

## CHAPTER 5 – GOALS, POLICIES & REGULATIONS

The following shoreline goals ~~and policies~~ provide the foundation and framework on which the ~~remainder policies and regulations~~ of the SMP have been developed.

### 5.1 Shoreline Master Program Goals

A. **SMP Goals.** The overarching goals of this SMP are to:

1. Preserve the rights of private ownership and property uses of the shorelines;
2. Assure healthy, orderly, economic growth;
3. Maintain a high quality environment along the shorelines;
4. Establish criteria for safe and orderly residential growth along the shorelines;
5. Preserve and protect these fragile natural resources and culturally significant features along the shorelines; and,
6. Provide safe and reasonable public access to the shorelines.

B. **Local Character.** The unique characteristics of the Town, including existing ecological functions, the scale, intensity, and density of development, and existing uses ~~are should be~~ considered ~~when reviewing deciding on conditional use~~ development applications, while maintaining compliance with the SMA and its implementing regulations.

C. **Goals by Element.** The goals for required SMP elements are as follows:

1. **Archaeological and Historical Resources.**

- a. Provide access to and education on the resources if they are on public property.
- b. Protect, preserve, and restore those historical, cultural, educational, and scientific sites on the shorelines covered under the jurisdiction of this SMP. These areas are identified by the appropriate authorities, including affected Native American tribes, and the Dept. of Archaeology and Historic Preservation (DAHP).

2. **Conservation, Ecological Functions & Critical Areas.**

- a. To protect shoreline ecological functions ~~and to conserve natural resources including, but not limited to, scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.~~
- a-b. Ensure shoreline development corresponds with the character and physical limitations of the land and water, and prevents net loss of ecological function.
- b-c. Use regulatory standards and processes for the sustained yield of renewable shoreline resources to ensure no net loss of ecological function.
- e-d. To protect areas designated by RCW 36.70A.170 and per WAC 173-26-221(2) as environmentally critical areas located in the shoreline jurisdiction. Critical areas are those lands especially vulnerable to development because of fragile biophysical characteristics and/or important resource values ~~that can also pose life safety risks.~~ Critical areas within shoreline jurisdiction are governed by the SMA through this ~~Program's Critical Areas Regulations in Chapter 6.~~
- e. Protect ~~and restore~~ critical areas to ensure no net loss of ~~shoreline~~ ecological functions.

**Commented [A1]: Recommended:** An overall 'repeal & replace' chapter reorganization for better clarity, ease of implementation, and for better consistency with WAC 173-26; presented as follows:  
 5.1 General Goals (e.g. WAC 173-26-191)  
 5.2 General Policies & Regulations (e.g. WAC 173-26-221)  
 5.3 Modifications Policies & Regulations (e.g. WAC 173-26-231)  
 5.4 Specific Use Policies & Regulations (e.g. WAC 173-26-241)

Where appropriate, items within sub-sections are organized alphabetically, to aid both the applicant and practitioner.

This is the replacement Chapter 5 presented separately from the Attachment C main document.

**Commented [A2]: Recommended:** Revise text for better reflection of WAC 173-26-191(1.b)(f).

3. **Economic Development.** Support sustainable water-dependent commercial and industrial use & development where compatible with existing areas of business, labor, and infrastructure.
4. **Flood Hazard Reduction.** Reduce flood hazards that may be worsened by shoreline uses, developments, and modifications.
5. **Public Access.**
  - a. Plan for public access so that resources are used efficiently and effectively.
  - b. Use public land for public access to shorelines, and ensure that public access opportunities meet demands associated with new and anticipated development.
  - c. Improved public access sites should be inviting and accommodating to a wide range of users.
  - d. Protect ecological functions and informal/undeveloped public access opportunities.
  - e. Protect views of shorelines and the water.
6. **Recreation.** Provide water-oriented recreation opportunities while protecting ecological functions.
7. **Transportation, Parking & Circulation.**
  - a. Ensure adequate circulation for shoreline uses supported by this SMP.
  - b. Protect ecological functions and water-dependent development opportunities.
8. **Vegetation Conservation.** Protect and restore vegetation that contributes to [shoreline](#) ecological functions.

## 5.2 General [Goals and Policies](#) and [Regulations](#)

**A. Applicability.** The [regulations provisions](#) in this section apply to all shoreline uses, developments, and modifications, [regardless of whether a permit or other authorization is required.](#)

**A-B. Private Property Rights.** [This Program should be administered so that the regulation of development on private property is only to an extent that is consistent with all relevant constitutional and other legal limitations on the regulation of private property, including statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060, where applicable.](#)

**B-C. Shoreline ~~use, development and modification~~ Allowed Use Tables.** [Table 1](#) indicates shoreline uses, developments and modifications that may be allowed, [conditionally allowed](#), or are prohibited in shoreline jurisdiction within each shoreline environment designation. Shoreline uses and modifications are classified in the matrix as indicated below. Uses, developments and modifications that may be allowed according to [Table 1](#) must in all cases be consistent with all other applicable parts of this Shoreline Master Program in order to be authorized by the Town. Where the table and text specifically contradict each other, the text shall prevail. [Table 1 uses the following notations for listed uses, developments and modifications:](#)

1. [Those that may be allowed are indicated as 'P' for permitted;](#)

4-2. [Those that may be conditionally allowed are indicated as 'C' for conditional;](#)

2-3. ~~Uses developments and modifications~~ Those that may be allowed waterward of the OHWM only if allowed by the adjacent shoreline designation landward of the OHWM are indicated by 'ASD' on the matrix.

3-4. ~~Those that are prohibited are indicated as 'X' and may not be allowed by any authorization, including a variance.~~

5. ~~Those that are not applicable in a particular environment designation are indicated as 'n/a' and,~~

4-6. ~~Those that are subject to certain limitations or exceptions specified in the text are indicated as <sup>(\*)</sup>.~~

Commented [A3]: Recommended: Add and revise text to fully explain how to use Table 1.

D. ~~D.~~ **Unlisted uses, developments and modifications.** Any new uses, developments or modifications not ~~classified by this Program or~~ explicitly listed or comparable to those included in [Table 1](#) shall be reviewed through a shoreline conditional use permit.

~~D.~~ **E. Height limitation.**

1. ~~New development shall be located and designed to avoid or minimize obstruction of existing views from public property or a substantial number of residences.~~
2. No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level, except if approved through a shoreline variance permit.
3. To exceed 35 feet, an applicant must apply for a shoreline variance permit, and comply with the following criteria in addition to the shoreline variance permit criteria:
  - a. Overriding considerations of the public interest will be served.
  - b. The view of a substantial number of residences on areas adjoining shorelines will not be obstructed.

Commented [A4]: Recommended: Add text for better consistency with WAC 173-26-221(4).

~~E.~~ **F. Setback.** Structures, driveways, and parking areas, except those necessary to support a water dependent use, are prohibited 15 ft. from the edge of ~~the all~~ buffers.

**5.2.1 Prohibited Uses and Development**

A. The following uses ~~and developments~~ are prohibited in all shoreline environments, ~~unless otherwise provided for by this program:~~

1. ~~Agriculture;~~
2. ~~Biosolids production or application;~~
3. ~~Covered moorage/canopies, boat houses, boat lifts, floats/rafts, and mooring buoys;~~
4. ~~Forest practices;~~
5. ~~In-water or, overwater residential use, including or floating- homes, floating on-water residences, and house boats; residences, or accessory dwelling units, including structures~~

1 ~~located in or on marshes, bogs, swamps, lagoons, tidelands, ecologically sensitive areas,~~  
2 ~~or open water areas.~~

3 6. Mining;

4 ~~4.7. Parking facilities as a primary use; that do not support other authorized uses; and,~~

5 8. Solid waste disposal facilities.

6 **5.2.2 Archeological and Historical Resources**

7 A. **Purpose.** To protect ~~archaeological and historical resources, including buildings, objects,~~  
8 sites, and areas having historic, cultural, educational, or scientific values; including unknown  
9 archaeological resources that may be located within shoreline jurisdiction.

10 B. **Policies**

- 11
- 12
- 13 1. Such sites on public property should be made available to the general public if impacts  
14 to the resource can be avoided; however, access to sites may be by foot trail, boat, or  
15 other means of less convenience than paved roads.
- 16
- 17 2. Educational projects and programs that foster a greater appreciation of the importance  
18 of shoreline management, maritime history and activities, environmental conservation  
19 and cultural and tribal heritage should be supported.
- 20
- 21 3. Such sites should be regarded with the same concern for protection as endangered or  
22 fragile species or ecosystems.
- 23
- 24 4. The Town of Cathlamet will work with tribal, state, federal, local governments, and  
25 special districts to maintain an inventory of all known significant local historic, cultural,  
26 and archaeological sites while adhering to applicable state and federal laws protecting  
27 such information from public disclosure. As appropriate, such sites should be preserved,  
28 rehabilitated, or restored for study, education, or public enjoyment.
- 29
- 30 5. Construction projects located within shoreline jurisdiction that encounter new and  
31 significant archaeological, historical, scientific, or cultural discoveries should be  
32 immediately stopped and be suspended until such discoveries can be fully evaluated.
- 33
- 34 6. Restoration, development, and interpretation of significant historical, cultural,  
35 educational, or scientific properties within shoreline areas is encouraged.
- 36
- 37 7. Prior to permits being issued in a documented archaeological area located within  
38 shoreline jurisdiction the project proponent should obtain a site evaluation or inspection  
39 by a professional archaeologist, in coordination with affected Native American tribes.
- 40
- 41 8. Owners of property containing previously identified historic, cultural, or archaeological  
42 sites are encouraged to make development plans known well in advance of application,  
43 so that appropriate agencies such as the affected Native American tribe(s), Washington  
44 State Department of Archaeological and Historic Preservation, and others may have

**Commented [A5]: Recommended:** Revise text to include all uses prohibited by Chapter 5.4, including those indicated as not present and not allowed by zoning; to inform the reader in summary early in the chapter; and to list alphabetically.

**Commented [A6]: REQUIRED #14:** Revise text for consistency with Chapter 3 Definitions, and with WAC 173-26-221 (1)(a).

ample time to assess the site and make arrangements to preserve historical, cultural, and archaeological values as applicable.

9. Proposed site development or associated site demolition work should be planned and carried out so as to avoid impacts to the protected resource.
10. If development or demolition is proposed adjacent to an identified historic, cultural, or archaeological site, then the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural, or archaeological site.

### C. Regulations

1. **Known archaeological resources.** Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.
2. **Uncovered archaeological resources.** Developers and property owners shall immediately stop work and notify the Shoreline Administrator, the Washington State Department of Archaeology and Historic Preservation, and affected Indian tribes if archaeological resources are uncovered during excavation, or other site development activities.

### 5.2.3 Conservation, Ecological Functions & Critical Areas

#### A. Policies

1. Encourage activities that protect existing and restore degraded ecological functions and ecosystem-wide processes.
2. Development should be regulated to protect the public from flood environmental hazards such as flooding and landslides hazards, and to prevent adverse impacts to aquifers, floodplains, geologic features, wetlands, and fish and wildlife habitat.
3. Use and development within critical freshwater habitat including stream channels, channel migration zones, wetlands, floodplains, and associated hyporheic zones, as applicable, should assure no net loss of shoreline ecological functions.
4. Protection of critical freshwater, riparian and associated upland habitat should be integrated with flood hazard reduction and other lake, wetland, river and stream management strategies, and facilitate appropriate restoration actions.
5. Consideration should be given for “reasonable use” of real property by landowners when implementing this SMP. Mitigation measures are may be a reasonable method to allow “reasonable use” when the potential impacts from the proposed project are unavoidable.
6. Inter-local watershed plans, critical area regulations, state and federal regulations, tribal programs, and similar plans should be considered when reviewing

Commented [A7]: Recommended: Revise subtitle for internal consistency with Chapter 5.1.3.b.

Commented [A8]: Recommended: Moved up from #4 below as a general policy presented before more specific provisions.

Commented [A9]: Recommended: Add missing provisions from WAC 173-26-221(2).

1 proposed shoreline developments with regards to achieving no net loss of shoreline  
2 ecological functions. In the event of conflict between regulations, the SMP shall prevail.  
3

4 ~~Encourage activities in critical areas that restore degraded ecological functions and~~  
5 ~~ecosystem wide processes.~~

6 7. ~~Hydrologic connections between water bodies, water courses, and associated wetlands~~  
7 ~~should be protected. Restoration planning should include incentives and other means to~~  
8 ~~restore water connections that have been impeded by previous development.~~

9  
10 8. ~~Promote human uses and values of critical areas when they are compatible with~~  
11 ~~protection and restoration of critical areas, such as public access and aesthetic values,~~  
12 ~~provided that impacts to ecological functions are first avoided, and any unavoidable~~  
13 ~~impacts are mitigated.~~

14  
15 9. In addressing issues related to critical areas, use scientific and technical information as  
16 described in WAC 173-26-201 (2)(a) pursuant to RCW 90.58.100.

17 4-10. \_\_\_\_\_ Ecological function should be considered when evaluating proposed  
18 development.  
19

20  
21 5-11. \_\_\_\_\_ Consider shoreline impacts when evaluating upland or adjacent uses or activities  
22 that have potentially to negatively impact the shoreline environment.  
23

24 6-12. \_\_\_\_\_ Consider development impacts on wetlands and aquatic areas in shoreline  
25 areas.  
26

27 13. Land divisions should be created to prevent loss of ecological functions, even when the  
28 lots are fully ~~constructed~~built-out.  
29

30 7-14. \_\_\_\_\_ Use the mitigation sequence (~~See Chapter 3 Definitions~~) to ensure no net loss of  
31 ecological function.  
32

33 8-15. \_\_\_\_\_ Preserve unique and non-renewable resources.  
34

35 16. Limit the modification of intact natural shoreline areas by regulating or prohibiting the  
36 development of structures in areas with unstable soil or slope conditions.  
37

- 38 17. ~~Vegetation conservation measures should be undertaken to:~~  
39 a. ~~Protect ecological functions and ecosystem-wide processes performed by vegetation~~  
40 ~~along shorelines;~~  
41 b. ~~Protect human safety and property;~~  
42 c. ~~Increase the stability of shorelines and reduce the need for structural shoreline~~  
43 ~~stabilization measures;~~  
44 d. ~~Improve the visual and aesthetic qualities of the shoreline;~~  
45 e. ~~Protect plant and animal species and their habitats; and~~  
46 a.f. ~~Enhance shoreline use activities.~~  
47

Commented [A10]: Recommended: Add provisions for better consistency with WAC 173-26-221(2).

Commented [A11]: Recommended: Add provisions for better consistency with WAC 173-26-.221(5).

48 B. Regulations

1. ~~Critical areas within shoreline jurisdiction.~~ In addition to the following mitigation requirements, shoreline use and development of ~~C~~critical areas within shoreline jurisdiction are also subject to ~~the Chapter 6 and other applicable provisions, regulations~~ contained in ~~this Program.~~

2. ~~Mitigation Sequence.~~ When required, the mitigation sequence shall be applied following the steps listed below in order of priority, with 'a' being the top priority, and only using lesser priority steps when higher priority steps are infeasible:

- a. ~~Avoid the impact altogether by not taking a certain action or parts of an action;~~
- b. ~~Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;~~
- c. ~~Rectify the impact by repairing, rehabilitating, or restoring the affected environment;~~
- d. ~~Reduce or eliminate the impact over time by preservation and maintenance operations;~~
- e. ~~Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and,~~
- f. ~~Monitor the impact and the compensation projects and taking appropriate corrective measures.~~

3. ~~Mitigation sequence analysis, when required.~~ A mitigation sequence analysis shall describe which mitigation measures are being applied, ~~and how~~ applying the mitigation sequence will result in no net loss of ecological functions. ~~See Critical area permit in Chapter 6 for more information.~~ A project applicant must provide a mitigation sequence analysis in the following circumstances:

- a. If a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible" or requiring the minimization of development size) contained in these shoreline regulations, then the mitigation sequence analysis is required for the discretionary standard(s).
- b. When an action requires a shoreline conditional use permit or shoreline variance permit.
- c. ~~When a critical areas report is required.~~

~~d. FWHCA Critical Areas Report Required, When mitigation sequencing is required, a FWHCA critical areas report is automatically required:~~

~~Mitigation sequence analysis. The mitigation sequence analysis must describe how the mitigation sequence is followed to achieve no net loss of ecological functions. The analysis shall:~~

~~Describe how the applying the mitigation will result in no net loss of ecological functions. See Critical area permit in Chapter 6 for more information.~~

~~c. Describe which measures are being applied~~

4. ~~Compensatory mitigation.~~ When compensatory measures are ~~appropriate required~~ pursuant to the mitigation sequence analysis:

- a. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation or restoration based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.

Commented [A12]: REQUIRED #15: Per WAC 173-26-201(2)(e), add text to establish the mitigation sequence as a regulatory requirement, and for internal consistency with Chapter 3 Definitions and Chapter 6 Critical Areas.

Commented [A13]: Recommended: Delete this provision that is duplicative of FWHCA provisions in Chapter 6.

Commented [A14]: Recommended: Delete text as duplicative of #3 above.

- 1 b. Compensatory mitigation measures must be maintained over the life of the use or  
2 development.
- 3 c. Authorization of compensatory mitigation measures may require appropriate  
4 safeguards, terms, or conditions as necessary to ensure no net loss of ecological  
5 functions.
- 6 d. Occupancy of the proposed development is not allowed until significant  
7 components of compensatory mitigation are complete, including the posting of  
8 required bonds or sureties and recording of required property instruments.
- 9 5. **Mitigation plan.** When compensatory measures are appropriate-required, the applicant  
10 must develop-provide and implement a mitigation plan prepared by a qualified  
11 professional with relevant experience in the applicable field(s) and meeting the criteria  
12 for at least one of several types of qualified professional described in the SMP Critical  
13 Areas Regulations in Chapter 6, as defined. A mitigation plan must include, at a  
14 minimum:
- 15 a. A description of the qualified-author's professional qualifications as they pertain to the  
16 potentially impacted ecological functions.
- 17 b. A description of the existing shoreline environment.
- 18 c. A description of anticipated impacts.
- 19 d. A description of how the mitigation plan addresses anticipated impacts, with  
20 supporting rationale.
- 21 e. Drawings showing existing and proposed conditions.
- 22 f. Measurable performance standards for evaluating the success of the mitigation plan.
- 23 g. A contingency plan identifying potential courses of action if performance standards  
24 are not being met.
- 25 h. A five-year maintenance and monitoring program, including:
- 26 i. A schedule for maintenance and monitoring;
- 27 ii. A schedule for the submission of monitoring reports to the Administrator to  
28 document milestones, successes, problems, and contingency actions; and
- 29 iii. A discussion of how monitoring data will be evaluated to determine whether  
30 performance standards are being met.
- 31
- 32 6. In determining appropriate mitigation measures applicable to shoreline development,  
33 lower-priority measures shall be applied only where higher priority measures are  
34 determined to be infeasible or inapplicable.
- 35 7. Mitigation areas shall be protected in perpetuity, and the protection shall run with the land  
36 and be recorded via a legal instrument such as an easement, or as a dedication on the  
37 face of a plat or short plat. Such legal instruments shall be recorded with the Wahkiakum  
38 County Auditor's Office prior to the time of building permit approval, occupancy, or plat  
39 approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's  
40 successors in interest or other parties shall not diminish the usefulness or value of  
41 mitigation areas.
- 42 8. The applicant/proponent shall post a bond or provide other financial surety equal to one  
43 hundred and fifty percent (150%) of the estimated cost of the mitigation to ensure the  
44 mitigation is carried out successfully. The bond/surety shall be refunded to the  
45 applicant/proponent upon completion of the mitigation activity and any required  
46 monitoring.
- 47 9. Required mitigation shall not be in excess of that necessary to assure that proposed uses  
48 or development will result in no net loss of shoreline ecological functions.

- 1 10. Mitigation actions shall not have a significant adverse impact on other shoreline functions  
2 fostered by the policies of the Shoreline Management Act.
- 3 11. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), Chapter  
4 43.21C RCW, is applicable, the analysis of environmental impacts from proposed  
5 shoreline uses or developments shall be conducted consistent with the rules  
6 implementing SEPA (SMC 16.04 and WAC 197-11).

7

8 **5.2.4 Economic Development**

9 **A. Purpose.** To provide for water oriented economic development and employment while  
10 supporting other community goals.

11

12 **B. Policies**

13

14 1. Non-water-dependent shoreline uses are discouraged in areas of existing water  
15 dependent commercial and industrial development.

16

17 4.2. The location and design of industry, projects of statewide significance,  
18 transportation facilities, port facilities, tourist facilities, commerce and other developments  
19 that are particularly dependent on siting along or use of shorelines of the state should be  
20 prioritized.

Commented [A15]: Recommended: Add a provision for better consistency with WAC 173-26-191.

21

22 **5.2.5 Flood Hazard Reduction**

23 **A. Purpose.** To reduce flood hazards to life and property and give consideration to the statewide  
24 interest in the prevention and minimization of flood damages.

Commented [A16]: Recommended: Revise text for better consistency with WAC 173-26-221(3).

