage.
  3. Prior to approving a new dock or pier an applicant shall demonstrate that a mooring buoy is not feasible to provide moorage. A mooring buoy may be

approved in conjunction with an individual or shared tender dock to provide small boat access to the buoy.

4. The applicant has provided adequate documentation that an adjacent shared dock is unavailable. In cases where new dock or pier is approved, the City may require an agreement to share with nearby residences with water frontage and provide for expansion to serve such additional users.
- L. A dock or pier serving a single family residence shall meet the following standards.
1. Length: A dock or pier (gangway and pier supported or floating structure combined) shall be long enough to obtain an adequate operating depth without disturbing substrate. Maximum length is sixty-feet (60') unless a depth of six-feet (6') cannot be obtained. In such circumstances the dock may be extended until the water depth reaches a point of six-feet (6') in depth at ordinary low water (OLWM), or to a maximum of one-hundred feet (100'), whichever is reached first. The dimensional standards may be adjusted as required by state and federal agencies if the decision maker finds that such adjustment will better preserve ecological functions.
  2. To prevent damage to shallow water habitat, an access ramp shall bridge the distance between the shore and piers or floats and shall extend at least forty-feet (40') perpendicular from the OHWM.
  3. Piers and ramps shall be no more than four-feet (4') in width.
  4. Floats shall not exceed a width of six-feet or total dimensions of one-hundred-sixty (160') square feet. For private use structures a maximum of one float shall be installed.
  5. Covered moorage is prohibited.
  6. The bottom of the fascia boards on the pier or bottom of the landward edge of the ramp shall be at least two-feet (2') above the horizontal plane of the OHWM.
  7. Floats shall be constructed and attached so that they do not ground out on the substrate. Float stops, tubs or similar structures may be used. A minimum of one-foot (1') elevation above the substrate is required.
  8. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment. Minimum pile spacing is eighteen-feet (18') on the same side of any component of the overwater structure.
  9. Piling diameter shall be minimized to meet the structural requirements of expected loads. Generally, piling shall not exceed four-inches (4") in diameter. If a piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed five-inches (5").
  10. Grating or clear translucent material shall cover the entire surface area of the pier and ramp. The grating shall have a minimum of sixty-percent (60%) open area. Clear translucent material shall have greater than ninety-percent (90%) light transmittance as rated by the manufacturer.

- M. Shared residential docks and piers shall generally meet the standards for single family docks above, except that the number of floats and the size of piers and other facilities may be increased to serve additional slips to provide one moorage space per residence served.
- N. Docks and piers shall be set back a minimum of ten-feet (10') from side property lines, except that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.
- O. Moorage related to subdivision
  1. New subdivisions shall contain a restriction on the face of the plat prohibiting individual docks. A site for community or shared moorage shall be designated on the plat and owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to lots with water frontage in the subdivision not fully occupied. The over water area of the dock shall be made available to other lots and the public for community access and may be required to provide public access depending on the scale of the facility.
  2. Approval of a shared moorage for a subdivision shall be subject to the following criteria:
    - a. There is no reasonably available public or private moorage that can serve the moorage needs of the residences or the subdivision.
    - b. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. One moorage space per lot may not be presumed.
    - c. Development of more than one dock shall include documentation that a single dock would not accommodate the need or that adverse impacts on ecological functions would result from the size of dock required.
    - d. The size of a dock must consider the use of mooring buoys for some or all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.
    - e. Public access shall be provided in all shared docks utilizing public aquatic lands that accommodate five (5) or more vessels.
  3. If a community or shared dock is not developed at the time of subdivision, a community association shall be established with the authority to levy assessments within the subdivision to construct and maintain a community dock in the future. The failure of a subdivision to develop a community or shared dock shall not affect the prohibition on individual docks.
- P. Multi-family residences, hotels, motels, and other commercial developments proposing to provide moorage facilities shall meet the criteria for a marina. Use of the moorage must be open to the general public on the same basis as residents or occupants and shall provide public access. If approved, no more than one joint-use moorage facility may be provided for a parcel or development.

- Q. Applications for docks or piers serving single commercial or industrial enterprises shall demonstrate that:
1. The facility serves a water-dependent use;
  2. The applicant does not own or control other dock and piers that could serve the use or jointly serve the use with other uses;
  3. Adjacent commercial and/or industrial docks and piers not under the control of the applicant are not available or owners are not willing to cooperatively develop a joint-use facility;
  4. The facility is the minimum size required to serve the proposed use, provided that provisions for expansion or future joint use may be provided;
  5. The facility minimizes to the extent feasible, and mitigates unavoidable impacts to navigation, aquatic habitat, upland habitat, public access to the water for recreation, fishing and similar use, public access to publicly accessible lands below the OHWM.
- R. Commercial or industrial moorage facilities shall demonstrate that:
1. A dock or pier shall be the minimum length required to serve the use.
  2. To minimize impacts to shallow water habitat, access from the shore to piers or floats shall minimize water cover.
  3. Piers and ramps shall be elevated to provide the maximum feasible light penetration.
  4. Grating or clear translucent material shall be utilized to the maximum extent feasible to provide light penetration.
  5. Floats shall be constructed and attached so that they do not ground out on the substrate.
  6. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.
  7. Pile diameter shall be minimized while meeting the structural requirements of expected loads. Generally, piling shall not exceed four-inches (4") in diameter. If a piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed five-inches (5").
  8. Covered structures may be permitted only to serve a water-dependent use where it is demonstrated that adequate upland sites are not feasible and it is demonstrated that the area covered is the minimum necessary to serve the use.

#### **15.06.26 Marinas**

- A. Proposals for new marinas must provide sufficient evidence that existing public boat launches, dry storage and moorage is not adequate to meet regional demand for recreational boating and that development of new marinas would result in fewer environmental impacts than expansion of existing facilities.
- B. Marinas with in-water moorage shall not be permitted on the Lewis River within the City because the largely braided and meandering river channel is subject to change

- in alignment and does not provide a stable shoreline in areas where adverse impacts can be reasonably avoided.
- C. Upland dry land boat storage with a launch mechanism is the preferred means to provide moorage in order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of water surface. Provision of mooring buoys with a small lighter dock to provide access to buoy is the next preference. Provision of in-water mooring docks may be approved only where it is demonstrated that preferred options are not feasible or it can be demonstrated that in-water moorage would result in fewer impacts to shoreline ecological functions or enhance public use of the shoreline.
- D. Applications for marinas with in-water moorage may be approved as a conditional use if it is demonstrated that:
1. Public navigation will not be impeded.
  2. The location will not result in displacement of wetlands or interrupt natural processes of erosion or deposition.
  3. Water depths are adequate without initial or maintenance dredging.
  4. The location will not require shoreline armoring to compensate for fluvial processes.
  5. The location will not reduce existing public use of the water or shoreline including fishing, swimming and boating.
  6. Facilities will not limit channel migration in areas where such processes are not currently constrained.
  7. Adverse water quality impacts will not result from inadequate flushing of moorage or enclosed water areas.
  8. Impacts to riparian buffers and nearshore aquatic habitat will be minimized. Design may require provision of upland buffers with limited corridors for movement between upland and in-water facilities.
  9. In-water facilities are located a safe distance from domestic sewage or industrial waste outfalls such that users of the marina are not adversely affected in cases where treatment facilities fail and operation of facilities are not impaired.
  10. Setbacks from adjacent properties which are used for non-commercial purposes are adequate to attenuate proximity impacts such as noise, light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.
  11. Exterior lighting will avoid illuminating nearby properties used for non-commercial purposes and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields and screening.
  12. Exterior lighting will not adversely impact aquatic species.
  13. Adequate provisions are made for restroom, sewage and solid waste disposal facilities in compliance with applicable health regulations.
  14. Access and parking shall be consistent with development standards and SMP 15.06.35 Parking.

