~~Douglas County~~City of East Wenatchee ~~Regional~~ Shoreline Master Program

City of East Wenatchee 2021 Periodic Review and Update

~~Douglas County Adopting Ordinances: TLS 08-09-32B & TLS 09-08-41B~~
~~Effective Date: August 27, 2009~~

City of East Wenatchee Adopting Ordinances: 2008-09 and 2009-18
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1. Framework, purpose, principles and applicability

Sections:
1.1 The Shoreline Management Act
1.2 Scope and jurisdiction of the ~~Douglas County Regional~~ Shoreline Master Program
1.3 Purpose and intent of the ~~Douglas County Regional~~ Shoreline Master Program
1.4 Title
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1.6 Public involvement process, advisory committee and agency coordination
1.7 Relationship to other plans
1.8 Applicability
1.9 Governing principles
1.10 References to plans, regulations or information sources
1.11 Liberal construction
1.12 Prior development and nonconformance
1.13 Severability
1.14 Effective date

1.1 The Shoreline Management Act

The Washington State Shoreline Management Act (SMA; the Act) was passed by the legislature in 1971 and adopted by a vote of Washington's citizens in a 1972 referendum (RCW 90.58). The goal of the Shoreline Management Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The Act also recognizes that "shorelines are among the most valuable and fragile" of the state's resources.

The Act provides for the management and protection of the state's shoreline resources by requiring planning for their reasonable and appropriate use. The area designated to be regulated under the Act generally includes lands within two hundred (200) feet of the shoreline.

The Shoreline Management Act establishes a balance of authority between local and state government. Cities and counties have the primary review responsibility for development along their shorelines, and the state (through the Department of Ecology) has authority to review local master programs and local shoreline development permit decisions.

1.2 Scope and jurisdiction of the ~~Douglas County Regional~~ Shoreline Master Program

The SMA applies to all 39 counties and more than 200 cities of Washington State that have "shorelines of the state" (see RCW 90.58.030(2)) within their jurisdictional boundaries. These shorelines are defined as:

- All marine waters;

- Streams with greater than 20 cubic feet per second mean annual flow;
- Lakes 20 acres or larger;
- Upland areas called shorelands that extend 200 feet landward, in all directions on a horizontal plane, from the edge of the ordinary high water mark of these waters; and
- The following areas when they are associated with one of the above:
    - Wetlands and river deltas; and
    - Floodways and contiguous floodplain areas landward 200' from such floodways.

The Act recognizes that certain waters are so important to citizens as to necessitate a special status for classification and protection. These are "shorelines of statewide significance." WAC 173-18-040 further clarifies streams and rivers in Eastern Washington are considered "shorelines of statewide significance." The Columbia River is a shoreline of Statewide Significance. The SMA also states that "the interests of all the people shall be paramount in the management of shorelines of statewide significance." These shorelines of statewide significance are defined in the SMA as:

- Pacific Coast, Hood Canal and certain Puget Sound shorelines;
- All waters of Puget Sound and the Strait of Juan de Fuca;
- Lakes or reservoirs with a surface area of 1,000 acres or more;
- Larger rivers (1,000 cubic feet per second or greater for rivers in Western Washington, 200 cubic feet per second and greater east of the Cascade crest);
- Wetlands associated with any of the above; and
- Those "shorelands" associated with the water bodies identified above.

Specifically in Eastern Washington, the Act lists the following criteria for defining "shorelines of statewide significance":

> *Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer.*

~~Douglas County, and the Cities of Bridgeport,~~ East Wenatchee~~ and Rock Island, the participating jurisdictions,~~ originally adopted a regional ~~shoreline~~ Shoreline ~~master~~ Master ~~program~~ Program (SMP) in 1975, which was revised in 2008. In 2021, the City of East Wenatchee completed a periodic review of those sections of the regional ~~shoreline master program~~SMP specific to East Wenatchee, resulting in this updated document. This update was completed jointly with the Washington State Department of Ecology as part of the SMP periodic review process as required per Revised Code of Washington (RCW) 90.58.080. ~~not revised, with the exception of the City of Bridgeport in the early 1990s, until now (2008). Within the County there were 16 lakes, 6 reservoirs, the Columbia River (which contains 5 of those reservoirs) and Douglas Creek/Rattlesnake Creek drainages within the Moses Coulee watershed that were listed under the Shoreline Management Act. The jurisdictional areas of this updated regional program have changed.~~ A set of maps is included in Chapter 9 that depict the City's

Commented [SN1]: Suggested revisions to make this specific to East Wenatchee.

shoreline jurisdictional areas. The county-wide shoreline inventory and analysis is included in Appendix A. ~~Those removed are included at the end of Appendix A.~~

Commented [SN2]: This is Appendix A from the 2015 regional SMP (no changes).

1.3 Purpose and intent

The purpose and intent of this SMP are to:

1. To promote the public health, safety and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of shorelines within ~~Douglas County~~ East Wenatchee~~and it's applicable jurisdictions~~;

2. To manage shorelines in a positive, effective and equitable manner; and

3. To further assume and carry out the responsibilities established by the Act for the participating jurisdictions, and to adopt and foster the following policy contained in RCW 90.58.020 for shorelines of the State:

> *It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...*
>
> *The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:*
>
> *(1) Recognize and protect the statewide interest over local interest;*
>
> *(2) Preserve the natural character of the shoreline;*
>
> *(3) Result in long term over short term benefit;*
>
> *(4) Protect the resources and ecology of the shoreline;*
>
> *(5) Increase public access to publicly owned areas of the shorelines;*
>
> *(6) Increase recreational opportunities for the public in the shoreline;*
>
> *(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.*

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use the water.

1.4 Title and reference

This Document shall be known and may be cited as the "~~Douglas County Regional~~ City of East Wenatchee Shoreline Master Program". This Document may be referred to herein as the, "Program", "Master Program", "Regional Shoreline Master Program", or "SMP".

1.5 Public involvement process ~~, advisory committee~~ and agency coordination

Commented [SN3]: Suggested edits to focus on current East Wenatchee periodic review

The Shoreline Management Act requires each SMP to be reviewed and updated (if necessary) on an 8-year schedule established by the Washington State Legislature per ~~Revised Code of Washington (~~RCW~~)~~ 90.58.080. This periodic review allows SMPs to be updated consistent with new changes in laws and rules and with other local plans and regulations, and to be responsive to changed circumstances, new information, and improved data.

In June 2021, the City of East Wenatchee completed the SMP Periodic Review process pursuant to RCW 90.58.080. This SMP has been revised to reflect updates that were determined through that process, which included a public workshop held on April 27, 2021, and a public hearing held on May 25,2021 to obtain public feedback. All documents and notices were posted on the City's webpage.

~~*Public Information and Outreach*~~

~~The participating jurisdictions created a multi-phased approach to involving the public in the development of the SMP throughout the update effort consistent with the Shoreline Management Act (see RCW 90.58.130) and the SMP Guidelines (WAC 173-26). The~~

~~jurisdictions prepared a public participation plan that identified specific objectives, key stakeholders (planning commissions, citizens, property owners, local and state agencies, cities and the county, tribal governments, neighboring jurisdictions, etc.), and that established timelines for public participation activities.~~

~~*Multi-jurisdictional Staff Team*~~

~~A multi-jurisdictional staff team was formed to support this project. Douglas County provided the primary professional and clerical support and was responsible for project management and contracting. Staff assigned by the cities coordinated the cities' efforts on shorelines within their respective urban growth areas. In these urban areas the cities were responsible for preparing recommended shoreline environment designations; goals, policies and use regulations for the high intensity and urban conservancy environments; restoration plans; and their respective adoption processes.~~

~~The County coordinated the SMP development process with the Department of Ecology, Washington State Department of Fish and Wildlife, tribal governments and other state agencies as required in the SMP update guidelines. In addition, the County consulted with other entities for scientific, technical or cultural information including federal agencies, watershed planning units, conservation districts, public utility districts, and other institutions as needed.~~

~~*Shoreline Visioning Process*~~

~~To provide context, the process of developing the regional SMP began with community-wide visioning sessions to elicit citizen input on what the communities want the shoreline areas to look like 10-20 years from now. Citizens and interest groups were asked to provide input on issues such as public access, water-related and water-dependent uses, shoreline subdivisions, recreation, conservation and more. Visioning meetings were held in each of the three cities and for the unincorporated area of Douglas County.~~

~~An Internet web page was developed within the Douglas County World Wide Web site for the project to provide a forum for the public to obtain information regarding the regional SMP update and to provide comments and input related to the project. The web page contained details related to the development of the regional SMP update process including a list of contacts (local and state), an events calendar, meeting summaries, regulatory mandates (RCW and WAC), the current version of the draft materials, links to specific pages on the WSDOE website, the scope of work and a list of participating agencies. The web page was kept current and maintained throughout the duration of the project.~~

~~*Shoreline Advisory Committee (SAC)*~~

~~In addition to the above listed public outreach and involvement strategies, an advisory committee was created to finalize recommendations on environment designations,~~

~~goals, policies and use regulations. Representatives were selected by each of the four jurisdictions, which included one planning commission member or elected official from each jurisdiction. The jurisdictions coordinated their selections to achieve a diverse mix of interests including agriculture, recreation, power generation, real estate/development, environment, sporting and conservation. Invitations to participate were also extended to the Washington State Departments of Ecology, Natural Resources, and Fish and Wildlife, to the public utility districts of Douglas, Chelan and Grant counties, and to the Colville Confederated Tribes and the Yakama Indian Nation. The committee began initial meetings in May 2006 and continued through March 2007. The committee reconvened from June until August 2007; and then again from December 2007 through February 2008.~~

~~This process was closely coordinated among Douglas County, and the cities of Bridgeport, East Wenatchee and Rock Island to create a multi-jurisdiction Regional Shoreline Master Program. An intergovernmental cooperative agreement was adopted to define responsibilities, and to allocate and assign resources.~~

~~*Open Houses*~~

~~Open houses were developed as an early action strategy to improve public confidence and investment in the regional SMP update process, and for the Shoreline Advisory Committee to present the results of their work. The open houses were a forum for citizens to obtain information regarding shoreline management and provide comments and input relating to the update of the regional SMP. The open houses were held in April 2008.~~

1.6 Relationship to other plans

The Growth Management Act defines ~~shoreline master program~~SMP policies as a part of the local comprehensive plan:

> *For shorelines of the state, the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under Chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under Chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations. (RCW 36.70A.480 (1))*

Counties and cities that plan under the Growth Management Act are required, under RCW 36.70A, to ensure that there is mutual and internal consistency between the comprehensive plan elements and implementing development regulations (including master programs). This requirement also requires consistency between the ~~shoreline master program~~SMP and the future land use plan, specifically demonstrating that there is consistency regarding:

(1) The ability of physical aspects of the plan to coexist on the available land; and
(2) The ability of the plan to provide that adequate public facilities are available when the impacts of development occur (concurrency).

~~In addition, the Growth Management Act also calls for coordination and consistency of comprehensive plans among local jurisdictions:~~

> ~~*The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues.*~~

~~The comprehensive plans within the region that apply include:~~

- ~~Douglas County Countywide Comprehensive Plan (all volumes)~~
- ~~Bridgeport Urban Area Comprehensive Plan~~
- ~~Greater East Wenatchee Area Comprehensive Plan~~
- ~~Rock Island Tea Cup Comprehensive Plan~~

~~*Other recent or on-going planning efforts*~~

~~The Foster Creek Conservation District developed the Foster Creek/Moses Coulee Watershed Plan, which was adopted by Douglas County in 2004. While implementation planning is on-going, guidance, project review and restoration actions could be coordinated with the Watershed Planning Unit (WPU), particularly where offsite mitigation could benefit areas identified for restoration in the watershed planning process. The Conservation District continues to monitor small tributaries as directed by the WPU and funded through the Department of Ecology.~~

~~In 2004, Douglas County Transportation and Land Services and Washington Department of Fish and Wildlife produced the Upper Middle Mainstem Subbasin Plan for the Northwest Power and Conservation Commission. This plan has elements and summaries of many of the processes for fish and wildlife management in the region that may assist with restoration planning and actions developed in the shoreline plan. The purpose of the document is to guide management and funding of mitigation for the federal hydropower projects on the Columbia River.~~

~~The Upper Columbia Salmon Recovery Plan (in progress) is a regionally developed plan for the restoration of threatened and endangered fish populations- Spring Chinook, Steelhead, and Bull Trout. In January 2006 the regional plan was delivered to the Governor's Salmon Recovery Office (GSRO) and NOAA Fisheries for publication in the Federal Register. The federal review process for the regional plan was completed in May 2006. This plan has a detailed restoration component for these species, including implementation team protocols, project prioritization methodology, research, monitoring and evaluation components and scheduled updates and status reviews that could assist with the development of the restoration component of this plan for Douglas County.~~

Commented [SN4]: Suggest deleting language related to regional planning.

1.7 Applicability

1. All proposed uses and development occurring within the shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this Program. All policies, within this SMP or the appendices, are to guide the interpretation and enforcement of the SMP regulations. The policies are not regulations in themselves and, therefore, do not impose requirements beyond those set forth in the regulations. This SMP applies to all development, the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, minerals or vegetation; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. Development does not include the following activities:
    a. Interior building improvements;
    b. Exterior structure maintenance activities, including painting and roofing, as long as it does not expand the existing footprint of the structure;
    c. Routine landscape maintenance of established, domestic or ornamental landscaping, such as lawn mowing, pruning and weeding that does not expand the footprint of the existing landscaped area;
    d. Maintenance of the following existing facilities that does not expand the affected area: septic tanks (routine cleaning), wells, and individual utility service connections;
    e. Dismantling or removing structures if there is no other associated development or redevelopment;
    f. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.305D RCW, or to Ecology when it conducts a remedial action under chapter 70.305D RCW;
    g. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit;
    h. Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356;
    i. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045;
    j. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW;
    k. Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.
2. Pursuant to WAC 173-27-060, federal agency activities may be required by other federal laws to meet the permitting requirements of chapter 90.58 RCW.
3. This SMP shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership.

Commented [JJ5]: Added this text from Douglas County update. This includes exceptions identified in the SMP Checklist.

4. As recognized by RCW 90.58.350, the provisions of this SMP shall not affect treaty rights of Indian Nations or tribes.
5. The City may grant relief from SMP provisions for shoreline restoration projects in Urban Growth Areas (UGA) pursuant to RCW 90.58.580.
6. When other State or Federal agencies' standards would be more restrictive and more protective of the ecological function, those standards should apply.
7. No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of the SMP.

1.8 Governing principles

The following principles, in conjunction with the policy statements of RCW 90.58.020, establish the foundation for the goals, policies and regulations of this Program:

1. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.

2. The policies of this Program may be achieved by diverse means, one of which is regulation. Other means authorized by the Act include, but are not limited to: acquisition of lands and/or easements by purchase, or gift; and implementation of capital facility and/or non-structural programs.

3. Regulation of private property to implement Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to civil rights guaranteed by the US and State constitutions, recent federal and state case law and state statutes, such.

4. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

5. The waters of the state are owned by the citizens of the state. The property rights accrued to the citizens of the state must not be infringed upon by activities that denigrate the value of this ownership interest.

6. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.

7. The policies and regulations established by the ~~Regional Shoreline Master Program~~SMP must be integrated and coordinated with those policies and rules of the comprehensive plans and development regulations adopted by the participating jurisdictions under the Growth Management Act (GMA).

8. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. Permitted and/or exempt development, actions taken prior to the Act's adoption, and/or unregulated activities can impair shoreline ecological processes and functions. This Program protects the shoreline ecology from such impairments in the following ways:
    a. By using a process that identifies, inventories and ensures meaningful understanding of current and potential ecological functions provided by shorelines.
    b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in Section 4.1 Ecological Protection and Critical Areas of this Program.
    c. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
    d. By including regulations and use of regulatory incentives designed to protect shoreline ecological functions, as well as restore impaired ecological functions where such functions have been identified, consistent with the Restoration Plan contained in Appendix B.

Commented [SN6]: This is Appendix B from the 2015 regional SMP (no changes).

9. In light of other relevant local, state, and federal regulatory and non-regulatory programs, the participating jurisdictions will balance the policy goals of this Program to the extent consistent with the policies of the Act and these governing principles.

1.9 References to plans, regulations or information sources

1. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.

2. This Program does not adopt by reference city or county comprehensive plans or development regulations. General discussion of local plans and regulations within this program refer to the most current editions.

1.10 Liberal construction

As provided for in RCW 90.58.900, the Act is exempted from the rule of strict construction; the Act and this Program shall be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted, respectively. In the event the provisions of this Program conflict with provisions of federal, state, county or city regulations, the provision that is the most protective of shoreline resources shall prevail, when consistent with policies set out in the SMA.

1.11 Prior development and nonconformance

The provisions of WAC 173-27-070 shall apply to substantial development undertaken prior to the effective date of the Act. The provisions of WAC 173-27-080 and 173-26-241 shall apply to nonconforming uses.

1.12 Severability

Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of this Program be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Program.

1.13 Effective date

This Program and all amendments thereto shall become effective fourteen calendar days from the date of the Department of Ecology's written notice of final action to the County. ~~This Program and all amendments thereto shall become effective immediately upon final approval and adoption by the Department of Ecology.~~

2. Goals and objectives

Sections:
2.1 Economic development element
2.2 Public access element
2.3 Circulation element
2.4 Recreation element
2.5 Shoreline use element
2.6 Conservation element
2.7 Historical/cultural element
2.8 Flood hazard prevention element

2.1 Economic development element

Goal:

1. The natural features of the shorelines, significant recreational opportunities and the agricultural industry in Douglas County attract many people to the region as residents, business owners, tourists, and second home owners. Opportunities exist to enhance and develop water-depend~~ae~~nt, water-related, and water-enjoyment commercial and recreation uses for the community and visitors to the region. The nature of the agricultural industry is changing to include alternative crops, products and agri-tourism amenities. Support these important components of the region's changing economy while maintaining the qualities and functions of the shorelines, which are a significant component of the community.

Objectives:

1. Protect current agricultural land uses and provide for new environmentally sensitive agricultural development.

2. Develop, as an economic asset, the recreational industry along shorelines in a manner that will enhance the public enjoyment of the shorelines and provide an economic benefit to the community.

3. Insure that any economic activity taking place in the shoreline operates in a manner that protects shoreline ecological functions and processes. Unavoidable impacts should be minimized and mitigated.

4. Encourage new shoreline industrial and commercial activities that are classified as water-dependent, water-related, or water-enjoyment uses.