25

26 **A-B. Policies**

- 27
- 28 1. Encourage nonstructural flood hazard reduction measures over structural measures.
- 29
- 30 2. Flood hazard reduction provisions should be based on applicable watershed  
31 management plans, comprehensive flood hazard management plans, and other  
32 comprehensive planning efforts that are consistent with this SMP.
- 33
- 34 3. Assure that flood hazard reduction measures do not result in a net loss of ecological  
35 functions.
- 36
- 37 4. No new construction should be allowed within the limits of the one hundred-year (100  
38 year) flood plain that significantly reduces flood or downstream storage capacity or  
39 increases flood hazards to upstream properties or otherwise endangers public safety.
- 40
- 41 5. Flood control works, such as levees, play an important existing role in protecting life and  
42 property. Maintenance of existing flood control works should be allowed provided that no  
43 net loss of ecological functions results.
- 44

- 1 6. Recommendations provided in the “Wahkiakum County Comprehensive Flood Hazard  
2 Management Plan 2005” or as hereafter amended, are supported, unless in conflict with  
3 this Program.  
4
- 5 7. Recommendations to reduce flood hazards provided in “Projects and Solutions to Water  
6 Resource Problems on the Lower Columbia River” (Pacific International Engineering,  
7 February 2002) are supported, unless in conflict with this Program.  
8

9 **B.C. Regulations**

10

11 1. **Applicability.** Flood hazard reduction provisions apply to actions taken to reduce flood  
12 damage or hazard and to uses, developments, and shoreline modifications that may  
13 increase flood hazards. Flood hazard reduction measures may consist of nonstructural  
14 measures, such as setbacks, land use controls, wetland restoration, dike removal, use  
15 relocation, biotechnical measures, and stormwater management programs; and of  
16 structural measures, such as dikes, levees, revetments, floodwalls, channel realignment,  
17 and elevation of structures consistent with the National Flood Insurance Program. Flood  
18 hazard reduction is achieved through provisions of this ~~master program, Wahkiakum~~  
19 ~~County’s Flood Control Ordinance 142-06, and Town of Cathlamet Municipal Code~~  
20 ~~14.15.170, and Town of Cathlamet Municipal Code 14.10.180 through 14.10.320.~~

21 2. **Development in floodplains.** Development in floodplains must not significantly or  
22 cumulatively increase flood hazards. ~~or must be consistent with Wahkiakum County~~  
23 ~~Comprehensive Flood Hazard Management Plan (2005 or as revised) pursuant to RCW~~  
24 ~~86.12 (provided the plan has been adopted after 1994 and approved by Ecology).~~

25 2.3. **New development or uses, including subdivisions.** New use or development,  
26 including the subdivision of land, must not be established when it would be reasonably  
27 foreseeable it would require structural flood hazard reduction measures within the channel  
28 migration zone or floodway during the life of the development or use.

29 3.4. **Uses and activities within the channel migration zone or floodway.** The  
30 following uses and activities may be authorized where appropriate and/or necessary within  
31 the channel migration zone or floodway:

- 32 a. Actions that protect or restore the ecosystem-wide processes or ecological functions,  
33 including development with a primary purpose of protecting or restoring ecological  
34 functions and/or ecosystem-wide processes.  
35 b. Forest practices in compliance with the Washington State Forest Practices Act and its  
36 implementing rules.  
37 c. Existing and ongoing agricultural practices provided that no new restrictions to channel  
38 movement occur.  
39 d. Bridges, utility lines, outfalls, and other public utility and transportation structures  
40 where no other feasible alternative exists, or the alternative would result in  
41 unreasonable and disproportionate cost. Where such structures are allowed,  
42 mitigation shall address impacted functions and processes in the affected section of  
43 the watershed or drift cell.  
44 e. Repair and maintenance of an existing legal structure, provided that such actions do  
45 not cause significant ecological impacts or increase flood hazards to other uses.  
46 f. Modifications or additions to an existing nonagricultural legal use, provided that  
47 channel migration is not further limited and that the new development includes  
48 appropriate protection of ecological functions.

- 1 g. Development protected by existing structures that prevent active channel movement
- 2 and flooding.
- 3 h. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion
- 4 rate exceeds that which would normally occur in a natural condition, that the measure
- 5 does not interfere with fluvial hydrological and geomorphological processes normally
- 6 acting in natural conditions, and that the measure includes appropriate mitigation of
- 7 impacts to ecological functions associated with a river or stream.
- 8

9 **5. Structural flood hazard reduction measures.**

- 10 a. Structural flood hazard reduction measures shall be consistent with an adopted
- 11 comprehensive flood hazard management plan.
- 12 b. New structural flood hazard reduction measures in shoreline jurisdiction may be
- 13 allowed only when demonstrated by a scientific and engineering analysis that they are
- 14 necessary to protect existing development and that nonstructural measures are not
- 15 feasible, that impacts on ecological functions and priority species and habitats can be
- 16 successfully mitigated so as to assure no net loss, and that appropriate vegetation
- 17 conservation actions will be undertaken consistent with this Program.
- 18 c. New structural flood hazard reduction measures must be placed landward of
- 19 associated wetlands and applicable shoreline buffers, except for actions that increase
- 20 ecological functions, such as wetland restoration; provided that such flood hazard
- 21 reduction projects be authorized only if it is determined that no other alternative to
- 22 reduce flood hazard to existing development is feasible. The need for, and analysis of
- 23 feasible alternatives to, structural improvements must be documented through a
- 24 geotechnical and hydrological analysis.
- 25 d. New public structural flood hazard reduction measures, such as dikes and levees,
- 26 must dedicate and improve public access pathways unless public access
- 27 improvements would cause unavoidable health or safety hazards to the public,
- 28 inherent and unavoidable security problems, unacceptable and unmitigable significant
- 29 ecological impacts, unavoidable conflict with the proposed use, or a cost that is
- 30 disproportionate and unreasonable to the total long-term cost of the development.
- 31

- 32 6. **Removal of gravel for flood management purposes.** The removal of gravel for flood
- 33 management purposes must be consistent with an adopted flood hazard reduction plan
- 34 and this Shoreline Master Program, and shall be allowed only after a biological and
- 35 geomorphological study shows that extraction has a long-term benefit to flood hazard
- 36 reduction, does not result in a net loss of ecological functions, and is part of a
- 37 comprehensive flood management solution.
- 38

Commented [A17]: Recommended: Revise text for better consistency with WAC 173-26-221(3).

39 **5.2.6 Local Character**

40 **A. Policies**

- 41 1. Encourage multiplicities of mixed use development in the Town of Cathlamet, particularly
- 42 on the downtown waterfront.
- 43
- 44 2. Ensure that shoreline uses and developments do not violate constitutionally protected
- 45 private property rights.
- 46
- 47 3. The enhancement of and rehabilitation restoration of water bodies and their aquatic or
- 48 adjacent riparian habitat, by public or private entities for purposes of increasing yields or
- 49 production of fisheries resources, are is encouraged.

- 1  
2 4. Developments located within shoreline areas should be designed to be structurally  
3 sustainable and adaptable to natural changes within shorelands over time and visually  
4 compatible within the shoreline character of the proposed area.  
5

6 **5.2.7 Public Access**

7 **A. Purpose.** To plan for, maintain, and improve both physical and visual public access to  
8 shorelines, including the public's ability to view, reach, touch, and enjoy the water edge, to  
9 travel on the waters of the state, and to view the water and the shoreline from adjacent  
10 locations while protecting private property rights, public safety, and ecological functions.  
11

Commented [A18]: Recommended: Revise text for better consistency with WAC 173-26-221(4).

12 **A-B. Policies**

13  
14 1. Priority for access acquisition and investment should consider future recreational  
15 accessibility, resource accessibility and desirability, availability, and relative proximity of  
16 intended users.  
17

18 ~~4-2.~~ Shoreline development by all public entities should include improvements or  
19 amenities to enhance or provide public access to shorelines when feasible.  
20

21 ~~2-3.~~ Where appropriate, utility and transportation rights-of-way on the shoreline should  
22 be made available for public access and use, including use as linear connections between  
23 other shoreline access sites.  
24

25 ~~3-4.~~ Where appropriate, shoreline recreational facilities and other public access points  
26 should be connected by walking trails, and bicycle pathways.  
27

28 ~~4-5.~~ Appropriate signs should clearly indicate where public access points are located  
29 and/or how to reach publicly owned shorelines.  
30

31 ~~5-6.~~ Public access should be designed to provide for public safety and to minimize  
32 substantial impacts to private property and individual privacy.  
33

34 ~~6-7.~~ Pedestrian and non-motorized vehicle access should be designed to limit adverse  
35 impacts to ecological functions that result from parking or vehicular uses too close to the  
36 water.  
37

38 ~~7-8.~~ Informal, unsigned, and unimproved public access locations are a valued type of  
39 public access and should be protected as such unless an adopted plan has prioritized the  
40 site for public access improvements.  
41

42 ~~8-9.~~ Regulation of structure height, setbacks, signs, and maintenance of view corridors  
43 should minimize obstruction of existing views of the water, shoreline, and shoreline  
44 vegetation from public property, transportation corridors, or substantial numbers of  
45 residences.  
46

47 10. Public property serving as a viewpoint, vista, or lookout to the shoreline and water should  
48 continue to serve those purposes.  
49

1 11. Public Access Plan. Preparation of a Town-wide public access plan is encouraged. This  
2 plan should identify specific public access needs and opportunities for a more effective,  
3 economical alternative to a system of applying uniform requirements to individual  
4 shoreline development project by project, as consistent with WAC 173-26-221(4)(c).  
5 Publicly owned shoreline parcels should be identified and evaluated for suitability for  
6 public access use and development.

Commented [A19]: Recommended: Add missing provision from WAC 173-26-221(4).

7  
8 **B-C. Regulations**

9  
10 1. **Applicability.** This section applies to both physical and visual public access development  
11 projects and other kinds of development that, according to the SMA and its implementing  
12 regulation, must provide public access.

13  
14 2. **Public and Private Interests.** The public interest under the Public Trust Doctrine and  
15 constitutional private property rights shall be recognized as follows:

- 16 a. Promote and enhance the public interest with regard to rights to access waters held in  
17 public trust by the state while protecting private property rights and public safety.
- 18 b. Protect the rights of navigation and space necessary for water-dependent uses.
- 19 c. To the greatest extent feasible, consistent with the overall best interest of the state  
20 and the people generally, protect the public's opportunity to enjoy the physical and  
21 aesthetic qualities of shorelines of the state, including views of the water.
- 22 d. Regulate the design, construction, and operation of permitted uses in the shorelines  
23 of the state to minimize, insofar as practical, interference with the public's use of the  
24 water.

Commented [A20]: Recommended: Add missing provision from WAC 173-26-221(4).

25 ~~New development shall be located and designed to avoid or minimize obstruction of~~  
26 ~~views from public property~~

27 **3-3. Conditions when required.** Except as provided in regulations 6 and 7 below,  
28 shoreline substantial developments or conditional uses shall provide public access where  
29 any of the following conditions are present:

- 30 a. A development or use will create increased demand for public access to the shoreline.
- 31 b. A development or use will interfere with an existing public access way. Such  
32 interference may be caused by blocking access or by discouraging use of existing on-  
33 site or nearby access.
- 34 c. A use or activity will interfere with public use of lands or waters subject to the public  
35 trust doctrine.
- 36 d. A commercial or industrial use is proposed for location on land in public ownership.
- 37 e. Any water-related, water-enjoyment, or non water-dependent use.

Commented [A21]: Recommended: Add text for better consistency with WAC 173-26-221(4).

38  
39 4. **When required for public entities.** Shoreline development by public entities, including  
40 port districts, state agencies, and public utility districts, shall include public access  
41 measures as part of each shoreline development project, unless such access is shown to  
42 be incompatible due to reasons of safety, security, or impact to the shoreline environment.

43  
44 ~~3-5.~~ **When required for residential development.** New multi-unit residential  
45 development, including the subdivision of land of into more than four parcels, should  
46 provide joint access for all of its residents and/or public access. Public access shall not be  
47 required for single-family residential development of four or fewer lots.

48  
49 6. **When not required.** Public access shall not be required where demonstrated to be  
50 infeasible, due to one or more of the following conditions apply:

- a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
- b. Constitutional or other legal limitations may apply.
- c. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
- d. The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development.
- e. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result from the public access.
- f. Significant unavoidable conflict between any access regulations and the proposed use and adjacent uses would occur and cannot be mitigated.

4-7. **Reasonable alternatives.** To determine infeasibility, the applicant must first demonstrate, and the Town determined agree in its findings, that all reasonable alternatives to provide public access have been exhausted, including, but not limited to:

- a. Regulating access by such means as maintaining a gate and/or limiting hours of use.
- b. Separating uses and activities using site planning and design (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.).
- c. Developing off-site access at a site geographically separated from the proposal such as a street end, vista, or trail system.
- d. Sharing the cost of providing and maintaining public access between public and private entities.

~~5. Projects that meet the criteria of Section 6.1.5(6). Projects that meet the criteria of Section 6.1.5(6) shall either build off-site public access facilities or, if established and approved by the Shoreline Administrator, contribute to the local public access fund.~~

6-8. **Private Property Nexus and Proportionality.** Public access across private property that is required as a condition of project approval shall be commensurate and proportional with the loss of public access caused by the project, or with the increase in public access demand caused by the project.

~~7-9.~~ **Preparation of written findings.** When provisions for public access are required as a condition of project approval, the Shoreline Administrator shall prepare written findings demonstrating consistency with constitutional and legal practices regarding private property and the principles of nexus and proportionality.

~~8-10.~~ **Dedication of land or a physical improvement.** Public access provided as a condition of project approval shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock, pier area, or other area serving as a means of view and/or physical approach to public waters. It may include interpretive centers and displays.

~~9-11.~~ **Recording via a legal instrument.** If public access is provided as a condition of project approval, applicants shall demonstrate this condition is met by providing a legal instrument; an example being an easement. The legal instrument shall be recorded with the Wahkiakum County Auditor's Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first (RCW 58.17.110). Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

~~10-12.~~ **Location and design criteria.** Public access provided as a condition of project approval shall meet the following location and design criteria:

Commented [A22]: Recommended: Delete text as not necessary per WAC 173-26-221(4).

- a. When physical access is provided, a pedestrian access walkway is required if it will not adversely impact shoreline ecological processes and functions. Fencing may be used to control damage to plants and other sensitive ecological features. Trails shall be constructed of permeable materials and limited in width to reduce impacts to ecologically sensitive resources.
- b. Where views of the water or shoreline are available, and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
- c. Public access shall be located adjacent to other public areas, access points, and connecting trails and connected to the nearest public street.
- d. Development over water shall be constructed as far landward as possible to reduce interference with views to the shoreline from surrounding properties.
- e. Appropriate amenities such as benches, picnic tables, and public parking sufficient to serve the users shall be provided. Public restrooms, facilities for disposal of animal waste, and other appropriate public facilities shall be required at developments that attract a substantial number of persons.
- f. Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.
- g. Public access design shall provide for the safety of users to the extent feasible.
- h. The standard state-approved logo or other locally approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.
- i. The height limit, buffer and setback, vegetation conservation and other applicable provisions of this Program.

~~44~~.13. At time of occupancy. Required public access sites shall be fully developed and available for public or community use at the time of occupancy of the shoreline development.

~~42~~.14. Maintenance. Maintenance of the public access facility over the life of the use or development shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the Wahkiakum County Auditor's Office.

~~43~~.15. Shoreline street ends and public rights-of-way. Public access provided by existing shoreline street ends and public rights-of-way shall be preserved, maintained, and enhanced consistent with RCW 35.79.035, RCW 36.87.130 and this program.

~~44~~.16. No net loss of ecological functions. Public access improvements shall be constructed and maintained in a manner that does not result in a net loss of shoreline ecological functions.

~~45~~.17. Conflict with adjacent property views. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

Commented [A23]: Recommended: Add text for better consistency with WAC 173-26-221(4).

## 5.2.8 Shorelines of Statewide Significance

### A. Policies

1. In Shorelines of Along the Columbia River, a Shoreline of Statewide Significance, the Town ~~will~~should give preference to uses in the following order of preference which:
  - a. Recognize and protect statewide interest over local interest;
  - b. Preserve the natural character of the shoreline;
  - c. Result in long-term over shore-term benefits; and
  - d. Protect the resources and ecology of the shorelines.
  - e. Increase public access to publicly owned areas of the shoreline;
  - a.f. Increase recreational opportunities for the public in the shoreline.

Commented [A24]: **REQUIRED #13:** Order of preference must comply with statutory language of RCW 90.58.020; and WAC 173-26-181; Revise text to correct the order of preference for SWS and to word a policy as 'should'.

## 5.2.9 Vegetation Conservation

### A. Policies

1. ~~Pre~~Conserve native vegetation by limiting clearing and grading activities to ensure no net loss of shoreline ecological functions, ecosystem processes, and natural soil systems.
- 4-2. Shoreline vegetation should be conserved to protect human safety and property, to increase the stability of shorelines, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.
3. Where permitted, clearing of native vegetation, and grading should be to the minimum extent necessary to accommodate an authorized shoreline use.
4. Trees and native vegetation, including brush and groundcover, should be protected and enhanced for the ecological functions, hazard reduction, and visual and aesthetic qualities that they provide.
- 2-5. Support replacement of non-native vegetation with native vegetation.
- 3-6. Support protection and cultivation of trees that can serve as durable large woody debris.
7. Support Removal of invasive and noxious weeds. is supported.
8. ~~Pruning, and only if necessary, felling of~~Support hazard tree pruning, or felling only if necessary, s is supported if when the cut wood is left in the habitat area.
9. Selective pruning of trees to maintain existing views ~~is should be~~ allowed, if conducted in a manner that ensures the tree's ability to continue growing, and if no net loss of ecological function is achieved.
- 4-10. Property owners are encouraged to voluntarily enhance native trees and other vegetation in critical area buffers to protect and restore shoreline ecological functions.

### B. Regulations

1. **Applicability.** Vegetation conservation includes activities to protect vegetation along or near shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions apply throughout shoreline jurisdiction.

1 2. These vegetation conservation provisions apply to all shoreline uses and development  
2 activities, including those that are exempt from the requirement to obtain a permit. These  
3 provisions do not apply retroactively to existing uses and structures. Any new or  
4 expansion/enlargement of lawn or landscaped areas shall comply with these provisions.

5 3. ~~SMP Critical Areas Regulations.~~ Vegetation maintenance and removal conservation is  
6 shall meet the standards of this section and also be consistent with implemented primarily  
7 by the SMP Critical Areas Regulations, buffers, setbacks, fill, excavation, grading and  
8 otherwise by the remainder applicable provisions of this Program.

9 4. All vegetation maintenance and clearing shall be designed and conducted to meet the  
10 following criteria:

- 11 a. Ensure no net loss of shoreline ecological functions and ecosystem-wide processes;
- 12 b. Avoid adverse impacts to soil hydrology;
- 13 c. Reduce the hazard of slope failure or accelerated erosion.

14  
15 4-5. Any large wood, native vegetation, topsoil, and/or native channel material  
16 displaced by construction shall be stockpiled for use during site restoration.

17 2-6. No existing habitat features (i.e., wood, substrate materials) shall be removed  
18 from the shoreland or aquatic environment without approval.

19 3-7. If native vegetation is moved, damaged, or destroyed, it shall be replaced with a  
20 functionally equivalent native species during site restoration.

21 The following vegetation removal activities provided that no vegetation shall be removed from  
22 a critical area or its associated buffer without approval from the Shoreline Administrator.

23 8. ~~Select Minor Vegetation Removal Activities.~~ Upon Administrator's approval, the  
24 following vegetation management activities may be allowed; a conditional use permit is  
25 required to exceed these limitations:

26 a. **Ongoing Maintenance.** Maintenance of existing lawn and landscaped areas  
27 accessory to an allowed use or development, including mowing, edging, mulching,  
28 weeding, and planting/replacement of ornamental species.

29 i. Trimming and pruning of woody vegetation (trees and shrubs) only when consistent  
30 with applicable provisions below.

31 ii. Application of chemical herbicides, pesticides, and fertilizers, only when the  
32 minimum amount required and as consistent with manufacturer instructions, state  
33 and federal requirements, appropriate best management practices, and this  
34 Program, in order to avoid contaminated runoff.

35 b. **Noxious Weeds - Selective.** When located outside of steep or unstable slope areas,  
36 the selective removal of invasive or non-native vegetation as included on the  
37 Washington State Noxious Weed List as Class A, B or C, with hand labor, light  
38 equipment or spot spraying.

39  
40 c. **Pruning.** Nondestructive thinning of lateral branches to enhance views or trimming,  
41 shaping, thinning or pruning of a tree/shrub necessary to its health and growth is  
42 allowed, consistent with the following standards:

43 i. In no circumstance shall pruning exceed more than one-fourth of the original  
44 crown once every five (5) years; original crown is that which existed at the  
45 effective date of this Program.

46 ii. Pruning shall retain branches that overhang the water to the maximum extent  
47 feasible.

- i-iii. Topping, stripping of branches, creation of an imbalanced canopy or other actions that compromise the health of the tree are prohibited.
- ii. Pruning shall comply with the National Arborist Association-Tree Care Industry Association pruning standards.
- iv. View Maintenance. Minimal selective pruning of trees that obstruct visual access to shorelines of the state subject to the following criteria limbing or crown thinning shall not include removal of understory vegetation. View maintenance does not allow expansion or enlargement of existing view corridors; existing view corridor is that which existed at the effective date of this Program. No property is guaranteed a fully-unobstructed view of the shoreline or any specific landmark.

**9. Vegetation Removal.** Removal of shoreline vegetation shall be limited as follows:

- a. Minimum necessary to accommodate approved shoreline development;
- b. Unless specifically excluded by other shoreline provisions, mitigation sequencing must be applied so that the design and location of the structure or development minimizes future short- and long-term vegetation removal;
- c. The Administrator may require site plan alterations to achieve maximum vegetation retention;
- d. Unless specifically excluded by other shoreline provisions, where vegetation removal that is conducted consistent with this Program results in adverse impacts to shoreline ecological function, the new developments or site alterations shall immediately prepare and implement a mitigation plan, consistent with this Program. Examples of actions that may result in adverse impacts include:
  - i. Removal of native trees, shrubs or groundcovers;
  - ii. Removal of non-native trees or shrubs that overhang aquatic areas or stabilize slopes; or
  - iii. Removal of native or non-native trees or shrubs that disrupts an existing vegetation corridor connecting the property to other critical areas or buffers.

**10. Noxious Weeds - Clearing.** Removal of noxious weeds by heavy equipment or broad-application chemical methods shall require a conditional use permit.

**11. Hazard Trees.** A hazard tree may be removed if demonstrated that the threat to public safety or to a residential primary or accessory structure cannot otherwise be eliminated by pruning, crown thinning, or other technique that maintains some of the tree's habitat function.