15. On-site parking supply shall be consistent with development standards and SMP 15.06.35 Parking.
- E. Marinas shall be designed to utilize pier and float design, boat launches and other facilities that minimizes changes in hydraulic and fluvial processes and minimizes potential flood hazards.
  - F. Open pile or floating breakwater designs shall be used unless it can be demonstrated that rip rap or other solid construction would not result in any greater net impacts to shoreline ecological functions or natural shore features over the short and long term.
  - G. New covered moorage is prohibited. Expansion of existing marinas with covered moorage may require removal of existing covered moorage to compensate for additional proposed over water facilities and shading by moored boats. Marinas shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations. Marinas with more than 20 slips shall provide pump-out, holding, and/or treatment facilities for sewage contained on boats or vessels.
  - H. Garbage or litter receptacles shall be provided and maintained by the operator at several locations convenient to users.
  - I. Operators shall provide designated areas and facilities for disposal of fish cleaning wastes, scrap fish, viscera, or unused bait and shall prohibit discharge into water.
  - J. Operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel, oil or toxic materials where all users may easily read them.
  - K. If a marina includes gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other recovery of spilled products, shall be required of new marinas and to expansion or substantial alteration of existing marinas. Handling of fuels, chemicals or other toxic materials must be in compliance with all applicable Federal and State water quality laws as well as health, safety and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on-site.
  - L. Marinas shall provide public access amenities over public aquatic lands equivalent to a minimum of ten (10) percent over-water coverage and shall provide public walkway access to a public street and may be required to provide public parking including handicapped access.
  - M. Live-aboard vessels may occupy up to ten (10) percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Accommodation of additional live-aboard vessels may be approved only by conditional use with demonstration that accommodation of live-aboard vessels will not displace moorage otherwise available for recreational use or lead to a demand for additional moorage facilities.

**REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Industrial: Marinas may be permitted as a conditional use
- B. Commercial: Marinas may be permitted as a conditional use
- C. Recreation: Marinas may be permitted as a conditional use
- D. Single and Multi-Family Residential: Marinas are prohibited, except for shared docks to serve single family lots with shoreline frontage
- E. Conservancy: Marinas are prohibited

### **15.06.27 Commercial Development**

- A. New commercial uses and developments are subject to the following use preference:
  - 1. Water-Dependent Uses: Water-dependent commercial uses shall be given preference over water-related and water-enjoyment and non-water-dependent commercial uses. Prior to approval of water-dependent uses, the City shall review a proposal for design, layout, and operation of the use and shall make specific findings that the use qualifies as a water-dependent use. Water-dependent commercial and uses shall provide public access in a manner that will not interfere with the water-dependent aspects of the use. The portion of a site not required for water-dependent use may include multiple use, approved non-water-oriented uses, ecological restoration, and public access.
  - 2. Water-Related Uses: Water-related commercial uses shall not be approved if they displace existing viable water-dependent uses. Prior to approval of a water-related commercial use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient.
  - 3. Water-Enjoyment Uses: Water-enjoyment commercial uses shall not be approved if they displace existing viable water-dependent or water-related uses or if they occupy space designated for water-dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of a water-enjoyment use, review of the design, layout, and operation of the use shall confirm that the use facilitates public access to the shoreline, or the use provides for aesthetic enjoyment of the shoreline for a substantial number of people as a primary characteristic of the use. 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.
  - 4. Non-Water Oriented Uses: Non-water oriented commercial services uses may be permitted where:
    - a. Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of the Shoreline Master Program, or established with the approval of the City.

- b. On a site where navigability is severely limited such that water-dependent use is not feasible.
  - c. Where the use is part of a multiple use project that provides significant public benefit with respect to the objectives of the Act.
  - d. Where the use is part of a mixed use project that provides both water-dependent and non-water-dependent uses and provides significant public benefit with respect to the objectives of the Act as provided in "B" below.
- B. All non-water dependent uses shall provide significant public benefit with respect to the objectives of the Act by:
- 1. Restoring ecological functions both in aquatic and upland environments that will provide native vegetation buffers according to the provisions of Section 15.06.06 and the Restoration Element of this Program and other relevant plans and policies including the WRIA Salmon Restoration Plans; and
  - 2. Providing as public access the balance of the water frontage not devoted to ecological restoration and associated buffers.
- C. Commercial development in the shoreline shall meet the criteria of no-net-loss of ecological functions criteria and the preferred sequence for mitigation of impacts as provided in Section 15.06.06 of this Program. The use shall be located and designed to maintain required buffers and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general. Only water-dependent elements of a proposal may encroach on required vegetated buffers and those must retain as much of the buffer as possible while accommodating the use.
- D. Over-water structures, or other structures waterward of the OHWM, are allowed only for those portions of water-dependent commercial uses that require over-water facilities as an essential feature of their function or for public recreation and public access facilities and should be devoted to multiple uses when allowed. Design of over-water structures or structures beyond the OHWM shall demonstrate that they will not interfere with normal stream geomorphic processes, require additional future shoreline stabilization, or interfere with navigation or normal public use of the water.
- E. All new or expanded commercial uses shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses. They shall make adequate provisions such as location of structures, parking and other facilities, and landscape screening, fences, and other measures to protect the privacy and enjoyment of adjacent land uses and open space areas.
- F. Accessory development or use that does not require a shoreline location such as parking, service buildings or areas, access roads, utilities, signs, and storage of materials shall be located outside of SMA jurisdiction wherever feasible. Siting within SMA jurisdiction should be limited to facilities required to serve approved water-oriented uses and/or developments and should be located inland away from the land/water interface and landward of water-oriented developments.
- G. Signs for all development and uses shall comply with the City of Woodland Sign Code and this Program.

## **REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Industrial: Commercial use may be permitted as an accessory if consistent with the underlying industrial zoning and subject to the policies and regulations of this Program providing preferences for water-dependent and water-oriented uses.
- B. Commercial: Commercial use is permitted subject to the priority for water-oriented use.
- C. Recreation: Water-dependent commercial use may be permitted if it is an essential element of an allowed use. Water-related commercial use may be permitted if related to an allowed recreation use.
- D. Single and Multi-Family Residential: Commercial use is prohibited except for home occupations.
- E. Conservancy: Commercial development may be allowed as a conditional use on conservancy shorelines. Non-water dependent use shall be prohibited on parcels directly abutting the water.

### **15.06.28 Industry**

- A. New industrial use and development is subject to the following use preference:
  - 1. Water-Dependent Uses: Water-dependent industrial uses shall be given preference over water-related and water-enjoyment industrial uses. Prior to approval of water-dependent uses, the City shall review a proposal for design, layout, and operation of the use and shall make specific findings that the use qualifies as a water-dependent use. Water-dependent industrial uses shall provide public access in a manner that will not interfere with the water-dependent aspects of the use. The portion of a site not required for water-oriented use may include multiple use, approved non-water-oriented uses, ecological restoration, and public access.
  - 2. Water-Related Uses: Water-related industrial uses shall not be approved if they displace existing viable water-dependent uses. Prior to approval of a water-related industrial use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient.
  - 3. Non-Water-Oriented Uses: Non-water-oriented industrial uses may be permitted where:
    - a. Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way, or other public facility such as a levee that precludes direct access to the water, provided that such conditions were lawfully established prior to the effective date of the Shoreline Master Program, or established with the approval of the City.
    - b. On a site where navigability is severely limited such that water-dependent use is not feasible.

- c. Where the use is part of a mixed use project that provides significant public benefit with respect to the objectives of the Act.
- B. Industrial development in the shoreline shall meet the criteria of no-net-loss of ecological functions and the preferred sequence for mitigation of impacts as provided in Section 15.06.06 of this Program. The use shall be located and designed to maintain required buffers to the extent feasible and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general. Only water-dependent elements of a proposal may encroach on required vegetated buffers. Where practical, facilities serving vessels shall bridge over the aquatic nearshore and upland buffers.
- C. All non-water-dependent uses, except interim uses, shall provide significant public benefit with respect to the objectives of the Act by:
  - 1. Restoring ecological functions both in aquatic and upland environments that will provide native vegetation buffers according to the provisions of Section 15.06.06 of this Program and the Restoration Plan of this Program and other plans and policies including the WRIA 27 Salmon Restoration Plans; and
  - 2. Providing as public access consistent with the criteria and standards of Section 15.06.09.
- D. Over-water structures, or other structures waterward of the OHWM, are allowed only for those portions of water-dependent industrial uses that require over-water facilities as an essential feature of their function or for public recreation and public access facilities. Design of over-water structures or structures beyond the OHWM shall demonstrate that they will not interfere with normal stream geomorphic processes or require shoreline stabilization.
- E. Accessory development or use that does not require a shoreline location such as parking, service buildings or areas, access roads, utilities, signs, and storage of materials shall be located outside of SMA jurisdiction wherever feasible. Siting within SMA jurisdiction should be limited to facilities required to serve approved water-oriented uses and/or developments and should be located inland away from the land/water interface and landward of water-oriented developments.
- F. All new or expanded industrial developments shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses, including public use of the water. They shall make adequate provisions such as location of structures, location of parking and other facilities, and landscape screening, fences and other measures to protect the privacy and enjoyment of adjacent land uses.
- G. Structures exceeding a height of thirty-five (35) feet above may be approved as a conditional use, consistent with the criteria of RCW 90.58.320.
- H. Public access to the shoreline shall be provided in accordance with the standards in Section 15.06.09 provided said access does not compromise the integrity or operation of the use, does not threaten the safety and welfare of the general public, does not interfere with an existing adjacent use, and does not compromise existing

ecological functions. In cases where on-site public access is not provided, alternative off-site facilities may be provided in accordance with provisions of this Program. For public agencies, an adopted Public Access Plan incorporated into this Program may provide for integrated public access facilities for a defined geographic area.