5. Proposed economic use of the shoreline should be consistent with local comprehensive plans and this Program.

2.2 Public access element

Goals:

1. Provide safe, convenient and diversified access for the public to the publicly owned shorelines of ~~Douglas County~~ East Wenatchee and assure that public access facilities will recognize the rights of private property owners, will not endanger life, and will not adversely affect fragile natural areas and resources.

2. Provide the public opportunities to enjoy the physical and aesthetic qualities, including views, of shorelines of the state consistent with the other goals and policies of this Program.

Objectives:

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state, while protecting private property rights and public safety.

2. Access to shorelines is encouraged and should be incorporated into both private and public shoreline development proposals. Private access developed for residential development may be limited to owners within that development.

3. Encourage the acquisition of suitable upland shoreline properties to provide public access to publicly owned shorelines. Shoreline reaches with limited access opportunities should be prioritized, where compatible with the shoreline environment.

4. Encourage the development of additional public access to the shoreline on lands owned by the county, state, and federal government and through public easements.

5. Acquisition and design of public access facilities should take into consideration the diverse needs of residents and visitors.

6. Public access should be located, designed, developed, managed and maintained in a manner that protects shoreline ecological functions and processes.

7. Visual access to shorelines should be provided and protected.

2.3 Circulation element

Goal:

1. Create and maintain a comprehensive circulation system which provides for the safe, convenient, economic and diversified movement of people, with minimum disruption to the shoreline area and environment.

Objectives:

1. Locate and design new circulation systems consistent with the comprehensive plans to provide for alternative modes of transportation in the shoreline jurisdiction where no net loss of ecological functions, preservation of the natural landscape, and conflicts can be minimized with existing and planned uses.

2. Transportation systems should be located, designed, developed, managed and maintained in a manner that protects shoreline ecological functions and processes. Unavoidable impacts should be minimized and mitigated.

3. Transportation systems in shoreline areas should protect and enhance physical and visual shoreline public access.

4. New road corridors for motorized vehicles should be located outside of shoreline jurisdiction unless there is no reasonably feasible alternative or location.

5. Encourage the use of waterborne transportation.

2.4 Recreation element

Goal:
1. Provide opportunities and space for diverse forms of water-oriented recreation.

Objectives:
1. Give priority to water-oriented shoreline recreational development that is primarily related to access, enjoyment and use of the water and shorelines of the state.

2. Recreational areas should be located, designed, developed, managed, and maintained in a manner that protects shoreline ecological functions and processes.

3. Recognize and protect the interests of all people of the state by providing increased recreational opportunities within shorelines of statewide significance.

4. Provide diverse choices of regional water-oriented public recreational opportunities when consistent with this Program.

5. Location, design and operation of recreational development shall consider measures necessary to establish a high level of compatibility with other uses and activities and avoid negative impacts to the shoreline environment.

6. Encourage private investment in water-oriented recreational facilities that are open to the public.

7. Encourage federal, state and local governments to develop existing sites and to acquire additional shoreline property for public recreational use.

2.5 Shoreline use element

Goal:
1. Consider the use and development of shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, forestry, natural resources, recreation, education, public buildings and grounds, utilities and other categories of public and private land uses in relation to the natural environment and ensuring no net loss of ecological function.

Objectives:

1. Shoreline use preference should be given to water-dependent and single family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be allowed only when substantial public benefit is provided with respect to the goals of the Act for public access and ecological restoration.

2. The location, design, and management of shoreline uses should be balanced to prevent a net loss of shoreline ecological functions and processes over time. Where adverse impacts are unavoidable, require mitigation to ensure no net loss of shoreline ecological functions.

3. Proposed residential developments should be compatible with or enhance the aesthetic quality of the shoreline area.

4. Residential development should be designed and located to preserve the natural landscape and shoreline ecology and minimize conflicts with present and planned land uses.

5. Mixed use developments that include and support water-oriented uses and provide a substantial public benefit consistent with the public access and ecological restoration goals and policies of the Act should be encouraged.

6. New high intensity uses within shoreline jurisdiction should be located in areas that are not susceptible to erosion and flooding and where impacts to ecological functions can be avoided.

7. New developments and redevelopment projects should plan for and control stormwater runoff and when required provide appropriate treatment consistent with state and local standards.

~~7.~~8. Balance wildfire safety and fuel reduction with shoreline buffer functions and values to prevent a net loss of ecological function.

2.6 Conservation element

Goals:

1. Develop and implement management practices that will conserve and sustain shoreline resources and important natural features and protect and promote restoration of shoreline ecological functions and processes.

2. Protect the ecological functions and values of the shoreline areas to ensure no net loss.

Objectives

1. Unique, rare and fragile natural features as well as scenic vistas, fish and wildlife habitats and native shoreline vegetation should be preserved.

2. Ensure that utilization of a resource avoids and minimizes adverse impact to natural systems and quality of the environment of the shoreline.

3. Preserve the scenic and aesthetic quality of shorelines and vistas to the greatest extent feasible.

4. New development should be located and designed to avoid impacts to shoreline natural resources and the functions provided by these resources. Where there is no feasible alternative, require that adverse impacts be mitigated to achieve no net loss of shoreline ecological functions.

5. Shoreline development projects should follow best management practices that protect water quality.

6. Provide for integrated critical area standards in the ~~Shoreline Master Program~~SMP with the policies and regulations of the local jurisdiction, as provided in the appendices.

2.7 Historical/cultural element

Goal:

1. Identify, protect, preserve and, where appropriate, restore sites that have historical, cultural, educational and scientific value and/or significance.

Objectives:

1. Cultural and historic sites should be protected in collaboration with appropriate tribal, state, federal and local governments. Public agencies and private parties should be encouraged to cooperate in the identification, protection and management of cultural resources.

2. Where appropriate, restore unique educational or culturally significant features to further enhance the value of the shorelines.

3. Access provided to such sites shall not degrade the cultural resource or impact the quality of the environment.

4. Opportunities for education related to archaeological, historical and cultural features should be provided where appropriate and be incorporated into public and private programs and development.

2.8 Flood hazard prevention element

Goal:

1. Prevent and minimize flood damage potential in ~~Douglas County and the cities~~East Wenatchee.

Objectives

1. The county and cities shall maintain the requirements of the National Flood Insurance Program.

2. New development shall occur in conformance with applicable flood prevention codes and hazard management and mitigation plans.

3. Assure that flood hazard reduction measures do not result in a net loss of ecological functions associated with lakes, rivers and streams.

4. Encourage bio-stabilization methods for erosion damage repair whenever possible.

3. Environment designations and management policies

Sections:
3.1 Evaluation
3.2 Environment designations
3.3 Natural environment
3.4 Rural conservancy environment
3.5 Urban conservancy environment
3.6 Shoreline residential environment
3.7 Mixed use environment
3.8 High intensity environment
3.9 Aquatic environment
3.10 Table 1. Use matrices

This chapter of the ~~Regional Shoreline Master Program~~SMP is intended to meet the requirements in WAC 173-26-211. It states that:

> *Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.*

This chapter is consistent with these requirements and provides for one alternative designation: “Mixed Use” that is outlined in the following sections.

3.1 Evaluation

Environment designations were created by evaluating the existing use patterns, biological and physical characteristics, and comprehensive plan designations. The inventory and characterization data, depicted on maps and text, was used to determine the extent of shoreline alterations. In the three municipalities, the respective planning commissions or council reviewed the criteria and data for the initial designations. These recommendations were then presented to the Shoreline Advisory Committee. In the rural areas, staff initially evaluated the criteria and data because of the large geographic area and time intensive process. The Shoreline Advisory Committee was then able to refine the initial staff recommendations based upon a final review of data and criteria.

3.2 Environment designations

The following environment designations and management policies implement and are consistent with WAC 173-26-211, Environmental Designation System, and locally adopted comprehensive plans. Each environment designation contains a purpose statement, designation criteria and a management policies component. The

environment designation system for shorelines within Douglas County includes seven environments: high-intensity, mixed use, shoreline residential, urban conservancy, rural conservancy, natural and aquatic as presented below.

For all areas not specifically designated, the environment designation will be rural conservancy in rural areas and urban conservancy within urban growth areas.

3.3 Natural environment

The natural shoreline environment designation is intended to protect or restore shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Future uses should be compatible with the natural characteristics that make these areas unique and valuable.

Policies
Development within this designation must be consistent with the following policies:

1. The Master Program is the primary guide for the location, type, density, and distribution of uses in the natural environment designation. Local comprehensive plans and development regulations also provide guidance and standards for development which occurs within shorelines of the state.

2. Preservation of the area's ecological functions, natural features and overall character must receive priority over other potential uses.

3. Single family residential development may be allowed as a conditional use if the density and intensity of such use is limited to protect ecological functions and to be consistent with the purpose of the environment.

4. Land uses that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed. Specifically, the following new uses shall not be allowed in areas designated natural environment:
   - Commercial uses.
   - Industrial uses.
   - Non-water-oriented recreation.
   - Roads, utility corridors, and parking areas that can be located outside of "natural" designated shorelines.

5. Agriculture uses of a very low intensity nature may be consistent with the natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

6. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not

allow the subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions.

7. Private and/or public enjoyment of natural shoreline areas should be encouraged and facilitated through low intensity recreation use, scientific, historical, cultural, and educational research uses, provided that no significant ecological impact on the area will result from the proposed development.

Designation criteria
A natural environment designation should be assigned to shoreline areas if any of the following characteristics apply:

1. The shoreline is ecologically-intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or

3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, alkaline lakes, unstable bluffs, and ecologically-intact shoreline habitats.

   Ecologically-intact shorelines, as used here, means those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily ecologically-intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically-intact is determined on a case by case basis.

   The term ecologically-intact shorelines applies to all shoreline areas meeting the above criteria ranging from larger reaches that may include multiple properties to small areas located within a single property.

   Areas with significant existing agriculture lands should not be included in the natural designation, except where the existing agricultural operations involve very low intensity uses where there is no significant impact on natural ecological functions, and where the intensity or impacts associated with such agriculture activities is unlikely to expand in a manner inconsistent with the natural designation.

3.4 Rural conservancy environment

The purpose of the rural conservancy environment is to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural flood plain processes, and provide recreational opportunities. Examples of appropriate uses include but are not limited to low impact outdoor recreation uses, agricultural uses, aquaculture, low intensity residential development, and other natural resource based low intensity uses.

Policies
Development within this designation must be consistent with the following policies:

1. The Master Program is the primary guide for the location, type, density, and distribution of uses in the rural conservancy environment designation. Local comprehensive plans and development regulations also provide guidance and standards for development which occurs within shorelines of the state.

2. Uses in the rural conservancy environment should be limited to those that sustain the shoreline physical and biological resources and uses of a temporary nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

3. Except as noted, commercial and industrial uses should not be allowed. Agriculture and aquaculture, when consistent with provisions of this program, may be allowed. Low intensity, water-oriented commercial and industrial uses may be permitted in the limited instances where those uses have located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.

4. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline are mitigated.

5. Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the rural conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-241(h) and when located consistent with mineral resource lands designation criteria pursuant to RCW 36.70A.170 and WAC 365-190-070, and consistent with local comprehensive plans.

6. Development and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

7. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied, consistent with WAC 173-26-231.

8. Residential development standards shall ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the environment. Meeting this provision will require rural density, lot coverage, vegetation conservation and other provisions.

9. New shoreline stabilization, flood control measures, vegetation removal, and other shoreline modifications should be designed and managed consistent with these guidelines to ensure that the natural shoreline functions are protected. Such shoreline modification should not be inconsistent with planning provisions for restoration of shoreline ecological functions.

Designation criteria
Assign a rural conservancy environment designation to shoreline areas outside incorporated municipalities and outside urban growth areas, as defined by RCW 36.70A.110, if any of the following characteristics apply:

1. The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, or recreational uses, or is designated agricultural lands pursuant to RCW 36.70A.170;

2. The shoreline is currently accommodating residential uses outside urban growth areas and incorporated cities or towns;

3. The shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, flood plains or other flood prone areas;

4. The shoreline is of high recreational value or with unique historic or cultural resources; or

5. The shoreline has low-intensity water-dependent uses.

6. Lands that may otherwise qualify for designation as rural conservancy and which are designated as mineral resource lands pursuant to RCW 36.70A.170 and WAC 365-190-070 may be assigned a designation within the rural conservancy environment that allows mining and associated uses in addition to other uses consistent with the rural conservancy environment.

3.5 Urban conservancy environment

The purpose of the urban conservancy environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Policies
Development within this designation must be consistent with the following policies:

1. The Master Program is the primary guide for the location, type, density, and distribution of uses in the urban conservancy environment designation. Local comprehensive plans and development regulations also provide guidance and standards for development which occurs within shorelines of the state.

2. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long-term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.

3. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the urban conservancy designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

4. Public access and public recreation objectives should be preferred uses and implemented whenever feasible if significant ecological impacts can be mitigated.

5. Uses in this designation are encouraged to include restoration of ecological functions in the design of project components.

6. Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

7. Low intensity commercial uses may be permitted if the use is compatible with surrounding uses and the comprehensive plan when such uses can provide substantial open space, public access and/or restoration of ecological functions.

8. Mining is a unique use as a result of its inherent linkage to geology. Therefore, mining and related activities may be an appropriate use within the urban conservancy environment when conducted in a manner consistent with the environment policies and the provisions of WAC 173-26-240 (h) and when located consistent with mineral resource lands designation criteria consistent with local comprehensive plans.

Designation criteria
Assign an urban conservancy environment designation to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial "rural areas of more intense development" if any of the following characteristics apply:

1. They are suitable for water-related or water-enjoyment uses;

2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;

3. They have potential for ecological restoration;

4. They retain important ecological functions, even though partially developed; or

5. They have the potential for development that is compatible with ecological restoration.

6. Lands that may otherwise qualify for designation as urban conservancy and which are designated as mineral resource lands pursuant to RCW 36.70A.170 and WAC 365-190-070, and consistent with local comprehensive plans, may be assigned a designation within the urban conservancy environment that allows mining and associated uses in addition to other uses consistent with the urban conservancy environment.

3.6 Shoreline residential environment

The purpose of the shoreline residential environment is to accommodate residential development and accessory structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

Policies

Development within this designation must be consistent with the following policies:

1. The Master Program is the primary guide for the location, type, density, and distribution of uses in the shoreline residential environment designation. Local comprehensive plans and development regulations also provide guidance and standards for development which occurs within shorelines of the state.

2. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, the existing residential character of the area and other comprehensive planning considerations.

3. Multi-family, multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.

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

5. Commercial development should be limited to water-oriented uses.

Designation criteria
Assign a shoreline residential environment designation to shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, incorporated municipalities, "limited areas of more intense rural development," or "master planned resorts," as described in RCW 36.70A.360, if they are predominantly single-family or multi-family residential development or are planned and platted for residential development.

3.7 Mixed use environment

The purpose of the mixed use environment is to provide for a mix of moderate density water-oriented residential and commercial uses within urban growth areas, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. This designation is designed to accommodate designated tourist commercial and similar mixed use environments. An additional purpose is to provide appropriate public access and recreational uses.

Policies
Development within this designation must be consistent with the following policies:

1. The Master Program is the primary guide for the location, type, density, and distribution of uses in the shoreline residential environment designation. Local comprehensive plans and development regulations also provide guidance and standards for development which occurs within shorelines of the state.

2. In regulating uses in the mixed use environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as a part of mixed use developments. Non-water oriented uses may be allowed as part of a mixed use development in limited situations where it can be demonstrated they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-201 (3)(d)(ix).

3. Consideration should be given to the potential for displacement of non-water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas. Specifically, those areas that have industrial uses, or are zoned for industrial uses, shall not be designated mixed use environment.

4. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with the restoration goals of this Program and any applicable state and federal laws.

5. Where feasible, visual and physical public access should be required.

6. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

7. Multi-family, multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.

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

Designation criteria
Assign a mixed use environment designation to shoreline areas within incorporated municipalities and designated urban growth areas, if they currently support mixed uses related to commerce or are suitable and planned for water-oriented development or those non-water oriented part of a mixed use development.

3.8 High-intensity environment

The purpose of the high-intensity environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

Policies
Development within this designation must be consistent with the following policies:

1. The Master Program is the primary guide for the location, type, density, and distribution of uses in the high intensity environment designation. Local comprehensive plans and development regulations also provide guidance and standards for development which occurs within shorelines of the state.

2. In regulating uses in the high-intensity environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of mixed use developments. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-201(3)(d)(ix).

3. Full utilization of existing urban areas should be achieved before further expansion of intensive development is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated high-intensity. However, consideration should be given to the potential for displacement of non-

water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

4. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

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

6. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

Designation criteria
Assign a high-intensity environment designation to shoreline areas within incorporated municipalities, urban growth areas, and industrial or commercial "rural areas of more intense development," as described by RCW 36.70A.070 if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high intensity water-oriented uses.

3.9 Aquatic environment

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

Policies
Development within this designation must be consistent with the following policies:

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.

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

3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.

4. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.

5. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the

sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.

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

Designation criteria
Assign an aquatic environment designation to lands waterward of the ordinary high-water mark of all streams, rivers, and lakes constituting shorelines of the state together with their underlying lands and their water column.

3.10 Table 1. Use matrix

~~Shoreline use and development shall be classified by the Administrator and regulated under one or more of the following applicable sections of this Program.~~

A. The Table 1 Use Matrix indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses shall be subject to the same shoreline permit process and SMP provision as their primary use. Where there is a conflict between the chart and the written provision in this SMP, the written provisions shall apply.
B. An accessory or appurtenant use shall not be established on a property before the establishment of its primary use.
C. In the case of a conflict between a use authorized by this SMP and a use authorized by the underlying zoning, the most restrictive shall apply.