- a. Project proponent submits a report prepared by a certified arborist, registered landscape architect, or professional forester that documents the hazard, provides a replanting plan for replacement trees, demonstrates consistency with the mitigation sequence, and describes how the no net loss standard is achieved.
- a-b. Tree pruning and removal shall be the minimum necessary to abate the hazard caused by the tree.
- c. Measures to control fire risk or halt the spread of disease or damaging insects shall be consistent with state Forest Practices Act (RCW 76.09), the Washington Firewise Program, and other applicable standards.
- b-d. For every hazard tree removed, a minimum of two native trees shall be planted as mitigation.
- e. The replacement tree species and planting location shall be selected to provide similar ecological function as the felled tree, particularly in regards to functions provided by native trees and trees that provide durable large woody debris.
- e-f. Whenever feasible, mitigation trees shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas.

1 e.g. In critical area wetland or habitat conservation areas and their buffers, pruned and  
2 felled wood from hazard tree removal shall be left in place whenever feasible, unless  
3 demonstrated to cause adverse impact.

4 ~~The removal of trees or portions of trees from critical area and their associated buffers that are~~  
5 ~~hazardous is posing a threat to public safety, or posing an imminent risk of damage to private~~  
6 ~~property, provided that:~~

Commented [A25]: Recommended: Add, delete, revise and re-organize text for:

- better overall consistency with WAC 173-26-221(5) and Chapter 3 Definitions;
- to reflect the new name of the professional technical organization (TCIA);
- to consolidate similar provisions into one section (see also Chapter 6.1.F comments),
- to clarify where provisions apply (i.e. all of shoreline jurisdiction or only in CAs/buffers); and
- to provide better clarity for applicants and practitioners.

## 8 5.2.10 Water Quality and Quantity

### 9 A. Policies

- 10  
11 1. Use and development should not cause adverse impacts to water quality and  
12 stormwater quantity that would result in a net loss of shoreline ecological functions, or  
13 significant impact to aesthetic qualities, or recreational opportunities.

14  
15 a. ~~Development that would increase demand on an onsite septic system should~~  
16 ~~demonstrate that the existing or proposed septic system will be in compliance with~~  
17 ~~relevant laws to serve existing and proposed uses and structures.~~

18 b. ~~Developments relying on a water source that individually or cumulatively reduces stream~~  
19 ~~flows during low flow periods are encouraged to be designed in such a way that returns~~  
20 ~~clean water to the ground to recharge streams.~~

- 21 2. Compliance with local, state, and federal water quality and water quantity laws is  
22 required. Where there a conflict between those laws and this Program, the provision  
23 most protective of ecological functions shall prevail.

24  
25 3. Proposed and existing shoreline use, development, and modifications are encouraged to  
26 conserve water consumption and to voluntarily install stormwater systems using Low  
27 Impact Development (LID) techniques and other best management practices (BMPs) to  
28 minimize pollution entering waters of the state as contaminated stormwater run-off.

Commented [A26]: Recommended: Revise text to eliminate references to septic systems as not applicable in Town.

Commented [A27]: Recommended: Revise text to add a policy that supports the regulation below.

### 30 B. Regulations

- 31  
32 1. ~~Compliance demonstration.~~ Prior to permit issuance, new shoreline use, development  
33 and modification activities shall demonstrate they will not cause adverse impacts to  
34 water sources, water quality, and stormwater quantity, including current compliance  
35 with applicable local, state, and federal water quality and water quantity laws as  
36 required, and any voluntary measures that exceed minimum standards (such as LID or  
37 other BMPs) and shall be demonstrated prior to permit issuance.

38 2. ~~Septic systems.~~ Development that would increase demand on an onsite septic system  
39 should demonstrate that the existing or proposed septic system will be in compliance with  
40 relevant laws to serve existing and proposed uses and structures.

Commented [A28]: Recommended: Add and revise text for better consistency with WAC 173-26-221(6), and to encourage voluntary actions to minimize impacts and improve shoreline ecological functions.

## 42 5.3 Modifications Policies and Regulations

43 Shoreline modifications refer to specific structures, actions, or alterations that generally support  
44 a specific use (e.g., dredging to accommodate a marina; bulkhead to protect a home or business).  
45 Many shoreline uses, developments, and modifications require formal review and permit approval,  
46 including a substantial development permit or exemption, a conditional use permit, or a variance  
47 permit, per the standards of this Program. All ~~uses,~~ modifications and development must be

1 consistent with the provisions of the environment designation in which they are located and the  
2 general ~~regulations-provisions~~ of this master program, even if a permit is not required.

Commented [A29]: Recommended: Add and revise text for better consistency with WAC 173-26-231.

3 **5.3.1 General Modifications Policies**

4 A. The following policies apply to all modification activities:

5  
6 1. All shoreline modifications should be located, designed, and constructed to ensure the  
7 following:

8 a. Allowed only when demonstrated as necessary to:

9 i. Support or protect an allowed primary structure or a legally existing shoreline use  
10 that is in danger of loss or substantial damage; or

11 ii. As necessary for reconfiguration of the shoreline for mitigation or enhancement  
12 purposes.

13 b. Limit shoreline modifications in number and extent to reduce adverse effects as much as  
14 possible.

15 c. Allowed only where appropriate to the specific type of shoreline and environmental  
16 conditions for which they are proposed.

17 d. Individual and cumulative impacts do not result in a net loss of ecological functions. This  
18 is to be achieved by:

19 i. Giving preference to those types of shoreline modifications that have a lesser impact  
20 on ecological functions; and

21 ii. Requiring mitigation of identified impacts resulting from shoreline modifications.

22 e. Where applicable, consider available scientific and technical information, including reach  
23 conditions for river and stream systems.

24 f. Provide enhancement of impaired ecological functions, where feasible and appropriate,  
25 while accommodating permitted uses. As shoreline modifications occur, incorporate all  
26 feasible measures to protect ecological shoreline functions and ecosystem-wide  
27 processes.

28 g. Avoid and reduce significant ecological impacts according to the mitigation sequence of  
29 this Program, per WAC 173-26-201 (2)(e).

30  
31 1. Shoreline modifications individually and cumulatively should not result in a net loss of  
32 ecological functions.

33  
34 2. When modifications are allowed, require those types of shoreline modifications that have  
35 a lesser impact on ecological functions, and require mitigation of identified impacts  
36 resulting from shoreline modifications.

37  
38 3. Avoid and reduce significant ecological impacts according to the mitigation sequence in  
39 WAC 173-26-201(2)(e).

40  
41 4. Structural shoreline stabilizations should be allowed where they are demonstrated to be  
42 necessary to support or protect an allowed primary structure or a legally existing shoreline  
43 use that is in danger of loss or substantial damage or are necessary for reconfiguration of  
44 the shoreline for mitigation or enhancement purposes.

45  
46 5. Shoreline modifications should be allowed when appropriate to the specific type of  
47 shoreline and environmental conditions for which they are proposed.

48  
49 6. All feasible measures to protect ecological shoreline functions and ecosystem-wide  
50 processes should be incorporated into shoreline modifications.

Commented [A30]: Recommended: While not wholly incorrect, provisions 1 – 6 as proposed were not fully consistent with WAC 173-26 -231; some items were missing or insufficiently paraphrased; Repeal & replace with revised text for better WAC consistency and to clarify as policies.

1  
2 **5.3.2 Breakwaters, Jetties, & Groins & Weirs**

3 **A. Policies**

- 4 1. Breakwaters, jetties, and groins, and weirs waterward of the OHWM should be allowed  
5 only where necessary to support allowed water-dependent uses, public access,  
6 shoreline stabilization, or other specific public purpose.

7  
8 **B. Regulations**

- 9 1. **When allowed.** New or expanded breakwaters, jetties, groins, and weirs located  
10 waterward of the OHWM shall be allowed only where necessary to support water-  
11 dependent uses, public access, shoreline stabilization, or other specific public purpose.
- 12 2. **Professional design.** Proposed designs for new or expanded breakwaters, jetties, groins,  
13 and weirs shall be designed by qualified professionals, including both an engineer and a  
14 biologist.
- 15 3. **Minimum size.** Breakwaters, jetties, groins and weirs shall be limited to the minimum size  
16 necessary.
- 17 4. **Protection of critical areas and ecological functions.** Breakwaters, jetties, groins, and  
18 weirs shall be designed to protect critical areas and ecological functions, and the mitigation  
19 sequence shall be followed. The design and construction of breakwaters shall be such  
20 that shallow water juvenile salmon migration corridors are maintained.
- 21 5. **Conditional use.** Breakwaters, jetties, Ggroins and Wweirs are a conditional use, except  
22 for those structures installed to protect or restore ecological functions, such as woody  
23 debris installed in streams.

24  
25 **5.3.3 Dredging & Dredge Material Disposal**

26 **A. Policies**

- 27 1. Dredging and dredge material disposal should be done in a manner which avoids or  
28 minimizes significant ecological impacts and impacts which cannot be avoided should be  
29 mitigated in a manner that assures no net loss of shoreline ecological functions.
- 30
- 31 2. New development should be sited and designed to avoid or, if that is not possible, to  
32 minimize the need for new and maintenance dredging.
- 33
- 34 3. Dredging to accommodate existing navigational uses should be allowed.
- 35
- 36 4. Maintenance dredging of established navigation channels and basins should be allowed  
37 to maintain previously dredged and/or existing authorized location, depth, and width.
- 38
- 39 5. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining  
40 fill material should not be allowed, except when the fill is necessary for the restoration of  
41 ecological functions.
- 42

**Commented [A31]: Recommended:** Add text for better consistency with WAC 173-265-231(3)(f).

6. Beach nourishment to alleviate shoreline erosion is supported at locations identified in and per the specifications of “Projects and Solutions to Water Resource Problems on the Lower Columbia River” (Pacific International Engineering, February 2002), however beach nourishment to support future development of areas prone to erosion should be prohibited.

7.6. Dredge material disposals evaluated and approved by the interagency Dredge Material Management Program approved by Wahkiakum County and the Town of Cathlamet are supported.

7. Beneficial use dredge disposals that benefit shoreline resources to support permitted uses should be allowed, as consistent with the:

a. Guidance from the U.S. Army Corps of Engineers/Environmental Protection Agency publication, Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual (EPA842-B-07-001, October 2007, as amended); and,

a-b. Shoreline use benefitting from the dredge disposal is permitted.

8. Proposed dredge disposals, their and associated operations, supporting disposals, and any uses proposed to benefit from the disposal should be considered together comprehensively for the purpose of permitting.

9. All dredge disposals, whether permitted or conditionally permitted, including flow lane, shoreline, and upland disposals must should avoid and mitigate sedimentation effects on navigation in Cathlamet Channel, and Elochoman Slough, Elochoman River, Grays Bay, Grays River, and Deep River.

## B. Regulations

1. ~~Applicability.~~ As regulated by this Shoreline Master Program, dredging is the removal of bed material from below the OHWM or wetlands using other than unpowered, hand-held tools for one of the purposes described in subsection 3. Dredging and dredge material disposal provisions are not intended to cover other removals of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements, or restoration projects). Such in-water substrate modifications should be conducted pursuant to applicable regulations of this Shoreline Master Program.

2.1. **New development.** New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

3.2. **Dredging, when allowed.** Dredging may be allowed for the following purposes:

- a. **New dredging for** Establishment, expansion, relocation or reconfiguration of navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
- b. Maintenance dredging of established navigation channels and basins provided dredging is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
- c. An authorized water-dependent use.
- d. Development, expansion and maintenance of essential public facilities when there are no feasible alternatives.
- e. Maintenance of tidegates and tidegate drainage channels.

Commented [A32]: Recommended: Revise text to minimize duplication of/conflict with Chapter 3 Definitions and to move clarifying ‘de minimis’ language to the definition.

- f. Reduction of flood hazards when consistent with an approved flood hazard management plan.
- g. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.

**4.3. Dredging approval standards.**

- a. The mitigation sequence shall be used to achieve no net loss of ecological functions.
- b. Dredging shall be consistent with the Washington Hydraulic Code Rules.

**5.4. Dredging for fill material.**

- a. Dredging waterward of the OHWM for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions.
- b. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be associated with either a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

**6.5. Dredge material disposal**

- a. ~~The disposal of dredge material shall be allowed when considered suitable under, and conducted in accordance with the Regional Dredged Material Management Plan.~~
- b. ~~In-water disposal of dredge material shall only be allowed with a conditional use permit.~~
- c. ~~Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall only be allowed with a conditional use permit.~~
- a.d. ~~This does not address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.~~

**7. Permitted Situations.** ~~Dredge material disposal is permitted when one of the following situations is met:~~

~~a. The dredge material disposal has been evaluated and approved in the Regional Dredge Material Management Plan approved by Wahkiakum County and the Town of Cathlamet.~~

~~b. The dredge material disposal is consistent with the guidance from the U.S. Army Corps of Engineers/Environmental Protection Agency publication, Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual (EPA842-B-07-001, October 2007, as amended) and the use benefitting from the dredge disposal is permitted.~~

~~c. Disposal within channel migration zones may be permitted as a conditional use. In addition to the standard conditional use permit criteria, the following shall be considered in the case of channel migration zone disposals:~~

- ~~i. Beach nourishment to alleviate shoreline erosion at locations identified in and per the specifications of "Projects and Solutions to Water Resource Problems on the Lower Columbia River" (Pacific International Engineering, February 2002) is supported.~~
- ~~ii. Dredge material disposal at Skamokawa Vista Park is supported.~~

1       iii. ~~Where upland disposal is permitted and dependent on adjacent beach~~  
2 ~~nourishment, shoreline placement, or sump placement, beach nourishment, shoreline~~  
3 ~~placement, and sump placement to support the upland disposal is permitted.~~

4       d. ~~Flowlane disposal of dredge material is permitted.~~

5       e. ~~All other dredge disposals not otherwise prohibited may be permitted through a~~  
6 ~~conditional use process.~~

7       8. ~~**Dredge material disposal, approval standards.** Whether permitted or~~  
8 ~~conditionally permitted, dredge material disposal must meet the following standards.~~

9       a. ~~The mitigation sequence shall be used to achieve no net loss of ecological~~  
10 ~~functions.~~

11       b. ~~Dredge disposals shall be consistent with the Washington Hydraulic Code Rules.~~

12       e. ~~A qualified professional must demonstrate that the dredge material disposal will~~  
13 ~~not result in significant or ongoing adverse impacts to the navigability of Cathlamet Channel,~~  
14 ~~Elochoman Slough, Elochoman River, Grays Bay, Grays River, and Deep River, or must~~  
15 ~~demonstrate that said impacts will be mitigated by dredging of the affected waterbody.~~

16       9. ~~**Dredge material disposal, upland approval standards.** All dredge material~~  
17 ~~disposals landward of the OHWM must meet the following standards.~~

18       a. ~~Surface runoff shall be controlled to protect water quality and prevent~~  
19 ~~sedimentation of adjacent waterbodies, wetlands and drainage ways. Disposal runoff water~~  
20 ~~shall enter the receiving waterway through a controlled outfall at a location with adequate~~  
21 ~~circulation and flushing. Underground springs and aquifers shall be identified and protected.~~

22       Containment dikes and adequate settling basins shall be built and maintained so that the  
23 water discharged from the site carries a minimum of suspended sediment. Required basins  
24 shall be designed to maintain at least one foot of standing water at all times to encourage  
25 proper settling.

26       b. ~~The containment dike:~~

27       i. ~~Shall not enlarge itself by sloughing and eroding into adjacent aquatic areas;~~

28       ii. ~~Shall minimize loss of material from the site during storms and freshets; and~~

29       iii. ~~Shall not interfere with the view of nearby residences or the public.~~

30       e. ~~Approved upland dredge disposal sites may conduct site management activities,~~  
31 ~~such as regular clearing and grading, as specified in agency approval documents. Such~~  
32 ~~activities will be regulated as maintenance activities under this Shoreline Master Program,~~  
33 ~~provided there are no impacts to water quality or other ecological functions outside of the~~  
34 ~~dredge material disposal area.~~

35       d. ~~Pipeline conveyance of dredge material across public shoreland transportation~~  
36 ~~facilities, or through the Medium Intensity or Residential Environments may only be approved~~  
37 ~~as a Conditional Use.~~

38       10. ~~**Dredge material disposal, in water approval standards.** All dredge material~~  
39 ~~disposal waterward of the OHWM must meet the following standards.~~

1 a. If not otherwise permitted, disposal of dredge material on shorelands or wetlands  
2 within a river's channel migration zone may be permitted as a conditional use if the dredge  
3 material is discharged into the flowing current of the river or in deep water within the channel  
4 where it does not substantially affect the geohydrologic character of the channel migration  
5 zone.

Commented [A33]: Recommended: Revise text to present as condensed & simplified provisions per language at WAC173-26-231(3)(f).

6 **4-6. Avoid, minimize and compensate.**

- 7 a. Dredging and dredge material disposal shall be done in a manner that avoids  
8 or minimizes significant ecological impacts, and impacts that cannot be  
9 avoided shall be compensated in a manner that assures no net loss of  
10 shoreline ecological functions.  
11 b. Dredging and dredge material disposal shall be confined to the minimum area  
12 necessary to accomplish the intended purpose or use.  
13 c. Dredging and dredge material disposal shall be scheduled to minimize impacts  
14 to biological productivity (including, but not limited to, fish runs, spawning, and  
15 benthic productivity).  
16 d. Erosion, sedimentation, increased flood hazard, and other undesirable  
17 changes in circulation shall be avoided. Tidal marshes, tidal flats, and other  
18 wetlands shall not be adversely affected.  
19 e. The timing of dredging and dredge material disposal in aquatic areas shall  
20 minimize interference with commercial and recreational fishing activities.  
21

22 **4-7. Agency approvals.** Dredging and dredge material disposal must be approved by  
23 all state and federal agencies with jurisdiction. Copies of all such approvals must be  
24 provided to the Shoreline Administrator.  
25

26 **5.3.4 Fill, Excavation & Grading**

27 **A. Policies**

28  
29 **1. Upland.** Fill, excavation, and grading landward of the OHWM may be allowed to the  
30 minimum extent necessary to support other authorized uses.

Commented [A34]: Recommended: Revise text to better connect policy to regulation language

31  
32 **4-2. In-water.** Fills waterward of the ordinary high-water mark should be allowed only  
33 when necessary to support water-dependent use, public access, contamination  
34 remediation, dredge material disposal, transportation facilities of statewide significance,  
35 mitigation action, and environmental restoration.  
36

37 **2-3.** Beach nourishment to alleviate shoreline erosion of developed properties is  
38 supported; however, beach nourishment to support future development of areas prone to  
39 erosion should be prohibited.  
40

41 **B. Regulations**

42 **1. When allowed, upland.** Upland fills, excavations, and grading located landward of  
43 OHWM may be allowed provided they are:

- 44 a. In support of an allowed shoreline use or modification.  
45 b. Located outside applicable buffers and setbacks, unless specifically allowed.  
46

- 1 2. Beach nourishment to alleviate shoreline erosion is supported ~~at locations identified in and~~  
2 ~~per the specifications of as described by~~ “Projects and Solutions to Water Resource  
3 Problems on the Lower Columbia River” (Pacific International Engineering, February  
4 2002), however beach nourishment to support future development of areas prone to  
5 erosion ~~should shall~~ be prohibited.  
6
- 7 3. All temporary erosion controls shall be in place and appropriately installed downslope of  
8 the project activities until site restoration is completed.  
9
- 10 4. Any large wood, native vegetation, topsoil, and/or native channel material displaced by  
11 construction shall be stockpiled for use during site restoration.  
12
- 13 5. No existing habitat features (i.e., wood, substrate materials) shall be removed from the  
14 shoreland or aquatic environment without approval.
- 15 6. **When allowed, in-water waterward of the OHWM.** Fills waterward of the OHWM shall  
16 be allowed ~~as a conditional use~~ only when necessary to support:  
17 a. A water-dependent ~~use~~;  
18 b. Public access ~~use~~;  
19 c. Cleanup and disposal of contaminated sediments as part of an interagency  
20 environmental clean-up plan.  
21 d. Disposal of dredged material ~~considered suitable under, and conducted in accordance~~  
22 ~~with, an approved dredged material management program, in compliance with the~~  
23 ~~dredge material disposal standards of this program.~~  
24 e. ~~Maintenance, o~~Expansion or alteration of ~~public transportation facilities of statewide~~  
25 ~~significance currently located on the shoreline and then only~~ upon a demonstration  
26 that alternatives to fill are not feasible.  
27 f. A mitigation ~~action, environmental restoration, or~~ beach nourishment ~~or environmental~~  
28 enhancement project.  
29 g. ~~An ecological restoration project may be allowed without a conditional use permit.~~  
30
- 31 7. **Protection of shoreline ecological functions.** Fills, ~~and~~ excavations, ~~and~~ grading shall  
32 be located, designed, and constructed to protect shoreline ecological functions and  
33 ecosystem-wide processes, including channel migration, ~~subject to other applicable~~  
34 ~~provisions of this Program (such as vegetation conservation, water quality, critical areas).~~
- 35 8. **Design.** All fills and excavations, except when for the purpose of shoreline restoration,  
36 must be designed:  
37 a. To be the minimum size necessary to implement the allowed use or modification.  
38 b. To fit the topography so that minimum alterations of natural conditions will be  
39 necessary.  
40 c. To not adversely affect hydrologic conditions or increase the risk of slope failure, if  
41 applicable.  
42
- 43 9. **Temporary erosion and sediment control plan.** A temporary erosion and sediment  
44 control plan, including best management practices, shall be provided for all proposed fill  
45 and excavation activities. Disturbed areas shall be immediately protected from erosion  
46 using mulches, hydroseed, or similar methods, and revegetated, as applicable.
- 47 10. **Excavation/Grading below the OHWM or in wetlands.** Excavation ~~or grading~~ below the  
48 OHWM or in wetlands using other than unpowered, hand-held tools, except removals of

Commented [A35]: Recommended: Add, delete, and revise text for better consistency with WAC 173-26-231(3)(f).