- I. Signs for all development and uses must comply with the Woodland Sign Code and this Program.

#### **REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Industrial: Industrial use may be permitted subject to the policies and regulations of this Program providing preferences for water-dependent and water-oriented uses
- B. Commercial: Industrial use is prohibited
- C. Recreation: Industrial use is prohibited
- D. Single and Multi-Family Residential: Industrial use is prohibited
- E. Conservancy: Industrial use is prohibited

#### **15.06.29 Recreation**

- A. Recreation facilities within SMA jurisdiction are preferred that are water-oriented or provide public access to the water.
- B. Recreation facilities and activities are permitted when they do not displace water-dependent uses and are consistent with existing water-related and water-enjoyment uses. State-owned shorelines shall be recognized as particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public in accordance with RCW 90.58.100(4).
- C. Recreation development in the shoreline shall meet the criteria of no-net-loss of ecological functions and the preferred sequence for mitigation of impacts as provided in Section 15.06.06 of this Program. The use shall be located and designed to maintain or enhance shoreline ecological functions. The use or development shall be located and designed to maintain required buffers and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general. Only water-dependent elements of a proposal may encroach on required vegetated buffers.
- D. Development of public recreation facilities shall implement, where applicable, the elements within City adopted or endorsed park, recreation, trail and open space plans.
- E. The highest priority for recreational development on the shoreline shall be to provide the maximum possible amount of public access to the shoreline as follows:
  1. Water-dependent recreation such as fishing, swimming, boating, and wading.
  2. Water-related recreation as picnicking, hiking, and walking should be located near the shoreline.
  3. Non-water-related recreation facilities shall be located inland. Recreational facilities with large grass areas, such as golf courses and playing fields, and facilities with extensive impervious surfaces shall observe Critical Area buffers and Vegetation Conservation standards providing for native vegetation buffer

- areas along the shoreline. In areas isolated from the shoreline by public roads or levees, the limitation on non-water-related facilities shall not be applicable.
- F. Location and design of recreation facilities shall meet the following criteria:
    - 1. The development shall provide parking and other necessary facilities to handle the designed public use and shall locate and configure such facilities in accordance with development standards and SMP 15.06.35 Parking.
    - 2. Accessory facilities, such as restrooms, recreational halls and gymnasiums, commercial services, access roads and parking areas, shall be set back from the OHWM and shall meet Critical Area buffers unless it can be shown that such facilities are shoreline dependent. These areas may be linked to the shoreline by pedestrian walkways.
    - 3. The development is located and designed to minimize detrimental impact on existing and planned use of nearby property.
    - 4. The proposal will not result in a net loss of ecological functions.
  - G. New over-water structures for recreation use shall be allowed only when:
    - 1. They accommodate water-dependent recreation use or facilities, or
    - 2. They allow opportunities for substantial numbers of people to enjoy the shorelines of the state, and
    - 3. They are not located in or adjacent to areas of exceptional ecological sensitivity, especially aquatic and wildlife habitat areas, and
    - 4. They are integrated with other public access features, particularly when they provide limited opportunities to approach the water's edge in areas where public access is set back to protect sensitive ecological features at the water's edge, and
    - 5. No net loss of ecological functions will be achieved.
  - H. Private recreation uses and facilities that utilize public aquatic lands shall provide public access as provided in Section 15.06.09 or shall provide improved compensating public access at other locations.
  - I. Motorized vehicular access including the use of all-terrain and off-road vehicles in the shoreline area is prohibited, except for boat launching and maintenance activities and except where specific areas for such use are set aside and controlled by a public entity.

#### **REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Industrial: Recreation use may be permitted subject to the policies and regulations of this Program providing preferences for water-dependent and water-oriented uses
- B. Commercial: Recreation use is permitted
- C. Recreation: Recreation use is permitted
- D. Single and Multi-Family Residential: Recreation use is permitted
- E. Conservancy: Permitted recreational development consisting of trails or facilities for passive use such as small picnic areas, viewpoints, restrooms, interpretive facilities, or development which preserve or restore natural features are permitted subject to the following criteria:

1. Structures on sites of one acre or less will not result in more than 10 percent site coverage or 2,000 square feet, whichever is greater, and total impervious surface will not exceed 20 percent, or 5,000 square feet, whichever is greater;
2. Structures on sites greater than one acre will not result in more than 5 percent site coverage or 5,000 square feet, whichever is greater, and total impervious surface will not exceed 10 percent or 10,000 square feet, whichever is greater;
3. Alterations to topography are limited to the minimum required to accommodate allowed development, and generally less than 30 inches. Landscaping shall be limited to native species.
4. Landscaping shall be limited to native species.

### **15.06.30 Residential Development**

- A. Single family residential development is a priority use on the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.
- B. Residential development in the shoreline shall meet the criteria of no-net-loss of ecological functions and the preferred sequence for mitigation of impacts as provided in Section 15.06.06 of this Program. The use shall be located and designed to maintain required buffers and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general. Only water-dependent elements of a proposal may encroach on required vegetated buffers.
- C. New residential development shall cluster dwelling units to provide as little alteration to the natural environment as feasible and shall utilize low impact development (LID) techniques to reduce physical and visual impacts on shorelines and to reduce utility and road costs. Planned Unit Developments that include common open space and recreation facilities, or a variety of dwelling sizes and types, are encouraged at suitable locations as a preferable alternative to extensive single lot subdivisions on shorelines.
- D. Multi-family residential use is not a priority for location on the shoreline under the Shoreline Management Act and is subject to the preference for water-dependent and water-oriented use and must provide for meeting the requirements for ecological productivity and public access. Multi-family development may not be approved if it displaces existing water-dependent uses. Multi-family development may be included in mixed use development including water-dependent, water-related, and water-enjoyment use. Multi-family development uses may be permitted only where it provides significant public benefit with respect to the objectives of the Act by:
  1. Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards provided for Critical Areas or in accordance with the Restoration Element of this document, and
  2. Provision of public access is required in accordance with BMC 20.16.740.

- E. Over-water residences are prohibited, provided that a floating home permitted or legally established prior to January 1, 2011, shall be classified as a conforming preferred use such that this Program may only impose reasonable conditions and mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages by rendering these actions impracticable. Vessels used as dwellings may be moored consistent with regulations for other vessels.
- F. New residential development shall assure that the development will not require shoreline stabilization. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, and riparian erosion areas shall be sufficient to protect structures during the life of the lots, and impacts to adjacent, downslope, or down-current properties is not likely to occur during the life of lots created.
- G. New residential development shall meet all Critical Area provisions of this Program. Filling of, or into, water bodies or their associated wetlands for the purpose of subdivision or multi-family construction shall not be permitted. New subdivisions, short plats, and large lots shall preserve the required buffer in a protective tract, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism. Each lot owner within the subdivision, short plat, or other land division shall have an undivided interest in the tract(s) or protective mechanism created.
- H. Residential developments, including subdivisions, and planned unit developments of five (5) or more lots/units shall provide "improved public access" for all residents of the development and the general public, in compliance with public access standards contained in Section 15.06.09.
- I. All new divisions of land into 5 or more lots shall record a prohibition on new private individual docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of this Program.