P= Permitted, may be subject to shoreline substantial development permit or shoreline exemption requirements

C= Shoreline conditional use

X= Prohibited

N/A= Not applicable

S= Depend~~a~~ent on upland designation

Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
Agriculture							
Grazing	P	P	P	P	P	P	NA
Cultivation/orchards	P	P	P	P	P	C	NA
Buildings	P	P	P	P	P	C	NA
Feedlot	X	X	X	X	X	X	NA
Manure Lagoon	X	X	X	X	X	X	NA

Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
Aquaculture							
Floating- net pen types and accessory structures	X	X	X	X	C	C	S
On shore, confined types of facilities and accessory structures	X	X	X	X	C	X	C
Boating facilities (see also moorage)							
Launch ramps, public/community	P	P	P	P	P	C	C
Launch ramps, private	X	X	X	X	X	X	X
Marinas	P	P	P	P	P	X	S
Covered over-water structures	NA	NA	NA	NA	NA	NA	X
Commercial							
Water-dependent	P	C	P	C	C	X	S
Water-related/enjoyment	P	C	P	C	C	X	S
Non-water-oriented commercial	C	X	C	X	X	X	X
Dredging							
General	C	C	C	C	C	C	S
Essential public facilities							
General	C	C	C	C	C	C	S
Flood control and instream structures							
General	P	P	P	P	C	C	S
Channelization or dams for flood control	P	C	P	P	C	C	S
Industrial							
Water-oriented industrial development	C	X	X	X	X	X	S
Non-water-oriented industrial development	C	X	X	X	X	X	X
Institutional							
General	C	C	C	C	C	X	X
Landfill and excavation							

Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
General	P	P	P	P	P	C	C
Mining							
General	C	C	X	X	C	X	C
Surface oil and gas drilling	X	X	X	X	X	X	X
Moorage: docks, piers, floats, watercraft lifts and mooring buoys (see also boating facilities)							
Private and joint use docks, piers, floats	P	P	P	P	P	C	S
Public/community and joint use docks, piers, floats	P	P	P	P	P	C	S
Mooring buoys	NA	NA	NA	NA	NA	NA	P
Watercraft lifts	P	P	P	P	P	C	S
Commercial wet moorage	C	X	C	C	C	X	S
Commercial dry boat storage	C	X	C	X	X	X	NA
Float plane moorage accessory to permitted moorage	NA	NA	NA	NA	NA	NA	P
Parking							
Parking accessory to a permitted use	P	P	P	P	P	C	X
Parking not accessory to a permitted use	X	X	X	X	X	X	X
Recreational							
Water-dependent	P	P	P	P	P	C	S
Water-related/enjoyment	P	P	P	P	P	C	S
Non-water-oriented	P~~C~~	~~C~~P	~~C~~P	~~C~~P	C	X	S
Residential							
Single-family dwelling	P	P	P	P	P	C	X
Two-family dwelling	P	P	P	P	P	X	X
Multi-family dwelling	P	P	P	P	X	X	X
Restoration							
General	P	P	P	P	P	P	S
Shoreline stabilization							

Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
Dikes/levees	~~C~~P	~~C~~P	~~C~~P	~~C~~P	~~C~~P	C	C
Breakwaters, groins and jetties	~~C~~P	~~C~~P	~~C~~P	~~C~~P	~~C~~P	C	C
Bulkheads and revetments	~~C~~P	~~C~~P	~~C~~P	~~C~~P	~~C~~P	C	C
Bioengineering approaches	P	P	P	P	P	C	C
Signs							
Signage	P	P	P	P	P	P	X
Transportation							
General	P	P	P	P	P	C	S
Transportation facilities not serving a specific approved use	P	P	P	P	P	C	S
Utilities							
Water systems	P	P~~C~~	P	P	C	C	C
Wastewater systems	C	C	C	C	C	X	C
Solid waste facilities	X	X	X	X	X	X	X
Stormwater facilities	C	C	C	C	C	C	C
Oil, gas and natural gas transmission	C	C	C	C	C	C	C
Electrical generation	P	P~~C~~	P	P	P	C	C
Communication systems	P	P~~C~~	P	P	P	C	C
Local utility distribution facilities	P	P	P	P	P	C	C
Transmission facilities	P~~C~~	~~C~~P	~~C~~P	~~C~~P	~~C~~P	C	C
Dams, diversion and tailrace structures for hydroelectric power generation	C	C	C	C	C	C	C

Commented [JS7]: Lori, did you want this to be 'P'?

4. General policies and regulations

Sections:
4.1 Ecological protection and critical areas
4.2 Water quality
4.3 Vegetation conservation
4.4 Archaeological and historical resources
4.5 Flood protection
4.6 Public access
4.7 Restoration

4.1 Ecological protection and critical areas

Policies

1. Shoreline use and development should occur in a manner that assures no net loss of existing ecological functions and processes and protects critical areas. Uses should be designed and conducted to avoid, minimize, or to fully mitigate in so far as practical, any damage to the ecology and environment.

2. In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts shall be identified and evaluated.

3. Development standards for density, lot frontage, setbacks, lot coverage, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. Review of shoreline development should consider potential impacts associated with proposed shoreline development when assessing compliance with this policy.

4. Except where development is otherwise exempt, the cities and the county should seek input and coordinate with federal, state, local and tribal agencies with expertise for development occurring within or near wetlands or fish and wildlife habitat.

5. Encourage land use activities and development to incorporate restoration of degraded ecological functions and ecosystem-wide processes in project design.

6. The county and cities should provide for administrative review of restoration projects which implement local watershed plans, or have the support of federal or state resource agencies, and are consistent with the restoration plan.

Regulations

1. Mitigation sequencing – applicants shall demonstrate all reasonable efforts have been taken to mitigate potential adverse impacts in the following prioritized order:

    a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

2. If compensatory mitigation is required to achieve no net loss of ecological function, the applicant shall develop and implement a management and mitigation plan. When required, management and mitigation plans shall be prepared by a qualified biologist and shall be consistent with the requirements in Appendix H. Management and mitigation plans shall describe actions that will ensure no net loss of ecological functions.

Mitigation shall focus on the best possible outcome for compensating for impacts to functions and values within the shoreline environment. ~~The location of the compensatory mitigation action shall be preferred in the order referenced below:~~

3. ~~Preferential consideration shall be given to o~~On-site mitigation measures that replace the impacted functions, and in areas where non-native vegetation is present adjacent to existing native vegetation to the extent practicable are preferred. Off-site mitigation may be used if the mitigation provides certainty of no net loss of ecological functions to the shoreline environment.
   ~~Off-site compensatory mitigation located in Douglas County within the same watershed and that addresses limiting factors or identified critical needs for shoreline resource conservation based on the Shoreline Restoration Plan, or Water Resource Inventory Area (WRIA) or comprehensive resource management plans.~~
   ~~Off-site compensatory mitigation within the same watershed outside of Douglas County.~~
   ~~f. Alternative off-site mitigation programs such as mitigation banks or in-lieu fee programs as established by the County. This includes future mitigation banking opportunities, developed in coordination with the County.~~

~~2.~~4. The provisions of this section and Appendix H shall apply to any use, alteration or development within shoreline jurisdiction, whether or not a shoreline permit or written statement of exemption is required.

~~3.~~5. Unless otherwise stated, critical area buffers shall be protected and/or enhanced pursuant to Appendix H and all other applicable provisions of this Program.

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~~4.~~6. Protect hydrologic connections between water bodies, water courses and associated wetlands.

~~5.~~7. The cumulative effects of individual development proposals shall be identified and evaluated to assure that no net loss standards are achieved.

4.2 Water quality

Policies

1. The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long-term.

2. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and ground water and/or soils and adverse effects on shoreline ecological functions and values.

3. Appropriate buffers along all wetlands, streams, and lakes should be provided and maintained in a manner that avoids the need for chemical treatment for vegetation management and be consistent with critical areas ordinances and best management practices.

Regulations

1. Shoreline development and use shall incorporate measures to protect and maintain surface and ground water quantity and quality in accordance with all applicable laws.
2. New development shall provide stormwater management facilities designed, constructed, and maintained in accordance with the current stormwater management standards. Deviations from these standards may be approved where it can be demonstrated that offsite facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.

3. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control plan, identified in the Stormwater Management Manual for Eastern Washington, as amended.

4. To avoid water quality degradation by malfunctioning or failing septic systems located in the shoreline jurisdiction, on-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards.

5. All building materials that may come in contact with water shall be constructed of untreated wood, cured concrete or steel. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants. Wood treated with creosote, arsenate

compounds, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.

6. Project applications within the natural or rural conservancy shoreline environment, and limited areas of more intense rural development designated by Douglas County that exceed 10% impervious surface coverage for subject properties; shall follow the best management practices of the Stormwater Management Manual for Eastern Washington, as amended.

7. Permanent stormwater management systems serving property within the shoreline shall be designed using best management practices ensuring water quality treatment in compliance with the Stormwater Management Manual for Eastern Washington to prevent stormwater runoff from degrading or adding to the pollution of recipient waters or adjacent properties. Maintenance of storm drainage facilities on private property shall be the responsibility of the property owner(s). This responsibility and the provision for maintenance shall be clearly stated on any recorded subdivision, short plat, or binding site plan map, building permit, property conveyance documents, maintenance agreements and /or improvement plans.

4.3 Vegetation conservation

Policies

1. Native shoreline vegetation should be conserved to maintain shoreline ecological functions and/or processes and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Disturbance of native plant communities should be avoided. Disturbed areas should be revegetated with native plant species appropriate to the soil and hydrologic conditions.

2. Encourage noxious and invasive weed management and control. Control of such species should be done in a manner that retains onsite native vegetation, provides for erosion control, and protects water quality.

3. Selective pruning may be allowed for safety or limited view retention purposes and when consistent with Section 4.1 Ecological Protection and Critical Areas.

Regulations

1. Shoreline developments shall address conservation and maintenance of vegetation through compliance with the critical area standards in Section 4.1 Ecological Protection and Critical Areas and Appendix H.

2. Where impacts to buffers are permitted under Section 4.1, Ecological Protection and Critical Areas, new developments shall be required to develop and implement a management and mitigation plan. When required, management and mitigation plans shall be prepared by a qualified biologist and shall be consistent with the requirements in Appendix H. Management and mitigation plans shall describe actions that will ensure no net loss of ecological functions. Vegetation shall be

maintained over the life of the use and/or development by means of a conservation easement or similar legal instrument recorded with the County Auditor.

3. Pruning of native trees for safety and view protection may be permitted if consistent with the provisions of Section 4.1, Ecological Protection and Critical Areas and Appendix H.

4. Native vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development.

5. Clearing of flammable native and non-native vegetation within 5 feet of existing residential structures, legally established appurtenances and stationary propane tanks is allowed, for structures in existence on or prior to the effective date of the SMP 2021 Periodic Update.

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~~4.~~6. Within 30 feet of existing residential structures, legally established appurtenances and stationary propane tanks, native trees may be trimmed the lesser of 10 feet or one-third of the tree height from the ground. Removal of flammable non-native vegetation is allowed except that it must be replaced by native vegetation within the shoreline setback. This regulation is applicable to structures in existence on or prior to the effective date of the SMP 2021 Periodic Update. Actions shall only be allowed if carried out under an approved management and mitigation plan prepared by a professional biologist demonstrating no net loss in shoreline ecological function.

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~~5.~~7. Removal of noxious weeds and/or invasive species shall be incorporated in management and mitigation plans, as necessary, to facilitate establishment of a stable community of native plants.

~~6.~~8. Vegetation removal not associated with a development permit application requires the submittal and approval of a management and mitigation plan prepared by a qualified biologist, and must be consistent with the provisions of Section 4.1, Ecological Protection and Critical Areas.

~~7.~~9. Filling, clearing and grading in vegetated shoreline areas shall be in conformance with the provisions of Section 5.8, Filling, Grading, and Excavation; in addition to Section 4.1, Ecological Protection and Critical Areas, and the provisions of this Program.

~~8.~~10. With the exception of hand removal or spot spraying of noxious weeds, the determination of whether non-native vegetation removal may be permitted must be evaluated in conformance with Section 4.1 Ecological Protection and Critical Areas.

4.4 Archaeological and historical resources

The following provisions apply to archaeological and historic resources that are either recorded at the State Historic Preservation Office and/or by local jurisdictions or have

been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with Chapter 25-48 WAC as well as the provisions of this chapter.

Policies

1. Prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian Tribes, and the Washington State Department of Archaeology and Historic Preservation.

2. The jurisdictions should work with tribal, state, federal and local governments as appropriate to maintain an inventory of all known significant local historic, cultural and archaeological sites in observance of applicable state and federal laws protecting such information from general public disclosure. As appropriate, such sites should be protected, preserved and/or restored for study, education and/or public enjoyment to the maximum possible extent.

3. Site development plans should incorporate provisions for historic, cultural and archaeological site preservation, restoration and education with open space or recreation areas whenever compatible and possible.

4. Cooperation among involved private and public parties is encouraged to achieve the archaeological, historical and cultural element goals and objectives of this Program.

5. Owners of property containing identified historic, cultural or archaeological sites are encouraged to make development plans known well in advance of application, so that appropriate agencies may have ample time to assess the site and make arrangements to preserve historical, cultural and archaeological values as applicable.

6. Private and public owners of historic sites should be encouraged to provide public access and educational opportunities in a manner consistent with long-term protection of both historic values and shoreline ecological functions.

Regulations

1. If archaeological resources are uncovered during excavation, developers and property owners shall immediately stop work and notify the local government, the Washington State Department of Archaeology and Historic Preservation and affected Indian tribes.

2. An archaeological resource site inspection and/or evaluation is required by a professional archaeologist in coordination with affected Indian tribes where known archaeological resources are present. Properties near a site known to contain a

historic, cultural or archaeological resource(s) shall require a cultural resource site assessment.

3. If a cultural resource site assessment identifies the presence of significant historic or archaeological resources, a cultural resource management plan shall be prepared by a professional archaeologist or historic preservation professional. In addition, a permit or other requirements administered by the Washington State Department of Archaeology and Historic Preservation pursuant to RCW 27.44 and RCW 27.53 may apply.

4.5 Flood protection

Policies

1. Flood control works in shoreline areas shall be subject to the policies and regulations of this section and Chapters 4 and 5.

Commented [SN12]: City: consider also referencing Chapter 15.44 EWMC Flood Hazard Areas

2. Assure that flood protection measures result in no net loss of ecological functions and ecosystem-wide processes associated with rivers, streams and lakes.

3. New or expanding development or uses in the shoreline, including subdivision of land, that would likely require structural flood control works within a river, channel migration zone, floodway, or lakes should not be allowed.

4. Flood control works should only be allowed in the shoreline if they are necessary to protect existing development and where non-structural flood hazard reduction measures are infeasible.

5. Where feasible, flood control works should be bioengineered to enhance ecological functions, create a more natural appearance, improve ecological processes, and provide more flexibility for long-term shoreline management. Such features may include but not be limited to vegetated berms; and vegetative stabilization, including brush matting and buffer strips and retention of existing trees, shrubs and grasses on banks.

6. Flood control works should be located, designed, constructed and maintained so their resultant effects on geo-hydraulic shoreline processes will not cause significant damage to other properties or shoreline resources, and so that the physical integrity of the shoreline corridor is maintained.

7. Recognizing the large number of physical variables to be considered in properly locating and designing flood control works and the high probability that poorly located and inadequately designed works will fail and/or adversely affect properties and shoreline features, such works should be sited and designed consistent with appropriate engineering principles, including guidelines of the Natural Resource Conservation Service, the U.S. Army Corps of Engineers, the Douglas County Comprehensive Flood Hazard Management Plan, and Section 4.1 Ecological Protection and Critical Areas.

8. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural flood control works and structures. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

9. In cooperation with other applicable agencies and persons, the jurisdictions should continue to develop and/or update long-term, comprehensive flood hazard management plans to prevent flood damage, maintain the natural hydraulic capacity of floodways, and conserve limited resources such as fish habitat, water, soil, and recreation and scenic areas.

10. Planning and design of flood control works should be consistent with and incorporate elements from applicable watershed management, restoration plans and/or surface water management plans.

Regulations

1. Development in floodplains should not significantly or cumulatively increase flood hazards or be inconsistent with comprehensive flood hazard management plans adopted pursuant to Chapter 86.12 RCW.

2. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be permitted when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

3. The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:

    a. Actions that protect or restore the ecosystem-wide processes or ecological functions.
    b. Existing and ongoing agricultural practices provided that no new restrictions to channel movement occur.
    c. Mining when conducted in a manner consistent with Section 5.9 Mining, the shoreline environment designation, and with the provisions of WAC 173-26-241(3)(h).
    d. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected shoreline.
    e. Repair and maintenance of an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.

f. Development in incorporated municipalities and designated urban growth areas, as defined in Chapter 36.70A RCW, where structures exist that prevent active channel movement and flooding.
g. Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geo-morphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.

4. Allow new structural flood hazard reduction measures in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development; that nonstructural measures are not feasible; that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss; and that appropriate vegetation conservation actions are undertaken consistent with Section 4.3 Vegetation Conservation, and WAC 173-26-221(5).

5. Structural flood hazard reduction measures shall be consistent with adopted comprehensive flood hazard management plans approved by the Department of Ecology.

6. Place new structural flood hazard reduction measures landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.

7. Require that new structural public flood hazard reduction measures, such as dikes and levees, dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigated significant ecological impacts, unavoidable conflict with the proposed use, or cost that is disproportionate and unreasonable to the total long-term cost of the development.

8. Require that the removal of gravel for flood management purposes be consistent with an adopted flood hazard reduction plan and with the provisions of WAC 173-26, Section 5.5 Dredging and Section 5.9 Mining; and be allowed only after a biological and geo-morphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

4.6 Public access

Policies

1. Access to shorelines should be incorporated in new development and may be physical and/or visual to provide the public with the opportunity to enjoy the water's edge, and view the water and shoreline.

2. Public access should be required for industrial and commercial development, publicly owned facilities, and boating and recreation facilities.

3. Community access should be required for residential development.

4. Public access area and/or facility requirements should be commensurate with the scale and character of the development and should be reasonable, fair and effective.

5. Shoreline use and development activities should be designed and operated to minimize obstructions of the public's visual access to the water and shoreline.

6. Development, uses and activities on or near the shoreline should not unreasonably impair or detract from the public's legal access to the water.

7. Public access design should provide for public safety and minimize potential impacts to private property.

8. Protect the rights of navigation and space necessary for water-dependent uses.

9. Assure that public access improvements result in no net loss of shoreline ecological functions.

10. Public access should connect to public areas, undeveloped right-of-way, and other pedestrian or public thoroughfares.

11. The linkage of shoreline parks, recreation areas and public access points by linear systems, such as hiking paths, bicycle paths, easements and/or scenic drives, should be encouraged.

12. There should be a physical separation between the public and private spaces so the public will clearly know the extent of their domain and know that they are not infringing on private rights. This separation can be achieved by adequate space and through screening or signage.

13. Public access should be designed for accessibility by disabled persons.

14. Recreational development should place a priority for public use and access to the water.

Regulations:

1. Where required, provisions for adequate public or community access to the shoreline shall be incorporated into a shoreline development proposal, including land division, unless the applicant demonstrates that one or more of the following provisions apply:
    a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practicable means;
    b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
    c. Unacceptable environmental harm will result from the public access which cannot be mitigated;
    d. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated;
    e. The cost of providing the access or alternative amenity is unreasonably disproportionate to the long-term cost of the proposed development.
    f. Provided further, that the applicant has first demonstrated and the county or city has determined in its findings that all reasonable alternatives have been exhausted, including but not limited to:
        (1) Regulating access by such means as limiting hours of use to daylight hours;
        (2) Designing separation of uses and activities, i.e., fences, terracing, hedges, landscaping, signage, etc;
        (3) Provision of an access at a site physically separated from the proposal such as a nearby street end, an off-site view point or trail system.