1 bed material that are incidental to the construction of an otherwise authorized use or  
2 modification (e.g. shoreline stabilization measure), shall be considered dredging and be  
3 subject to the regulations of this Program in this Section.  
4

### 5 5.3.5 Habitat and Natural Systems Restoration & Enhancement

#### 6 A. Policies

- 7 1. Restoration and enhancement projects with a primary purpose of improving the habitat,  
8 natural character, or shoreline ecological functions and processes are a preferred use.
- 9 2. Projects should avoid, minimize, and compensate for impacts to existing public access,  
10 and should create new public access if feasible and if the public access will not impair  
11 ecological function.
- 12 3. Projects should avoid impacts to property rights of surrounding landowners, consistent  
13 with the constitutional limits of this Program.
- 14 4. Restoration and enhancement projects should address legitimate restoration needs and  
15 priorities, and implement consistent with the SMP + Restoration pPlan for Shorelines in  
16 Wahkiakum County and Town of Cathlamet (2017 or as amended), or other approved  
17 watershed restoration or salmon enhancement programs.
- 18 5. Restoration and enhancement should be used to complement and not take the place of  
19 the shoreline protection strategies required by this Program to achieve the greatest overall  
20 ecological benefit.
- 21 6. The Town of Cathlamet should support voluntary and cooperative restoration efforts  
22 among local, state, and federal public agencies, Tribes, non-profit organizations, and  
23 landowners to improve shorelines with impaired ecological functions and/or processes.
- 24 7. Restoration and enhancement should improve shoreline ecological functions and  
25 processes as well as shoreline features and should promote sustainability of sensitive  
26 and/or regionally important plant, fish, and/or wildlife species and their habitats.
- 27 8. Restoration and enhancement should be integrated with and should support other natural  
28 resource management efforts in Wahkiakum County and in the Lower Columbia River  
29 Estuary.
- 30 9. The Town should minimize policy and regulatory barriers to ecological restoration and  
31 enhancement and where feasible provide incentives to encourage voluntary restoration  
32 projects by public and private property owners.
- 33 10. Restoration and enhancement should try to help ensure the resiliency and sustainability of  
34 the habitats over time.

Commented [A36]: Recommended: Add text for better consistency with WAC 173-26-231(3)(g).

#### 42 B. Regulations

- 43 1. **Applicability.** Restoration is defined in Chapter 3. Restoration may also include shoreline  
44 modification actions such as modification of vegetation, removal of nonnative or invasive  
45 plants, shoreline stabilization, dredging and filling, placement of durable large wood

1 structures, and construction, modification, or removal of drainage and flood protection  
2 infrastructure provided that the primary purpose of such actions is clearly restoration of  
3 the natural character and ecological functions of the shoreline.

4 ~~2. Approved plan. Restoration and enhancement projects must be carried out in~~  
5 ~~accordance with an approved shoreline restoration plan.~~

Commented [A37]: Recommended: Delete provision that is overly restrictive, and adequately addressed by Policy #4.

6 ~~3-2.~~ **Scientific and technical information and best management practices.**  
7 Restoration and enhancement projects shall be designed using the most current,  
8 accurate, and complete scientific and technical information available, and implemented  
9 using best management practices.

10 ~~4-3.~~ **Other shoreline uses, resources and values.** Restoration and enhancement  
11 projects must not result in substantial interference with other shoreline uses, resources  
12 and values such as navigation, recreation and public access.

13 ~~5-4.~~ **Maintenance and monitoring.** Project applicants shall arrange for long-term  
14 maintenance and monitoring of the restoration and enhancement projects for a minimum  
15 of three years.

16 ~~6-5.~~ **Relief from shift in the OHWM.** Proponents of restoration and enhancement  
17 projects that cause or would cause a landward shift in the OHWM are advised to consult  
18 with the Shoreline Administrator to assess whether and how such projects may be granted  
19 relief under RCW 90.58.580, as consistent with WAC 173-27-215.

20 ~~7-6.~~ **Plan consistency.** Restoration and enhancement projects shall not hinder or  
21 conflict with implementation of watershed scale restoration and conservation plans.

22 ~~8-7.~~ **Public access and private property rights.** Projects shall avoid or mitigate for  
23 access constraints that they impose on publicly owned or recorded public access sites.  
24 Projects shall demonstrate that they will not cause flooding impacts on neighbor's  
25 properties. Conflicts with water-dependent uses, public access, and views shall be  
26 resolved consistent with the established priorities of this Program.

Commented [A38]: Recommended: Add text for better consistency with WAC 173-26-231(3)(g).

### 28 5.3.6 Shoreline Stabilization

#### 29 A. Policies

- 30
- 31 1. Shoreline stabilization includes both structural and nonstructural actions taken to  
32 address erosion impacts to property and dwellings, businesses, or structures caused by  
33 natural processes, such as current, flood, tides, wind, or wave action.
- 34 a. Nonstructural methods include building setbacks, relocation of the structure to be  
35 protected, groundwater management, planning and regulatory measures to avoid the  
36 need for structural stabilization.
- 37 b. Structural methods include hardening or armoring the shoreline, typically in  
38 preparation for or support of shoreline use and development.
- 39 Over time, the adverse impacts of structural methods on shoreline ecological functions  
40 have become evident, and softer approaches proven to be effective.
- 41
- 42 2. The individual and cumulative impacts to ecological function related to shoreline  
43 stabilization should be avoided.
- 44

Commented [A39]: Recommended: Add provisions for better consistency with WAC 173-26-231(3)(a).

3. New subdivision and development should be located and designed to avoid the need for future shoreline stabilization, and to minimize impacts to natural processes, ecological functions, and life safety risks.

4. Expansion and enlargement of existing shoreline stabilization measures should be considered new structures.

Commented [A40]: Recommended: Add provisions for better consistency with WAC 173-26-231(3)(a).

4.5. Replacement, new, or enlargement of shoreline stabilization structures should be permitted only upon demonstration of:

- a. need to protect primary structures and uses from erosion caused by currents, tidal action, or waves and if
- b. the erosion is not being caused by upland conditions such as lack of vegetation or drainage.

Commented [A41]: Recommended: Add provisions for better consistency with WAC 173-26-231(3)(a).

5.6. New structural stabilization measures shall should not be allowed except:

- a. To protect existing primary structures.
- b. In support of new nonwater-dependent development, including single-family residences.
- c. In support of water-dependent development.
- d. To protect restoration projects or hazardous substance remediation projects pursuant to chapter 70.105D RCW.

~~6. 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 currents, tidal action, or waves.~~

Commented [A42]: Recommended: Delete provision that is not a policy statement

7. The greater impacts generally caused by harder armoring techniques should be avoided, including beach starvation, sediment impoundment, habitat degradation, hydraulic and groundwater changes, loss of vegetation and large woody debris, exacerbated erosion, and loss of channel movement.

8. Geotechnical reports that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

9. Soft approaches are preferred over hard armoring, and the size and extent of hard armoring should be limited to the minimum necessary to protect primary structures. The following list represents a spectrum of soft to hard approaches.

- Structure relocation;
- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;

- Retaining walls and bluff walls; and
- Bulkheads.

10. Publicly financed or subsidized shoreline erosion control measures should not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions.
11. Where feasible, ecological restoration and public access improvements should be incorporated into shoreline stabilization projects.
12. Mitigate is required for new and replacement erosion control structures on feeder bluffs and for other actions that affect beach sediment-producing areas, in order to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems.
13. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts.
14. Where beach erosion is threatening existing development, the County-Town should support the creation of a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

~~Replacement, new, or enlargement of shoreline structures should be permitted only upon demonstration of need to protect primary structures and uses and if the erosion is not being caused by upland conditions such as lack of vegetation or drainage.~~

Commented [A43]: Recommended: Delete provision that is duplicative of #5 above.

## B. Regulations

1. **Subdivision.** Subdivision of land must be based on a geotechnical report prepared in accordance with this section to assure that the lots created will not require shoreline stabilization to protect future uses and structures.
2. **New development.**
  - a. New development shall be located and designed to avoid the need for future shoreline stabilization.
  - b. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical report prepared in accordance with this section.
  - c. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.
3. **New or enlarged structural stabilization measures, when allowed.** New or enlarged structural stabilization measures shall not be allowed except as follows.
  - a. To protect existing primary structures, public transportation infrastructure, or essential public facilities when the conditions below apply.
    - i. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical report that the structure is in imminent danger from shoreline erosion caused by tidal action, currents,

1 ~~or waves, including those influenced by~~ deep draft ship wakes, or ~~currents~~  
2 ~~directed at the shoreline by~~ pile dikes. Normal sloughing, erosion of steep  
3 bluffs, or shoreline erosion itself, without a geotechnical report, is not  
4 demonstration of need. The geotechnical report shall evaluate on-site  
5 drainage issues and address drainage problems away from the shoreline  
6 edge before considering structural shoreline stabilization. Where no  
7 alternatives, including relocation or reconstruction of existing structures are  
8 found to be feasible, stabilization structures or measures to protect existing  
9 primary residential structures may be allowed.

- 10 ii. The structure will not result in a net loss of shoreline ecological functions.
- 11 b. In support of new non-water-dependent development, including single-family  
12 residences, when the conditions below apply.
  - 13 i. The erosion is not being caused by upland conditions, such as the loss of  
14 vegetation and drainage.
  - 15 ii. Nonstructural measures, such as placing the development farther from the  
16 shoreline, planting vegetation, or installing on-site drainage improvements,  
17 are not feasible or not sufficient.
  - 18 iii. The need to protect primary structures from damage due to erosion is  
19 demonstrated through a geotechnical report. The damage must be caused by  
20 natural processes, such as tidal action, currents, ~~and or waves, or including~~  
21 ~~those influenced by~~ deep draft ship wakes, or ~~currents directed at the~~  
22 ~~shoreline by~~ pile dikes.
  - 23 iv. The erosion control structure will not result in a net loss of shoreline ecological  
24 functions.
- 25 c. In support of water-dependent development, public transportation infrastructure,  
26 or essential public facilities when the conditions below apply.
  - 27 i. The erosion is not being caused by upland conditions, such as the loss of  
28 vegetation and drainage.
  - 29 ii. Nonstructural measures, such as planting vegetation, or installing on-site  
30 drainage improvements, are not feasible or not sufficient.
  - 31 iii. The need to protect primary structures from damage due to erosion is  
32 demonstrated through a geotechnical report.
  - 33 iv. The erosion control structure will not result in a net loss of shoreline  
34 ecological functions.
- 35 d. To protect projects for the restoration of ecological functions or hazardous  
36 substance remediation projects pursuant to RCW 70.105(D), when the conditions  
37 below apply.
  - 38 i. Nonstructural measures, such as planting vegetation, or installing on-site  
39 drainage improvements, are not feasible or not sufficient.
  - 40 ii. The erosion control structure will not result in a net loss of shoreline  
41 ecological functions.

- 42
- 43 **4. Replacement of existing structural stabilization measures.** For purposes of this  
44 section, “replacement” means the construction of a new structure to perform a  
45 shoreline stabilization function of an existing structure that can no longer adequately  
46 serve its purpose. Additions to, increases in size, and increases in intensity of existing  
47 shoreline stabilization measures shall be considered new structures. An existing  
48 shoreline stabilization structure may be replaced with a similar structure if in  
49 accordance with the following.
- 50 a. There is a demonstrated need to protect principal uses or structures from erosion  
51 caused by currents, tidal action, or waves.

Commented [A44]: Recommended: Revise text here (3.a.i) and at 3(b)(iii), 6, and 7(f) below to clarify locally-tailored language about related issues of concern (wakes & dikes) without conflicting with the standards of WAC 173-26-231(3)(a).

Commented [A45]: See previous note at #3.a.i above.

- 1 b. The replacement structure must be designed, located, sized, and constructed to  
2 assure no net loss of ecological functions.
- 3 c. Where a net loss of ecological functions would occur by leaving the existing  
4 structure, it shall be removed as part of the replacement measure if feasible.
- 5 d. Replacement walls or bulkheads shall not encroach waterward of the OHWM or  
6 existing structure unless the residence was occupied prior to January 1, 1992, and  
7 there are overriding safety or environmental concerns. In such cases, the  
8 replacement structure shall abut the existing shoreline stabilization structure.
- 9 e. Soft shoreline stabilization measures that restore ecological functions may  
10 encroach waterward of the OHWM or existing stabilization structure.
- 11 5. **Repair and maintenance.** Repair and maintenance includes modifications to an  
12 existing shoreline stabilization measure that are designed to ensure the continued  
13 function of the measure by preventing failure of any part. Repair and maintenance of  
14 existing shoreline stabilization measures may be allowed, subject to the following  
15 provisions. While repair and maintenance of shoreline stabilization structures may  
16 meet the criteria for exemption from a shoreline substantial development permit, such  
17 activity is not exempt from the provisions of this Shoreline Master Program.
- 18 a. If within a three-year time period, more than 50 percent of the length of an existing  
19 structure is removed, including its footing or bottom course of rock, prior to  
20 placement of new stabilization materials, such work will not be considered repair  
21 and maintenance and shall be considered replacement. Work that involves the  
22 removal of material only above the footing or bottom course of rock does not  
23 constitute replacement.
- 24 b. Any additions to or increases in the size of existing shoreline stabilization  
25 measures, including the placement of a new shoreline stabilization structure  
26 landward of a failing shoreline stabilization structure, shall be considered new  
27 structures, not maintenance or repair.
- 28 c. Areas of temporary disturbance within the shoreline buffer shall be expeditiously  
29 restored to their pre-project condition or better.
- 30 6. **Geotechnical reports.** Geotechnical reports pursuant to this section shall meet the  
31 definition of a “geotechnical report” as established in Chapter 3. Geotechnical reports  
32 for shoreline stabilizations shall address the need to prevent potential damage to a  
33 primary structure, and shall address the necessity for shoreline stabilization by  
34 estimating time frames and rates of erosion, reporting on the urgency associated with  
35 the specific situation, and evaluating alternatives to ensure that the approach causing  
36 the least impact to ecological functions is used. The report may distinguish ~~processes~~  
37 ~~and functions~~ impacts caused by deep draft ship wakes and currents directed at the  
38 shoreline by pile dikes as ~~being apart from influencing~~ the ecological functions that  
39 must be protected. In such cases the geotechnical report must still propose the  
40 alternative minimizes impacts to neighboring properties. The geotechnical report  
41 shall include analysis, findings, and recommendations consistent with the  
42 Washington Integrated Streambank Protection Guidelines.
- 43 7. **Design of structural stabilization measures.**
- 44 a. Shoreline stabilization shall be consistent with the Washington Integrated  
45 Streambank Protection Guidelines.
- 46 b. Soft structural stabilization approaches shall be used unless demonstrated not to  
47 be sufficient to protect primary structures, dwellings, and businesses.
- 48 c. Hard structural stabilization shall not be authorized except when:

Commented [A46]: See previous note at #3.a.i above.

- i. The geotechnical report confirms that there is a significant probability that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural stabilization.
- ii. The geotechnical report estimates the number of years in the future when the primary structure will be damaged, and confirms that waiting to implement hard structural measures until three years prior to said damage would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years that report may still be used to justify more immediate authorization to protect against erosion using a mixture of soft and hard structural stabilization.
- d. The size of stabilization measures shall be limited to the minimum necessary.
- e. Measures shall be used to assure no net loss of shoreline ecological functions. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the OHWM.
- f. Erosion and channel migration ~~caused can be influenced~~ by deep draft ship wakes and ~~by currents directed at the shoreline by pile dikes are not natural process of ecological functions that must be protected.~~ However ~~a~~Any effects on sediment conveyance systems, currents, and waves or wakes from the proposed shoreline stabilization must be avoided and if that is not possible minimized so that erosion is not exacerbated on neighboring properties.
- g. Avoid and, if that is not possible, minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, the local governments should coordinate shoreline management efforts.
- h. Publicly financed or subsidized shoreline erosion control measures must not restrict appropriate public access to the shoreline except where such access is determined to be infeasible in accordance with regulation 6.1.5. of this Program. Where feasible, ecological restoration and public access improvements shall be incorporated into public projects.

Commented [A47]: See previous note at #3.a.i above.

## 5.4 Specific Use Policies and Regulations

Shoreline uses refers to ~~common uses the type or category of activity~~ occurring within shoreline jurisdiction (e.g., residential, recreation, commercial, etc.). ~~Many shoreline uses and developments require formal review and permit approval, including a substantial development permit or exemption, a conditional use permit, or a variance permit, per the standards of this Program. All uses, modifications,~~ and development must be consistent with the provisions of the environment designation in which they are located and the general ~~regulations provisions~~ of this master program, even if a permit is not required.

### 5.4.1 Agriculture

#### A. Policies

- 1. ~~While Agriculture is important to the long term economic viability of Wahkiakum County. Consistent with WAC 173-26-241(3)(a)(ii), this Program should not modify or limit ongoing region, there are no agricultural activities occurring on agricultural lands in the Town and~~

1 the use is not allowed per zoning code, therefore the use should be prohibited in shoreline  
2 jurisdiction.

3 2. The following should be consistent with the environment designation and the general  
4 and specific use regulations applicable to the proposed use, and should assure no net  
5 loss of ecological functions and not have a significant adverse impact on other  
6 shoreline resources and values:

- 7
- 8 a. New agricultural activities on land not meeting the definition of agricultural land;
- 9 b. The conversion of agricultural lands to other uses; and
- 10 c. Other non-agricultural development on designated agricultural land that does not  
11 meet the definition of agricultural activities.

12

13 3. New agricultural use and development should be managed to:

- 14 a. Prevent livestock intrusion into the water;
- 15 b. Control runoff;
- 16 c. Prevent water quality contamination caused by nutrients and noxious chemicals;
- 17 d. Minimize clearing of riparian areas; and
- 18 e. Prevent bank erosion.

19

20 4. New agricultural use and development should preserve and maintain native vegetation  
21 between agricultural lands and adjacent water bodies.

22

23 5. Existing and new agricultural uses are encouraged to use USDA Natural Resource  
24 Conservation Service and/or Wahkiakum County Conservation District best  
25 management practices to prevent erosion, runoff, and associated water quality and  
26 riparian habitat impacts.

27

28 6. The County should review proposals for new agricultural developments to determine  
29 whether any such development would thwart or substantially compromise planned  
30 restoration actions in the vicinity of the project. The County should work with the  
31 proponents of each project to resolve likely conflicts between agricultural development  
32 and planned restoration.

33 **B. Regulations**

34

35 1. ~~\_\_\_\_\_~~ New agricultural use and development shall be prohibited in all shoreline  
36 environments.

37

38 2. Despite the SMA inclusion of the use in the definition for agriculture, the Town exercises  
39 local discretion to regulate upland finfish rearing facilities as aquaculture in this Program.

40 **Applicability.** Agriculture provisions apply to new agricultural activities on land not  
41 meeting the definition of agricultural land, in accordance with RCW  
42 90.58.030(3)(e)(iv) and RCW 90.58.065.

43 2. **New agricultural activities.** New agricultural activities are activities that meet the  
44 definition of agricultural activities but are proposed on land not currently in  
45 agricultural use. New agricultural activities must assure that uses and developments  
46 in support of agricultural uses meet the following requirements:

47 Consistent with the environment designation in which the land is located.

1 ~~Located and designed to assure no net loss of ecological functions and to not have a~~  
2 ~~significant adverse impact on other shoreline resources and values.~~

3 ~~Located and designed to avoid, minimize, and mitigate impacts to existing public~~  
4 ~~access to or enjoyment of adjacent shoreline areas.~~

5 ~~Animal feeding operations are prohibited in the Town of Cathlamet.~~

6 ~~Creating land by diking, draining, or filling wetlands or channel migration zones shall~~  
7 ~~not be allowed.~~

8 ~~Agricultural uses and activities shall prevent and control erosion of soils and bank~~  
9 ~~materials within shoreline areas. They shall minimize siltation, turbidity, and~~  
10 ~~pollution.~~

11 ~~Tillage patterns that allow runoff directly into adjacent waters shall not be allowed. A~~  
12 ~~buffer of permanent vegetation shall be maintained between tilled areas and~~  
13 ~~water bodies to slow down surface runoff.~~

14 ~~Pesticides shall be used, handled, and disposed of in accordance with provisions of~~  
15 ~~the Washington State Pesticides Application Act (RCW 17.21) and the~~  
16 ~~Washington State Pesticide Act (RCW 15.58) to prevent contamination and~~  
17 ~~sanitation problems, and are subject to the SMP Critical Areas Regulations in~~  
18 ~~Chapter 6, in order to ensure no net loss of ecological functions. In any case,~~  
19 ~~pesticide applications for purposes other than ecological restoration are not~~  
20 ~~permitted within 200 ft. of any OHWM or wetland boundary.~~

21 ~~Other agricultural chemicals shall be applied in a manner consistent with best~~  
22 ~~management practices for agriculture.~~

23 ~~Manure spreading is subject to the SMP Critical Areas Regulations in Chapter 6 and~~  
24 ~~shall be conducted in a manner that prevents animal wastes from entering water~~  
25 ~~bodies or wetlands adjacent to water bodies. Manure spreading in any case is~~  
26 ~~not permitted within 200 ft. of any shoreline or wetland.~~

27 ~~Animal confinement areas shall be graded to slope away from surface water.~~

28 ~~Fencing or other grazing controls shall be used as appropriate to prevent bank~~  
29 ~~compaction, bank erosion, or the overgrazing of, or damage to, shoreline buffer~~  
30 ~~vegetation.~~

31 ~~The use of tanks and troughs for animal watering is encouraged; allowing animals~~  
32 ~~direct, unrestricted access to surface water is not permitted. If stream crossings~~  
33 ~~are necessary, bridges, culverts or ramps shall be used to enable animal~~  
34 ~~crossing without damaging the streambed or banks.~~

35 ~~Waste storage sites, with the exception of manure lagoons shall be covered and~~  
36 ~~contained with impermeable material. Waste storage sites shall be located~~  
37 ~~outside of the floodway and should be located outside the 100-year floodplain.~~

1 where feasible. Manure lagoons shall be set back 200 feet from all surface water  
2 and diked to withstand the 100-year base flood with three feet of freeboard.