#### **REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Industrial: Single Family use may be permitted as an accessory use for caretaker functions, if a location outside shoreline jurisdiction is not feasible
- B. Commercial: Residential use is permitted above a permitted commercial use
- C. Recreation: Single Family use may be permitted as an accessory use for caretaker functions, if a location outside shoreline jurisdiction is not feasible
- D. Single and Multi-Family Residential: Residential use is permitted
- E. Conservancy: Single family residential use is permitted on an existing parcel provided that no feasible location for a residence exists outside of Shoreline jurisdiction

#### **15.06.31 Transportation Facilities**

### **15.06.32 Roads and Bridges**

- A. Development of new roads or substantially expanded existing roads shall demonstrate the need for a shoreline location and that no feasible upland alternative outside the shoreline is available.
- B. Roads shall cross shoreline areas by the shortest, most direct route feasible to minimize impacts, unless such route would cause significant adverse impacts based on specific local features.
- C. The project configuration, design, and related features will minimize alteration of Critical Area buffers, will fit the existing topography as much as feasible, and minimize alterations to the natural or existing topography.
- D. Structural shore stabilization for new roads should be avoided. Instead, facilities should be located and designed to avoid the need for shoreline stabilization where feasible. New or expanded structural shore stabilization should only be permitted where they are demonstrated to be necessary to protect an existing facility that is in imminent danger of loss or substantial damage, and where mitigation of impacts would result in no net loss of shoreline ecological functions. In cases where substantial shore stabilization is required, relocation of facilities further from the shoreline may be required.
- E. New or expanded roads will provide public access in accordance with Section 15.06.09 and where they afford scenic vistas, pedestrian viewpoints will be provided.
- F. Wetlands shall be avoided whenever feasible. If avoidance is not feasible, bridges shall be utilized when crossing wetlands to avoid obstructing movement of surface and groundwater unless it can be demonstrated that fill and compensatory mitigation will produce equal or greater ecological functions.
- G. Road crossings of streams shall utilize bridges rather than culverts to the maximum extent feasible.
- H. Private access roads or driveways providing ingress and egress for individual single family residences or lots shall be limited to the minimum allowed by the Fire Code.
- I. Bridges shall be designed and built of sufficient lateral and vertical clearance to allow the unimpeded passage of flood flows and debris. In wide streamways, bridges shall employ the maximum length of clear spans feasible with pier supports that produce the minimum deflection feasible. Bridge approaches in floodways of any stream shall be constructed on open piling or other measures to allow free water movement.
- J. Landscape planting is required along all shoreline roads, parking, and turnout facilities to:
  - 1. Provide buffers between pedestrian and auto users;
  - 2. Enhance the shoreline driving experience; and
  - 3. Enhance and complement potential views of shoreline areas.
- K. The City shall not vacate any public right-of-way in a shoreline location until adopting a Comprehensive Public Access plan for the area showing that the subject right-of-way cannot be used as a contributing element in that plan. The City shall vacate a public right-of-way abutting a body water only in compliance with RCW 35.79.035, which allows vacations of streets abutting bodies of water only when:

1. The vacation will enable acquisition of the property for public purposes;
  2. The street or alley is not suitable for certain purposes (e.g., port, park, education); or
  3. The vacation will enable implementation of a public access plan.
- L. In order to improve public access to the shoreline the City shall acquire and/or retain abandoned or unused road rights-of-way for public access to and/or along the water.

#### **15.06.33 Non-Motorized Facilities**

- A. Non-motorized facilities shall comply with provision for public access facilities in Section 15.06.09.
- B. Trails shall be developed consistent with adopted City and regional system plans.
- C. Non-motorized facilities shall avoid sensitive features of the shoreline to the extent feasible, including wetlands and fish and wildlife habitat. Facilities shall be placed outside of, or in the outer portions of buffers. Elevated walkways shall be utilized where feasible to cross wetlands and streams.

#### **15.06.34 Parking**

- A. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Parking facilities shall be located outside shoreline jurisdiction where possible. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use and shall be located outside of Critical Area buffers and as far from the water/land interface as possible.
- B. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served. The only exceptions to this would be when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline and in all cases is prohibited over the water.
- C. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall comply with WMC 17.40.040 and in addition landscaping between parking areas and public access shall provide effective screening within three years of project completion.

#### **REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Conservancy: New roads are permitted as a conditional use. Non-motorized trails are permitted
- B. No additional regulations apply to other Shoreline Environment Designations

#### **15.06.35 Utilities**

- A. New or substantially expanded utilities serving uses within the City may be located within shoreline jurisdiction only if:
  1. The facility is needed within the shoreline jurisdiction to support permitted shoreline activities;

2. No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or greater set back further from the land/water interface; and
- B. Regional facilities that serve uses outside the City and all electric transmission facilities with a capacity greater than 50kw shall demonstrate, based on an analysis of alternative routes and technology, that:
1. No upland alternative is feasible,
  2. Utilization of existing corridors is not feasible, including expansion or replacement of existing facilities, if new corridors are proposed,
  3. A location within designated industrial environments or existing transportation corridors is not feasible,
  4. The proposal has the least feasible adverse impact on the natural environment, and
  5. The location and design of the facility has the least feasible change in the existing character of the shoreline views enjoyed by residences or from public access facilities, and will not obstruct scenic views.
- C. Linear facilities consisting of pipelines, sewers, cables and other facilities roughly parallel to the shoreline shall be discouraged except where no other feasible alternative exists. At the time of replacement of such facilities that are close to their lifespan, or when such facilities are expanded, relocation outside of the shoreline may be required as if they were new facilities. When permitted, design shall assure that maintenance of the facilities does not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.
- D. Utilities shall be located and designed to avoid significant natural, historic, archaeological or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts.
- E. Utilities, where permitted, shall meet the following design criteria:
1. Facilities should occupy as little of the shoreline as feasible. Utility installation parallel to the shoreline should be avoided to the maximum extent feasible. . Utilities shall cross the shoreline area by the shortest most direct route, unless such route would cause substantial significant environmental damage.
  2. Utilities shall be located and designed to minimize alterations to the natural environment and fit the existing topography as much as possible.
  3. Facilities shall be located and designed to minimize introducing elements that change the existing character of the shoreline views enjoyed by residences or from public access facilities, or obstruct scenic views.
  4. Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if feasible. If new installations are required to cross water bodies or wetlands they should avoid disturbing banks and streambeds and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation or lateral migration. Underwater utilities shall be placed in a sleeve if

- feasible to avoid the need for excavation in the event of the need for maintenance or replacement.
- F. New electrical distribution lines within the shoreline shall be placed underground. Distribution lines that cross water or other critical areas may be allowed to be placed above ground if:
    - 1. Underground installation would substantially disrupt ecological functions and processes of water bodies and wetlands, and horizontal drilling or similar technology that does not disturb the surface is not feasible;
    - 2. Visual impacts are minimized to the extent feasible; and
    - 3. If overhead facilities require that native trees and other vegetation in a Critical Areas buffer cannot be maintained in a natural condition, compensatory mitigation is provided on or off-site.
  - G. Facilities involving buildings, such as pump stations, electrical substation, or other facilities, shall be permitted as a conditional use and shall be in scale with surrounding development, architecturally compatible and landscaped to assure compatibility with natural features, public access facilities, and adjacent uses.
  - H. Stormwater, wastewater, or water supply pump stations, and stormwater discharge facilities such as dispersion trenches, level spreaders, and outfalls may be located in the shoreline jurisdiction if:
    - 1. Due to topographic or other physical constraints there are no feasible locations for these facilities outside the shoreline;
    - 2. The facility minimizes and compensates for impacts to Critical Area buffers; and
    - 3. Any discharge facility is designed and maintained to prevent erosion or other adverse impacts.
  - I. Construction shall be designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction.
  - J. Easements: Access easements to utility installations shall be no wider than needed to construct, maintain, or repair the utility.
  - K. Public Access: Utility development shall provide for compatible, multiple use of sites and rights-of-way through coordination with local government agencies. 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.

**REGULATIONS FOR SPECIFIC SHORELINE ENVIRONMENTAL DESIGNATIONS**

- A. Conservancy: Utility facilities may be permitted to serve approved uses. Facilities not serving a use on the shoreline may be permitted as a conditional use.
- B. No additional regulations apply to other Shoreline Environment Designations.

**15.06.36 Shoreline Administration**

**15.06.37 Procedure**

All shoreline permits shall be processed in accordance with WMC Title 18 B Project Permit and Plan Amendment Administration

### **15.06.38 Coordination with other agencies**

The City will coordinate on issues relating to ecological conditions, functions and processes and on wetland and ordinary high water delineations with the Department of Ecology, the Department of Natural Resources and the Department of Fish and Wildlife as well as other agencies with permit authority over a project to the extent that agencies are timely in their response and coordination does not unduly extend review times.

### **15.06.39 Development Compliance**

- A. All uses and developments within the jurisdiction of the Shoreline Management Act shall be planned and carried out in a manner that is consistent with the Shoreline Master Program and the policies of the Act as required by RCW 90.58, regardless of whether a Shoreline Substantial Development Permit, statement of exemption, Shoreline Variance, or Shoreline Conditional Use Permit is required. The City shall assure all proposed uses and development occurring within shoreline jurisdiction conforms to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.
- B. Regulation of private property to implement any Program goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes, such as RCW 34.05.328 and 43.21C.060. An applicant requesting specific accommodation of constitutional or other legal limits in the application of standards and criteria of this Program must do so in application materials. The decision maker shall address such requests in specific findings.
- C. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Washington Department of Fish and Game Hydraulic Project Approvals (HPAs), U.S. Army Corps of Engineers Section 404 permits, Washington State Department of Ecology Water Quality Certification (Section 401) and National Pollution Discharge Elimination System (NPDES) permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter.
- D. The City will provide a mechanism for tracking, and periodically evaluating the cumulative effects of all project review actions in shoreline areas.