2. Public access for commercial recreational development shall be consistent with the public access requirements of commercial development of this Master Program.

3. Shoreline development by public entities, port districts, state agencies, and public utility districts shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

4. Boating facilities, including marinas and public/community launch ramps, shall provide public access, consistent with the provisions of this Master Program.

5. All residential development shall have access to the shoreline. Multi-unit residential development and land divisions shall provide community access to the shoreline.

6. Commercial and industrial development shall provide public access to the shoreline, or if not feasible provide opportunities for public viewing of the shoreline, except as provided for in Section 4.6 Regulation 1.

7. Public access areas and facilities shall be provided commensurate with the scale of development and the need for public physical and visual access opportunities in the vicinity of the subject development.

8. Development uses and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's physical access to the water and shorelines.

9. Where there is an irreconcilable conflict between water-depend~~a~~ent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-depend~~a~~ent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

10. Development shall minimize impacts to views of the shoreline with the application of critical area buffers (Section 4.1), setbacks, density standards, height limitations and public and community access corridors.

11. Site design for commercial, industrial, multi-family residential and recreational development shall demonstrate site planning which provides sensitivity to public visual access of the shoreline. Where it is not feasible to avoid or minimize a potential visual impact; site enhancements such as viewing platforms or access to vistas which provide views of the shoreline, shall be considered.

12. Access improvements shall not result in a net loss of shoreline ecological functions and values.

13. Rights of navigation shall be protected in conformance with the provisions of this Master Program.

14. Public access sites shall be connected directly to the best-suited public street, trails, etc., consistent with design and safety standards.

15. Any vacation of right-of-way within the shoreline must comply with RCW 36.87.130 and RCW 35.79.035.

16. New streets, roads and highways which are located within two hundred feet of a shoreline of the state shall provide public access to the shoreline, whenever feasible, consistent with design and safety standards. Such facilities may include pathways, viewpoints or similar amenities and accessory parking facilities incidental to those amenities.

17. Where feasible, expansion or upgrades of existing transportation facilities that require a shoreline substantial development permit shall be subject to access provisions, shall address design and safety standards, and shall maximize the overall view access of the corridor.

18. Utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and

transportation, providing such uses will not unduly interfere with utility operations and/or endanger public health and safety.

19. Public access shall consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.

20. The minimum width of access easements shall be 10 feet, unless the Administrator determines that undue hardship would result. In such cases, easement widths may be reduced only to the extent necessary to relieve the demonstrated hardship.

21. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity; or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.

22. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

23. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the County Auditor's Office prior to the time of building permit approval, occupancy or with plat recording, whichever comes first.

24. Maintenance of the public access facility shall be the responsibility of the owner or home owner’s association, unless otherwise accepted by a public or non-profit agency through a formal agreement recorded with the County Auditor's Office.

25. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. Such signs shall be posted in conspicuous locations at public access sites.

26. Public access sites shall be made barrier-free for the physically challenged where feasible, and in accordance with the Americans with Disabilities Act (ADA).

27. Proposals for development shall include a site plan indicating existing and proposed features, including, but not limited to, topography, shoreline vegetation, slope, drainage, all existing and proposed easements, structures, wells, etc.

4.7 Restoration

Policies

1. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical,

physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.

2. Mitigation associated with shoreline development projects shall be designed to achieve no net loss of ecological function.

3. The county should seek funding from state, federal, private and other sources to implement restoration, enhancement, and acquisition projects.

4. Develop processing guidelines that will streamline the review of restoration only projects.

5. Encourage public and private shoreline owners to promote the proliferation of native, noninvasive wildlife, fish and plants.

6. Restoration projects should be coordinated with local public utility and conservation districts.

7. Ensure that long-term maintenance and monitoring of restoration sites is included in the original permitting of the project.

8. Allow for the use of tax incentive programs, mitigation banking, restoration grants, land swaps, or other programs, as they are developed, to encourage restoration of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

9. Jurisdictions should pursue the development of a public benefit rating system that provides incentives for the restoration of the shoreline.

10. Jurisdictions should coordinate with state resource agencies to develop educational materials which promote the maintenance and restoration of shoreline functions. Educational materials shall provide resources for a variety of scenarios and trends occurring within the shoreline that is reflected in the inventory and analysis, such as: the conversion of agricultural land to non-agricultural use, existing and ongoing agricultural uses, and existing or planned residential and commercial development.

11. Encourage the agricultural industry to continue to work closely with agencies, such as the Natural Resource Conservation Service and Conservation Districts, with expertise in agricultural practices and restoration to improve degraded shoreline functions.

5. Shoreline use and modification policies and regulations

Sections:
5.1 Agriculture
5.2 Aquaculture
5.3 Boating facilities: marinas and launch ramps
5.4 Commercial use
5.5 Dredging
5.6 Industry
5.7 Instream structures
5.8 Filling, grading and excavation
5.9 Mining
5.10 Moorage: docks, piers, watercraft lifts, mooring buoys, floats
5.11 Recreation
5.12 Residential
5.13 Shoreline bulk and dimensional standards
5.14 Shoreline stabilization
5.15 Signs
5.16 Transportation
5.17 Utilities

5.1 Agriculture

Policies:

1. Recognize the importance of agriculture in Douglas County and support its continued economic viability.

2. Appropriate vegetation management and Natural Resources Conservation Service conservation practices should be used to avoid and minimize water quality impacts from agricultural activities.

3. Agricultural uses should be encouraged to maintain a buffer of permanent vegetation or other soil erosion control measures between tilled areas and associated water bodies that will restrict surface runoff, protect water quality, improve habitat and reduce siltation.

4. Agricultural operations should comply with control guidelines prepared by the U.S. Environmental Protection Agency and state and local agencies for regulating confined animal feeding operations, retention and storage ponds for feed lot wastes, and stockpiles of manure solids along the County's shorelines, to avoid water pollution.

5. The conversion of agricultural lands shall mean that the lands are taken out of agricultural production and a new non-agricultural use is established. A change to a different agricultural crop does not constitute a conversion to a new use.

Regulations

1. The provisions of this Master Program do not require modification of or limit agricultural activities on agricultural lands as of the date of adoption of the Master Program.

2. New agricultural activities on lands that did not have agricultural activities in place at the time of adoption of this Master Program; conversion of agricultural lands or the development of non-agricultural activities on agricultural lands; and uses in support of agricultural activities are governed by the provisions of this Master Program and subject to the following criteria:
    a. Uses and activities shall be consistent with the environment designation;
    b. Uses and activities shall be located and designed to ensure no net loss of ecological functions;
    c. Uses and activities shall not have a significant impact on other shoreline resources and values.

3. Discharge of any manure storage facility into ground or surface water is prohibited.

4. New feedlots and manure lagoons are prohibited from siting within the shoreline jurisdiction.

5. Nothing in this section limits or changes the terms of the current exception to the definition of substantial development. A substantial development permit shall be required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(a)(vi).

5.2 Aquaculture

Policies

1. Aquaculture is a water-dependent use and is a preferred use of the shoreline when consistent with control of pollution, avoidance of adverse impacts to the environment and preservation of habitat for resident native species.

2. Potential locations for aquaculture activities are relatively restricted because of specific requirements related to water quality, temperature, oxygen content, currents, adjacent land use, wind protection and navigation. The technology associated with some forms of aquaculture is still experimental and in formative stages. Therefore, some latitude should be given when implementing the regulations of this section, provided that potential impacts on existing uses and shoreline ecological functions and processes are given due consideration.

3. Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts and lesser impacts, to native plant and animal species. In general, projects that require either no structures or submerged structures are preferred over those that involve substantial floating structures. Projects that involve little or no substrate modification are preferred over those that involve substantial modification. Projects that involve little or no supplemental food

sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.

4. Aquaculture activities should be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species; adversely impact other habitat conservation areas; or interfere with navigation or other water-dependent uses.

5. Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of non-native species, or other adverse effects on ESA-listed species should not be permitted.

6. The jurisdictions should actively seek substantive comment on any shoreline permit application for aquaculture from all appropriate federal, state, tribal and local agencies and the general public regarding potential adverse impacts. Comments of nearby residents or property owners directly affected by a proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.

7. When private or public aquaculture projects are proposed the rights of tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct coordination between the applicant/proponent and the tribe is encouraged.

8. Consideration should be given to both the potential beneficial impacts and potential adverse impacts that aquaculture development might have on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.

9. Experimental aquaculture projects in water bodies should be limited in scale and should be approved for a limited period of time, as specified by the regulatory agency. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in the State of Washington.

10. Legally established aquaculture enterprises, including authorized experimental projects, should be protected from incompatible uses that may seek to locate nearby. Uses or developments that have a high probability of damaging or destroying an existing aquaculture operation are not consistent with these policies.

Regulations

1. Aquaculture that involves minimal or no substrate modification shall be given preference over those that involve substantial modification. The applicant/proponent shall demonstrate that the degree of proposed substrate modification is the minimum

necessary for feasible aquaculture operations at the site. The installation of submerged structures and floating structures shall be allowed only when the applicant/proponent demonstrates that no alternative method of operation is feasible.

2. Aquaculture activities, that would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions, shall be prohibited. Aquaculture practices shall be designed to minimize use of artificial substances and shall use chemical compounds that are least persistent and have the least impact on plants, animals and water quality.

3. All aquaculture projects shall be reviewed by local, state and federal agencies, and FERC licensed hydro-projects.

4. New aquatic species that are not previously cultivated in Washington State shall not be introduced into freshwaters without prior written approval of the Director of the Washington State Department of Fish and Wildlife and the Director of the Washington Department of Health.

5. Processing of any aquaculture product shall not be allowed within the shoreline jurisdiction, except for the sorting of the cultured organism and the washing or removal of surface materials or organisms after harvest.

6. Aquaculture wastes shall be disposed of in a manner that will ensure compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.

7. In the event of a significant fish kill at the site of a net pen facility, the aquaculture operator shall immediately report to the Chelan-Douglas Health District stating the cause of death and shall detail remedial action(s) to be implemented to prevent reoccurrence.

8. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with U.S. Coast Guard requirements.

9. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant/proponent and the affected tribe(s) through the permit review process.

5.3 Boating facilities: marinas and launch ramps

Boating facilities, including marinas, boat storage and launch ramp development, and accessory uses, in shoreline areas shall be subject to the policies and regulations of this section and Chapter 4 General Policies and Regulations. Dock facilities not meeting the definition of a marina are subject to the policies and regulations of Section 5.10 Moorage: Docks, Piers, and Mooring Buoys.

Policies

1. Boating facilities should contribute to public access and enjoyment of waters of the state.

2. Regional needs for marina and boat launch facilities should be carefully considered in reviewing new proposals. Such facilities should be coordinated with park and recreation plans and, where feasible, co-located with other compatible water-dependent uses. Review of such facilities should be coordinated with recreation providers, including cities, adjacent counties, public utility districts, the Washington State Parks and Recreation Commission, and the Washington State Department of Natural Resources to avoid unnecessary duplication and to efficiently provide recreational resources while minimizing adverse shoreline ecological impacts.

3. Boating facilities that minimize the amount of shoreline modification are preferred. Upland boat storage is preferred over new in-water moorage.

4. Boating facilities should provide public physical and visual shoreline access and provide for multiple uses, including water-related use, to the extent compatible with shoreline ecological functions and processes and adjacent shoreline use.

5. Accessory uses at marinas or launch ramps should be limited to water-oriented uses, or uses that provide physical or visual shoreline access for substantial numbers of the general public.

6. New or expanded boating facilities should be sited only where suitable environmental conditions are present and should avoid critical habitat including spawning and holding areas for anadromous fish.

7. Boating facilities should be located and designed to avoid adverse effects upon near shore processes such as erosion and riparian functions, and should, where feasible, enhance degraded and/or scarce shoreline features. Boating facilities should be designed to assure no net loss of ecological functions.

8. Non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged during the design, development and operation of boating facilities. Non-regulatory methods may include public facility and resource planning, education, voluntary protection and enhancement projects, or incentive programs.

9. Boating facilities should be located, designed and operated so that other appropriate water-dependent uses are not adversely affected.

10. Boating facilities should not unduly obstruct navigable waters and should consider adverse effects to recreational opportunities such as fishing, pleasure boating, swimming, beach walking, picnicking and shoreline viewing.

11. Boating facilities should avoid adverse proximity impacts such as noise, light and glare, aesthetic impacts to adjacent land uses, and impacts to public visual access to the shoreline.

Regulations

1. Parking for boating facilities that does not require a shoreline location in order to carry out its functions shall:
    a. Be sited away from the land/water interface unless no feasible alternative location exists outside of the shoreline;
    b. Be planted or landscaped, preferably with native vegetation, to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas;
    c. Observe critical area buffers established by Section 4.1 Ecological Protection and Critical Areas and Appendix H; and
    d. Be designed to incorporate low impact development practices to the extent feasible, such as, but not limited to, pervious surfaces, and bioswales.

2. Connecting roads between boating facilities and public streets shall have all weather surfacing, and be compliant with local jurisdictions' fire safety and road standards in terms of width, safety, alignment, sight distance, grade and intersection controls.

3. Minimum required setbacks from shorelines and side property lines, and maximum height limits are contained in Section 5.13 Shoreline Bulk and Dimensional Standards and Table 2.

<u>Marinas</u>

4. Marinas shall not be permitted within the following shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative location is feasible, the project would result in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this Program:
    a. Wetlands with emergent vegetation (marsh type areas);
    b. Spawning and holding areas for anadromous fish;
    c. Alkaline lakes

5. Marinas may be permitted on low bank lake shores where backshore wetlands are protected, if most of the beach and backshore are preserved in a natural condition for public recreation.

6. Marinas shall not be permitted in areas of active channel migration, areas where channel dredging will be required, where a flood hazard will be created, or where shoreline ecological functions and processes will be degraded.

7. Floating piers shall be required unless it can be demonstrated that fixed piers will result in substantially less impact on geo-hydraulic processes, and that hazards can be minimized or mitigated.

8. Design and other standards for physical improvement of docks and piers are found in Section 5.10 Moorage: Docks, Piers and Mooring Buoys.

9. Extended vessel moorage within marinas on waters of the state is limited by state regulation and requirements for a lease or permission from the state. Impacts to navigation and public access must be avoided or mitigated.

10. Marinas shall provide public access for as many water-dependent recreational uses as possible, commensurate with the scale of the proposal.

11. Marinas and accessory uses shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.

12. Marina entrances shall not be located near beaches commonly used for swimming unless no alternative location exists, and mitigation is provided to minimize impacts to such areas.

13. Marinas and accessory uses shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.

14. Marinas and accessory uses shall be located where water depths are adequate to avoid the need for dredging and/or to minimize potential loss of shoreline ecological functions or processes.

15. Marinas and accessory uses shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods or destructive storms.

16. Discharge of solid waste or sewage into a water body is prohibited. Marinas shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations.

17. Garbage or litter receptacles shall be provided and maintained by the operator at several locations convenient to users.

18. Disposal or discarding of fish cleaning wastes, scrap fish, viscera, or unused bait into the water, or in other than designated garbage receptacles, is prohibited.

19. Marina operators shall post all regulations pertaining to handling, disposal and reporting of waste, sewage, fuel, oil or toxic materials where all users may easily read them.

~~19.~~20. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required of new marinas and expansion of existing marinas.

Compliance with federal, state, county and municipal codes and statutes may fulfill this requirement. Handling of fuels, chemicals or other toxic materials must be in compliance with all applicable federal and state water quality laws as well as health, safety and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

~~20.~~21. Parking facilities should meet zoning standards; provided that, at a minimum, one (1) vehicle space shall be maintained for every four (4) moorage spaces and for every 400 square feet of interior floor space devoted to accessory retail sales or service use. Bicycle parking should be provided commensurate with the anticipated demand.

~~21.~~22. Accessory uses at marinas shall be limited to those water-oriented uses, or uses that provide physical or visual shoreline access for substantial numbers of the general public. Accessory development includes, but is not limited to, parking, open air storage, waste storage and treatment, stormwater management facilities, utilities, and land transport development.

~~22.~~23. In limited circumstances, water-oriented accessory uses may be located at the water's edge by conditional use if location is essential to operation of the use or if opportunities are provided for public access for a substantial number of persons.

~~23.~~24. Marinas shall be approved only if enhanced public access to public waters outweighs the potential adverse impacts of the use. Applications shall be accompanied by supporting application materials that document the market demand for such facilities, including:

a. The total amount of moorage proposed;
b. The proposed supply, as compared to the existing supply within the service range of the proposed facility, including vacancies or waiting lists at existing facilities;
c. The expected service population and boat ownership characteristics of the population; and
d. Existing approved facilities, or pending applications within the service area of the proposed new facility.

~~24.~~25. New marinas with in-water moorage and expansion of in-water moorage facilities in existing marinas shall be approved only when:

a. Opportunities for upland storage sufficient to meet the demand for moorage are not available on site; and
b. Expansion of upland storage at other existing marinas is not feasible.

The applicant shall document that a preferred method of providing moorage facilities is not feasible. Review of proposals involving public aquatic lands may be required to include an analysis of other alternative sites not controlled by the applicant/proponent.

~~25.~~26. Applicants shall provide an assessment of existing water-dependent uses in the vicinity including, but not limited to, navigation, fishing, hunting, pleasure boating, swimming, beach walking, picnicking and shoreline viewing and document potential impacts and mitigating measures. Impacts on these resources shall be considered in review of proposals and specific conditions to avoid or minimize impacts may be imposed.

~~26.~~27. Marina proposals may be required to prepare a visual assessment of views from surrounding residential properties, public viewpoints and the view of the shore from the water surface.

~~27.~~28. Applicants for marinas shall provide habitat surveys, critical area studies, and mitigation plans as required by Section 4.1, Ecological Protection and Critical Areas. A slope bathymetry map may be required when deemed beneficial by the Administrator for the review of the project proposal.

Launch ramps

~~28.~~29. Launch ramps shall not be permitted within the following shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative location is feasible, the project would result in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this Program:

a. Wetlands with emergent vegetation (marsh type areas);
b. Spawning and holding areas for anadromous fish;
c. Alkaline lakes

~~29.~~30. Launch ramps may be permitted on low bank lake shores where backshore wetlands are protected, if most of the beach and backshore are preserved in a natural condition for open space or public recreation, when consistent with the provisions in Section 4.1 Ecological Protection and Critical Areas and Appendix H.

~~30.~~31. Launch ramp facilities shall provide public access for as many water-dependent recreational uses and users as possible, commensurate with the scale of the proposal.