3 ~~3—Best management practices. New agricultural activities and agricultural facilities~~  
4 ~~shall employ applicable best management practices established by the U.S.~~  
5 ~~Department of Agriculture Natural Resources Conservation Service or by similar~~  
6 ~~agencies. This provision shall not be construed so as to result in a net loss of~~  
7 ~~ecological function, or so as to allow less protective measures than those otherwise~~  
8 ~~required by this SMP.~~

9 ~~4—Nonagricultural development and conversion to nonagricultural uses.~~  
10 ~~Development on agricultural land that does not meet the definition of agricultural~~  
11 ~~activities and the conversion of agricultural land to nonagricultural uses shall be~~  
12 ~~consistent with the environment designation and the general and specific use~~  
13 ~~regulations applicable to the proposed use, and shall not result in a net loss of~~  
14 ~~ecological functions associated with the shoreline.~~

Commented [A48]: Recommended: Delete and revise text to a single policy and one regulation to prohibit the use that does not currently exist in shoreline jurisdiction and is not permitted per Town zoning.

#### 15 5.4.2 Aquaculture

##### 16 A. Policies

- 17
- 18 1. Aquaculture is a water-dependent use of state-wide interest that is a preferred use when  
19 consistent with control of pollution and prevention of damage to the environment.  
20
- 21 2. Aquaculture use and development should locate in areas where biophysical conditions,  
22 such as tidal currents, water temperature and depth, will minimize adverse environmental  
23 impacts. The County-Town should support aquaculture uses and developments that:  
24 a. Protect and improve water quality;  
25 b. Minimize the potential for cumulative adverse impacts, such as those resulting from  
26 in-water structures/apparatus/equipment, and land-based facilities; and  
27 c. Prevent substrate disturbance/modification.  
28
- 29 3. Chemicals and fertilizers used in aquaculture operations should be used in accordance  
30 with state and federal laws and this Program.  
31
- 32 4. Aquaculture uses/developments should be permitted when they have been evaluated and  
33 approved by state and federal agencies, when they incorporate measures to mitigate  
34 adverse effects on people and the environment, and when they demonstrate that the  
35 use/development will not:  
36 a. Materially and adversely disrupt important navigation routes, and existing water  
37 dependent uses;  
38 b. Cause significant adverse effects on water quality, sediment quality, benthic and  
39 pelagic organisms, and/or wild fish populations;  
40 c. Cause significant adverse effects on critical aquatic habitats;  
41 d. Cause significant adverse effects to Tribal fishing tracts or other Treaty fisheries  
42 resources; and  
43 e. Conflict with other legally established water-dependent uses, including normal  
44 public use of the surface waters.  
45

- 1 5. When a new aquaculture facility is proposed, the County Town should provide for public  
2 notice consistent with this Program and notify tribes with usual and accustomed fishing  
3 rights to the area.
- 4
- 5 6. Experimental aquaculture projects will be limited in scale and duration until their effects  
6 can be adequately understood. Flexibility to experiment with new aquaculture techniques  
7 will be allowed when consistent with state and federal regulations and this Program, and  
8 when properly monitored to prevent significant adverse impacts.
- 9
- 10 7. Development accessory to aquaculture planting and harvesting should be located  
11 landward of the minimum critical area buffers of the Program, unless it requires a location  
12 in, over, or adjacent to the water.
- 13
- 14 8. Cooperative arrangements between aquaculture growers and public recreation agencies  
15 are encouraged so that public use of public shorelines can be enhanced, where  
16 appropriate, and conflicts between public use of public shorelines and aquaculture  
17 operations is minimized or eliminated.
- 18

19 **B. Regulations**

20 ~~C. Not pen aquaculture, hatcheries, and fish acclimation facilities are permitted in the Rural~~  
21 ~~Conservancy shoreline environment designation.~~

22 1. Because there are limited locations in Town where aquaculture use is present or feasible,  
23 aquaculture may be allowed as a conditional use. Fish acclimation facilities and/or pens  
24 and other structures solely and directly established and managed for purposes of salmon  
25 enhancement and/or restoration may be allowed.

26 2. Upland finfish rearing facilities shall be regulated as aquaculture, subject to the provisions  
27 of this Program.

28 ~~4.3.~~ Water-dependent portions of aquaculture facilities may be located waterward of  
29 the OHWM. Water intakes and discharge structures, water and power conveyances, and  
30 fish collection and discharge structures are all considered water-dependent.

31 ~~2.4.~~ The applicant shall identify and on the site plan each portion of their project that is  
32 water-dependent, water-related and non-water-oriented in sufficient detail for the  
33 Administrator to determine which portions of the project are permitted on either side of the  
34 OHWM and within critical areas and their buffers.

35 ~~3.5.~~ Aquaculture facilities must be consistent with the purpose of the shoreline  
36 environment designation and a state or tribal finfish management plan or watershed  
37 restoration plan.

38 6. Aquaculture facilities must be located, designed, constructed, and managed to avoid all  
39 of the following:

- 40 a. a net loss of shoreline ecological functions,
- 41 b. spreading diseases to native aquatic life,
- 42 c. ~~establishing new non-native species;~~
- 43 d. adversely impacting macro-algae species, and
- 44 e. significantly conflicting with navigation, public access, and water contact recreation
- 45 f. significantly impacting the aesthetic qualities of the shoreline
- 46 a-g. causing significant adverse impacts.

**Commented [A49]: Recommended:** Add provision to better reflect local conditions in the Town and for consistency with Chapter 3 Definitions and Chapter 5.2.1 above.

**Commented [A50]: Recommended:** Revise text for better consistency with WAC 173-26-241(3)(b).

1 ~~4-7.~~ **Best management practices.** As a conditional of approval the Town shall require  
2 aquaculture facilities to use best management practices to avoid impacts to ecological  
3 functions. The best management practices shall be published by an industry association,  
4 a peer reviewed scientific publication, a state or federal environmental protection or natural  
5 resource management agency, or the shorelines hearing board.

6 ~~5-8.~~ The applicant shall base their proposal on ~~an~~ scientific literature review of likely  
7 impacts to ecological function, effective best management practices, and natural  
8 processes and priority species.

9 ~~6-9.~~ Cumulative impacts of other foreseeable aquaculture facilities shall be considered  
10 in the review of proposed aquaculture facilities. Mitigation sequencing and permit  
11 conditions shall ensure no net loss of ecological functions as a result of cumulative  
12 impacts.

13 ~~7-10.~~ **New aquatic species.** New aquatic species that have not been previously  
14 cultivated in Washington State shall not be introduced into Town waters without prior  
15 written approval of the Director of the Washington State Department of Fish and Wildlife  
16 and the Director of the Washington State Department of Health.

17 ~~8-11.~~ **Wastes.** Aquaculture wastes shall be disposed of in a manner compliant with all  
18 applicable governmental waste disposal standards. No garbage, wastes, or debris shall  
19 be allowed to accumulate at the site of any aquaculture operation.

20 ~~9-12.~~ **Rights of treaty tribes.** The rights of treaty tribes to aquatic resources within their  
21 usual and accustomed areas shall be addressed through direct coordination between the  
22 project proponent and the affected tribe(s) through the permit review process.

### 24 5.4.3 Boating Facilities

#### 25 A. Policies

26  
27 1. ~~Boating facilities should meet applicable federal, state, and local requirements related to~~  
28 ~~health, safety, and welfare, and ensure no net loss of ecological functions as a result of~~  
29 ~~such use and development.~~

30  
31 ~~1. Piers and docks for residential access to watercraft and for public access will be allowed.~~  
32 ~~2. New residential development or subdivisions of two or more residences or properties that~~  
33 ~~propose a dock should provide a shared dock for the residences, rather than a single dock~~  
34 ~~for each residence.~~

35 ~~3. New pier or dock construction, excluding docks accessory to single-family residences,~~  
36 ~~should be permitted only when the applicant has demonstrated that a specific need exists to~~  
37 ~~support the intended water-dependent uses.~~

38 ~~4. Piers and docks for water enjoyment and water related uses should be allowed upon a~~  
39 ~~showing of need for the proposed pier or dock.~~

40 ~~5. Development that includes and is subordinate to water-dependent development may be~~  
41 ~~permitted.~~

42 ~~6. Boating facilities should meet health, safety, and welfare requirements, and no net loss~~

#### 43 B. Regulations

- 1 1. **Applicability.** Boating facilities provisions apply to all upland, overwater and in-water  
2 structures that serve as their primary purpose the launching, landing or mooring of  
3 vessels, or for visual/physical public access or another water-dependent purpose.  
4 Boating facilities include boat launches/ramps; marinas; and piers and docks, including  
5 gangways. Boat houses, boat lifts, covered moorage/canopies, dry storage, floats/rafts,  
6 and mooring buoys shall be prohibited.  
7
- 8 2. **Boat launches/ramps.** Boat launches/ramps shall be designed and constructed using  
9 methods and technologies that have been recognized and approved by state and federal  
10 resource agencies as the best currently available, with consideration of site-specific  
11 conditions. At a minimum, the obstruction of currents, alteration of sediment transport,  
12 and the accumulation of debris shall be minimized. Private boat launches/ramps are  
13 prohibited.  
14
- 15 3. **Marinas.**
  - 16 a. Marinas shall provide public access as required by this Program, particularly where  
17 water-enjoyment uses are associated with the marina.
  - 18 b. Marinas shall provide adequate restroom and sewage disposal facilities.
  - 19 c. Marinas shall provide facilities and procedures for receiving, storing, dispensing, and  
20 disposing of oil or hazardous products, as well as a spill response plan.
  - 21 d. Marina operators must post all regulations pertaining to handling, disposal and  
22 reporting of waste, sewage, fuel, oil or toxic materials where all users may easily  
23 read them. Rules for spill prevention and response must also be posted.
- 24 4. **Piers and docks.**
  - 25 a. New piers and docks are prohibited in the Town Conservancy designation and shall  
26 only be allowed for water-dependent uses or for public access.
  - 27 b. Water-related and water-enjoyment uses may be allowed as part of mixed-use  
28 development on over-water structures where they are clearly auxiliary to and in  
29 support of an approved water-dependent use, provided the minimum size  
30 requirement needed to meet the water-dependent use is not violated.
  - 31 c. New pier or dock construction shall be permitted only when the applicant has  
32 demonstrated that a need exists to support a water-dependent use, except for those  
33 that are accessory to a single-family residence.
  - 34 e-d. For piers and docks accessory to residential development with two or more dwelling  
35 units, only joint use or community pier/dock facilities shall be allowed whenever  
36 feasible, rather than allowing individual piers/docks for each residence. Joint use or  
37 community piers/docks shall be shared only by shoreline property owners, not  
38 upland property owners.
  - 39 e. If a Port district or other public or commercial entity involving water-dependent uses  
40 has performed a needs analysis or comprehensive master plan projecting the future  
41 needs for pier or dock space, and if the plan or analysis is approved by the Town, it  
42 may serve as the necessary justification for pier or dock design, size and  
43 construction.
  - 44 f. Non water-dependent use or development accessory to an approved pier or dock  
45 must be located outside of shoreline jurisdiction, outside of the shoreline buffer, or  
46 landward of OHWM whenever possible. Accessory use or development may include,  
47 but is not limited to, storage of boats, gear, fuel and solid waste, parking, non-  
48 hazardous waste storage and treatment, stormwater management facilities, and  
49 utilities where these are necessary to support the water-oriented use.  
50

1 g. A connecting gangway may be included as part of an allowed pier and dock  
2 development to accommodate fluctuating water levels.

3  
4 **5. Location, design and construction of boating facilities.**

5 a. Boating facilities, including associated and accessory uses, shall be located,  
6 designed and constructed to avoid or, if that is not possible, to minimize and mitigate  
7 the impacts to:

8 I. Ecological functions, critical areas resources such as fish habitats, and  
9 processes such as currents and littoral drift;

10 II. Navigation; and

11 III. Public access.

12 b. Boating facility size shall be restricted to the minimum necessary to meet the  
13 demonstrated needs of the proposed use. The amount of overwater cover, including  
14 length and width; the number of in-water structures; and the extent of any necessary  
15 shoreline stabilization or modification must be minimized.

16 c. Structures shall be made of materials as follows:

17 d. Have been approved by applicable state agencies.

18 e. Have a generally non-reflective exterior finish to reduce glare.

19 b-f. New pilings must be the smallest diameter necessary.

20 e-g. Flotation materials shall be permanently encapsulated to prevent breakup into small  
21 pieces and dispersal in water.

22 h. Safety railings, if proposed, must meet International Building Code requirements and  
23 must be an open framework that does not unreasonably interfere with shoreline  
24 views.

25 i. No new skirting is allowed on any structure.

26 j. Covered moorage and canopies are prohibited, except when demonstrated as  
27 necessary for operation of a water-dependent use at a commercial, industrial, or  
28 transportation-related facility.

29 k. Garbage or litter receptacles must be provided and maintained by the operator at  
30 locations convenient to users.

31 l. Construction of overwater structures shall be completed during allowed in-water work  
32 windows.

33 m. Construction impacts shall be confined to the minimum area needed to complete the  
34 project.

35  
36 **6. Enlargement of existing boating facilities.**

37 a. Applicants must demonstrate that there is a need for modification or enlargement due  
38 to increased or changed use or demand, safety concerns, or inadequate depth of  
39 water.

40 b. Enlarged portions of existing boating facilities must comply with applicable standards  
41 for new facilities.

42  
43 **7. Repair of boating facilities. All repairs must utilize any material standards specified for**  
44 **new facilities.**

45  
46  
47 **8. ~~7.~~ **Live-aboard vessels.** Live-aboard vessels are restricted to marinas that have**  
48 **provisions in effect that are consistent with state law to limit potential impacts.**

49 a. **Live-aboard vessels must have a valid live-aboard permit issued by the marina**  
50 **operator.**

b. **Discharge of waste or other contaminated material from vessels is prohibited.**

- c. ~~Marinas shall provide adequate pump-out facilities and owners of live-aboard vessels shall provide proof of sufficient use of pump-out facilities or pump-out service.~~
  - d. ~~All live-aboard vessels shall meet US Coast Guard requirements for recreational boats and be capable of leaving the marina under their own power.~~
  - e. ~~Owners of live-aboard vessels shall comply with all applicable marina rules.~~
9. Extended mooring. Extended mooring on waters of the state by vessels is only as allowed by applicable state regulations, unless a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

**Commented [A51]: Recommended:** As proposed, this section was prepared for a regional SMP with some content only applicable to the County. It also included extensive design and construction requirements duplicative of WDFW standards. That approach is more than needed to address current and future boating facilities in the Town. There are some similarities and overlap with the deleted text, but we suggest this replacement version as a simpler, more streamlined, locally-tailored approach, as consistent with WAC 173-26-231(3)(b) and -241(3)(c).

4. ~~General use requirements for all boating facilities.~~
- a. ~~Boating facilities and accessory uses, shall be located, designed and constructed to avoid, minimize, and mitigate impacts to ecological functions, navigation, and public access.~~
  - b. ~~Boating facilities shall be allowed only for water-oriented uses, for public access, or for accessing a boat as an accessory activity to a residential use.~~
  - c. ~~The applicant must demonstrate that the boating facility is needed to support the water-oriented use if the boating facility is not accessory to a residential use or in support of public access. If a Port District or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the Town, it may serve as the necessary justification for need, design, size, and construction.~~
  - d. ~~Boating facilities shall be limited in size to the minimum necessary to accommodate public access or the water-oriented use.~~
  - e. ~~Public community use or joint use boating facilities that limit the proliferation of boating facilities are a preferred over boating facilities that are only intended for a single user or property owner.~~
  - f. ~~Non-water dependent accessory development to piers and docks must be located outside of shoreline jurisdiction, and if that is not possible then preferably outside of the shoreline buffer. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use.~~
  - g. ~~New covered moorage is prohibited, except when necessary for operation of a water-dependent use at commercial, industrial, or transportation-related facilities.~~
  - h. ~~New covered moorage shall be located more than thirty feet from the OHWM.~~
  - i. ~~Project construction shall cease under high flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.~~
2. ~~Location requirements for all boating facilities.~~
- a. ~~Construction activities and installation of piling, anchors, ramps, railings, and other structures are prohibited in spawning habitats of state and federally listed species, as shown in WDFW's Salmonscape maps.~~
  - b. ~~Boating facilities shall not be located in or adjacent to:~~
    - i. ~~Braided or meandering river channels where the channel is subject to change in alignment;~~
    - ii. ~~Point bars or other accretion beaches;~~
    - iii. ~~Where dredging would be required to accommodate the use of a single facility; excluding new or maintenance dredging for a commercial or industrial water-dependent use located within shorelines designated for such uses;~~
    - iv. ~~In areas with important bank and/or nearshore habitat for aquatic and non-aquatic species; and~~

- 1 v. In areas where wave action caused by boating use would increase bank erosion;  
2 excluding those areas actively regulated by the Town to control boat wake using posted  
3 “no wake zone” signage or similar signs to control bank erosion.
- 4 3. Design and construction requirements for all boating facilities. In addition to the standards  
5 listed below, the requirements found in WAC 220-660-140 are adopted by reference. Where  
6 conflicts between the standards are found the more protective requirements shall apply.  
7 Specific design and construction standards are as follows:
- 8 a. Piling design:
- 9 i. Pilings must be the smallest diameter and number necessary.
- 10 ii. Limit the diameter of steel pilings used to construct public recreational docks to the  
11 minimum width needed to accommodate the intended use.
- 12 iii. The use of creosote or pentachlorophenol pilings is prohibited. New and replacement  
13 piling can be steel, concrete, recycled plastic, and/or untreated or treated wood as  
14 approved by the Washington State Department of Fish and Wildlife.
- 15 iv. All pilings shall be designed to prevent perching and/or nesting of birds.
- 16 v. Pilings shall be spaced at least 18 feet apart on the same side of any component of  
17 the overwater structure. The pier/ramp and float are separate components.
- 18 vi. Each overwater structure shall utilize no more than four piles total for the entire  
19 project. A combination of two piles and four helical anchors may be used in place of  
20 four piles.
- 21 b. Flotation materials shall be permanently encapsulated to prevent breakup into small  
22 pieces and dispersal in water. Flotation materials shall be contained within the structure  
23 in a shell (tub) or 20–25 mm polyethylene or polyurethane wrap. The shell or wrap must  
24 prevent breakup or loss of the flotation material into the water. The shell or wrap must not  
25 be readily subject to damage by ultraviolet radiation and abrasion.
- 26 c. Safety railings, if proposed, must meet locally adopted Building Code requirements and  
27 must be an open framework that does not unreasonably interfere with shoreline views.
- 28 d. New skirting or batter fencing should not be constructed around piers, docks, or floats  
29 unless the applicant can obtain approval from the Washington State Department of Fish  
30 and Wildlife.
- 31 e. No part of the floating structure shall touch the ground at any time.
- 32 f. Boating facilities located in tidally influenced areas shall have stops installed that  
33 maintain a minimum of 18 inches of clearance between the aquatic bed and the structure  
34 for all grounding portions of the float.
- 35 g. Floating structures should not adversely affect flood channel storage capacity or  
36 otherwise create a flood hazard.
- 37 h. Boating facilities shall be designed to avoid impediments to adjacent nearshore  
38 sediment transport flows. When boating facilities are unable to avoid adverse effects on  
39 net sediment transport or other shoreline processes to the detriment of adjacent beaches  
40 or habitats, the Shoreline Administrator may require periodic replenishment of substrate to  
41 offset adverse impacts.
- 42 i. Boating facilities shall incorporate the maximum amount of functional grating to allow  
43 adequate light penetration. Grating must not be covered on the surface or underneath,  
44 with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, carpet, or  
45 similar features that limit light penetration on grated areas. Grating must be kept clean and  
46 free from algae and debris that may inhibit light penetration, on the surface or underneath.  
47 Grating should be positioned to maximize natural light penetration to the greatest extent  
48 possible.
- 49 j. Structural components and associated materials that may come in contact with the  
50 aquatic environment shall be made of non-toxic materials. Tires and tire by-products shall  
51 not be used for construction where they would contact the water (e.g., flotation, fenders,  
52 and hinges). Where chemically treated materials are the only feasible option, materials

- 1 shall use the least toxic alternative approved by applicable state and federal agencies for  
2 use in water. Treated wood elements shall incorporate design features (e.g., fenders,  
3 bumpers, metal bands) to minimize abrasion by vessels, pilings, floats, or other similar  
4 objects. Wood treated with creosote, chromated copper arsenate or pentachlorophenol are  
5 prohibited.
- 6 k. Project construction shall cease under high flow conditions that could result in  
7 inundation of the project area, except for efforts to avoid or minimize resource damage.
- 8 l. Construction of overwater structures shall be completed during allowed in-water work  
9 windows.
- 10 m. Construction impacts shall be confined to the minimum area needed to complete the  
11 project.
- 12 4. Lighting requirements for boating facilities accessory to a residential use. Exterior lighting  
13 on boating facilities shall be the minimum necessary for the proposed use. The following  
14 standards shall apply to residential boating facilities only:
- 15 a. Light fixtures shall be designed and installed so that they are recessed or otherwise  
16 shield neighboring properties from illuminating glare;
- 17 b. Light fixtures shall point directly down and upon the floor of the structure;
- 18 c. The Shoreline Administrator may provide relief from the above standards for safety or  
19 security purposes provided that it is the minimum necessary to provide relief without  
20 negatively affecting adjacent properties or impacting the aquatic environment; and
- 21 d. Artificial nighttime lighting used in the design shall use low intensity lights that are  
22 located and shielded to prevent light from attracting fish, unless there are safety  
23 constraints.
- 24 5. Enlargement of boating facilities.
- 25 a. Applicants must demonstrate that there is a need for modification or enlargement due to  
26 increased or changed use or demand, safety concerns, or inadequate depth of water.
- 27 b. Enlarged portion of existing boating facilities must comply with applicable standards for  
28 new facilities.
- 29 6. Repair and replacement of boating facilities.
- 30 a. If any of the following are proposed during a five-year period, the project is considered a  
31 new structure/facility and must comply with applicable standards for new facilities.
- 32 i. Replacement of the entire facility;
- 33 ii. Replacement of 75 percent or more of support piles; and
- 34 iii. Replacement of 75 percent or more of a boat launch, by area.
- 35 b. All repairs to existing legally established boating facilities are permitted consistent with all  
36 other applicable codes and regulations. Repairs must utilize standards specified for new  
37 facilities.
- 38 c. The structure/facility must have been usable at the site within the twelve months  
39 immediately before the time of application submittal to be considered a replacement  
40 structure. Usable means no major deterioration or section loss in critical structural  
41 components is present.
- 42 8. Extended mooring. Extended mooring on waters of the state by vessels is allowed only when  
43 consistent with applicable state regulations, unless a lease, permit, or permission is obtained  
44 from the state and impacts to navigation and public access are mitigated.
- 45 9. Piers, docks, ramps, gangways, and floats.
- 46 a. Piers and docks shall be set back from side property lines a minimum of 10 feet; except  
47 that by mutual agreement of two abutting property owners one dock serving both properties  
48 may be sited adjacent to, or astride of, the mutual property line. In the latter case no other  
49 dock will be permitted within the two property boundaries.
- 50 b. There is no maximum length, width or height for commercial or industrial piers and docks.  
51 The applicant must show that the size of the proposal is the minimum necessary for the  
52 proposed use.