### **15.06.40 Shoreline Overlay**

Shoreline regulations shall apply as an overlay and in addition to development regulations, including but not limited to zoning, environmental regulations, development standards, subdivision regulations, and other regulations established by the City.

- A. Allowed uses shall be governed by both the zoning regulations in Chapter 17 and this program. The most restrictive provisions of applicable zoning district and Shoreline Environmental designation shall apply.
- B. Allowed uses shall be limited by the general polices and specific regulations regarding use preferences for water-dependent and water-oriented uses. Allowed uses may be specified and limited in specific shoreline permits. In the case of non-conforming development, the use provisions of this code shall be applied to any change of use, including occupancy permits.
- C. In the event of any conflict between Shoreline policies and regulations and any other regulations of the City, Shoreline policies and regulations shall prevail unless other regulations provide greater protection of the shoreline natural environment and aquatic habitat.
- D. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted. Shoreline Master Program policies, found in the City's Comprehensive Plan, establish intent for the shoreline regulations in addition to RCW 90.58 and Chapter 173 of the Washington Administrative Code 173-26 and 173-27.

#### **15.06.41 Pre-existing Uses and Structures**

The Provisions of WMC Chapter 17.60 Pre-existing Uses and Structures are adopted by reference provided that the following text is added to WMC 17.60.020 Modification

- A. A pre-existing structure nonconforming with respect to height, yard requirements, lot coverage, or density may be utilized by a use which is permitted in the district in which the structure is located. In order to accommodate a permitted use, the structure may be repaired, modified, or altered, internally and externally; provided such repairs and modifications do not increase the nonconformance of the structure and that they meet the Uniform Building Code standards.
- B. In addition, a pre-existing structure which is non-conforming according to the description contained in subsection (A) of this section may be modified or altered in such a manner that it conforms to the standards of the district, this title, and the Uniform Building Code.
- C. Within Shoreline Management Act jurisdiction the following additional criteria shall be met:
  - 1. The expansion or enlargement will not increase its degree of nonconformity in relation to the provisions of the Shoreline Master Program,
  - 2. The expansion or enlargement will not result in enlargement of the building footprint or impervious area in a Critical Area buffer that extends further toward the water unless necessary to meet minimum standards of life-safety codes, or
  - 3. The expansion or enlargement will not result in a net loss of ecological functions.

#### **15.06.42 Exemption from Substantial Development Permit**

- A. A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1).
- B. The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP), provided that any additional exemptions established by legislative amendment of the statute shall constitute exemptions without amendment to this code. An exemption from an SSDP is not an exemption from compliance with the Act or the Shoreline Master Program, or from any other regulatory requirements. A use or development exempt from a Shoreline Substantial Development Permit may require a Shoreline Conditional Use Permit or a Shoreline Variance.
- (1) **Governor's Certification:** Any project with a certification from the Governor pursuant to chapter 80.50 RCW.
- (2) **Projects Valued at \$5,000 or less:** Any development of which the total cost or fair market value does not exceed five thousand dollars (\$5,000.00), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The \$5,000 level is subject to adjustment for inflation by the office of financial management every five years.
- (3) **Maintenance and Repair:** Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
- (a) "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.
- (b) "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 the shoreline resource or environment.
- (c) 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.
- (4) **Emergency Construction:** Emergency construction necessary to protect property from damage by the elements.
- (a) 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 for full compliance with the Shoreline Master Program.
- (b) Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, chapter 173 -27 WAC or this Shoreline Program shall be obtained.

- (c) All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the Shoreline Master Program.
- (d) In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency.
- (5) Agricultural Construction or Practices: Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing 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. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.
- (6) Construction of Single Family Residence and Accessory Buildings: Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level as defined in WAC 173-27-030, and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Section.
  - (a) "Single family" residence means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the OHWM and the perimeter of a wetland.
  - (b) Construction authorized under this exemption shall be located landward of the OHWM.
- (7) Construction of Non-Commercial Docks: 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 and multi-family residences.

This exception applies if

  - (a) the fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall require a substantial development permit; and
  - (b) a dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances.
  - (c) the dock meets all requirements of this code. A private dock generally is prohibited.
- (8) Construction Authorized by the Coast Guard: Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.
- (9) Operation, Maintenance, or Construction Related to Irrigation: 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 groundwater for the irrigation of lands.

- (10) Marking of Property Lines on State-Owned Lands: The marking of property lines or corners on State-owned lands when such marking does not interfere with the normal public use of the surface of the water.
- (11) Operation and Maintenance of Agricultural Drainage or Dikes: 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.
- (12) Activities Necessary for Permit Application: Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the Shoreline Master Program, 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 a 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 the Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the Administrative official to ensure that the site is restored to pre-existing conditions; and
  - (e) the activity is not subject to the permit requirements of RCW 90.58.550.
- (13) Removal or Control of noxious Weeds: The process of removing or controlling an aquatic noxious weed, 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.
- (14) Watershed Restoration Projects: Watershed restoration projects as defined below:
  - (a) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
    - (i) A project that involves less than ten (10) miles of stream reach, in which less than twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
    - (ii) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

- (iii) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the State, provided that any structure other than a bridge or culvert or in-stream habitat enhancement structure associated with the project is less than two hundred (200) square feet in floor area and is located above the OHWM of the stream.
- (b) "Watershed restoration plan" means a plan developed or sponsored by a state department, a federally recognized Indian Tribe, a City, or a conservation district, for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.
- (15) Projects to Improve Fish and Wildlife Passage or Habitat: A public or private project, the primary purpose of which is 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 as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.
  - (b) The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW.
  - (c) The Administrative official has determined that the project is consistent with this Shoreline Master Program.
- (16) Hazardous Substance Remediation: Hazardous substance remedial actions pursuant to WAC 173-27-040(3).
- (17) Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration: Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the Act approved in accordance with WMC 19.20.73
- (18) All of the above exemptions are subject to the following regulations:
  - (a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
  - (b) The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
  - (c) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

#### **15.06.43 Exemption Certification Procedures**

- A. Any person claiming exemption from the permit requirements of this Shoreline Master Program as a result of the exemptions specified in this Section shall make application for an exemption certificate to the administrative official in the manner prescribed by the City.

- B. Any development which occurs within the regulated shorelines of the state, whether it requires a permit or not, must be consistent with the intent of the Shoreline Management Act and this program.
- C. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and the Shoreline Master Program.
- D. If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.

#### **15.06.44 Land Division:**

Prior to approval of any land division, such as short subdivisions, preliminary long plats, and boundary line adjustments within shoreline jurisdiction, the City shall document compliance with bulk and dimensional standards as well as policies and regulations of the Shoreline Master Program and attach appropriate conditions and/or mitigating measures to such approvals to ensure the design, development activities, and future use associated with such lands are consistent with the Shoreline Master Program.

#### **15.06.45 Review and Approval Criteria**

In order to approve any development within SMP jurisdiction, the City must find that a proposal is consistent with the following criteria in addition to the requirements of WMC 18B.06:

- A. All use regulations of the Shoreline Master Program appropriate to the shoreline designation and the type of use or development proposed shall be met, particularly the preference for water-oriented uses. If a non-water-oriented use is approved, the decision maker shall enter specific findings documenting why water-oriented uses are not feasible.
- B. All bulk and dimensional regulations of the Shoreline Master Program appropriate to the shoreline designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance.
- C. All policies of the Shoreline Master Program appropriate to the shoreline area designation and the type of use or development activity proposed shall be considered and compliance demonstrated, subject to liberal construction to give full effect to the objectives and purposes for which they have been enacted.

#### **15.06.46 Written Findings Required**

All permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the decision maker addressing compliance with policies and regulations of the Shoreline Master Program. The decision maker may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the Program.