~~31.~~32. Launch ramp facilities shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.

~~32.~~33. Public launch ramps shall not be located near beaches commonly used for swimming unless no alternative location exists, and mitigation is provided to minimize impacts to such areas.

~~33.~~34. Launch ramps shall be located where water depths are adequate to avoid the need for dredging and/or to minimize potential loss of shoreline ecological functions or processes.

~~34.~~35. Launch ramps shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods or destructive storms.

~~35.~~36. Discharge of solid waste or sewage into a water body is prohibited. Boat launch facilities shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations.

~~36.~~37. Garbage or litter receptacles shall be provided and maintained by the operator at several locations convenient to users.

~~37.~~38. Disposal or discarding of fish cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles is prohibited.

~~38.~~39. At public or community launch ramps, trailer spaces at least 10 feet by 40 feet shall be provided commensurate with projected demand.

~~39.~~40. Preferred launch ramp designs, in order of priority, are:

a. Open grid designs with minimum coverage of substrate.
b. Seasonal ramps that can be removed and stored upland.
c. Structures with segmented pads and flexible connections that leave space for natural substrate and can adapt to changes in substrate profile.

~~40.~~41. Launch ramps shall be placed and maintained near flush with the foreshore slope.

~~41.~~42. Accessory uses at launch ramps shall be limited to those water-oriented uses, or uses that provide physical or visual shoreline access for substantial numbers of the general public. Accessory development includes, but is not limited to, parking, open air storage, waste storage and treatment, stormwater management facilities, utilities, and land transport development.

~~42.~~43. New public or community launch ramps, shall be approved only if enhanced public access to public waters outweighs the potential adverse impacts of the use. Applications shall be accompanied by supporting application materials that document the market demand for such facilities, including:

a. The total amount of moorage proposed, if applicable;
b. The proposed supply and design capacity, as compared to the existing supply and design capacity within the service range of the proposed facility, including vacancies or waiting lists at existing facilities;
c. The expected service population and boat ownership characteristics of the population;
d. Existing approved facilities, or pending applications within the service area of the proposed new facility.

~~43.~~44. Applicants for public boat launches shall provide habitat surveys, critical area studies, and mitigation plans as required by Section 4.1, Ecological Protection and Critical Areas. A slope bathymetry map may be required when deemed beneficial by the Administrator for the review of the project proposal.

~~44.~~45. Applicants shall provide an assessment of existing water-dependent uses in the vicinity including, but not limited to, navigation, fishing, hunting, pleasure boating, swimming, beach walking, picnicking and shoreline viewing and document potential impacts and mitigating measures. Impacts on these resources shall be considered in review of proposals and specific conditions to avoid or minimize impacts may be imposed.

~~45.~~46. Marina and launch ramp proposals may be required to prepare a visual assessment of views from surrounding residential properties, public viewpoints and the view of the shore from the water surface.

~~46.~~47. Launch facilities within the natural environment are permitted as a conditional use. These launch facilities shall be limited to public access, interpretive or nature observation facilities that are compatible with the areas physical and visual character and the policies of this Program.

Boat storage

~~47.~~48. Where long-term boat storage is provided it shall consist of dry upland boat storage with a launch mechanism to protect shoreline ecological functions and processes, and it shall efficiently use shoreline space. Boat storage facilities shall minimize consumption of public water surface area unless no suitable upland locations exist for such facilities, or it can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes or enhance public use of the shoreline.

~~48.~~49. Boat (dry moorage) and other storage areas shall be located in an upland area consistent with the setback provisions of Section 5.13, and be landscaped with native vegetation to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas.

~~49.~~50. Covered moorages are prohibited.

~~50.~~51. Boats shall not be used as a place of habitation for other than short term recreational use, not exceeding 14 days in any sixty day period.

5.4 Commercial use

Policies

1. In securing shoreline locations for commercial uses, preference should be given first to water-dependent commercial uses, then to water-related, and then to water-enjoyment commercial uses.

2. Restoration of impaired shoreline ecological functions and processes should be encouraged as part of commercial development.

3. Commercial uses located in the shoreline should ensure visual compatibility with adjacent non-commercial properties by establishing design guidelines that address a master planned approach with a thematic architectural design approach to the area.

4. Commercial uses located in the shoreline should provide public access unless such improvements are demonstrated to be infeasible or present hazards to life and property.

Regulations

1. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment commercial uses. Prior to approval of water-dependent uses, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-dependent use.

2. Water-related commercial uses may not be approved if they displace existing water-dependent uses. Prior to approval of a water-related commercial use, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-related use.

3. Water-enjoyment commercial uses may be not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water-dependent or water-related use in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, the Administrator shall review a proposal for design, layout and operation of the use and shall make specific findings that the use qualifies as a water-enjoyment use.

4. Non-water-oriented commercial uses may be permitted where located on a site physically separated from the shoreline by another property in separate ownership, or by a public right-of-way, such that access for water-oriented use is precluded. All other non-water-oriented commercial uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objective of the Act such as providing public access and ecological restoration and the commercial use is:
    a. Part of a mixed use project that includes a water-dependent use; or
    b. Proposed on a site where navigability is severely limited.

5. Commercial development shall not result in a net loss of ecological functions have significant adverse impacts to other shoreline uses, resources and values, such as navigation, recreation, and public access.

6. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water

-dependaent development unless such improvements are demonstrated to be infeasible or inappropriate.

7. Only those portions of water-dependent commercial uses that require over-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on piling or other open-work structures, and they are limited to the minimum size necessary to support the structures intended use.

8. Non-water-dependent commercial uses shall not be allowed over water except in limited instances where they are appurtenant and necessary to support water-dependent uses.

5.5 Dredging

Policies

1. Dredging and dredge material disposal shall be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

2. New development should be sited and designed to avoid or, where avoidance is not possible, to minimize the need for new and/or maintenance dredging.

3. Dredging for the purpose of establishing, expanding, relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

4. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized locations, depths and widths.

5. Dredging should be permitted for water-dependent uses of economic importance to the region and/or essential public facilities only when necessary and when alternatives are infeasible or less consistent with this Program.

6. Minor dredging as part of ecological restoration or enhancement, beach nourishment, public access or public recreation should be permitted if consistent with this Program.

7. Dredging of bottom materials for the primary purpose of obtaining material for landfill, construction, or beach nourishment should not be permitted, unless permitted under Section 5.9 Mining.

8. Dredge material disposal on land away from the shoreline is generally preferred over open water disposal.

9. Long-term cooperative management programs that rely primarily on natural processes, and involve land owners and applicable local, state and federal agencies and tribes should be encouraged to prevent or minimize conditions which make dredging necessary.

Regulations

1. Dredging shall only be permitted for the following activities:
    a. Development of new or expanded wet moorages where there are no feasible alternatives or other alternatives may have a greater ecological impact.
    b. Development of water-edependaent industries of economic importance to the region only where there are no feasible alternatives.
    c. Development of essential public facilities when there are no feasible alternatives.
    d. Maintenance dredging for the purpose of restoring a lawfully established development.
    e. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.
    f. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.
    g. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
        (1) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.
        (2) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
        (3) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
        (4) Mitigation is implemented, as appropriate, pursuant to Section 4.1 Ecological Protection and Critical Areas.
    h. Dredging for the purpose of obtaining landfill material is prohibited, except that permitted under Section 5.9 Mining.
    i. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
    j. Maintenance dredging of established navigation channels and basins.

2. The physical alignment and ecological functions and processes of streams, lakes or riverine shorelines shall be maintained, except to improve hydraulic function, water quality, fish or wildlife habitat, or fish passage.

3. Limitations on dredging or disposal operations may be imposed to reduce proximity impacts to protect public safety, and to assure compatibility with the interests of other shoreline users. Conditions may include limits on periods and hours of operation, the type of machinery used, and may require landscaped buffer strips and/or fencing to address noise and visual impacts at land disposal or transfer sites.

4. Dredge material disposal:
    a. Dredge material disposal on land away from the shoreline is permitted under the following conditions:
        (1) Shoreline ecological functions and processes will be preserved, including protection of surface and ground water.
        (2) Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.
        (3) Sites will be adequately screened from view of local residents or passersby on public ~~right-of-ways~~rights of way.
    b. Dredge material disposal is prohibited on lake shorelines or beds, and in streams; except that, dredge spoil may be used in approved projects for the restoration or enhancement of shoreline ecological functions and processes.
    c. Dredge material disposal in open waters may be approved only when authorized by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval (HPA); and when found to meet one or more of the following conditions:
        (1) Land disposal is infeasible, less consistent with this Master Program, or prohibited by law.
        (2) Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.
        (3) Offshore habitat will be protected, restored, or enhanced.
        (4) Adverse effects on water quality or biologic resources from contaminated materials will be mitigated.
        (5) Shifting and dispersal of dredge material will be minimal.
        (6) Water quality will not be adversely affected.

5. The following information shall be required for all dredging applications:
    a. A description of the purpose of the proposed dredging and an analysis of compliance with the policies and regulations of this Program will be achieved.
    b. A detailed description of the existing physical character, shoreline geomorphology and the biological resources that are provided by the area proposed to be dredged, including:
        (1) A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry depths and have data points at a minimum of 2-foot depth increments.
        (2) Habitat surveys, critical area studies, and mitigation plans as required by Section 4.1 Ecological Protection and Critical Areas.
        (3) Information on stability of bedlands adjacent to proposed dredging and dredge material disposal areas.
    c. A detailed description of the physical, chemical and biological characteristics of the dredge material to be removed including;
        (1) Physical analysis of material to be dredged: material composition and amount, grain size, organic materials present, source of material, etc.

(2) Chemical analysis of material to be dredged: volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.
(3) Biological analysis of material to be dredged.

d. A description of the method of dredging including
   (1) Facilities for settlement and movement.
   (2) Dredging procedure: length of time it will take to complete dredging, method of dredging and amount of materials removed.
   (3) Frequency and quantity of project maintenance dredging.

e. Detailed plans for dredge material disposal, including specific land disposal sites and relevant information on the disposal site, including but not limited to:
   (1) Dredge material disposal area:
      (a) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;
      (b) Size and capacity of disposal site;
      (c) Means of transportation to the disposal site;
      (d) Proposed dewatering and stabilization of spoils;
      (e) Methods of controlling erosion and sedimentation; and
      (f) Future use of the site and conformance with land use policies and regulations.
   (2) Total initial dredge material volume expected.
   (3) Plan for disposal of maintenance dredge material for at least a fifty (50) year period, if applicable.

f. The Administrator may require hydraulic modeling studies sufficient to identify existing geo-hydraulic patterns and probable effects of dredging.

5.6 Industry

Policies

1. Shoreline sites particularly suitable for development such as areas with access to adequate rail, highway and utility systems should be reserved for water-dependent or water-related industrial development.

2. In order to provide adequate shoreline for future water-dependent and water-related uses, industrial development should be limited to those uses that produce the greatest long-term economic base. Industrial development that is consistent with this Program should be protected from encroachment or interference by incompatible uses with less stringent site requirements, such as residential or commercial uses.

3. Multiple use of industrial facilities is encouraged to limit duplicative facilities and reduce adverse impacts. Multiple uses should be implemented through cooperative use of cargo handling, storage, parking and other accessory facilities among private or public entities as feasible in industrial facilities.

4. Industrial development in the shoreline should be located and designed to avoid significant adverse impacts to other shoreline uses, resources, and values, including

shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain.

5. Restoration of impaired shoreline ecological functions and processes should be encouraged as a component of industrial development.

Regulations

1. Industrial uses are allowed subject to the policies and regulations of this Program and the specific criteria below:
    a. Water-dependent industrial uses shall be given preference over non-water-dependaent industrial uses and, second, preference shall be given to water-related industrial uses over non-water-oriented industrial uses. Prior to approval of water-dependent uses, the Administrator shall review a proposal for design, layout and operation of the proposed use and shall make specific findings that the use qualifies as water-dependent.
    b. Water-related industrial uses may not be approved if they displace existing water-dependent uses. Prior to approval of a water-related use, the Administrator shall review a proposal for design, layout and operation of the proposed use and shall make specific findings that the use qualifies as water-related.
    c. Non-water-oriented industrial uses may be permitted where located on a site physically separated from the shoreline by another property in separate ownership or a public right-of-way such that access for water-oriented use is precluded. All other non-water-oriented industrial and port uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objective of the Act and is:
        (1) Part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
        (2) Navigability is severely limited at the proposed site, and the industrial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
    d. Industrial development shall be located, designed and constructed in a manner that assures no net loss of shoreline ecological functions and such that it does not have significant adverse impacts to other shoreline resources and values.

2. Required setback areas shall not be used for storage of industrial equipment, materials, or waste disposal, but may be used for outdoor recreation and public access. Portions of side setbacks may be used for light motor vehicle parking if design of such facilities is consistent with this Program.

3. Disposal or storage of solid or other industrial wastes is not permitted on shorelines.

4. Public access and ecological restoration should be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water -dependaent development unless such improvements are demonstrated to be infeasible or inappropriate.

5. Only those portions of water-dependent industrial uses that require over-water facilities shall be permitted to locate waterward of the OHWM, provided they are located on piling or other open-work structures, and they are limited to the minimum size necessary to support the structures intended use.

5.7 Instream structures

Policies

1. Instream structures should be planned and designed to be compatible with appropriate multiple uses of stream resources over the long-term, especially in shorelines of statewide significance.

2. The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

3. Instream structures should be located, designed, constructed and maintained so their resultant effects on geologic or hydrologic shoreline processes will not cause damage to other properties or shoreline resources, and so that the physical integrity of the shoreline process corridor is maintained.

4. Instream structures shall be sited and designed consistent with appropriate engineering principles, including, but not limited to, guidelines of the Natural Resource Conservation Service and the U.S. Army Corps of Engineers.

5. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to instream structures. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

6. Planning and design of instream structures should be consistent with and incorporate elements from applicable watershed management and restoration plans and/or surface water management plans.

Regulations

1. Channelization projects that damage fish and wildlife resources, degrade recreation and aesthetic resources, or result in high flood stages and velocities shall not be permitted when feasible alternatives are available.

2. Cut-and-fill slopes and back-filled areas shall be stabilized with brush matting and buffer strips and revegetated with native grasses, shrubs, or trees to prevent loss of shoreline ecological functions and processes.

3. Instream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The jurisdictions may require reasonable conditions to achieve this objective, such as setbacks, buffers, or storage basins.

4. Natural instream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are actually causing bank erosion or higher flood stages or pose a hazard to navigation.

5. Instream structures shall allow for natural ground water movement and surface runoff.

6. The jurisdictions shall require professionally engineered design of any proposed instream structure.

7. The design of all dams and the suitability of the proposed site for dam construction shall be certified by a professional engineer licensed in the State of Washington. The professional design shall include a maintenance schedule.

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

9. No instream structure may commence without having obtained all applicable federal, state, and local permits and approvals, including but not limited to an HPA from the State Department of Fish and Wildlife.

5.8 Filling, grading and excavation

Policies

1. Filling, grading, and excavation should only be permitted to the minimum extent necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes. Enhancement and voluntary restoration of landforms and habitat is encouraged.

2. Filling, grading and excavation in water bodies, floodways, and/or wetlands should not be permitted for creation of new uplands, unless it is part of an approved

ecological restoration activity. Fill should be permitted in limited instances to restore uplands where recent erosion has rapidly reduced upland area, to build beaches and protective berms for shore stabilization or recreation, to restore or enhance degraded shoreline ecological functions and processes, or to moderately elevate low uplands to make such uplands more suitable for purposes consistent with this Program.

3. Filling, grading, and excavation should not be allowed where shoreline stabilization works would be required to maintain the materials placed.

4. Filling, grading and excavation should be located and developed so that water quality and hydrologic and runoff patterns are not altered.

5. Excavation and grading may be permitted landward of the ordinary high water mark of a waterbody for projects with the primary purpose of restoring ecological functions and natural character.

Regulations:

1. Filling, grading, and excavation shall be minimized to the maximum extent practicable and only authorized along with approved shoreline use and development activities that are consistent with this Program.

2. Fills waterward of the ordinary high-water mark shall be allowed only when necessary to support:
    a. Water-dependent use,
    b. Public access,
    c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan,
    d. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Department of Natural Resources,
    e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible.

3. Excavation that occurs either waterward of the OHWM or within wetlands shall be considered dredging for purposes of this Program.

4. Filling, grading or excavation shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.

5. Filling, grading, beach nourishment and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long-term appropriate use including lawful access and enjoyment of

scenery.

6. Cut and fill slopes shall generally be no steeper than one foot vertical for every three feet horizontal unless a specific engineering analysis has been provided certifying that the proposed slope is stable, and the Administrator determines that the fill blends physically and visually with existing topography.

7. A temporary erosion and sediment control (TESC) plan, consistent with the standards found in the Stormwater Manual for Eastern Washington, shall be provided for all proposed filling, grading and excavation activities.

8. Excavation and grading for the primary purpose of restoration of shoreline habitat and the natural character of the shoreline must demonstrate the following:
    a. A net increase in ecological function within the project boundaries
    b. The site is currently degraded and provides limited ecological function
    c. The project complies with the provisions of Section 4.1 Ecological Protection and Critical Areas.

5.9 Mining

Policies:

1. Mining and associated activities shall be designed and conducted to result in no net loss of shoreline ecological functions and processes. Mining should not be approved where it could interfere with shoreline ecological functions or processes or cause irreparable damage to shoreline resources or features. Application of this policy shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. The determination of whether there will be no net loss of ecological function shall be based on an evaluation of the reclamation plan required for the site and shall consider impacts on ecological functions during operation. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.

2. Mining should not be located on shorelines where unavoidable adverse impacts on other users or resources taken together equal or outweigh the benefits from mining.

3. Mining should not interfere with public recreation on the shoreline.

4. Mining should be located and operated so as to provide long-term protection of water quality, and fish and wildlife habitats.

5. Mining, particularly surface or strip mining, should provide for timely restoration of disturbed areas to a biologically productive, attractive semi-natural, or other useful condition through a reclamation process consistent with regulations administered by the Department of Natural Resources and other applicable local standards.

6. Mining of shorelines having high value for recreation, or as fish or wildlife habitat, should generally not be permitted.

7. Mining should only be permitted where appropriate studies and detailed operation plans demonstrate that:
    a. Fish habitat, upland habitat and water quality will not be significantly harmed; and
    b. The operation will not adversely affect geologic or hydrologic processes, channel alignment, nor increase bank erosion or flood damage.