1 ~~c. North/south oriented piers greater than four feet in width must have at least thirty percent~~  
2 ~~of the entire deck surface covered in functional grating. The grating must be installed parallel~~  
3 ~~to the length of the pier for the entire length of the pier.~~

4 ~~d. Northeast/southwest, northwest/southeast and east/west oriented piers must have at least~~  
5 ~~fifty percent of the entire deck surface covered in functional grating regardless of width. The~~  
6 ~~grating must be installed parallel to the width of the pier, evenly spaced along the entire~~  
7 ~~length of the pier.~~

8 ~~e. In water bodies with a high density of piers and docks, grating should cover the entire deck~~  
9 ~~surface of the pier or dock.~~

10 ~~f. Ramps/ gangways connecting the shoreline to a pier or dock accessory to a residential use~~  
11 ~~are limited to four feet in width. The width of public recreational ramps is limited to the~~  
12 ~~minimum width needed to accommodate the intended use. The entire ramp surface shall be~~  
13 ~~covered in grating.~~

14 ~~g. The maximum width of residential piers and docks shall be six feet for the first fifty feet~~  
15 ~~from the OHWM.~~

16 ~~h. For waters other than the Columbia River, the maximum length of a recreational pier or~~  
17 ~~deck facility including float shall be only so long as to obtain a depth of three feet of water as~~  
18 ~~measured at mean low water (MLW) in tidally influenced areas or a depth of five feet as~~  
19 ~~measured from ordinary low water on non-tidally influenced waters. The length of any~~  
20 ~~recreational pier or deck facility shall not extend more than 50 feet waterward from the~~  
21 ~~OHWM, or 35% the distance to the OHWM of the opposite shore, whichever is less.~~

22 ~~i. Joint or community use facilities may be an additional 15 feet in length, so long as~~  
23 ~~navigation is not adversely impacted.~~

24 ~~j. A dock six feet wide or narrower shall have at least thirty percent of the deck surface~~  
25 ~~covered in functional grating. A dock wider than six feet (up to eight feet wide) shall have at~~  
26 ~~least fifty percent of the deck surface covered in functional grating. The location of flotation~~  
27 ~~material shall be located under the solid decked area only. Grating shall be oriented~~  
28 ~~lengthwise so that the openings maximize the amount of light penetration.~~

29 ~~k. At the end of a dock or pier, a float may be attached. These floats may either be parallel to~~  
30 ~~the dock or pier, or form a "T" or "L". The float shall not exceed 400 square feet (800 square~~  
31 ~~feet for two joint use owners). Attached floats shall be designed to include the maximum~~  
32 ~~amount of functional deck grating possible.~~

33 ~~l. All facilities shall be constructed and maintained in a safe and sound condition. Abandoned,~~  
34 ~~non-functioning, or unsafe docks and piers shall be removed or repaired promptly by the~~  
35 ~~owner. Where any such structure constitutes a hazard to the public, the Shoreline~~  
36 ~~Administrator may, after providing notice to the owner, abate the structure if the owner fails to~~  
37 ~~do so within 90 days of said notice, and may impose a lien on the shoreline property in an~~  
38 ~~amount equal to the cost of the abatement.~~

39 ~~m. Unattached recreation floats shall not exceed 400 square feet. There shall be no more~~  
40 ~~than one per tax lot. Unattached recreational floats shall be chain anchored and not ground~~  
41 ~~at any time. Unattached recreational floats shall be designed to include the maximum amount~~  
42 ~~of functional deck grating possible.~~

43 ~~n. Recreational mooring buoys are exempt from the substantial development permit. Mooring~~  
44 ~~buoy design and placement shall comply with the standards found in WAC220-660-140 (6).~~  
45 ~~Prior to final project approval of a residential subdivision or short plat, a usable area shall be~~  
46 ~~set aside for a community pier or dock, unless no suitable area exists. Only one pier or dock~~  
47 ~~is permitted in new residential subdivisions or short plat where each lot frontage does not~~  
48 ~~exceed 150 feet on the shoreline.~~

49 ~~10. Marinas.~~

50 ~~a. Marinas, particularly where water enjoyment uses are associated with the marina, shall~~  
51 ~~provide public access.~~

52 ~~b. Marinas must provide adequate restroom and sewage disposal facilities.~~

- ~~e. Marinas must provide facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan.~~
- ~~d. Marina operators must post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them. Rules for spill prevention and response must also be posted.~~
- ~~e. New marinas, or expansion of existing marinas that provide moorage for more than ten boats, shall provide easily accessible vessel pump-out facilities on shore bathrooms and trash disposal. Each marina shall prominently display signs stating that wastewater discharge is prohibited. Deviation from this pump-out requirement shall require a CUP.~~
- ~~f. Adequate illumination shall be required. Illumination shall be designed and constructed to minimize off-site light and glare, and subject the exterior lighting requirements in the general regulations for all boating facilities. If artificial nighttime lighting is used in the design, use low-intensity lights that are located and shielded to prevent light from attracting fish, unless there are safety constraints.~~
- ~~g. Associated uses shall be limited to those necessary to marina operation or which provide visual or physical public access.~~
- ~~h. Marina facilities shall project waterward the minimum distance necessary to provide service to vessels, without creating a hazard to navigation.~~
- ~~i. Marinas shall be located to minimize the need for initial and maintenance dredging, filling, beach feeding and other channel maintenance activities.~~
- ~~j. Expansion of existing marinas shall be required to meet the standards set forth for new development.~~
- ~~k. New marina and terminal design standards found in WAC 220-660-160 are adopted by reference.~~

41. ~~Boat launches.~~

- ~~a. Boat launches shall be designed and constructed to minimize obstruction of currents, alteration of sediment transport, and the accumulation of debris. The design and construction standards found in WAC 220-660-150 (3) and (4) are adopted by reference.~~
- ~~b. New private recreational boat launches are prohibited on Washington state managed aquatic lands.~~
- ~~e. There is no maximum length or width for commercial industrial or community use boat launches, however, the proponent must demonstrate that the size proposed is the minimum necessary to allow the use proposed.~~

5.4.4 Commercial & Industrial

A. Policies

1. ~~Commercial and industrial development and use should be located, designed, and operated to result in no net loss of shoreline ecological functions and to avoid and minimize not have significant adverse impacts on other shoreline ecological functions and processes uses, resources, and values such as navigation, recreation, and public access.~~
2. Preference should be given first to water-dependent commercial/industrial uses over non-water-dependent commercial/industrial uses; and second, to water-related and water-enjoyment commercial/industrial uses over non-water-oriented commercial/industrial uses. ~~No commercial/industrial use should be allowed in the limited and sensitive areas of Town Conservancy designation.~~
3. Non-water-dependent uses may locate in existing overwater structures provided that the proposed use does not displace existing or future water-dependent uses from siting on the shoreline.

Commented [A52]: Recommended: Revise text for better consistency with WAC 173-26-241(3)(d) and (f).

Commented [A53]: Recommended: Add text based on existing provisions, and appropriate use of Town Conservancy shorelines, consistent with WAC 173-26-211(5)(e).

4. Water-related and water-enjoyment commercial/~~industrial~~ uses are encouraged ~~where appropriate~~ on shorelines in existing areas of commercial development and mixed commercial-residential development if the use will not displace existing or future water dependent uses.
5. New non-water-~~oriented dependent~~ commercial/ industrial uses located in the shoreline should provide public access ~~and ecological restoration~~ unless ~~public access would create a significant ecological impact, a human health or safety hazard or is otherwise inappropriate or infeasible due per the standards of this Program to inherent constraints of the property or development.~~
6. New water-oriented commercial uses and infill/redevelopment of existing areas within the Mixed Waterfront shoreline environmental designation should be allowed consistent with this Program.  
~~B. Avoid creating new patterns of waterfront commercial development.~~
7. ~~Facilities Proponents of commercial/industrial development~~ should demonstrate ~~adequate planning and~~ financial responsibility for environmental damages from worst-case spills and explosions.
8. Where allowed, commercial and industrial use and development should be located and designed to be compatible with adjoining non-commercial/industrial uses in terms of noise, aesthetics, scale, and other factors.
9. Proponents of commercial and industrial development ~~and redevelopment~~ are encouraged to ~~incorporate environmental clean-up and restoration of~~ impaired shoreline ecological functions and processes as part of their development proposal.
10. The Town should review proposals for new commercial and industrial developments to determine whether any such development would thwart or substantially compromise planned restoration actions in the vicinity of the project. The Town should work with the proponents of each project to resolve likely conflicts between the proposed development and planned restoration.

~~C.B.~~ **Regulations**

1. ~~All commercial/industrial use and development shall be prohibited as inappropriate in the limited and sensitive areas of Town Conservancy designation. Water-oriented commercial/industrial shall be allowed as a conditional use in the Town Residential designation.~~
2. **Use preference.** Preference shall be given first to water-dependent uses over nonwater-dependent uses; and second, to water-related and water-enjoyment uses over nonwater-oriented uses. The Town shall utilize the following information in its review of commercial and industrial development proposals:
  - a. Nature of the activity;
  - b. Need for shore frontage;
  - c. Special considerations for enhancing the relationship of the activity to the shoreline;
  - d. Provisions for public visual or physical access to the shoreline;
  - e. Provisions to ensure that the development will not cause ~~severe significant~~ adverse environmental impacts;

**Commented [A54]: Recommended:** Add text based on existing provisions, and appropriate use of Town Conservancy and Town Residential shorelines, consistent with WAC 173-26-211(5)(e) and (f).

- 1 f. Provisions to mitigate any significant noise, light, glare, vibration, dust or other  
2 operational impacts; and,  
3 g. Provisions to mitigate light or glare impacts; and  
4 h-g. A description of mitigation measures proposed to ensure that the development will  
5 protect existing shoreline ecological functions and compensate for unavoidable  
6 impacts.

7  
8 **3. General requirements**

- 9 a. Parking and loading areas shall be located outside the shoreline jurisdiction, if  
10 practicable.  
11  
12 b. Perimeters of parking areas shall be landscaped to minimize visual impacts to the  
13 shorelines, roadways and adjacent properties subject to approval by Public Works  
14 and/or Department of Transportation. The permit application shall identify the size,  
15 general type, and location of landscaping.  
16  
17 c. Design of parking and loading areas shall ensure that surface runoff does not pollute  
18 adjacent waters or cause soil or beach erosion. Design shall provide for storm water  
19 retention.  
20 d-a. Water supply and waste facilities shall comply with the strictest current established  
21 guidelines, standards, and regulations.  
22 e-b. New commercial developments shall be located adjacent to existing commercial  
23 developments whenever possible.  
24 f-c. Commercial developments adjacent to aquaculture operations shall practice strict  
25 pollution control procedures.  
26 g-d. Commercial developments shall be located and designed to minimize noise, light,  
27 glare, vibration, dust and other operational impacts on adjacent properties.

Commented [A55]: Recommended: Delete provisions that were moved to Chapter 5.4.10.

- 28  
29 **4. Water-related & Water-oriented-enjoyment use.** Uses that may be authorized as water-  
30 related or water-enjoyment uses must incorporate appropriate design and operational  
31 elements so that they meet the definition of water-related or water-enjoyment uses.

32 **5. Non-water-oriented uses, when allowed.** Non-water-oriented commercial/industrial  
33 uses are prohibited, except as a conditional use when:

- 34 a. The use is part of a mixed-use project that includes water-dependent uses and  
35 provides a significant public benefit with respect to the Shoreline Management Act's  
36 objectives such as providing public access and/or ecological restoration;  
37 b. Navigability is severely limited at the proposed site and the use provides a significant  
38 public benefit with respect to the Shoreline Management Act's objectives such as  
39 providing public access and/or ecological restoration; or  
40 c. The site is physically separated from the shoreline by another property or public right-  
41 of-way.

42 ~~6. In an existing overwater structure or in a new overwater structure in the limited instances~~  
43 ~~where they are auxiliary to and necessary in support of water dependent uses.~~

Commented [A56]: Recommended: Delete text as duplicative of Regulation 6 below.

44 ~~7-6. Industrial and terminal development~~

- 45 ~~a. New water dependent and water related industrial and other terminal developments~~  
46 ~~are prohibited in Natural environments. New water dependent and water related~~  
47 ~~industrial and terminal development are permitted in the High intensity environment~~  
48 ~~and may be considered as a conditional use in Rural Conservancy and Aquatic~~  
49 ~~environments.~~

Commented [A57]: Recommended: Delete text in multiple locations in this section to eliminate reference to 'terminal/marine terminal' as not applicable in Town.

b. ~~New non-water-oriented industrial developments are prohibited in all environments but may be considered as a conditional use, provided:~~

i. ~~The site is physically separated from the shoreline by another property or public right-of-way; or~~

ii. ~~The use is part of a mixed-use project that includes an associated water-dependent use; or~~

iii. ~~Navigability is severely limited at the proposed site.~~

e.a. Industrial ~~and marine terminal~~ development shall be located, designed, constructed, and operated to avoid impacts to ecological functions and compensate for unavoidable impacts; consistent with General Use regulations. Water-dependent structures may be allowed within required buffers to the minimum extent necessary to support the water-dependent use, provided adequate compensatory mitigation is provided.

e.b. Industrial facilities ~~and marine terminals~~ shall be located, designed, constructed, and operated so as to avoid interference with the rights of adjacent property owners, and to minimize interference with normal public use of the adjacent shoreline.

e.c. Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Emergency warning sirens or alarms and related apparatus used solely for public purposes are exempt from this requirement.

f.d. Industrial facilities shall minimize direct or reflected glare visible from adjacent properties, streets, or water areas.

Commented [A58]: Recommended: Delete text as duplicative of Regulation 4 above.

8-7. **Non-water-oriented uses over water.** Non-water-oriented uses ~~d~~shall not be allowed over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses.

9-8. **No net loss of ecological functions or significant adverse impacts.** ~~Commercial/Industrial De~~development must not result in a net loss of shoreline ecological functions or have significant adverse impacts to other shoreline uses, resources and values such as navigation, recreation and public access.

40-9. **Public access.** New ~~commercial/industrial~~ development shall provide public access ~~as required by this Program, especially if located on publicly-owned land, required by Section 5.2.8.~~

#### 5.4.5 Forest Practices

##### A. Policies

1. ~~While fForest practices are essential important to the area's long term economic health, region, there are no Fforest lands should be reserved for long-term forest management and uses that are compatible with forest management located in the Town and forest practices are not allowed per zoning code, therefore the use should be prohibited in shoreline jurisdiction.~~

4. ~~Forest practices such as building roads, trails and bridges and placing culverts are considered development under the SMA and are regulated under local Shoreline Master Programs as well as the Forest Practices Act (RCW 76.09).~~

1 B. On shorelines of statewide significance, cutting practices are governed by the Shoreline  
2 Management Act (RCW 90.58.150).

3  
4 C. The Town Shoreline Master Program should rely on the Forest Practices Act and  
5 implementing rules, as well as the Forest and Fish Report as adequate regulation of forest  
6 practice harvests within shoreline jurisdiction unless or until those lands are converted to non-  
7 forest uses, and except in shorelines of statewide significance.

8  
9 D. Ensure that forest practice conversions and other Class IV General forest practices are  
10 conducted in a manner that assures no net loss of shoreline ecological functions such as  
11 ground and surface water quality and fish and wildlife species and habitats, and that assures  
12 no significant adverse impacts to other shoreline uses, resources and values such as  
13 navigation, recreation and public access.

14 E.B. Regulations

15  
16 1. Forest practices, including timber harvest and related roads, trails, bridges and culverts,  
17 shall be prohibited in all shoreline environments.

18 2. **Applicability.** This section shall apply to forest practices in shorelines of statewide  
19 significance, Class IV general forest practices where shorelines are being converted  
20 or are expected to be converted to non-forest uses, and other forest practices such  
21 as building roads, trails and bridges, and placing culverts.

22 **Conversion.** Forest practice conversions and other Class IV general forest practices  
23 where there is a likelihood of conversion to non-forest uses shall assure no net loss of  
24 shoreline ecological functions or significant adverse impacts to other shoreline uses,  
25 resources and values such as navigation, recreation, and public access.

26 **Shorelines of statewide significance.** On shorelines of statewide significance, cutting  
27 practices are governed by the Act (RCW 90.58.150). The Town shall allow only  
28 selective commercial timber cutting, so that no more than 30 percent of the  
29 merchantable trees may be harvested in any ten-year period of time, provided:

30 a. That other timber harvesting methods may be permitted in those limited  
31 instances where the topography, soil conditions or silviculture practices necessary for  
32 regeneration render selective logging ecologically detrimental;

33 b. That clear cutting of timber which is solely incidental to the preparation of land for  
34 other uses authorized by this Shoreline Master Program may be permitted; and

35 c. That exceptions to this regulation require a shoreline conditional use permit.

36 **Substantial development permit.** Forest Practices such as building roads, trails,  
37 bridges and culverts are regulated by this SMP as well as the Forest Practices Act  
38 (RCW 76.09). If the costs of these activities will exceed the substantial development  
39 dollar threshold an SDP will be required.

40 **Forest Practices Act.** Forest Practices shall adhere to the Forest Practices Act (RCW  
41 76.09) in addition to this SMP.

42 **Chemical applications.**

43 Herbicides, insecticides, or other forest chemical applications are to be used in  
44 accordance with the Washington Pesticide Application Act (RCW 17.21) and the  
45 Washington Pesticide Act (RCW 15.58) and are not regulated by this program.

46  
**Commented [A59]: Recommended:** Revise text to provide a single policy and a single regulation to prohibit the use that does not currently exist in shoreline jurisdiction and is not permitted per Town zoning.

1 **5.4.6 In-Stream Structures**

2 **A. Policies**

- 3
- 4 1. The location ~~and planning, design, construction, and maintenance~~ of in-stream structures  
5 should give due consideration to the full range of public interests, watershed functions,  
6 and environmental concerns, with special emphasis on restoring priority habitats and  
7 species.
- 8 2. Dams and associated power-generating ~~or water supply~~ facilities should not be permitted  
9 except in the instance where there is evidence that the benefits to local residents outweigh  
10 any potential adverse ecological impacts and costs to local residents. The criteria for  
11 approving such facilities will depend on the specific location, including its particular  
12 physical, cultural, and ecological conditions.
- 13 3. The Town should ~~allow in-stream structures that~~ implement the Shoreline Restoration Plan  
14 ~~or similar approved programs.~~

15

16

17 **B. Regulations**

- 18
- 19 1. **Consideration of public interests.** The location, ~~planning, and~~ design, ~~construction and~~  
20 ~~maintenance~~ of in-stream structures shall give due consideration to the full range of public  
21 interests, including, but not limited to, watershed functions and processes, and  
22 environmental concerns, with special emphasis on protecting and restoring priority  
23 habitats and species.
- 24
- 25 2. **Protection and preservation of ecosystem-wide processes, ecological functions, and**  
26 **cultural resources.** In-stream structures ~~must shall~~ provide for the protection and  
27 preservation of ecosystem-wide processes, ecological functions, and cultural resources,  
28 including, but not limited to, fish and fish passage, priority habitats and species, other  
29 wildlife and water resources, shoreline critical areas, hydrogeological processes, and  
30 natural scenic vistas.
- 31 3. **In-Stream structure Standards.** All in-stream structures shall meet all of the following:  
32 a. New in-stream structures shall not interfere with existing water-dependent uses,  
33 including recreation;  
34 b. In-water structures shall not be a safety hazard or obstruct water navigation;  
35 c. In-water structures shall be designed by a qualified professional; and  
36 d. Natural in-water features, such as snags, uprooted trees, or stumps, shall be left in  
37 place unless it can be demonstrated that they are causing bank erosion or higher flood  
38 stages or pose a hazard to navigation or human safety.