#### **15.06.47 Construction Permit Compliance:**

For all development within shoreline jurisdiction, the Building Official shall not issue a construction permit for such development until compliance with the Shoreline Master Program has been documented. If a Shoreline Substantial Development Permit is required, no permit shall be issued until all comment and appeal periods have expired. Any permit issued by the Building Official for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

#### **15.06.48 Restoration Project Relocation of OHWM**

The City may grant relief from Shoreline Master Program development standards and use regulations when the following apply:

- A. A shoreline restoration project causes, or would cause, a landward shift in the ordinary high water mark, resulting in the following:
  - 1. Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or
  - 2. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable Shoreline Master Program; and
  - 3. Application of Shoreline Master Program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.
- B. The proposed relief meets all of the following criteria:
  - 1. The proposed relief is the minimum necessary to relieve the hardship.
  - 2. After granting the proposed relief, there is net environmental benefit from the restoration project.
  - 3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the Shoreline Master Program.
  - 4. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.
- C. The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during the Ecology's normal review of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance. If no such permit is required, then Ecology shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.
  - 1. Except as otherwise provided in Subsection D of this section, the Department of Ecology shall provide at least 20-days notice to parties that have indicated interest to Ecology in reviewing applications for relief under this section, and post the notice on to their website.
  - 2. The Department of Ecology shall act within 30 calendar days of close of the public notice period, or within 30 days of receipt of the proposal from the local government if additional public notice is not required.

- D. The public notice requirements of Subsection C of this section do not apply if the relevant shoreline restoration project was included in a Shoreline Master Program or shoreline restoration plan as defined in WAC 173-26-201, as follows:
1. The restoration plan has been approved by the Ecology under applicable Shoreline Master Program guidelines; and
  2. The shoreline restoration project is specifically identified in the Shoreline Master Program or restoration plan or is located along a shoreline reach identified in the Shoreline Master Program or restoration plan as appropriate for granting relief from shoreline regulations; and
  3. The Shoreline Master Program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

#### **15.06.49 Shoreline Permit Application Procedures**

In addition to the public notice requirements of WMC 19.06.02 the following notice shall be provided for each application for a shoreline management substantial development, conditional use, or variance permit.

- A. Within fourteen days after the City has made a determination of completeness on the project permit application the City shall issue public notice including
1. The date of application, the date of the notice of completion for the application, and the date of the notice of application;
  2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, RCW 36.70B.090 and WAC 173-27-180;
  3. The identification of other permits not included in the application to the extent known by the local government;
  4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a City land use bulletin, the location where the application and any studies can be reviewed;
  5. A statement of the public comment period, which shall be not less than thirty days following the date of notice of application;
  6. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments shall be accepted at any time prior to the closing of the record of an open record hearing, if any, or, if no open record hearing is provided, prior to the decision on the project permit;
  7. The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;
  8. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency; and
  9. Any other information determined appropriate by the administrative official.
- B. Public notice shall include:

1. Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed as provided by WMC 18B.05.030.D.
2. Posting of Project Site. Posting of the project site shall be provided in accordance with WMC 18B.05.030.D.
3. Publication shall be in accordance with WMC 18B.05.030.D. If an open record public hearing is required, an additional notice shall be provided at least fifteen (15) days prior to the hearing. When required, the notice of application shall be published in a newspaper of general circulation in the general area of the proposal. The notice shall be published once, at least fifteen days prior to the date of the first public hearing on the underlying project permit. This notice shall include the project location in other than a legal description, a brief description of the project, type of permit(s) required, comment period dates, hearing dates if applicable, and a location where the complete application may be reviewed.

#### **15.06.50 Surety Devices**

The Administrative official may require the applicant to post a surety device in favor of the City to assure full compliance with any terms and conditions imposed on any shoreline permit. Said surety device shall be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated and in accordance with approved plans.

#### **15.06.51 Conditional Use**

The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Shoreline Master Program. With provisions to control undesirable effects, the scope of allowed uses can be expanded. In authorizing a conditional use, special conditions may be attached to the permit by local government or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local Shoreline Master Program.

- A. Uses which are classified or set forth in the applicable Shoreline Master Program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
  1. That the proposed use is consistent with the policies, regulations and standards of RCW 90.58.020 and the Shoreline Master Program;
  2. That the proposed use will not interfere with the normal public use of public shorelines;
  3. 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 Shoreline Master Program;
  4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
  5. That the public interest suffers no substantial detrimental effect.

- B. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- C. Other uses which are not classified or set forth in the applicable Shoreline Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
- D. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.
- E. Conditional uses must be submitted to the Department of Ecology for their approval, approval with conditions, or denial pursuant to WAC 173-27-200.

**15.06.52 Variances:**

- A. A development may be granted which is at variance with the criteria established in the SMP where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the SMP would cause undue and unnecessary hardship or practical difficulties. A variance may be required for a use that does not require a substantial development permit but which may not be approved because it does not comply with the provisions of the SMP.
- B. Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Shoreline Master Program is not, by itself, sufficient reason for a variance. The Hearing Examiner must find each of the following:
  - 1. That the strict application of the bulk, dimensional or performance standards set forth in the applicable Shoreline Master Program precludes, or significantly interferes with, reasonable use of the property;
  - 2. That the hardship described in (1) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the Shoreline Master Program, and not, for example, from deed restrictions or the applicant's own actions;
  - 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment;
  - 4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
  - 5. That the variance requested is the minimum necessary to afford relief; and
  - 6. That the public interest will suffer no substantial detrimental effect.

- C. Variances must be submitted to the Department of Ecology for their approval, approval with conditions, or denial pursuant to WAC 173-27-200.

### **15.06.53 Time Requirements for Shoreline Permits**

- A. The time requirements of this Section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under the Shoreline Master Program.
- B. No construction pursuant to such permit shall begin or be authorized and no building, grading or other construction permits or use permits shall be issued by the City until 21 days from the date a substantial development permit was filed with the Department of Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.
- C. No permits and construction pursuant to a conditional use permit or variance shall begin or be authorized until 21 days from the date of notification of approval by the Department of Ecology, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.
- D. Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143, construction activities, or a use or activity for which a permit has been granted pursuant to this Shoreline Master Program, must be commenced within two (2) years of the effective date of a shoreline permit, or the shoreline permit shall terminate and a new permit shall be necessary. However, the Administrative official may authorize a single extension for a period not to exceed one year based on reasonable factors if a request for extension has been filed with the City before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology. Construction activities or commencement of construction means that construction applications must be submitted, permits must be issued, and foundation inspections must be approved and completed.
- E. A permit authorizing construction shall extend for a term of no more than five (5) years after the effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW 90.58.143 and Subsection F of this Section. If an applicant files a request for an extension prior to expiration of the shoreline permit, the Administrative official shall review the permit and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one year. Otherwise said permit shall terminate. Notice of the proposed permit extension shall be given to parties of record and the Department of Ecology. To maintain the validity of a shoreline permit, it is the applicant's responsibility to maintain valid construction permits in accordance with adopted Building Codes.
- F. If it is determined that standard time requirements of Subsections D and E should not be applied, the Hearing Examiner, upon a finding of good cause, may establish shorter time limits, provided that as a part of action on a conditional use or variance permit the approval of the Department of Ecology shall be required. "Good cause"

means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.

- G. For purposes of determining the life of a shoreline permit, the effective date of a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods do not include the time during which a use or activity was not actually pursued due to the pendency of 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.
- H. It is the responsibility of the applicant to inform the Administrative official of the pendency of other permit applications filed with agencies other than the City, and of any related administrative or legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the City prior to the expiration date established by the shoreline permit or the provisions of this Section, the expiration of a permit shall be based on the effective date of the shoreline permit.
- I. If the granting of a shoreline permit by the City is appealed to the Shoreline Hearings Board, and the Shoreline Hearings Board has approved the granting of the permit, and an appeal for judicial review of the Shoreline Hearings Board decision is filed, construction authorization may occur subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(b).

#### **15.06.54 Rulings to State**

Any ruling on an application for a substantial development permit under authority of this Shoreline Master Program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with the Department of Ecology and the Attorney General by the Administrative official. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

#### **15.06.55 Appeals**

Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of receipt of the decision as provided for in RCW 90.58.140(6).

#### **15.06.56 Enforcement**

All provisions of this Shoreline Master Program shall be enforced by the Administrative official. For such purposes, the Administrative official or his duly authorized representative shall have the power of a police officer.

#### **15.06.57 Rescission of Permits**

- A. Any shoreline permit issued under the terms of this Shoreline Master Program may be rescinded or suspended upon a finding that a permittee has not complied with conditions of the permit.

- B. Such rescission and/or modification of an issued permit shall be initiated by serving written notice of noncompliance on the permittee, which shall be sent by registered or certified mail, return receipt requested, to the address listed on the application or to such other address as the applicant or permittee may have advised the City; or such notice may be served on the applicant or permittee in person or his agent in the same manner as service of summons as provided by law.
- C. Before any such permit can be rescinded, a public hearing shall be held by the Hearing Examiner. Notice of the public hearing shall be made in accordance with WMC 17.85. The decision of the Hearing Examiner shall be the final decision of the City on all rescinded applications. A written decision shall be transmitted to the Department of Ecology, the Attorney General's office, the applicant, and such other departments or boards of the City as are affected thereby and the legislative body of the City.
- D. The Department of Ecology may petition the Shoreline Hearings Board for a rescission of the permit if Ecology is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, as provided by RCW 90.58.140(8).