7. Mining operations should be located, designed, and managed so that other appropriate uses are not subjected to substantial or unnecessary adverse impacts from noise, vibration, odor, dust or other effects of the operation. The operator may be required to implement measures such as buffers, limited hours, or other mitigating measures to minimize adverse impacts.

Regulations

1. Mining shall not be permitted in designated fish and wildlife habitat areas except as a part of an approved flood control program or in conjunction with a habitat restoration or enhancement plan, provided that such activities are demonstrated to be water-dependent. A determination of water dependency shall be based on an evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, and a need for such mineral resources, economic, transportation, and land use factors. This demonstration may rely on analysis or studies prepared for purposes of comprehensive plan designations, and may be integrated with any relevant environmental review conducted under SEPA (Chapter 43.21C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a).

2. Application for permits for mining operations shall be accompanied by operation plans, reclamation plans and analysis of environmental impacts in compliance with local ordinances and sufficient to make a determination as to whether the project will result in net loss of shoreline ecological functions and processes during the course of mining and after reclamation. Creation, restoration, or enhancement of habitat for priority species and the future productivity of the site may be considered in determining no net loss of ecological functions.

3. The designation of mineral resource lands of long-term commercial significance and the development of mineral resource activities must demonstrate that mining is dependent on a shoreline location, and that demand cannot reasonably be accommodated in operations outside shoreline jurisdiction. Information required to meet this criteria shall evaluate geologic factors such as the distribution and availability of mineral resources and the need for such mineral resources.

4. A reclamation plan that complies with the format and detailed minimum standards of RCW 78.44 shall be included with any shoreline permit application for mining. In reviewing reclamation plans together with permit applications, the Administrator shall determine whether or not the plan is also consistent with this Program and other

local regulations. An inconsistent reclamation plan shall constitute sufficient grounds for denial of a shoreline permit, provided, the applicant/proponent shall be given reasonable opportunity to revise the plan.

5. Subsequent use of reclaimed sites shall be consistent with the provisions of this Program.

6. Mining of, including but not limited to, sand, gravel, cobbles, or boulders from any alkaline lake or shoreline is prohibited.

7. Mining is prohibited waterward of the ordinary high water mark of the Columbia River.

8. Renewal, extension, or reauthorization of in-stream and gravel bar mining activities requires review for compliance with WAC 173-26-241(3)(h)(ii)(D)(IV).

5.10 Moorage: docks, piers, watercraft lifts, mooring buoys, floats

Policies

1. Where other community or public moorage facilities are available, individual moorage associated with a single family residence will be discouraged.

2. New moorage, excluding docks (private, joint-use, and community) accessory to single family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support intended water-dependent or public access use.

3. As an alternative to continued proliferation of individual private moorage, mooring buoys are preferred over docks or floats. Moorage facilities for new residential development of two or more lots or two or more dwelling units should provide shared moorage facilities.

4. Moorage should be spaced and oriented in a manner that minimizes hazards and obstructions to navigation and other water-oriented activities such as fishing, swimming and pleasure boating, as well as property rights of adjacent land owners.

5. Moorage should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length, width and height of piers and docks should be no greater than necessary for safety and functional use.

6. Vessels should be restricted from extended mooring on waters of the state unless a lease or permission is obtained from the DNR and impacts to navigation and public access are mitigated.

7. Moorage facilities should not be constructed of materials that will adversely affect water quality or aquatic plants and animals.

8. New moorage facilities should be designed so as not to interfere with lawful public access to or use of shorelines.

9. Multiple agencies have permitting standards, requirements or limitations for the use and development of moorage facilities. Many of these agencies have specific ownership or easement rights. The county and cities should coordinate with federal, tribal, state and local agencies during the review of shoreline permits. The granting of a shoreline permit does not relieve a project from compliance with the standards of other agencies.

Regulations

1. ~~Shared~~ Community and joint use docks shall have no more than one slip per lot. Other forms of moorage to serve new residential development shall be limited to the amount of moorage needed to serve lots within the development with one slip each.

2. Residential moorage for individual lots is permitted in subdivisions legally established prior to February 20, 1975, where shared moorage has not already been developed or required; private moorage is also permitted for individual legal lots of record, not part of an approved subdivision. In these circumstances, moorage shall be limited to one private dock per shoreline residential lot. Lot owners shall be encouraged to utilize mooring buoys or to coordinate with adjoining property owners for shared moorage.

3. If moorage is to be provided as part of a new residential development of two or more dwelling units, moorage facilities shall be joint use or community docks. New residential developments shall contain a restriction on the face of the plat and restrictive covenants prohibiting individual docks and requiring joint use or community dock facilities. Community dock facilities should be encouraged. A site for shared moorage should be owned in undivided interest by property owners or managed by the homeowner's association as a common easement within the residential development. Community dock facilities should be available to property owners in the residential development for community access. If shared moorage is provided, the applicant/proponent shall file at the time of building permit submittal for the dock a legally enforceable joint use agreement or other legal instrument that, at minimum, addresses the following:
    a. Provisions for maintenance and operation;
    b. Easements or tracts for community access; and
    c. Provisions for joint or community use for all benefiting parties.

4. Commercial docks shall be permitted only for water-dependent uses, and if the applicant/proponent demonstrates that existing facilities in the vicinity, including marinas and shared moorage, are not adequate or feasible for the proposed water-dependent use.

5. Private moorage for float planes may be permitted accessory to existing or concurrently proposed moorage where construction would not adversely affect

shoreline functions or processes, including wildlife use. Ecological restoration may be required to compensate for the greater intensity of activity associated with the use. An analysis of potential life and navigation safety impacts shall be required in addition to the inclusion of necessary avoidance or mitigation measures by a qualified professional.

6. New and substantially expanded piers and docks shall be constructed of materials that are approved by applicable federal and state agencies for use in water to avoid adverse effects on water quality or aquatic plants and animals in the long-term for both submerged portions of the dock and decking and other components. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited.

7. Moorage facilities shall be the minimum size necessary to meet the needs of the proposed water-dependent use and shall observe the following criteria:
    a. ~~If allowed, only one private dock with one accessory float, and two watercraft lifts (the combination of one boat and one jet ski or other watercraft together) shall be permitted on a shoreline lot owned for residential or private recreational use.~~ If allowed, a maximum of two (2) moorage facilities (inclusive of docks, swim float, buoys, and/or lifts) shall be permitted per individual lot. Of this allowed moorage, a maximum of one dock may be permitted. In situations where joint use or community docks are used, the allowed moorage can be located either adjacent to the dock or waterward of the individual lot as necessary to support environmental or operational safety conditions
    ~~a.~~b. Docks with or without a float shall be the minimum required to provide for moorage. Commercial docks shall be the minimum length necessary to serve the type of vessel served. Exceptions to these length standards are addressed below.
    ~~b.~~c. Docks on the Columbia River that exceed 100 feet in length or docks which exceed 50 feet in length on a lake or sites with unique characteristics that may create navigational safety hazards shall prepare a navigational safety study.
    ~~c.~~d. Moorage shall be designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in the original moorage design shall not be grounds for approval of dredging.

8. When a public utility district, PUD, owns land between a residential development and the ordinary high water mark of the shoreline, the following requirements shall apply:
    a. Applications for moorage facilities must include authorization from the applicable PUD, in order for application materials to be determined complete. Authorization will either consist of a written letter or signature on the application by the PUD.
    b. Where proposed moorage facilities receive shoreline permit approval, permit conditions shall require that the county or city receive written verification from

the PUD of compliance with all applicable standards of the PUD prior to site work commencing or building permit issuance by the jurisdiction.

c. Language on the face of the plat and restrictive covenants shall prohibit individual docks and require joint use or community dock facilities, when such facilities are permitted by all applicable agencies, including the PUD.
d. Access easements or tracts shall provide access to the PUD property, in a location approved by the PUD.

Plat covenants and restrictions do not guarantee a PUD permit or approval will be issued. Plat covenants and restrictions will not vest a property right to the intervening PUD lands. All permits or approvals issued by a PUD are personal and conditional in nature and may be cancelled at any time and for any reason.

9. In order to minimize impacts on near shore areas and avoid reduction in ambient light level:
   a. Pier and ramp construction must meet the following standards:
      (1) The width of piers and ramps shall not exceed 4 feet for single or joint-use docks. Greater widths may be permitted for community, public or commercial docks where use patterns can justify the increase;
      (2) The bottom of the pier or bottom of the landward edge of a ramp, must be elevated at least two (2) feet above the plane of OHWM;
      (3) Pier and/or ramp surfaces are to consist of either grating or clear translucent material; and
      (4) Pier and ramp construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.

   b. Float construction must meet the following standards:
      (1) Any float materials that are in contact with the water must be white or translucent;
      (2) Flotation materials must be permanently encased to prevent breakup and release of small floatation pieces;
      (3) Decking or surface area of the float must consist of either grating or clear translucent material;
      (4) Floats cannot be located where they could impede fish passage; and
      (5) Float construction shall meet or exceed the standards and/or requirements of the Washington State Departments of Ecology, Fish and Wildlife, and Natural Resources and the United States Army Corps of Engineers.

10. Private docks shall not encroach into the required side yard setbacks for residential development (both onshore and offshore); provided that, a shared moorage may be located adjacent to or upon a side property line of the affected properties upon filing of an easement agreement or other legal instrument by the affected property owners.

11. Piers and docks shall use pile supports unless engineering studies demonstrate that pile supports are insufficient to ensure public safety. Rip-rapped or bulkheaded fills may be approved only as a conditional use and only when demonstrated that no feasible alternative is available. Mitigation shall be provided to ensure no net loss of shoreline ecological functions and processes.

12. Mooring buoys shall be placed at a distance specified by state and federal agencies to avoid near shore habitat and to minimize obstruction to navigation. Anchors and other design features shall meet Washington Department of Fish and Wildlife and/or Department of Natural Resources standards.

13. Commercial covered moorage may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be necessary over water, including demonstration that adequate upland sites are not feasible. All other covered moorage is prohibited.

~~13.~~14. Covered moorage for emergency vessels may be permitted where construction will result in no net loss of ecological functions and values.

~~14.~~15. Water supply, sewage disposal and disposal of non-hazardous materials associated with activities on docks and piers shall conform to applicable health standards.

~~15.~~16. Moorage facilities shall be marked with reflectors, or shall be otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally non-reflective.

~~16.~~17. Moorage facilities shall be constructed and maintained so that no part of a facility creates hazardous conditions nor damages other shore property or natural features during predictable flood conditions. Floats shall be securely anchored.

~~17.~~18. No pier, dock, or watercraft or houseboat moored thereto shall be used for a residence. Boaters may not reside in their vessels for other than short term recreational use, not exceeding 14 days in any sixty day period.

~~18.~~19. Storage of fuel, oils, and other toxic materials is prohibited on docks and piers except portable containers when provided with secondary containment.

~~19.~~20. Public access facilities shall be provided in accordance with policies and regulations in Section 4.6 Public Access.

~~20.~~21. A list of dock, boat lift, and mooring buoy design parameter recommendations should be developed through coordination among the cities, the county, U.S. Army Corps of Engineers, Washington State Department of Fish and Wildlife, Ecology, and Natural Resources, U.S. Fish and Wildlife Service, NOAA Fisheries, and local public utility districts. Substantial development permits for mooring buoys and docks

with less than 10 slips that address these recommendations may be reviewed administratively in all shoreline areas except for the natural shoreline environment.

~~21.~~22. All moorage facilities must permanently mark all of the components with name, address, telephone number and the date of installation.

~~22.~~23. In the natural environment designation moorage facilities must be compatible with the area's physical and visual character may be conditionally permitted subject to policies and regulations of this Program.

~~23.~~24. Moorage facilities shall avoid locations that will adversely impact shoreline ecological functions or processes.

~~24.~~25. Applicants for moorage facilities shall provide habitat surveys, critical area studies, and mitigation plans as required by Section 4.1, Ecological Protection and Critical Areas. A slope bathymetry map may be required when deemed beneficial by the Administrator for the review of the project proposal.

5.11 Recreation

Policies

1. Recreational development should be given priority for shoreline location to the extent that the use facilitates the public's ability to access (visual and physical), enjoy, and use the water and shoreline in accordance with Section 4.6 Public Access.

2. New recreational facilities should be located along the shoreline in a dispersed linear pattern that provides recreational access and aesthetic enjoyment of the shoreline for a substantial number of people consistent with the purpose of the specific shoreline environment designation and level of service standards in the comprehensive plans.

3. The linkage of shoreline parks and public access points should be considered with the use of linear access routes such as walking paths, bicycle trails and/or scenic drives. Such linkages may serve both a recreation and transportation function.

4. Recreational uses and development should provide for the preservation and enhancement of scenic views and vistas.

5. Ensure that recreational facilities do not interfere with the use and enjoyment of adjacent properties by providing buffering when necessary between the recreation development and adjacent private property.

6. Prohibit the use of motorized vehicles other than service vehicles on beaches, dunes and fragile shoreline resources.

7. Recreational uses and facilities should be designed and located to ensure no net loss of critical areas and shoreline ecological functions.

8. Opportunities incorporating educational and interpretive information should be pursued in design and operation of recreation facilities.

9. Recreation uses and facilities should be located only where utility infrastructure and road capability is adequate, commensurate with the intensity of anticipated users to protect the public health, safety and welfare.

10. Where consistent with the provisions of this Program, development should specifically support opportunities to increase or enhance the following forms of recreation: boating, fishing, camping, hiking, bicycle riding, swimming and picnicking.

11. Commercial recreational facilities should be consistent with the provisions of Section 5.4 Commercial Use.

12. The use of native plant species in new recreation facilities is preferred over the use of plant types that need extensive maintenance and support (mowing, pruning, irrigation, etc).

~~12.~~13. Increase recreational opportunities for those with disabilities consistent with the minimum requirements of the United States Access Board's Accessibility Standards for Federal Outdoor Developed Areas that also maintain shoreline habitat functions and values.

Regulations

1. Recreational development is a priority use of the shoreline. Preference is given to water-dependent uses such as fishing, swimming, and boating. Water-related and water-enjoyment uses such as picnicking, hiking, and walking are permitted provided they do not displace water-dependent uses and are consistent with the specific shoreline environment. Non-water-related recreation facilities and/or support facilities such as parking lots shall be located in upland areas.

2. Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area.

3. Commercial and public recreation areas or facilities on the shoreline shall provide public access (physical or visual) consistent with Section 4.6, Public Access.

4. Commercial recreational facilities shall be consistent with the provisions of Section 5.4 Commercial Use.

5. Recreational uses and facilities shall be designed and located to ensure no net loss of critical areas and shoreline ecological functions

6. Recreational facilities shall incorporate means to prevent erosion, control the amount of runoff and prevent harmful concentrations of chemicals and sediment from entering water bodies in accordance with the policies and regulations of Section 4.2, Water Quality.

7. State-owned shorelines of the state are priority locations for wilderness beaches, ecological study areas and other recreational activities for the general public.

8. Use of motor vehicles including recreational off-road vehicles is permitted only on roads or trails specifically designated for such use as necessary for public health and safety or for maintenance of the recreation facility.

9. Recreational facilities specifically designed for off-road vehicle use are prohibited on, or in, beaches, streams, or wetlands and their associated buffers.

10. Within the natural environment designation, passive water-oriented recreational development, such as primitive trails or primitive campsites is permitted subject to the following criteria:
    a. Substantial alterations to topography or native vegetation are prohibited; and
    b. Any necessary landscaping or site restoration shall use native or similar self-maintaining vegetation.

11. Water dependent recreation access consistent with the minimum requirements of the United States Access Board's Accessibility Standards for Federal Outdoor Developed Areas that does not result in an increase of greater than 15% impervious surfaces within the shoreline.

5.12 Residential

Policies

1. New residential development should be planned and built in accordance with the policies and regulations of this Program, including without limitation Section 4.1 Ecological Protection and Critical Areas.

2. Single family residences are a priority use when developed in a manner consistent with control of pollution and prevention of damage to the shoreline.

3. Residential development, including appurtenant structures and uses, should be set back an adequate distance from steep slope areas and shorelines vulnerable to erosion to ensure that shoreline and/or soil stabilization structures will not be needed to protect the residential use. (e.g. bulk-heads, rip rap or other shoreline or slope stabilization structures.)

4. Residential development should be sited in locations sufficiently set back from flood prone areas to ensure that flood hazard protection measures are not necessary to protect the structure.

5. New multi-unit residential developments, including short plats and subdivisions, should provide access (visual and physical) to the shoreline in conformance with Section 4.6, Public Access.

6. New over-water residential development is prohibited.

7. Allowable density of new residential development should comply with applicable comprehensive plan goals and policies, zoning restrictions and shoreline environment designation standards.

8. Residential structures or development of uses accessory to residential projects must be designed and constructed in a manner that will result in no net loss of shoreline ecological functions and processes.

9. Measures to conserve native vegetation should be implemented in conformance with Section 4.1, Ecological Protection and Critical Areas and Section 4.3 Vegetation Conservation.

10. Whenever possible, non-regulatory methods to protect, enhance and restore shoreline ecological functions and other shoreline resources should be encouraged for residential development. Such methods may include resource management planning, low impact development techniques, voluntary protection and enhancement projects, education, and/or incentive programs.

11. Encourage residential development that provides common ownership of the shoreline to protect views of the shoreline, provide equitable access for property owners and to protect the natural character and functions of the shoreline consistent with other provisions in the Master Program.

12. Increase access for those with disabilities consistent with the minimum requirements of the United States Access Board's Accessibility Standards for Federal Outdoor Developed Areas that also maintain shoreline habitat functions and values.

Regulations:

1. New residential development will not be approved in cases when it can be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the floodway during the life of the development or use.

2. New residential development shall assure that the development will not require shoreline or slope stabilization measures. Where located in a designated geologically hazardous area, a geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary; setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, riparian shoreline and erosion areas, shall be sufficient to protect

structures during the life of the structure; and impacts to adjacent, downslope or down-current properties are not likely to occur during the life of the lots created.

3. New over-water residential structures, including floating homes, are prohibited.

4. Minimum required setbacks from critical area buffers and side property lines, maximum height limits and density standards are contained in Section 5.13 Shoreline Bulk and Dimensional Standards.

5. Residential development shall make provisions for vegetation conservation in conformance with Section 4.3 Vegetation Conservation.

6. Shoreline access for residential development shall incorporate access to publicly owned shorelines or public water bodies as provided for in Section 4.6, Public Access.

7. New stairways built for access to the shoreline may be permitted when consistent with the provisions of this Master Program and the project proponent demonstrates that:
    a. Existing shared, public or community facilities are not adequate or available for use;
    b. The possibility of a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible; and
    c. The stairway is designed and located such that:
        (1) subsequent shoreline modification, including the installation of shoreline stabilization, solely for the purpose of protecting the structure is not necessary;
        (2) removal or modification of existing shoreline vegetation is the minimum necessary to accomplish the purpose, and is planned to be replaced with appropriate native species within the next growing season; and
        (3) no fill or other modification waterward of the ordinary high water mark is necessary to construct or use the structure.