39 **4. Hydroelectric generating facilities**

- 40 a. ~~Small scale power generating apparatuses may be placed in streams provided~~  
41 ~~they do not create impoundments and there are no adverse effects on shoreline~~  
42 ~~functions and processes, including but not limited to, stream flow, habitat structure,~~  
43 ~~temperature, and/or water quality.~~
- 44
- 45 b. ~~The design of all dams and the suitability of the proposed site for dam construction~~  
46 ~~shall be certified by a professional engineer licensed in the State of Washington.~~  
47 ~~The professional design shall include a maintenance schedule.~~
- 48

1 ~~c. For all dams that are not regulated by either the Federal Energy Regulatory~~  
2 ~~Commission licensing procedures, or the State Department of Ecology reservoir~~  
3 ~~permit requirements, a maintenance agreement and construction bond for one~~  
4 ~~hundred fifty percent (150%) of the cost of the structure shall be filed with the~~  
5 ~~Administrator prior to construction. The maintenance agreement shall specify who~~  
6 ~~is responsible for maintenance, shall incorporate the maintenance schedule~~  
7 ~~specified by the design engineer, shall require annual inspections by a civil~~  
8 ~~engineer licensed in the State of Washington, and shall stipulate abandonment~~  
9 ~~procedures which shall include, where appropriate, provisions for site restoration.~~

10  
11 ~~d. Dams and associated power generating facilities shall not be permitted except in~~  
12 ~~the rare instance where there is clear evidence that the benefits to local residents~~  
13 ~~outweigh any potential adverse ecological impacts. The criteria for approving such~~  
14 ~~facilities will depend on the specific location including its particular physical,~~  
15 ~~cultural, and ecological conditions, with special emphasis on protecting and~~  
16 ~~restoring priority habitats and species.~~

17  
18 ~~e. Hydroelectric generating facilities that provide or generate more than one (1)~~  
19 ~~megawatt of electrical power annually or are located on public land shall provide~~  
20 ~~public access/open space. The Town may alter the recommended megawatt~~  
21 ~~threshold per constitutional limits or waive this requirement if public access is~~  
22 ~~infeasible due to incompatible uses, safety, impacts to shoreline ecology or legal~~  
23 ~~limitations. Public access provisions shall include, but not be limited to, any~~  
24 ~~combination of trails, vistas, parking, and any necessary sanitation facilities.~~

25  
26 ~~f. Construction material staging areas shall be located more than two hundred (200)~~  
27 ~~feet from ordinary high water, except this shall not apply during construction and~~  
28 ~~assembly periods.~~

29  
30 ~~g. Service roads shall be a size which is minimally necessary to safely accomplish~~  
31 ~~maintenance and repair of the facility.~~

32  
33 ~~h. The following standards shall apply to powerhouses/penstocks:~~

34  
35 ~~i. These shall be designed, located and constructed in such a manner as to avoid~~  
36 ~~extensive removal of riparian vegetation and topographical alteration.~~

37  
38 ~~ii. Penstocks shall be designed, located and constructed to present as low a~~  
39 ~~profile as possible.~~

40  
41 ~~iii. Powerhouses shall be located a minimum of twenty five (25) feet from ordinary~~  
42 ~~high water, provided that this setback does not apply to raceways.~~

43  
44 **5.4.7 Mining**

45 **A. Policies**

- 46 1. While mining has importance in the region, there are no mining activities occurring on  
47 mineral resource lands in the Town and the use is not allowed per zoning code, therefore  
48 the use should be prohibited in Mining should be prohibited within the Town's shoreline  
49 jurisdiction.

Commented [A60]: Recommended: Revise text to rephrase as single prohibitive policy & regulation, and for consistency with wording of other prohibited uses (Ag, Forest Practices).

1 B. Regulations

- 2
- 3 1. **Applicability.** This section does not apply to the removal of dredge material from dredge
- 4 disposal sites.
- 5 2. Mining shall be prohibited in all shoreline designations.
- 6

7 5.4.8 Recreational

8 A. Purpose

- 9
- 10 1. To preserve, improve and expand water-oriented recreational opportunities through
- 11 programs of acquisition, development, and regulation including, but not limited to, parks,
- 12 tidelands, beaches, and recreational areas.
- 13

Commented [A61]: Recommended: Revise text for better consistency with WAC 173-26-241(3)(i).

14 B. Policies

- 15
- 16 1. Encourage water-oriented recreational development in and adjacent to already developed
- 17 areas to minimize impact to ecological functions, and complement existing centers of
- 18 business and recreational activity.
- 19
- 20 2. Commercial recreational development should be consistent with the provisions for
- 21 commercial development.
- 22
- 23 3. Non-water-oriented recreational uses should not displace water-dependent uses.
- 24
- 25 4. Recreational facilities should be located within shoreline jurisdiction only when they
- 26 support a water-oriented recreational use.
- 27
- 28 5. Encourage recreational opportunities on the publicly owned shoreline that serve people of
- 29 all ages, mobility, and financial ability.
- 30
- 31 6. Include all appropriate levels of government in the planning, designing, and financing of
- 32 future recreational facilities, and use public-private partnerships if appropriate to achieve
- 33 recreation objectives.
- 34
- 35 7. Interpretive signage on shoreline ecological function is encouraged in order to help
- 36 shoreline users understand how they can help protect ecological functions on a day-to-
- 37 day basis and while recreating.
- 38
- 39 8. Shoreline recreational areas should be sited and designed to facilitate maintenance and
- 40 adequate monitoring of use to ensure public safety and no net loss of ecological functions.
- 41
- 42 9. Recreational facility and site design should emphasize structural forms that harmonize
- 43 with the topography, scenic views, and ecological functions.
- 44
- 45 10. Cooperative efforts among public and private entities toward the acquisition and/or
- 46 development of suitable recreation sites or facilities should be explored to assure long-
- 47 term availability of sufficient public sites to meet local recreation needs.
- 48

- 1 11. The Town should review proposals for new recreational developments to determine  
2 whether any such development would thwart or substantially compromise planned  
3 restoration actions in the vicinity of the project. The Town should work with the proponents  
4 of each project to resolve likely conflicts between the recreational development and  
5 planned restoration.  
6
- 7 12. Wilderness beaches, ecological study areas, and other recreational uses for the public are  
8 encouraged on state owned shorelines.  
9

### 10 C. Regulations

- 11
- 12 1. ~~Features Water-oriented Priority.~~ Recreational uses and facilities development located  
13 ~~within shoreline jurisdiction shall be that is water-oriented and~~ primarily related to access  
14 to, enjoyment of, and use of shorelines of the state (such as a trail, viewpoint,  
15 campground, park, or aquarium) shall be given priority. Recreational use and  
16 development that is not water-oriented (such as a golf course, sports court/field or  
17 community center) shall be prohibited in all shoreline environment designations.  
18
- 19 2. **Commercial recreation.** Commercial recreational use and development shall also be  
20 consistent with the provisions for commercial development.
- 21 3. **Consistency with environment designation.** Recreational use and developments shall  
22 be located, designed, and operated in a manner consistent with the purpose of the  
23 environment designation in which they are located.
- 24 4. **No net loss.** Recreational use and developments shall not result in a net loss of shoreline  
25 ecological functions or ecosystem-wide processes.  
26

Commented [A62]: Recommended: Revise text for better consistency with WAC 173-26-241(3)(i).

### 27 5.4.9 Residential

#### 28 A. Policies

- 29
- 30 1. Single-family residences are not water-dependent but are a preferred use only when  
31 developed to control pollution and not cause a net loss of ecological functions.
- 32 2. The design of residential uses should minimize the need for shoreline stabilization and  
33 flood control structures, and should not be permitted where such would be needed and  
34 would significantly impact other properties or public assets or cause a net loss of  
35 ecological function.
- 36 3. New multi-family and single-family residential development ~~in shoreline jurisdiction,~~  
37 comprising more than four (4) dwelling units, should provide for public or community  
38 access to the shoreline.  
39
- 40 4. The Town should review proposals for new residential developments to determine whether  
41 any such development would thwart or substantially compromise planned restoration  
42 actions in the vicinity of the project. The Town should work with the proponents of each  
43 project to resolve likely conflicts between residential development and planned restoration.  
44

5. Over-water residences, including floating homes, are not a preferred use and should be prohibited.

**B. Regulations**

~~9. General requirements.~~

1. **Limited allowance.** New single-family residential use and development ~~on existing lots of record shall be permitted in all the Town Residential designations, except for and prohibited in the aquatic~~Mixed Waterfront, and Town Conservancy shoreline designations, through a statement of exemption or conditional use permit. Multi-family residential use and development shall be allowed in the Town Residential and Mixed Waterfront designations, and prohibited in Town Conservancy.

2. **Overwater and floating homes.** All residential use and development located in- or over-water, including floating homes, floating on-water residences, house boats, accessory dwelling units, and appurtenances, shall be prohibited waterward of the OHWM.

3. **No net loss.** New residential development, its appurtenances, and accessory uses shall meet all buffer, setback, height, and other dimensional and performance standards of this Program to ensure no net loss of ecological functions occur outside of (landward of) the critical areas buffers as indicated in Appendix 1 of this Program. The buffer and vegetation requirements of this Program shall apply to all residential development regardless of environment designation, except that docks, piers floats, and lifts which are water-dependent and accessory to residential use may be permitted to encroach into the buffer in accordance with the applicable provisions of this Program. Residential uses/development may also be subject to additional buffer requirements when other critical areas such as wetlands, fish and wildlife habitat conservation areas, and/or landslide hazard areas and/or their buffers are present on the property as prescribed in Chapter 6.

~~3.4.~~ **Community/public access.** New multiunit residential development, including the subdivision of land for more than four (4) parcels, shall provide community and/or public access consistent with the standards of this Program.

~~4.5.~~ **Channel migration zones.** New residential use and development on all existing lots where there is a buildable area outside of the channel migration zone, regardless of the environment designation, shall be located outside of channel migration zones (CMZs) mapped in the SMP Inventory and Characterization Mapfolio. If a buildable area does not exist outside of the channel migration zone, new residential use and development shall be located as far landward within the channel migration zone is as feasible, and shall, at a minimum, meet the buffer and setback requirements in Chapter 6 of this Program.

~~5.~~ **New residential dwelling units, including accessory dwelling units and appurtenances, shall not be constructed in, over, or on the water or below the OHWM of any shoreline of the state.**

6. **Avoid natural hazards.** New residential development, including appurtenant and accessory structures, shall be sufficiently set back from steep slopes and other erosion or flood-prone areas so that structural measures such as concrete walls, levees and/or bulkheads are not required to protect such structures during their expected life. The buffer requirements and other applicable provisions of this Program are intended to ensure that

Commented [A63]: Recommended: Add text for better consistency with WAC 173-26-241(3)(j).

Commented [A64]: Recommended: Add text for better consistency with WAC 173-26-241(3)(j).

Commented [A65]: Recommended: Delete text moved up to Regulation 2 above.

1 residential developments are located and designed to avoid the need for structural  
2 stabilization and flood control structures for the expected life of the structure, which is  
3 assumed to be a minimum of 75 years. This shall not be interpreted to prohibit bulkheads  
4 in existing subdivisions where the lot depth precludes conformance with the required  
5 buffers and setbacks.

6  
7 7. **Height limit.** To preserve shoreline views, the maximum height above average grade level  
8 of any residential structure shall not exceed thirty-five (35) feet.

9  
10 8. **Utilities and transportation.** New residential developments shall comply with the utility  
11 and transportation provisions of this Program.

12 ~~a. Access to new residential developments shall comply with the applicable transportation provisions  
13 of this Program.~~

14 ~~Home businesses that are located entirely within an existing dwelling and that are subordinate and  
15 incidental to the residential use in term of occupied area, intensity, and configuration dwelling may be  
16 permitted as an accessory use. Any business to be conducted in a separate, detached outbuilding in the  
17 shoreline jurisdiction is subject to compliance with commercial and industrial provisions of this Program.~~

18 ~~Domestic wells serving single family developments, including a pump and appropriately sized pump  
19 house and storage tank, may be permitted in the shoreline or critical area buffer provided there is no  
20 alternative location outside of the buffer.~~

21 **Replacement floating home standards**

22 ~~Design and placement of floating homes shall allow through flushing of immediate aquatic areas and  
23 shall not restrict the movement of aquatic life requiring shallow water habitat.~~

24  
25 ~~Floating homes shall preserve the existing bankline and be at least 18 inches above the bed bottom  
26 during low tide. At no time shall the floating home be allowed to ground on aquatic bedlands.~~

27  
28 ~~A navigational corridor must be maintained at all times. No floating home or overwater residence shall  
29 be replaced, or modified so as to create a navigational hazard for vessels typically observed using and/or  
30 anticipated to use the water way.~~

31  
32 ~~Waste water disposal systems shall meet all local and state health regulations. Floating homes and  
33 overwater residences shall be connected to an approved upland sanitary sewer or waste disposal  
34 system in compliance with local and state regulations.~~

35  
36 ~~Floating homes and overwater residences may extend no more than 50 feet waterward of the OHWM,  
37 or 35% the distance to the opposite shore, whichever is less.~~

38  
39 ~~Floating homes and overwater residences shall not be expanded in area, but may be expanded in height  
40 to 35 ft. measured from MHHW for fixed elevation overwater residences, and measured from the water  
41 for floating homes.~~

42  
43 ~~A floating home or overwater residence may have a dock that meets the standards of this Program.~~

44  
45 ~~Floating homes and over water residences shall not exceed 35 feet in height as measured during a  
46 MHHW mark.~~

47  
48 ~~Outside lighting shall comply with lighting standards found in Section 5.3.7 of this SMP.~~  
49

**Commented [A66]: Recommended:** Delete text as not necessary and duplicative of the sentence above; driveways are a residential appurtenance allowed as part of the primary use/structure; other roads providing access are addressed in Chapter 5.4.10.

**Commented [A67]: Recommended:** Delete text moved to Regulation #9.e below.

1 Floating homes, their docks, and access structures must be setback from adjacent property lines a  
2 minimum of 10 feet; except as otherwise authorized by a written and signed mutual agreement  
3 submitted to the County from the two abutting property owners.

4  
5 Standards found in Section 5.3.7 of this SMP shall apply.  
6

7  
8 Floating Home and overwater residence replacement and modification is prohibited where adjacent  
9 upland ownership does not exist and or cannot be obtained prior to issuance of a permit.  
10

11 The applicant must submit a DNR lease agreement prior to final issuance of a permit for replacing or  
12 modifying a floating home or overwater residence that is to be located over state owned aquatic lands.  
13

14 **10.9. Accessory uses and structures**

- 15 a. ~~A shoreline substantial development permit or conditional use permit shall be required~~  
16 ~~for any Accessory uses and structures (such as a home business, storage shed, or~~  
17 ~~accessory dwelling unit) that are not considered an appurtenance necessary for the~~  
18 ~~full use and enjoyment of the main residential use, not typically associated with the~~  
19 ~~main use, or otherwise subordinate to or incidental to the main use of a parcel,~~  
20 ~~including the utilities necessary to serve the accessory uses shall be allowed, consistent~~  
21 ~~with all applicable provisions of this Program.~~
- 22 b. Structures that are accessory to residential developments may **only** be permitted when  
23 the primary residential use is permitted.
- 24 c. **Accessory dwelling units** ~~When allowed, accessory dwelling units~~ shall be permitted  
25 through a substantial development permit process.
- 26 d. Accessory dwelling units shall be prohibited in wetlands and channel migration  
27 zones.
- 28 e. **Home occupation businesses that are located entirely within an existing primary**  
29 **structure and that are subordinate and incidental to the residential use may be**  
30 **permitted, consistent with Town zoning code. Any business to be conducted in a**  
31 **separate, detached outbuilding is subject to compliance with commercial and**  
32 **industrial provisions of this Program.**

Commented [A68]: Recommended: Revise text for better consistency with RCW 90.58

34 **11.10. Land divisions and Lot Line Adjustments**

- 35 a. Land division ~~shall be consistent with the environment designation and other~~  
36 ~~applicable provisions of this Program in the Natural SED shall not result in lots less~~  
37 ~~than 20 acres in size.~~
- 38 b. The ~~plat and subdivision~~ design, configuration and development must ensure that no  
39 net loss of ecological functions results from the full build-out of all lots.
- 40 ~~b-c. All land division shall prevent the need for new shoreline stabilization or flood hazard~~  
41 ~~reduction measures that would cause significant impacts to other properties or public~~  
42 ~~improvements or a net loss of shoreline ecological functions.~~
- 43 ~~e-d. All lots must have an adequate building envelope (See Section 5 below) after~~  
44 ~~applicable shoreline and critical area buffers, setbacks, easements and other~~  
45 ~~restrictions are taken into account.~~
- 46 ~~d-e.~~ Proposals for new lots created within mapped channel migration zones shall  
47 require a geotechnical evaluation to ensure that all new lots provide adequately sized  
48 building envelope/sites (including access and utilities) outside of the established  
49 channel migration zone and to ensure that the new lots will not require structural

Commented [A69]: Recommended: Add text for better consistency with WAC 173-26-221(3)(c) and -231(3)(a).

1 shoreline stabilization or flood control measures during the useful life of the planned  
2 development or seventy-five (75) years, whichever is greater.

3 ~~e.f.~~ The shoreline buffer areas prescribed in Chapter 6 shall be placed in a dedicated open  
4 space tract, easement or covenant protecting the buffer into perpetuity. Such  
5 dedication or easement shall be recorded together with the land division and shown  
6 on the final plat.

7 ~~f.g.~~ Adequate sewer, water, access, and utilities shall be provided at the time of final plat  
8 or short plat approval subject to the requirements of Town of Cathlamet Code Title 17  
9 Subdivisions.

10 ~~g.h.~~ The intensity and type of development shall be consistent with the Town of Cathlamet  
11 Comprehensive Plan and/or the associated development regulations set forth in the  
12 Town of Cathlamet Municipal Code.

13 ~~h.i.~~ New residential subdivisions of more than four units or lots shall include a restriction  
14 on the face of the plat prohibiting individual boating, water and beach access  
15 structures. Shared access structures may be permitted in these subdivisions when  
16 consistent with the provisions of this Program.

17 ~~h.j.~~ Land ~~below the waterward of~~ OHWM shall not be permitted for use in calculating  
18 minimum lot area for the proposed lots.

19 ~~12. Access, utilities, and public services. Access, utilities, and public services must be~~  
20 ~~available and adequate to serve the development.~~

21 ~~13. No net loss of shoreline ecological functions. No net loss of shoreline ecological~~  
22 ~~functions shall result from residential development.~~

#### 24 5.4.10 Transportation, Parking & Circulation

##### 25 A. Purpose.

- 26 1. To coordinate the location and extent of existing and proposed transportation routes and  
27 parking facilities.

##### 29 B. Policies

- 30 1. Transportation/parking plans and projects should be consistent with County and Town  
31 Parks and Recreation Plans, Capital Facility Plans, Transportation Improvement  
32 Programs, and environmental protection provisions.
- 33 2. Circulation systems planning should support pedestrian, bicycle, and public transportation  
34 where appropriate to serve supported shoreline uses.
- 35 3. Consideration should be given to projects that are designed to provide appropriate  
36 linkages between major routes and public access to shorelines.
- 37 4. The location and design of new public transportation facilities, including replacement of  
38 existing roads and other infrastructure should take water levels and flooding patterns into  
39 consideration.
- 40 5. Plan, locate, and design proposed transportation and parking facilities to have the least  
41 possible adverse effect on unique or fragile shoreline features, to not result in a net loss  
42 of shoreline ecological functions, and to not adversely impact existing or planned water-  
43 dependent uses.
- 44 5. Plan, locate, and design proposed transportation and parking facilities to have the least  
45 possible adverse effect on unique or fragile shoreline features, to not result in a net loss  
46 of shoreline ecological functions, and to not adversely impact existing or planned water-  
47 dependent uses.

- 1 6. Where other options are available and feasible, new roads or road expansions should not  
2 be built within shoreline jurisdiction.
- 3
- 4 7. New transportation facilities should be designed and located to minimize the need for the  
5 following:
  - 6 a. Structural shoreline protection measures;
  - 7 b. Modifications to natural drainage systems; and
  - 8 c. Waterway crossings.
- 9
- 10 8. Parking facilities are not a preferred shoreline use and should be located outside of ~~the~~  
11 shoreline jurisdiction whenever feasible. When alternative sites outside shoreline  
12 jurisdiction are infeasible, parking facilities ~~and~~ should be permitted only to support ~~other~~  
13 authorized uses and ensure visual and environmental impacts are minimized, and when  
14 alternative sites outside of shoreline jurisdiction are not feasible.
- 15
- 16 9. Parking facilities should be located and designed with appropriate stormwater  
17 management to minimize significant adverse environmental impacts to water quality,  
18 vegetation, and habitat. Low impact development techniques and other best management  
19 practices should be employed to prevent impacts.
- 20
- 21 10. Parking areas should be planned to achieve optimum use. Where feasible, parking areas  
22 should serve more than one use (e.g., recreational use on weekends, commercial use on  
23 weekdays), and should be designed to the minimum size necessary.

### 24 C. Regulations

- 26 1. **Applicability.** This section applies to new or expanded parking and transportation  
27 facilities.
- 28 2. **Planning, location, and design.** Transportation and parking facilities and routes must be  
29 planned, located, and designed to have the least possible adverse effect on unique or  
30 fragile shoreline features, to not result in a net loss of shoreline ecological functions, and  
31 to not adversely impact existing or planned water-dependent uses.
  - 32 a. ~~Where other options are available and feasible, n~~New roads or road expansions shall  
33 not be built within shoreline jurisdiction. except when other options are unavailable or  
34 infeasible.
  - 35 b. Crossings shall occur as near to perpendicular with the waterbody as possible, unless  
36 an alternative path would minimize disturbance of native vegetation or result in  
37 avoidance of other critical areas such as wetlands.
  - 38 c. Stormwater from parking and transportation facilities shall be managed in accordance  
39 with the Stormwater Management Manual for Western Washington. (Ecology, 2005.  
40 Publication Numbers 05-10-029 through 05-10-033.)
- 41
- 42 3. **Parking facilities.** Primary parking facilities are prohibited. except as Accessory parking  
43 facilities necessary to support an authorized use or if no feasible alternative exists, shall  
44 ensure the following:
  - 45 a. Parking shall be located landward of the use served, if feasible.
  - 46 b. Parking shall be consistent with public access and other applicable provisions of this  
47 Program.
  - 48 c. Design of parking and loading areas shall ensure that surface runoff does not pollute  
49 adjacent waters or cause soil or beach erosion. Design shall provide for storm water  
50 retention.