#### **15.06.58 Violations and Penalties**

- A. Every person violating any of the provisions of this Master Program or the Shoreline Management Act of 1971 shall be punishable under conviction by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding 90 days, or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense.
- B. The City Attorney may bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the Shorelines of the State within the City's jurisdiction which are in conflict with the provisions and programs of this Shoreline Master Program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this Section and the Shoreline Management Act of 1971.
- C. Any person subject to the regulatory program of this Shoreline Master Program who violates any provision of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City Attorney shall bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the Court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

### **15.06.59 Shoreline Moratorium**

- A. The City Council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act.
- B. Prior to adopting such moratorium or other interim official controls, the City Council shall:
  - 1. Hold a public hearing on the moratorium or control within 60 days of adoption;
  - 2. Adopt detailed findings of fact that include, but are not limited to, justifications for the proposed or adopted actions and explanations of the desired and likely outcomes; and
  - 3. Notify the Department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing held.
- C. Said moratorium or other official control shall provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.
- D. Said moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the City Council complies with Subsection H. before each renewal.
- E. If a moratorium or control is in effect on the date a proposed Shoreline Master Program or amendment is submitted to the Department of Ecology, the moratorium or control must remain in effect until the Department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if Ecology has not taken final action.

### **15.06.60 Administration rules promulgation.**

The Director of Planning is authorized to adopt such rules as are necessary and appropriate to implement this chapter. The director may prepare and require the use of such forms as are necessary to its administration.

### **15.06.61 Amendments authorized.**

The provisions of the Shoreline Master Program Use Regulations or the Shoreline Environment Map may be amended as provided for in RCW 90.58.120 and RCW 90.58.200 and Chapter 173-26 WAC.

### **15.06.62 Amendments adopted City Council.**

Adoption of an amendment to the official controls shall be adopted by the City council by ordinance after a public hearing and report by the planning commission in accordance with the procedural requirements of WMC 17.155.

### **15.06.63 Initiation of amendments**

- A. The Shoreline Use Regulations or Map amendments thereto may be initiated by:
1. The adoption of a motion by the City Council requesting the planning commission to set a matter for hearing and recommendation.
  2. The adoption of a motion by the planning commission.
  3. Application of one or more owners of property affected by the proposal.
  4. A department or agency of the City or governmental entity.
- B. Burden of proof

Proponents for Shoreline Environment Map redesignations (i.e., amendments to the Shoreline Environment Designation Map) shall bear the burden of proof for demonstrating consistency with the shoreline environment criteria of the Shoreline Master Program, Chapter 173-26 WAC, and the goals and policies of the City of Woodland Comprehensive Plan.

- C. Transmittal to the Department of Ecology

Subsequent to final action by the council adopting or amending the Shoreline Master Program or official control, said Shoreline Master Program, official control, or amendment thereto shall be submitted to the Department of Ecology for approval. No such Shoreline Master Program, official control, or amendment thereto shall become effective until approval by the Department of Ecology is obtained pursuant to RCW 90.58.90.

### **15.06.64 Definitions**

#### **“A” definitions**

“Agriculture” or “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 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.

“Aquaculture” means the culture or farming of food fish, shellfish, or other aquatic plants and animals. Potential locations for aquaculture are relatively restricted within the SMP of Pacific 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.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure;

**“B” definitions.**

“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 facility” for the purposes of the Shoreline Master Program means any public or private facility for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage.

“Buffer” means an area adjacent to a critical area that, functions to avoid loss or diminution of the ecologic functions and values of the critical area. Specifically, a buffer may:

- (a) Preserve the ecologic functions and values of a system, including but not limited to providing microclimate conditions, shading, input of organic material, and sediments, room for variation and changes in natural wetland, river, or stream characteristics, providing for habitat for lifecycle stages of species normally associated with the resource, and
- (b) Physically isolate a critical area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual and/or sound barriers, and generally including dense native vegetation, but also may include man-made features such as fences and other barriers;
- (c) Act to minimize risk to the public from loss of life, well-being or property damage resulting from natural disasters such as from landslide or flooding.

“Building height in Shoreline Management Act jurisdiction” only means the vertical distance between average 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 height of a stepped or terraced building is the maximum height of any segment of the building.

“Bulkhead” means a structure of timber, concrete, steel, rock or similar substance 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.

**“C” definitions.**

“Channel migration zone” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For the purpose of this code the CMZ excludes areas separated from the active river channel by legally existing artificial structures that are likely to restrain channel migration, including but not limited to flood control facilities, transportation facilities, and structures built above or constructed to remain intact through the one hundred-year flood.

“Cumulative impacts” are the results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed substantial and subject to mitigation conditions even though they may be comprised of individual actions having relatively minor impacts.

**“D” definitions**

“Dredging” is the removal of earth, sand, gravel, silt, or debris from below the OHWM of any river, stream, pond, lake or other water body and beneath the area of seasonal saturation of any wetland.

**“E” definitions**

“Ecological function” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute an element of a natural ecosystem.

**“F” definitions.**

“Fair market value” means the open market bid price for conducting construction 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 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 earth or any other substance or material placed in or on the ground, including earth retaining structures.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that either:

- (a) Has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps; or
- (b) 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.
- (c) 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.

**“G” definitions.**

“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 susceptible to erosion, sliding, earthquake, or other geological events, and the extent of risk to the health and safety of persons and property. Such a report shall include 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 geology and processes.

**“L” definitions.**

“Local utility” means public or private utilities normally servicing a neighborhood or defined subarea in the City, e.g., telephone exchanges; sanitary sewer; stormwater facilities; distribution lines, electrical distribution less than fifty five (55) kV, telephone, cable TV, etc.

**“M” definitions.**

“Marina” means any commercial or private facility consisting of docks or piers serving five or more vessels.

“Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

“Mixed use” within an area subject to the jurisdiction of the Shoreline Management Act means a combination of compatible uses within one development, in which water-oriented and non-water-oriented uses are included.

“Multiple use” means a combination of compatible uses within one development, and may include commercial, multi-family, and recreation uses among others.

**“N” definitions.**

“Nonconforming use, structure or site” means a utilization of land or structures or both, legally established prior to the effective date of this code, which would not be permitted as a new use in the zone in which it is located under the terms of this code or which does not meet current standards for setbacks, buffers, vegetation conservation, landscaping, public access, screening or other regulations in which it is located due to changes in regulations or annexation. (Ord. 929 Ch. 5, 1995).

“No net loss of ecological functions” is the maintenance of existing ecological processes and functions at the level that existed at the time of approval of relevant policies and regulations.

- (a) No net loss of ecological functions on the level of the City means that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.
- (b) On a project basis, no net loss means that permitted use or alteration of a site will not result in on-site or off-site deterioration of the existing condition of ecological functions that existed prior to initiation of use or alterations as a direct or indirect result of the project.
- (c) No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site or off-site restoration of ecological functions to compensate for localized degradation.

“Non-water-dependent use” means those uses which are not water-dependent.

“Non-water-oriented use” means those uses which are not water-dependent, water-related, or water-enjoyment.

**“O” definitions.**

“Open space” means an area that is intended to provide light and air, view, use or passage of persons or animals which is almost entirely unobstructed by buildings, paved areas, or other manmade structures and is designed or preserved for environmental, habitat, scenic or recreational purposes.

“Ordinary high water mark” means the mark on all lakes and streams that will be found by examining the beds 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 and vegetation, as that condition existed on June 1, 1971 for all lands under the jurisdiction of the Shoreline Management Act, or for other lands on the effective date of the relevant provisions of this code, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or other authorized jurisdictions. In any area where the ordinary high water mark cannot be found, it shall be defined in accordance with WAC 173-22-030, generally the line of the mean higher high tide in areas adjoining salt water, and the line of mean high water in areas adjoining freshwater.

**“P” definitions.**

“Pier” means docks and similar structures consisting of a fixed or floating platform extending from the shore over the water. This definition does not include overwater trails.

“Public access” means physical and/or visual approach to and along the shoreline available to the general public.

**Recreation areas or facilities.**

“Recreation areas or facilities” means any privately or publicly owned passive or active facility that provides for activities undertaken for pleasure or relaxation and for the refreshment of the mind and body that takes place in the outdoors or in a facility dedicated to the use including walking, fishing, photography, viewing, and bird-watching and may include parks, playgrounds, sports fields, paths and trails, beaches, or other recreation areas or facilities.