8. New lots located all or in part within the natural environment designation outside of urban growth areas, shall not be less than 10 acres in area, as measured landward of the ordinary high water mark.

9. Non-conforming residential uses.

    a. Residential structures and appurtenant structures, as defined by RCW 90.58.620 and Section 8, Definitions, No. 17 herein, including related yard improvements, that were legally established and used for a conforming use which are located landward of the ordinary high water mark, and do not meet the standards of this program with the respect to setbacks, buffers, yards, area, bulk, height or density are considered to be conforming.

b. A legally established lot, use, or structure may be continued, transferred or conveyed and/or used and considered conforming.

c. Establishing status. To establish a use or structure as lawful it shall be determined by a joint collaboration between the property owner and the jurisdiction from one of the following:

(1) Local agency permit;
(2) Orthophoto, aerial photo or planimetric mapping recognized as legitimate by the Administrator;
(3) Tax Records; or
(4) Other verifying documents.

d. Maintenance and Repair of Structures. Normal maintenance and incidental repair of legal structures shall be permitted provided that the maintenance shall not create nonconformity.

e. Reconstruction or Replacement. Reconstruction, restoration, or repair (and remodeling) of a legal structure damaged by fire, flood, earthquake, falling trees or limbs, or other disasters, shall be permitted provided, that such reconstruction shall not result in the expansion of the structure into or towards the critical area or its buffer, or in a manner that increases the potential impact on the critical area or risk of harm to public safety.

f. Expansion. Within a critical area or its buffer, no residential use or structure may be expanded, enlarged, extended, or intensified in any way unless such modification is in full compliance with this Program or the terms and conditions of approved permits pursuant to this Program. Approved expansions must be consistent with standards of the zoning code in which such building, structure, or land use lies and all of the following:

(1) the area of expansion is no more than forty percent (40%) of the habitable floor area of the existing residence;
(2) the expansion does not exceed the allowed height limit;
(3) the expansion is no further waterward of the existing structure;
(4) when required by Section 4.1 or Appendix H, a management and mitigation plan is prepared by a qualified professional biologist that demonstrates that the expansion will result in no net loss of shoreline ecological functions. Mitigation may not be required for landward expansion of the existing structure if it can be demonstrated that the shoreline function ends at the waterward side of the structure (i.e., functional break);
(5) an exemption is issued for the project based on the request by the applicant that is accompanied by a site plan and construction plans sufficient to depict the expansion.

~~8.~~10. Residential access that meets the minimum requirements of the United States Access Board's Accessibility Standards for Federal Outdoor Developed Areas that does not result in an increase of greater than 15% impervious surfaces within the shoreline.

5.13 Shoreline bulk and dimensional standards

Policies:

1. Standards for density, setbacks, height, and other provisions should ensure no net loss of shoreline ecological functions and/or processes, and should preserve the existing character of the shoreline, consistent with the purpose of the shoreline environment designations.

Regulations

1. Table 2 establishes the minimum dimensional requirements for development. Dimensional standards are measured on the horizontal plane, as applicable. Dimensional standards relating to critical areas are governed by the provisions of Section 4.1 Ecological Protection and Critical Areas.

2. Bulk and dimensional standards shall be coordinated with locally adopted zoning and development standards to protect the natural character of the shoreline and ensure no net loss of shoreline ecological functions and processes consistent with the purpose of the environment designation. In the event the provisions of this Program conflict with provisions of federal, state, county or city regulations, the more protective of shoreline resources shall prevail, when consistent with Shoreline Management Act policy.

3. No new structures within the shoreline shall exceed a height of 35 feet above average grade level, except as provided herein.

4. Proposals for new or expanded commercial, multi-family or mixed uses structures exceeding the 35 foot building height limitation shall be processed as a variance as provided for in WAC 173-27-170. In addition to the findings in WAC 173-27-170, the following standards shall be met:
    a. The proposed building shall not obstruct the view of the water for a substantial number of residential buildings located with a view of the adjoining shoreline.
    b. The applicant shall provide a view analysis identifying the properties and structures located within the view corridor for that shoreline demonstrating the level of obstruction represented by the proposed structure for each affected property.
    c. The view corridor shall include residential buildings located outside of the shoreline area if it can be clearly demonstrated that the property has significant water views.
    d. To insure that the analysis is cumulative in nature, it shall include vacant existing parcels of record as well as existing structures. Vacant parcels of

record shall be assumed to be developed with structures complying with the 35 foot height limitation.

e. If it can be demonstrated that the proposed structure obstructs less than 30% of the view of the shoreline enjoyed by the structures within the view corridor, the property may be eligible for the height variance. (Example: no residence has more than 30% of their view obstructed by the proposed development).
f. The structure shall be located and oriented on the subject property in a manner that diminishes the potential view impact.
g. In consideration of the potential view obstruction resulting from the proposed structure, side yard setbacks may need to be increased. No side yard setbacks shall be reduced to accommodate the proposed structure.
h. Extraordinary circumstances are demonstrated and the public interest will be served by the proposed development.

5. Where permitted above ground, power poles and transmission towers are not subject to height limits but shall not be higher than necessary to address public safety and meet Federal and State standards.

6. The following development activities are not subject to side yard setbacks, provided that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline functions and processes, and provided further that they comply with all applicable regulations in Appendix H and local zoning and development standards:
    a. Those portions of approved water-dependent development that require a location waterward of the ordinary high water mark of rivers and lakes, associated wetlands and/or within their associated buffers.
    b. Underground utilities.
    c. Modifications to existing development that are necessary to comply with environmental requirements of any agency, when otherwise consistent with this Program, provided that the Administrator determines that the facility cannot meet the dimensional standard and accomplish the purpose for which it is intended and the facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible, and the modification is in conformance with the provisions of Section 1.11 Prior Development and Nonconformance, for non-conforming development and uses.
    d. Roads, railways and other essential public facilities that must cross shorelines and are necessary to access approved water-dependent development.
    e. Stairs and walkways not greater than 5 feet in width nor 18 inches in height above grade, except for railings.
    f. An essential public facility or public utility where the Administrator determines that no feasible alternative location will accommodate the use.
    g. Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents.

7. Common line buffer/setback:

A common line wetland or riparian buffer/setback may be utilized for the development of a single family dwelling on an undeveloped lot, where the lot is a legal lot of record in place at the time of adoption of this Program and is located adjacent to existing residential dwelling units on both adjacent shoreline lots. The common line buffer/setback shall be determined by; averaging the buffers/setback, as measured landward from the delineated wetland or riparian boundary, for each of the adjacent residential dwelling units on the shoreline.

a. Common line buffers/setbacks shall apply when:
   (1) The width of the undeveloped lot is less than 150 feet;
   (2) The lot is located within an Urban Growth Area, Planned Development, Rural Service Center or Rural Recreation zoning districts, or is a cluster lot.
b. Common line buffers/setbacks shall not apply when:
   (1) The elevation of adjacent structures on adjacent lots are 15' higher or lower from the natural grade on the vacant center lot.
   (2) One of the adjacent lots is undeveloped.
   (3) Either of the adjacent lots has been developed since the date of adoption of this Program.
   (4) Greater than 250 cubic yards of grade or fill needs to occur in order to accommodate utilizing the common line buffer/setback.
c. A management and mitigation plan prepared by a qualified professional biologist shall be submitted and approved which demonstrates no net loss of ecological functions for the site in conformance with the applicable appendices of the jurisdiction in Appendix H.

8. Critical area buffer:
   See Appendix H for critical areas buffer standards within shoreline jurisdiction.

9. Density of development:
   Residential density standards ~~for urban and rural areas are listed below~~are regulated by the City Zoning Code and comprehensive plan. Additional standards which apply to impervious surface area and water quality review may be found in Section 4.2, Water Quality. Submerged lands within the boundaries of any waterfront parcel, located waterward of the ordinary high water mark, shall not be used in density calculations.

   ~~Rural density standards- Where permitted, multi-family development, duplexes, subdivisions and short plats outside of urban growth boundaries shall not exceed the following maximum density standards, in addition to compliance with all other applicable provisions of this Program:~~

   - ~~Urban conservancy: 3 dwelling units per acre~~
   - ~~Shoreline residential: 3 dwelling units per acre~~
   - ~~Rural conservancy: 1 dwelling unit per 2 acres~~
   - ~~Natural: 1 dwelling unit per 10 acres~~

~~Density for subdivisions, short plats, and multi-family and duplex development shall be calculated based on the total area of the parent parcel including those areas located outside of shoreline jurisdiction. Submerged lands within the boundaries of any waterfront parcel that are located waterward of the ordinary high water mark shall not be used in density calculations.~~

~~Urban density standards- Where permitted, multi-family development, duplexes, subdivisions and short plats within urban growth boundaries shall not exceed the following maximum density standards, in addition to compliance with all other applicable provisions of this Program:~~

- ~~Shoreline residential: 5 dwelling units per acre~~
- ~~Urban conservancy: 17 dwelling units per acre~~
- ~~High intensity & Mixed-Use: 26 dwelling units per acre~~
- ~~Natural: 1 dwelling unit per 10 acres~~

~~The maximum allowable development density shall be calculated based upon the area of the parent parcel located within the shoreline jurisdiction. Submerged lands within the boundaries of the parcel, located waterward of the ordinary high water mark, shall not be used in calculating the density of development for the land within the shoreline area or for the entire parcel. The density of that portion of the parent parcel located outside of the shoreline jurisdiction shall be limited to the density permitted by the underlying zoning district.~~

10. Lot frontage:
    Lot frontage standards of underlying zoning districts and/or development standards of each jurisdiction may be more restrictive. The most restrictive lot frontage standard shall apply. Lot frontage refers to the minimum lot frontage for any division or exempt parcel transfer, or parcel boundary modification permitted by a local jurisdiction on the shoreline. Lot frontage shall be measure at right angles along a horizontal distance, between the side lot lines, at the most landward point of the ordinary high water mark. Lot frontage requirements are measured in feet.

Lot Frontage	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
Standard	80	100	80	100	100	150	NA

11. Table 2. Building setbacks/ ~~side yard setbacks/~~height limits:
    Building setbacks noted below are measured from the landward edge of the ~~local jurisdictions~~ critical area buffer established in Appendix H. Please refer to the Shoreline Use Matrix for a list of permitted uses, for which these standards apply.

NA- Not applicable *S- Refer to the landward standard* *SF- Single Family*
D- Duplex *MF- Multi Family*

All dimensions are in feet

Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
Agriculture: dimensions applicable to structures							
Building setback	15	15	15	15	15	15	NA
~~Side yard setback~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~
Height limit	35	35	35	35	30	25	NA
Aquaculture: dimensions applicable to structures and use							
Height limit	NA	NA	NA	NA	25	25	3
~~Side yard setback~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~500~~	~~500~~	~~500~~
Boating and moorage facilities: dimensions applicable to structures							
Height limit	25	25	25	25	25	25	15
~~Side yard setback~~	~~10~~	~~15~~	~~10~~	~~10~~	~~15~~	~~20~~	~~S~~
Commercial: dimensions applicable to structures							
Building setback	15	15	15	15	15	NA	NA
~~Side yard setback~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~	~~NA~~
Height limit	35	35	35	35	30	NA	NA
Essential public facilities: dimensions applicable to structures							
Building setback	15	15	15	15	15	15	NA
~~Side yard setback~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~
Height limit	35	35	35	35	30	25	NA

Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
Industrial: dimensions applicable to structures							
Building setback	15	NA	NA	NA	NA	NA	NA
~~Side yard setback~~	~~20~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~
Height limit	35	NA	NA	NA	NA	NA	NA
Institutional: dimensions applicable to structures							
Building setback	15	15	15	15	15	NA	NA
~~Side yard setback~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~	~~NA~~
Height limit	35	35	35	35	30	NA	NA
Mining: dimensions applicable to structures and use							
~~Side yard setback~~	~~50~~	~~100~~	~~NA~~	~~NA~~	~~100~~	~~NA~~	~~NA~~
Height limit	35	35	NA	NA	30	NA	NA
Recreational: dimensions applicable to structures							
Building setback	15	15	15	15	15	15	NA
~~Side yard setback~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~
Height limit	35	35	35	35	30	25	NA
Residential: dimensions applicable to structures							
Building setback	15	15	15	15	15	15	NA
~~Side yard setback-MF~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~	~~NA~~	~~NA~~
~~Side yard setback- D~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~NA~~	~~NA~~
~~Side yard setback-SF~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~NA~~
Height limit	35	35	35	35	30	25	NA
Signs: dimensions applicable to structures							
~~Side yard setback~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~
Height limit	15	10	15	10	10	10	NA
Utilities: dimensions applicable to structures							
Building setback	15	15	15	15	15	15	NA
~~Side yard setback~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~20~~	~~NA~~
Height limit (not including towers)	35	35	35	35	30	25	NA

12. Administrative Setback Reduction.
    The Administrator shall have the authority to reduce building and side yard setbacks established by Regulation #11 of Section 5.13, on a case-by-case basis for structures which would be placed on existing legal lots of record in place at the time of adoption of this Program. Reductions may be granted where the applicant demonstrates that all of the following criteria and standards have been met:
    a. Administrative setback reductions shall be processed in accordance with the provisions of Section 7.3.030 of this Program.
    b. The administrative setback reduction must be based upon circumstances where denial of the reduction would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental impact.
    c. The administrative setback reduction is for development that will be located landward of the ordinary high water mark.
    d. The strict application of the setback standard precludes, or significantly interferes with use of the property.
    e. That the hardship described in d) above is the result of a unique condition such as irregular lot shape, size, or natural unique conditions or features and the application of the Master Program, and not for example, from deed restrictions or the applicant's own actions.
    f. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and ~~shoreline master program~~SMP and will not cause adverse impacts to the shoreline environment.
    g. That the setback reduction will not constitute a grant of special privilege not enjoyed by the other properties in the area.
    h. That the reduction requested is the minimum necessary to afford relief.
    i. The maximum setback reduction allowed shall not exceed twenty-five (25) percent, and in no case may be reduced to less than the setback requirement of the underlying zoning district.
    j. Sites which utilize this provision are not eligible for any future setback reductions, except as administered under Section 6.8 Variances, of this Program.

5.14 Shoreline stabilization

Policies

1. Alternatives to structures for shoreline protection should be used whenever possible. Such alternatives may include no action, increased building setbacks, building relocation, drainage controls, and bioengineering, including vegetative stabilization, and beach nourishment.

2. New or expanded structural shoreline stabilization for new primary structures should be avoided. Instead, structures should be located and designed to avoid the need for future shoreline stabilization where feasible. Land divisions should be designed to

assure that future development of the created lots will not require structural shoreline stabilization for reasonable development to occur.

3. New or expanded structural shoreline stabilization should only be permitted where demonstrated to be necessary to protect an existing primary structure that is in imminent danger of loss or substantial damage, and where mitigation of impacts would not cause a net loss of shoreline ecological functions and processes.

4. New or expanded structural shoreline stabilization for enhancement, restoration, or hazardous substance remediation projects should only be allowed when non-structural measures, vegetation planting, or on site drainage improvements would be insufficient to achieve enhancement, restoration or remediation objectives.

5. Shoreline stabilization should not be permitted that would interfere with public access to shorelines, nor with other appropriate shoreline uses.

6. Provisions for multiple use, restoration, and/or public shoreline access should be incorporated into the location, design and maintenance of shoreline stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shore stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.

7. Shoreline stabilization should be developed in a coordinated manner among affected property owners and public agencies. Where erosion threatens existing development, a comprehensive program for shoreline management should be established.

8. In addition to conformance with the regulations in this section, non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged for shoreline stabilization. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, or other incentive programs.

9. Failing, harmful, unnecessary, or ineffective structures should be removed, and shoreline ecological functions and processes should be restored using non-structural methods or less harmful long-term stabilization measures.

10. Materials used for construction of shore stabilization should be selected for long-term durability, ease of maintenance, compatibility with local shore features including aesthetic values, and flexibility for future uses.

11. Larger works such as jetties, breakwaters, weirs or groyne systems should be permitted only for water-dependent uses when the benefits to the region outweigh short term resource losses from such works, and only where mitigated to provide no net loss of shoreline ecological functions and processes.

12. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.

Regulations

1. New development or land divisions with a known or suspected geological hazard shall be set back from the geologic hazard or designed sufficiently to ensure that shoreline stabilization is not required during the life of the project, as demonstrated by a geotechnical analysis prepared in conformance with Section 4.1 Ecological Protection and Critical Areas.

2. New, expanded or replacement shoreline stabilization shall not be permitted unless it can be demonstrated that the proposed measures will not result in a net loss of shoreline ecological functions.

3. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, are prohibited unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by stream processes or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.

4. New shoreline stabilization for new water-dependent development is prohibited unless it can be demonstrated that:
    a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
    b. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.

5. New shoreline stabilization for new non-water-dependent development, including single family residences, is prohibited unless it can be demonstrated that:
    a. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
    b. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient; and
    c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as stream processes or waves.

6. Where shoreline stabilization is allowed, it shall consist of “soft”, flexible, and/or natural materials or other bioengineered approaches unless a geotechnical analysis demonstrates that such measures are infeasible.

7. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect primary uses or structures or public facilities including roads and bridges, railways, and utility systems, from erosion caused by stream undercutting or wave action. A geotechnical analysis shall be required to document that alternative solutions are not feasible or do not provide sufficient protection. Existing shoreline stabilization structures that are being replaced shall be removed from the shoreline unless removal of such structures will cause significant damage to shoreline ecological functions or processes. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill to qualify for single family home exemption. Replacement walls, bulkheads or revetments shall not encroach waterward of the ordinary high water mark or the existing shore defense structure unless the primary use being protected is a residence that was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

8. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Department of Fish and Wildlife.

9. Groynes are prohibited except as a component of a professionally designed community or public beach management program that encompasses an entire reach for which alternatives are infeasible, or where installed to protect or restore shoreline ecological functions or processes.

10. Jetties and breakwaters are prohibited except as an integral component of a professionally designed marina. Where permitted, floating, portable or submerged breakwater structures, or smaller discontinuous structures are preferred where physical conditions make such alternatives with less impact feasible.

11. New or expanded shoreline stabilization may be permitted to protect projects with the primary purpose of enhancing or restoring ecological functions, or hazardous substance remediation permits pursuant to RCW 70.105D, Hazardous Waste Cleanup, when non-structural approaches, such as vegetation planting, and/or onsite drainage improvements are not feasible or do not provide sufficient protection.