1 a.d. Perimeters of parking areas shall be landscaped to minimize visual impacts to the  
2 shorelines, roadways and adjacent properties subject to approval by Public Works  
3 and/or Department of Transportation. The permit application shall identify the size,  
4 general type, and location of landscaping.  
5 ~~Future developments depending on size and score that have a need for parking~~  
6 ~~facilities, onsite and offsite will be reviewed in the permitting pro~~

Commented [A70]: Recommended: Add text for provisions moved from Commercial/Industrial.

7  
8 **5.4.11 Utilities**

9 **A. Policies**

- 10
- 11 1. Utility ~~and transmission~~ facilities for production, transmission, storage or processing that  
12 are non-water-oriented should not be allowed in shoreline areas unless, it can be  
13 demonstrated that no other feasible option is available.
  - 14 2. ~~Facilities that process, treat or store sewage or septic sludge for the purpose of producing~~  
15 ~~biosolids should be prohibited.~~
  - 16 3. ~~Utility Transmission~~ facilities necessarily located in the shoreline jurisdiction should follow  
17 existing rights-of-way and utility corridors if whenever possible.
  - 18 4. New public or private utilities should be located inland from water bodies, preferably  
19 outside of the shoreline jurisdiction, unless:  
20 a. The utility requires a location adjacent to the water;  
21 b. Water crossings are unavoidable;  
22 c. Alternative locations are infeasible; or  
23 d. Utilities are required for authorized shoreline uses consistent with this Program.
  - 24 5. Utility and transmission facilities should be located, designed, and operated to not cause  
25 net loss of shoreline ecological functions, to not obstruct or degrade scenic views, to  
26 preserve the natural landscape, and minimize conflicts with present and planned land and  
27 shoreline uses while meeting the needs of planned growth areas in the Town.
  - 28 6. Development of submerged pipelines and cables in the Aquatic Designation, particularly  
29 those running roughly parallel to the shoreline, and development of facilities that may  
30 require periodic maintenance which disrupt shoreline ecological functions should not be  
31 permitted, except where no other possible alternative exists.
  - 32 7. Utilities should be located and designed to avoid:  
33 a. ~~Public recreation and public access areas; and~~  
34 b. ~~significant historic, archaeological, cultural, scientific or educational resources;~~  
35 a-c. ~~The need for future shoreline armoring or flood protection measures.~~
  - 36 7-8. Utilities should be designed and sited to avoid crossing aquatic areas. If a water  
37 crossing is unavoidable, it should be located in an area that will cause the least adverse  
38 ecological impact, be installed using methods that minimize adverse impacts, and be the  
39 shortest length feasible. Perpendicular crossings are preferred.
  - 40 8. ~~Utility lines should be located and constructed within existing utility corridors and other~~  
41 ~~rights-of-way presently dedicated to public use.~~
  - 42 9. ~~Now utility installations should be planned, designed, and located to eliminate the need~~  
43 ~~for structural shoreline armoring or flood protection measures.~~
- 44  
45  
46  
47  
48  
49

Commented [A71]: Recommended: Add a policy to support and clarify the intended prohibition listed at Chapter 5.2.1.

Commented [A72]: Recommended: Delete text as duplicative of #2 above

- 1  
2 9. All utility development should be consistent with and coordinated with all local government  
3 and state planning, including comprehensive plans and single-purpose plans, to meet the  
4 needs of future populations in areas planned to accommodate growth. Site planning and  
5 rights-of-way for utility development should provide for compatible multiple uses such as  
6 shore access, trails, and recreation or other appropriate use whenever possible; utility  
7 right-of-way acquisition should also be coordinated with transportation and recreation  
8 planning.  
9
- 10 10. To the extent commensurate with public safety, public utility-owned or controlled property  
11 should be accessible to the public and enable access to, and along, shorelines.  
12
- 13 11. **Solid or Hazardous Waste Disposal Facilities:** When allowed, solid or hazardous  
14 waste disposal, discharge, storage, or recycling facilities, including but not limited to  
15 moderate risk facilities, underground injection wells, solid waste and recycling transfer  
16 sites, landfills, junk yards, salvage yards, and auto wrecking yards, should demonstrate  
17 that such facilities will not significantly impact groundwater resources.  
18
- 19 12. The Town should review proposals for new utility developments to determine whether any  
20 such development would thwart or substantially compromise planned restoration actions  
21 in the vicinity of the project. The Town should work with the proponents of each project to  
22 resolve likely conflicts between the utility development and planned restoration.  
23
- 24 13. Facilities—Proponents for utility use and development must demonstrate adequate  
25 planning and financial responsibility for environmental damages from worst-case spills  
26 and explosions.  
27

## 28 B. Regulations

### 30 1. General Requirements

- 31 1. The location, construction, operation, and maintenance of utilities shall not cause a net  
32 loss of shoreline ecological functions or processes or adversely impact other shoreline  
33 resources and values. The proponent shall provide compensatory mitigation for any  
34 unavoidable impacts to the shoreline environment in accordance with Section 6.1.3 of this  
35 Program.  
36
- 37 2. Utility facilities including storage, production, processing, transmission and conveyance  
38 shall not be located in shoreline jurisdiction except those utilities that demonstrate a  
39 shoreline location is required and shall locate landward of OHWM:
  - 40 a. Accessory utilities. On site utility features serving a primary use, such as a water,  
41 sewer or gas line to a residence, may locate in shoreline jurisdiction and shall be  
42 considered part of the primary use.
  - 43 b. Production & processing. Utility production and processing facilities, such as power  
44 plants and sewage treatment plants, or parts of those facilities that are non-water  
45 oriented shall not be allowed in shoreline areas unless it can be demonstrated that  
46 no other feasible option is available. The minimum utility facilities demonstrated  
47 necessary shall be allowed in the Mixed Waterfront designation, in the Aquatic  
48 designation through a conditional use permit, and shall be prohibited in the Town  
49 Residential and Town Conservancy designations;  
50

Commented [A73]: Recommended: Add text to clarify and to better reflect Chapter 3 Definitions and WAC 173-26-241(I).

1  
2 c. **Transmission.** Transmission facilities for the conveyance of services, such as power  
3 lines, cables, and pipelines, shall be located outside of the shoreline area where  
4 feasible, and when necessarily located within the shoreline area shall assure no net  
5 loss of shoreline ecological functions.

6 i. Power lines, cables, and pipelines are prohibited under water and in tidelands,  
7 particularly those running roughly parallel to the shoreline, and development of  
8 facilities that may require periodic maintenance that disrupt shoreline ecological  
9 functions, except where no other feasible alternative exists.

10 ii. The minimum conveyance or transmission facility demonstrated necessary to  
11 serve neighboring permitted use shall be allowed in the Mixed Waterfront  
12 designation, and in the Aquatic, Town Residential, and Town Conservancy  
13 designations in shoreline jurisdiction as determined through a conditional use  
14 permit;

15 a. ~~Those portions of a facility that are water dependent, as determined through a~~  
16 ~~conditional use permit or~~

17 b. ~~In situations where the facility cannot feasibly be located outside of shoreline~~  
18 ~~jurisdiction, as determined through a conditional use permit.~~

19  
20 3. **Existing corridors.** Utility lines allowed in shoreline jurisdiction shall use existing rights-  
21 of-way, corridors, and/or bridge crossings and shall avoid duplication and construction of  
22 new or parallel corridors in all shoreline areas.

23  
24 4. **Crossings.** Where utility corridors must cross shoreline jurisdiction, such crossings shall  
25 take the shortest, most direct route feasible, unless such a route would result in loss of  
26 ecological function, disrupt public access to the shoreline, or obstruct visual access to the  
27 shoreline.

28 5. **After installation.** Upon completion of utility system installation, and any maintenance  
29 project, the disturbed area shall be regraded to be compatible with the surrounding terrain  
30 and replanted to prevent erosion and provide appropriate vegetative cover.

31 6. Utility facilities shall be constructed using techniques that minimize the need for shoreline  
32 fill. When crossing water bodies, pipelines and other utility facilities shall use pier or open  
33 pile construction, or directional boring.

34  
35 7. Buried utility lines shall be constructed in a manner that prevents significant adverse  
36 impacts to subsurface drainage. This may include the use of trench plugs or other devices  
37 as needed to maintain hydrology.

38  
39 8. New utility corridors shall be aligned when possible to avoid cutting trees greater than  
40 twelve (12) inches in diameter measured at four and one-half (4.5) feet in height on the  
41 uphill side.

42  
43 9. Vegetation clearing during utility installation or maintenance shall be minimized. Upon  
44 completion of installation or maintenance or as soon thereafter as possible due to  
45 seasonal growing constraints, disturbed areas shall be restored to pre-project  
46 configuration, replanted with native species at pre-construction densities or greater, and  
47 maintained until the newly planted vegetation is established. Plantings shall be similar to  
48 vegetation in the surrounding area.  
49

**Commented [A74]: Recommended:** Add and revise text for clarity and for a simpler approach that better mimics WAC 173-26-241(l) to organize using general categories of production/processing and transmission, and to help simplify Table 1 for a type of use not much anticipated in the Town.

- 1 10. For pipelines, automatic shut-off valves shall be provided by the project proponent on both  
2 sides of critical area crossings and critical area buffer crossings, and pipe sleeves shall  
3 be used to facilitate repair without future encroachment into waters and wetlands, unless  
4 more feasible or technically superior alternatives exist that provide equivalent protection,  
5 as determined by the Administrator.
- 6 11. **Poles and towers** Power poles and transmission towers associated with allowed uses  
7 and developments are not subject to height limits but shall not be higher than that  
8 necessary to achieve the intended purpose.
- 9
- 10 12. **Electrical energy and communication systems.** Underground placement of lines shall  
11 be required for new or replacement lines that are parallel to the shoreline and do not cross  
12 water bodies. New or replacement lines that cross water or critical areas may be required  
13 to be placed underground depending on impacts on ecological functions and processes  
14 and visual impacts. Poles or supports treated with creosote or other wood preservatives  
15 that may be mobilized in water shall not be used along shorelines or associated wetlands.
- 16
- 17 13. **Essential public facilities shall be:**
- 18 a. ~~Essential public facilities shall be l~~located, developed, managed, and maintained in a  
19 manner that protects ecological functions and processes.
- 20 b. ~~Essential public facilities shall be d~~esigned to enhance shoreline public access and  
21 aesthetics.
- 22
- 23 14. **Oil, gas, and ~~natural gas transmission~~ nuclear facilities.** Because of the unique  
24 shoreline environmental resources of the Town, development of petrochemical plants and  
25 energy facilities such as crude petroleum transfer facilities and tank farms, petroleum  
26 refineries, nuclear power plants, nuclear processing plants, and liquid natural gas and  
27 liquid petroleum gas facilities, as defined in RCW 80.50.020, will not be permitted, unless  
28 it is demonstrated through a conditional use permit, giving due consideration to the  
29 statewide interest, that local economic, social and environmental resources and conditions  
30 will be adequately protected from substantial adverse effects.
- 31 a. Developers and operators of pipelines and related facilities for gas and oil shall be  
32 required to demonstrate adequate provisions for preventing spills or leaks, as well as  
33 established procedures for mitigating damages from spills or other malfunctions and  
34 shall demonstrate that periodic maintenance will not disrupt shoreline ecological  
35 functions.
- 36 b. To the extent feasible, public access shall be incorporated with major transmission line  
37 rights-of-way for public access to and along water bodies as required in Section 5.3.  
38 The ~~County-Town~~ may waive this requirement if public access is infeasible due to  
39 incompatible uses, safety, impacts to shoreline ecology, or legal limitations.
- 40
- 41 15. **Application requirements.** Applications for utility development shall provide all of the  
42 information required in this section plus any additional information that may be required  
43 pursuant to the Critical Areas Regulations in Chapter 6 of this Program. In addition, the  
44 following information shall be provided by the project proponent for a utility proposal:
- 45 a. A description of the proposed facilities;
- 46 b. The rationale and justification for siting the proposed facility within shoreline  
47 jurisdiction;
- 48 c. A discussion of alternative locations considered and reasons for their elimination;
- 49 d. A description of the location of other utility facilities in the vicinity of the proposed  
50 project and any plans to include facilities or other types of utilities in the project;
- 51 e. A plan for the reclamation of areas disturbed both during construction and following  
52 decommissioning and/or completion of the useful life of the facility;

**Attachment C Exhibit 1. Chapter 5 Rewrite – Cathlamet SMP**

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- 1 f. A plan for the control of erosion, runoff, and turbidity during construction and
- 2 operation;
- 3 g. An analysis of alternative technologies;
- 4 h. Documentation that utility siting avoids public recreation areas and significant natural,
- 5 historic or archaeological or cultural sites, or that no alternative is feasible and that all
- 6 feasible measures to reduce ecological harm have been incorporated into the
- 7 proposal; and,
- 8 i. Compliance with all local, state, and federal laws and regulations must be
- 9 demonstrated prior to approval.
- 10

Table 1: ~~Town of Cathlamet-Allowed Uses Table, Developments & Modifications~~

Shoreline activities are classified in the matrix below. Uses, developments and modifications shown as allowed according to Table 1 must in all cases be consistent with all other applicable parts of this Shoreline Master Program in order to be authorized by the Town. Where the table and text conflict, the text shall prevail.

**Legend:**

- P** = Permitted, if otherwise compliant with this Program (via an SDP or a statement of exemption if exempt per WAC 173-27-040);
- C** = Conditional use if otherwise compliant with this Program;
- ASD** = Allowed in the Aquatic designation based on the adjacent shoreline designation located immediately landward of OHWM;
- X** = Prohibited;
- n/a** = Not applicable in the environment;
- \*** = Limitations or exceptions apply; see text for details.

Commented [A75]: Recommended: Add text to describe the purpose and general construct of the table and establish that text prevails over table if in conflict.

Table 1.

Shoreline Activity (Chapter 5 Section)	Aquatic	Mixed Waterfront	Town Residential	Town Conservancy
<b>Modifications (§5.3)</b>				
<b>Breakwaters, Jetties, Groins &amp; Weirs (§5.3.2)</b>	C	C	C	C
<b>Dredging &amp; Dredge Disposal (§5.3.3)</b>				
Dredging, new	C	n/a	n/a	n/a
Dredging, maintenance	P	n/a	n/a	n/a
Disposal, per adopted plan	P	P	P	P
Disposal, no adopted plan	C	C	C	X
Disposal, in-water or within CMZ	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<b>Fill, Excavation, and Grading (§5.3.4)</b>	<u>P</u> <sup>*</sup>	P	P	P
<b>Restoration &amp; Enhancement (§5.3.5)</b>	P	P	P	P
<b>Shoreline Stabilization (§5.3.6)</b>				
Hard structural, new or enlarged	<u>X</u> <sup>*</sup>	<u>X</u> <sup>*</sup>	<u>X</u> <sup>*</sup>	<u>X</u> <sup>*</sup>
Hard structural, repair/maintain existing	<u>P</u> <sup>*</sup>	<u>P</u> <sup>*</sup>	<u>P</u> <sup>*</sup>	<u>P</u> <sup>*</sup>
Hard structural, replace existing	ASD	<u>P</u> <sup>*</sup>	<u>P</u> <sup>*</sup>	<u>C</u> <sup>*</sup>
Soft structural	ASD	P	P	C
<b>Specific Uses (§5.4)</b>				
<b>Agriculture (§5.4.1)</b>	X	X	<u>P</u> <del>X</del>	X
<b>Aquaculture (§5.4.2)</b>	<u>C</u> <sup>*</sup>	<u>C</u> <sup>*</sup>	<u>C</u> <sup>*</sup>	<u>C</u> <sup>*</sup>
<b>Boating Facilities (§5.4.3)</b>				
Boat Launch, Commercial/Industrial	<u>ASD</u>	<u>P</u>	<u>C</u>	<u>X</u>
Boat Launch, Public	<u>ASD</u>	<u>P</u>	<u>X</u>	<u>C</u>
Marinas	<u>ASD</u>	<u>P</u>	<u>X</u>	<u>X</u>
Piers and Docks, Commercial/Industrial or Public Access	<u>ASD</u>	<u>P</u>	<u>C</u>	<u>X</u>

Commented [A76]: Recommended: Delete the old Table 1 entirely and replace with the revised version of Table 1 presented here in order to correct errors and match the proposed Chapter 5 reorganization. The deleted text of the previous version is shown below. There are some similarities and overlap with the previous version; we suggest this replacement as more accurate, locally-tailored, and easily understood.

Note: non-substantive and organizational text edits under 'Shoreline Activity' are not shown as ~~strikethrough~~/underline; substantive changes to the allowance indicators (P, C, ASD, X, n/a) are shown.

Attachment C Exhibit 1. Chapter 5 Rewrite – Cathlamet SMP

Shoreline Activity (Chapter 5 Section)	Aquatic	Mixed Waterfront	Town Residential	Town Conservancy
Piers and Docks, Residential Accessory	ASD	P	P	X
<b>Commercial/Industrial</b> (§5.4.4)				
Water-Dependent	P	P	P-C	PX
Water-Related, and Water-Enjoyment	C	P	P-C	PX
Non-Water Oriented	C*	C*	X*	X*
<b>Forest Practices</b> (§5.4.5)	X	X	X	X
<b>In-Stream Structures</b> (§5.4.6)	C	C	C	C
<b>Mining</b> (§5.4.7)	CX	CX	X	CX
<b>Recreational</b> (§5.4.8)				
Water-Oriented	P	P	P	P
Non-Water Oriented	X	X	X	CX
<b>Residential</b> (§5.4.9)				
Single-Family	X	PX	P	CX
Multi-Family / Multi Use	X	C-P	P	X
Overwater/ Floating	X	n/a	n/a	n/a
Accessory Use/Structure	X	PX	P	X
Land Division/Subdivision	X	P	P	CX
<b>Transportation, Parking &amp; Circulation</b> (§5.4.10)				
New/Expanded Roads	X*	X*	X*	X*
Parking, as a primary use	X	X	X	X
Parking, accessory	X	P	P	C
<b>Utilities</b> (§5.4.11)				
Production & Processing Facilities	C	P	X	X
Transmission/Conveyance Facilities	C	P	C	C
<b>Unclassified</b>	C	C	C	C

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Where there is a conflict between the table and the text of this Program, the text shall prevail. For uses and modifications assigned a “P” or a “C”, additional limitations and standards are provided in the text.

P— Permitted, if otherwise compliant with this Program (via an SDP or a statement of exemption if exempt per WAC (173-27-040).

C— Conditional use if otherwise compliant with this Program.

X— Prohibited, unless otherwise provided for in this Program.

n/a— Not applicable

ASD— Allowed uses and modifications in the Aquatic shoreline environment designation based on the adjacent landward shoreline environment designation.

Use/Development Modification	Aquatic	Mixed Waterfront	Town Residential	Town Conservancy
<b>Residential Use/Development</b>				
Single-Family Residences	X	P	P	C
Overwater & Floating Residences	X	n/a	n/a	n/a

Attachment C Exhibit 1. Chapter 5 Rewrite – Cathlamet SMP

Use/Development Modification	Aquatic	Mixed Waterfront	Town Residential	Town Conservancy
Multi-Family Residences	X	E	P	X
Accessory Dwelling Units	X	P	P	X
Land-Division/Subdivision	X	P	P	E
<b>Modifications Accessory to Residential Development</b>				
Docks/Piers, Floats, Lifts	ASD	P	P	P
Mooring-Buoys	P	n/a	n/a	n/a
<b>Modifications</b>				
<b>Shoreline Stabilization</b>				
Structural Stabilization (Hard)	ASD	P	P	E
Biological Stabilization (Soft)	ASD	P	P	E
<b>Boating Facilities</b>				
Public Boat Launches	ASD	P	P	E
Docks, Piers, Floats, Lifts	ASD	P	P	E
Marinas	ASD	P	X	E
Mooring-Buoys	P	n/a	n/a	n/a
Private Recreational Boat Launch	ASD	X	P	P
<b>In-Stream Structures</b>				
Power-Generation	ASD	E	E	E
Water-Supply Structures	E	n/a	n/a	n/a
<b>Dredging and Dredge Disposal</b>				
New Dredging	E	n/a	n/a	n/a
Maintenance Dredging	P	n/a	n/a	n/a
Disposal Per Adopted Regional Plan	P	P	P	P
Disposal NOT Per Adopted Regional Plan	E	E	E	X
Dredging For-Fill	X	n/a	n/a	n/a
<b>Other Modifications</b>				
Breakwaters, Jetties, Groins	E	E	E	E
Flood Hazard Reduction	ASD	E	E	E
Fill, Clearing, and Grading	P	P	P	P
<b>Other Uses in the Town of Cathlamet</b>				
Forest Practices	X	X	P	E
Agriculture	X	X	P	X
Aquaculture	E	E	E	E
Mining	E	E	X	E
Restoration and Enhancement <sup>5</sup>	P	P	P	P
Commercial Advertising Signs	X	P	P	X
Unclassified Uses	E	E	E	E
<b>Commercial/Industrial</b>				
Water-Dependent	P	P	P	P
Water-Related	E	P	P	P
Water-Enjoyment	E	P	P	P
Non-water-oriented	E	E	X	X

**Attachment C Exhibit 1. Chapter 5 Rewrite – Cathlamet SMP**

Use/Development/Modification	Aquatic	Mixed Waterfront	Town Residential	Town Conservancy
<b>Parking</b>	-			
As A Primary Use	X	X	X	X
In Support Of A Permitted Use	X	P	P	E
<b>Recreational Development</b>	-			
Water Oriented (Trails, Campgrounds)	P	P	P	P
Non Water Oriented (Golf Courses, Sports Fields)	X	X	X	E
<b>Utilities</b>	-			
Municipal Sewage Systems	ASD	E	E	E
Solid Waste Facilities	ASD	X	X	X
Essential Public Facilities	ASD	E	E	X
Oil And Natural Gas Transmissions	ASD	E	E	E
Electricity And Communications	ASD	E	E	E
Stormwater Facilities	ASD	E	E	E
Public Water Systems	ASD	E	E	E

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