**“S” definitions.**

“Shorelands or shoreland areas” means those lands under the jurisdiction of the Shoreline Management Act 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 the Shoreline Management Act RCW 90.58.030; the same to be designated as to location by the Department of Ecology.

“Shoreline areas” mean all "shorelines of the state" and "shorelands."

“Shoreline stabilization” means structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as currents, floods, tides, wind, or wave action.

“Should” means, in areas that are subject to the provisions of the Shoreline Management Act RCW 90.58.030; that a 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 Administrative official, 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.

**“W” definitions.**

“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-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” or “wetland areas” 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 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. For identifying and delineating a regulated wetland, the methodology specified by the Department of Ecology shall be utilized.

“Wetlands, Associated jurisdictional wetlands are those wetlands that are in proximity to and either influence or are influenced by shoreline areas” subject to the Shoreline Management Act.

### **Section III      Amendment of City of Woodland Code Chapter 15.08 Critical Areas**

1. The following revision is made to WMC 15.08.110 - Exception—Reasonable use:

Exceptions to this chapter may be made when the imposition of the standards would deny an applicant all reasonable use of their property. -The following provisions do not apply within the jurisdiction of the Shoreline Management Act

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**2. The following revision is made to WMC 15.08.060 - Jurisdiction:**

A. The Ceity shall regulate all uses, activities and developments that are within, adjacent to, or are likely to effect a critical area(s) consistent with best available science. Provided that protection of wetlands and riparian areas and related buffers shall not be required on sites separated from the shoreline by, public and private roads, publicly maintained levees and other substantial existing improvement that substantially interrupts or impairs ecological functions of the adjacent wetland or water body. -Buffers shall extend from the edge of the wetland or the ordinary high water mark of a stream to the edge of the area of vegetation management associated with the road, levee or similar facility.

**3. The following revisions are made to WMC. 15.08.400 - Wetland buffers**

K. Exempted Wetlands. Isolated Except within the jurisdiction of the Shoreline Management Act, Category 4 wetlands less than five thousand square feet in size and Category 3 wetlands less than one thousand square feet that are not located in the buffer of a nonexempt wetland are exempted from the provisions of this chapter. If the Ceity has established a fee program for wetland impacts, these nonexempt wetlands are subject to such a fee unless preserved. Within the jurisdiction of the Shoreline Management Act, the following wetlands are exempt from the buffer provisions contained in this Chapter and the normal mitigation sequencing process. They may be displaced if impacts are fully mitigated.

All isolated Category III and IV wetlands less than 1,000 square feet that:

1. Are not associated with riparian areas or buffers
2. Are not part of a wetland mosaic
3. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.

K. -Alternative Buffers for Existing Single Family Lots. -For existing single family lots in separate ownership the director may impose the following buffers and setbacks as an alternative to Subsections A.- F., above.

<u>Depth of Lot</u> <u>Measured from OHWM</u>	<u>Buffer</u> <u>(Percent of lot Depth)</u>	<u>Structure Setback from</u> <u>Buffer (feet)</u>
<u>Less than 100 feet</u>	<u>20%</u>	<u>10 feet</u>
<u>100 feet to 150 feet</u>	<u>25%</u>	<u>10 feet</u>
<u>150 feet to 200 feet</u>	<u>30%</u>	<u>15 feet</u>
<u>200 feet to 300 feet</u>	<u>40%</u>	<u>15 feet</u>

**4. The following revisions are made to WMC. 15.08.430 - Wetland buffers**

B Mitigation Ratios. Any wetland that is degraded as a result of a permitted or nonpermitted activity shall be restored, created or enhanced at an area equal to or greater than the wetland area that was altered in order to compensate for losses to wetland acreage or functions.

1. Mitigation outside the jurisdiction of the Shoreline Management Act shall be according to the following ratios:

	Wetland Area Impacted		Wetland Replacement Area Required
Category 1	<u>1</u>	to	6
Category 2 or 3	<u>1</u>	to	3.0
Category 4	<u>1</u>	to	1.5

2. Mitigation within the jurisdiction of the Shoreline Management Act shall be according to the following ratios:

<u>Category and Type of Wetland</u>	<u>Creation or Re-establishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>	<u>Preservation</u>
<u>Category I: Bog, Natural Heritage site</u>	<u>Not considered possible</u>	<u>6:1</u>	<u>Case by case</u>	<u>10:1</u>
<u>Category I: Mature Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>24:1</u>	<u>24:1</u>
<u>Category I: Based on functions</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>	<u>20:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>	<u>20:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>	<u>15:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>	<u>10:1</u>

**5. The following revision is made to WMC 15.08.720 - Performance standards—General requirements.**

-B. Buffers

4. -Alternative Buffers for Existing Single Family Lots. -For existing single family lots in separate ownership the director may impose the following buffers and setbacks as an alternative to the criteria in 1-3 above and Table 15.08.730-1 Riparian Habitat Areas (RHA)

<u>Depth of Lot Measured from OHWM</u>	<u>Buffer (Percent of lot Depth)</u>	<u>Structure Setback from Buffer (feet)</u>
<u>Less than 100 feet</u>	<u>20%</u>	<u>10 feet</u>
<u>100 feet to 150 feet</u>	<u>25%</u>	<u>10 feet</u>
<u>150 feet to 200 feet</u>	<u>30%</u>	<u>15 feet</u>
<u>200 feet to 300 feet</u>	<u>40%</u>	<u>15 feet</u>

## Section IV Amendment of City of Woodland Code Chapter - 19.08 Approval, Review and Appeal Authority

### 1. The following revision is made to WMC 19.08.030 Review and Appeal Authority

The following table describes development permits and the final decision and appeal authorities.

All applicable administrative appeals shall be exhausted prior to initiation of judicial review. All judicial appeals shall be made to county superior court in accordance with RCW 36.70.C except comprehensive plan policy decisions or updates which may be appealed to the State Growth Management Hearings Board and final shoreline permit actions which may be appealed to the Shoreline Hearings Board. As per WMC 19.06.050, appeal of the Ceity's procedural SEPA decision or threshold determination shall be consolidated with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before the hearing examiner and any further appeal shall be made to county superior court. When decision making authority rests with the Ceity Ceouncil, appeal shall be to the county superior court. Appeal procedures for decisions and interpretations of the fire chief and building official are set forth in WMC 14.48.

Key: R	= Recommendation to Higher Review Authority	D	= Decision
OP	= Open Record Predecision Hearing	SR	= Staff Recommendation with Staff Report
C	= Closed Record Appeal Hearing	A	= Appeal Decision
ORH	= Open Record Hearing		

	Public Works Department Staff	Development Review Committee	Hearing Examiner	Planning Commission	City Council
<b>SHORELINES</b>					
<u>SUBSTANTIAL DEVELOPMENT PERMIT WITH</u> <u>1. Minor new substantial development permits that meet any of the following</u>	<u>D</u>				

<p>criteria;</p> <p><u>(a) Single family residences not constructed by an owner, lessee or contract purchaser for their own use;</u></p> <p><u>(b) Non-exempt agricultural buildings</u></p> <p><u>(c) Single family non-exempt docks;</u></p> <p><u>(d) New developments on a site of one acre or less ;</u></p> <p><u>(e) New permits, not involving over-water construction, with a cost of less than \$500,000;</u></p> <p><u>(f) Replacement of facilities on an existing site that accomplish the same function but employ different technology or have a different configuration, and do not change the existing use or result in adverse environmental impacts</u></p> <p><u>(g) Removal of dredge spoils from a site</u></p> <p><u>2. Minor revisions to existing Shoreline Substantial Development Permits (that meet the criteria of WAC 176-27)</u></p> <p><u>(a) No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;</u></p> <p><u>(b) Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;</u></p> <p><u>(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;</u></p> <p><u>(d) Additional or revised landscaping is consistent with any conditions attached to the</u></p>					
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<u>original permit and with the applicable master program;</u> <u>(e) The use authorized pursuant to the original permit is not changed; and</u> <u>(f) No adverse environmental impact will be caused by the project revision.</u>					
OTHER SUBSTANTIAL DEVELOPMENT PERMIT		SR	D (OP) <sup>*2</sup>		
CONDITIONAL USE PERMIT		SR	D (OP) <sup>*2</sup>		
VARIANCE		SR	D (OP) <sup>*2</sup>		
EXEMPTION	D		A (ORH) <sup>*2</sup>		
EXTENSION OF SHORELINE RELATED PERMIT	D		A (ORH)		