12. Proposed designs for new or expanded shoreline stabilization shall be designed and certified by a qualified engineer and a qualified biologist.

13. No motor vehicles, appliances, other similar structures nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for shore stabilization.

14. The size of shore stabilization measures shall be limited to the minimum necessary to provide protection for the primary structure or use it is intended to protect.

15. Public access shall be provided for publicly financed shoreline erosion control measures consistent with the requirements of WAC 173-26-231(3)(a)(iii)(E).

16. 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.

17. Hard armoring solutions should not be authorized except when a geotechnical report confirms that there is a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of 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. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.

18. Shoreline stabilization for the purposes of addressing mass wasting or erosion due to upland conditions shall also be in conformance with Section 4.1 Ecological Protection and Critical Areas.

5.15 Signs

Policies

1. Signs should be located, designed and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.

2. Sign location and design should not significantly impair shoreline views or public access.

3. As a preferable alternative to single purpose signs, communities, districts, and/or multiuse or multi-tenant commercial developments should be encouraged to erect single, common use gateway signs to identify and give directions to local premises and public facilities.

4. Signs of a commercial or industrial nature should be limited to those areas or premises to which the sign messages refer.

5. Billboards and other off-premise signs should not be located on shorelines except for approved community gateway or directional signs.

6. Signs near scenic vistas and view points should be restricted in number, location, and height so that enjoyment of these limited and scarce areas is not impaired.

7. Free-standing signs should be located to avoid blocking scenic views and be located on the inland side of public transportation routes.

8. Moving or flashing signs should be prohibited on shorelines.

Regulations

1. Signs required by law shall not be subject to limitations with respect to the number, location, and/or size, provided that they are the minimum necessary to achieve the intended purpose. Such signs include, but are not limited to, official or legal notices issued and posted by any public agency or court, or traffic directional or warning signs.

2. All building and wall signs shall be integrated with building design. Roof signs shall be designed to occupy a design feature of the roof such as a dormer or gable and may not be placed above the peak of a pitched roof or the eve of a flat roof. Projecting signs shall be incorporated in a marquee, canopy, or other architectural feature.

3. Sign illumination shall be indirect incorporating exterior lighting shining on the sign, or shadow illumination behind non-transparent materials. Internally illuminated signs are prohibited.

4. Any signs or other devices which flash, blink, flutter, rotate, oscillate, or otherwise purposely fluctuate in lighting or position, in order to attract attention through their distractive character are prohibited on shorelines; provided that, pennants, banners and other devices of seasonal, holiday, or special event character may be utilized for up to ninety (90) days in one (1) year.

5. To protect views from the water free-standing signs are prohibited between buildings, and/or the public right of way and OHWM.

6. Directional or interpretive signs up to 2 square feet in area relating to public access areas, and required traffic safety signs may be permitted between such rights-of-way and water bodies.

7. All signs authorized by this Program are subject to the setbacks provided in Table 2 of Section 5.13 Shoreline Bulk and Dimensional Standards.

8. Building mounted signs are subject to setbacks applicable to buildings. Height of wall signs may be measured from the floor elevation of the uppermost finished story.

9. Temporary construction and real estate signs not exceeding thirty-two square feet in area are permitted.

10. Temporary political signs not exceeding thirty-two square feet in area which, during a campaign, advertises a candidate for public elective office, a political party, or promotes a position of a public issue, provided such signs are not posted in public right-of-way and are removed within thirty days following the election.

11. Signs which are not accessory to a permitted use except as described in regulations 1, 6, 9, and 10 of this section shall be prohibited within the natural environment designation.

5.16 Transportation

Policies

1. New public or private transportation facilities should be located inland from the water, preferably out of the shoreline, unless:
    a. Perpendicular water crossings are required for access to authorized uses consistent with this Program; or
    b. Facilities are primarily oriented to pedestrian and non-motorized use and provide an opportunity for a substantial number of people to enjoy shoreline areas, and are consistent with policies and regulations in Section 4.1 Ecological Protection and Critical Areas.

2. Transportation facilities should be located and designed to avoid public recreation and access areas and significant natural, historic, archaeological or cultural sites.

3. Parking should only be allowed to support authorized uses where no feasible alternatives exist.

4. Circulation planning should include systems for pedestrian, bicycle and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with this Master Program.

5. Transportation system route planning, acquisition, and design in the shoreline should provide space wherever possible, for compatible multiple uses such as utility lines, pedestrian shore access or view points, or recreational trails.

6. Transportation system plans and projects within shorelines should accommodate non-motorized traffic such as pedestrians, bicyclists, or equestrians. Space for such uses should be encouraged along roads on shorelines and should be considered when rights-of-way are being disposed of or abandoned.

7. Viewpoints, parking, trails and similar improvements should be considered for transportation system projects in shoreline areas.

8. Public transportation routes should be located, designed, and maintained to provide safe enjoyment of adjacent shoreline areas.

Regulations

1. Transportation facilities on shorelines shall be designed to generally follow natural topography, to minimize cuts and/or fills, and to avoid adverse impacts to shoreline ecological functions and processes. Facilities close to water, wetlands or other sensitive features shall incorporate the maximum feasible buffer of native vegetation in accordance with critical area regulations.

2. Non-motorized transportation facilities shall be incorporated within planned transportation improvements.

3. Parking facilities are not a water-dependent use and shall only be permitted in the shoreline to support an authorized use where it can be demonstrated that there are no feasible alternative locations away from the shoreline. Parking facilities shall be buffered from the water's edge and less intense adjacent land uses by vegetation, undeveloped space, topography, or structures developed for the authorized primary use.

4. Transportation facilities shall be constructed of materials which will not adversely affect water quality or aquatic plants and animals over the long-term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash, rain or runoff. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Preferred materials are concrete and steel.

5. Parking areas shall be developed utilizing low impact development techniques whenever possible including, but not limited to, the use of permeable surfacing materials as allowed by the local jurisdiction ordinances.

6. Transportation development shall be carried out in a manner that maintains or improves state water quality standards for affected waters.

7. Maintenance activities, including vegetation control and erosion control, shall be carried out consistent with this Program. Necessary minor resurfacing of existing roadways and replacement of culverts that improve shoreline ecological functions may be exempt from substantial development permit requirements.

8. Any proposed vacation of right of way for a street or alley that abuts a body of water shall only be pursued if it is in conformance with RCW 36.87.130 or RCW 35.79.035.

9. Transportation facilities proposed within shoreline jurisdiction shall document that the facility cannot be feasibly located outside of shoreline jurisdiction due to the uses

served or the need to connect specific end points. An analysis of alternatives may be required.

10. Applicants shall document the location, design and use achieves no net loss of shoreline ecological functions and incorporates appropriate mitigation.

11. Applicants shall document that facilities avoid public recreation areas and significant natural, historic, archaeological or cultural resources, or that no alternative is feasible outside of the shoreline and that all feasible measures to minimize adverse impacts have been incorporated into the proposal.

5.17 Utilities

Policies

1. New public or private utilities should be located inland from the water unless,
    a. Perpendicular water crossings are unavoidable; or
    b. Utilities are required for authorized shoreline uses consistent with this Master Program.

2. Utilities should be located and designed to avoid adverse impacts to public recreation and public access areas and significant natural, historic, archaeological or cultural resources.

3. Utilities should be located, designed, constructed, and operated to result in no net loss of shoreline ecological functions and processes.

4. Site planning and rights of way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible; utility right-of-way acquisition should also be coordinated with transportation and recreation planning.

5. Utilities should be located in existing rights of way and corridors.

6. Utilities serving new development shall be located underground, where practical.

7. Development and/or maintenance of utility facilities that would disrupt shoreline ecological functions should be discouraged. When permitted, facilities and/or maintenance should not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

Regulations

1. All applicants shall document that the facility cannot be feasibly located outside of shoreline jurisdiction due to the uses served or the need to cross shorelands to connect specific end points. An analysis of alternatives may be required. New or expanded public or private utilities should be located inland from the water, preferably out of shoreline jurisdiction.

2. All applicants shall document that the proposed facilities comply with critical area regulations in Section 4.1, Ecological Protection and Critical Areas.

3. All applicants shall document how the location, design and use achieves no net loss of shoreline ecological functions and incorporates appropriate mitigation.

4. Applicants shall document that facilities will avoid adverse impacts to public recreation areas and significant natural, historic, archaeological or cultural sites, and that all feasible measures to minimize adverse impacts to such resources have been incorporated into the proposal.

5. Applications must demonstrate adequate provisions for preventing spills or leaks, as well as procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.

6. Applications must demonstrate that the utility facility has located in existing right-of-way corridors where feasible.

7. Applications must demonstrate that the utility facility minimizes conflicts with present and planned uses of the shoreline.

8. Facilities shall not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access and archaeological, historic, and cultural resources, and aesthetic resources.

9. Some utilities have critical location requirements, but are not normally water-dependent. Components that are not water-dependent shall not be located within the shoreline jurisdiction unless alternatives are infeasible and shall include analysis of alternative routes, and alternative designs which avoid or minimize impacts. Facilities not water depend~~a~~ent include, but are not limited to:
    a. Sewage trunk lines, interceptors, and pump stations.
    b. Oil, gas and natural gas pipelines.
    c. Energy and communication systems including substations, towers, and transmission/distribution lines.

10. Solid Waste Facilities:
    a. Facilities for processing and storage and disposal of solid waste are not normally water-dependent. Components that are not water-dependent shall not be permitted within the shoreline jurisdiction.
    b. Disposal of solid waste on shorelines or in water bodies shall not be permitted.
    c. Temporary storage of solid waste in suitable receptacles is permitted as accessory use to a primary permitted use, or for litter control.

11. Developers and operators of pipelines and related appurtenances for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.

12. Poles or supports treated with creosote or other wood preservatives shall not be used in the water, along shorelines where contact with groundwater may occur or associated wetlands.

13. Where road right of ways or easements are within 150 feet and also are parallel to the shoreline for more than 500 feet, no new overhead wiring shall be installed between the road and OHWM.

14. Utilities for new development within the shoreline shall be installed underground.

15. Where federal requirements do not exempt hydroelectric facilities, dams, and diversion and tailrace structures from the provisions of this Program, such facilities shall be a conditional use.

6. Administration and procedures

Sections:
6.1 Administrator
6.2 SEPA official
6.3 Hearing examiner
6.4 Planning commission
6.5 City councils and board of county commissioners
6.6 Shoreline substantial development permits
6.7 Shoreline exemptions
6.8 Variances
6.9 Conditional uses
6.10 Minimum application requirements
6.11 Application review and process
6.12 Permit conditions
6.13 Initiation of development
6.14 Permit revisions
6.15 Appeals
6.16 Rescission and modification
6.17 Duration of permits
6.18 Amendments
6.19 Enforcement

6.1 Administrator

The Administrator is hereby vested with the authority to:

1. Overall administrative responsibility of this Program.

2. Grant or deny statements of exemption from shoreline substantial development permit requirements of this Program.

3. Authorize, approve or deny shoreline substantial development permits and conditional uses except for those for which the hearing examiner or city council is the designated decision maker.

4. Make field inspections as needed, and prepare or require reports on shoreline permit applications.

5. Make written recommendations to the planning commissions, board of county commissioners, city councils or hearing examiner as appropriate.

6. Advise interested persons and prospective applicants/proponents as to the administrative procedures and related components of this Program.

7. Collect fees as provided in county or city ordinances or resolutions.

8. Make administrative decisions and interpretations of the policies and regulations of this Program and the Shoreline Management Act.

6.2 SEPA official

The responsible official or his/her designee is authorized to conduct environmental review of all use and development activities subject to this Program, pursuant to WAC 197-11 and RCW 43.21C. The SEPA responsible official is designated in accordance with each participating jurisdiction's SEPA implementation ordinance.

6.3 Hearing examiner

Where a hearing examiner system has been adopted by the local jurisdiction, the hearing examiner shall have the authority to:

1. Grant or deny shoreline substantial development permits not issued administratively.
2. Grant or deny variances from this Program.
3. Grant or deny conditional uses under this Program not issued administratively.
4. Decide on appeals from administrative decisions issued by the Administrator of this Program.

6.4 Planning commission

1. Planning commissions, where established, are vested with the responsibility to review the Master Program from time to time as a major element of each jurisdiction's planning and regulatory program, and make recommendations for amendments thereof to the board of county commissioners or city councils.
2. Where a hearing examiner system has not been adopted by a local jurisdiction, and a planning commission has been established, the planning commission shall review shoreline permits which are not issued administratively and forward a recommendation to the city council.

6.5 City councils and board of county commissioners

City councils and board of county commissioners are vested with authority to:

1. Initiate an amendment to this Program according to the procedures prescribed in WAC 173-26-100.
2. Adopt all amendments to this Program, after consideration of the recommendation of the planning commission, where established. Substantive amendments shall become effective 14 calendar days from the date of ~~immediately upon adoption by~~ the Department of Ecology's written notice of final action to the City.
3. Make final decisions with regard to shoreline substantial development permits which are not issued administratively, shoreline variances, shoreline conditional uses which are not issued administratively, and appeals of administrative decisions; where the jurisdiction has not adopted a hearing examiner system.

6.6 Shoreline substantial development permits

1. A shoreline substantial development permit shall be required for all development of shorelines, unless the proposal is specifically exempt pursuant to WAC 173-27-040, as amended.

2. In order to be approved, the decision maker must find that the proposal is consistent with:

   WAC 173-27-140, “Review criteria for all development”, as amended:
   WAC 173-27-150, “Review criteria for substantial developments”, as amended.

3. Shoreline substantial development permit applications submitted in conformance with Policy 6, Section 4.1 Ecological Protection and Critical Areas; or Regulation 20, Section 5.10 Moorage: Docks, Piers, Floats, Water Craft Lifts, and Mooring Buoys, may be issued by the Administrator.

6.7 Shoreline exemptions

1. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the Master Program, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this Program and the Shoreline Management Act.

2. Exempt developments are those set forth in WAC 173-27-040; RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, as amended.

3. Letters of exemption shall be issued by a jurisdiction when required by the provisions of WAC 173-27-050.

4. No statement of exemption shall be required for other uses or developments exempt pursuant to WAC 173-27-050 unless the Administrator has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption or the Administrator determines there is a likelihood of adverse impacts to shoreline ecological functions.

6.8 Variances

1. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the Program are prohibited.

2. Variances may be authorized, provided the applicant can demonstrate compliance with WAC 173-27-170, “Review criteria for variance permits”, as amended.

6.9 Conditional uses

1. Uses specifically classified or set forth in this Program as conditional uses and unlisted uses may be authorized provided the applicant demonstrates compliance with WAC 173-27-160, ”Review criteria for conditional use permits”; and WAC 173-27-140, “Review criteria for all development”, as amended.

Commented [SN13]: John, your email notes say to add stormwater to the list of exempt activities; however this section just references state code for exemptions. Were you thinking stormwater should be added in a different section? Please note that stormwater facilities are a conditional use in Table 1.

Commented [JS14R13]: Lori, we were a bit confused about this. See previous note on use table

2. Shoreline conditional use permits for single family dwellings in the natural environment designation may be reviewed administratively.

6.10 Minimum application requirements

A complete application for a shoreline substantial development, conditional use, or variance permit shall contain, as a minimum, the information listed in WAC 173-27-180, “Application requirements for substantial development, conditional use, or variance permit”. The Administrator may vary or waive these requirements according to administrative application requirements on a case by case basis. The Administrator may require additional specific information depending on the nature of the proposal and the presence of sensitive ecological features or issues related to compliance with other county or city requirements, and the provisions of this Program.

6.11 Application and review process

Development permit review and processing shall be in conformance with Chapter 7 and all applicable provisions of this Program.

6.12 Permit conditions

In granting, revising, or extending a shoreline permit, the decision maker may attach such conditions, modifications, or restrictions thereto regarding the location, character, and other elements of the proposed development deemed necessary to assure that the development will be consistent with the policy and provisions of the Act and this Program as well as the supplemental authority provided in RCW 43.21C, as applicable. In cases involving unusual circumstances or uncertain effects, a condition may be imposed to require monitoring with future review or re-evaluation to assure conformance with the Act and this Program. If the monitoring plan is not implemented, the permittee may be found to be noncompliant and the permit may be rescinded.

6.13 Initiation of development

1. Development pursuant to a shoreline substantial development permit, shoreline variance, or conditional use shall not begin and shall not be authorized until twenty-one (21) days after the "date of filing" or until all review proceedings before the Shoreline Hearings Board have terminated.

2. Date of filing:
    a. "Date of filing" of a substantial development permit is the date of actual receipt of the decision by the Department of Ecology.

    b. The "date of filing" for a shoreline variance or shoreline conditional use permit shall mean the date the permit decision rendered by the Department of Ecology is transmitted by the department to the county or city and the applicant/proponent.

6.14 Permit revisions

1. A permit revision is required whenever the applicant/proponent proposes substantive changes, as determined by the Administrator, to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this Program or the Act. Changes that are not substantive in effect do not require a permit revision.

2. Revisions to permits must be reviewed and processed in accordance with WAC 173-27-100, “Revisions to Permits”, as amended.

6.15 Appeals

1. Appeals to the Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance, shoreline conditional use permit, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within twenty-one (21) days of filing the final decision by the city or county with the Department of Ecology.

2. Full administrative review decisions by the Administrator, based on a provision of this Program, may be the subject of an appeal to the hearing examiner by any aggrieved person. Such appeals shall be an open record hearing before the hearing examiner. Where the jurisdiction does not have a hearing examiner system, the city council shall hold an open record hearing appeal. Appeals must be submitted within fourteen (14) days after the date of decision or written interpretation together with the applicable appeal fee. Appeals submitted by the applicant or aggrieved person shall contain:

    a. The decision being appealed;
    b. The name and address of the appellant and his/her interest(s) in the application or proposed development;
    c. The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous;
    d. The specific relief sought by the appellant;
    e. The appeal fee established by the city or county.

6.16 Rescission and modification

1. Any shoreline permit granted pursuant to this Program may be rescinded or modified upon a finding by the Hearing Examiner that the permittee or his/her successors in interest have not complied with conditions attached thereto. The results of a monitoring plan may show a development to be out of compliance with specific performance standards, which may be the basis for findings of non-compliance.

2. The Administrator shall initiate rescission or modification proceedings by serving written notice of non-compliance to the permittee or his/her successors and notifying

parties of record at the original address provided in application review files. Service of the written notice shall be by both regular first class mail and certified mail, return receipt requested.

3. The Hearing Examiner shall hold a public hearing no sooner than fifteen (15) days following such service of notice, unless the applicant/proponent files notice of intent to comply and the Administrator grants a specific schedule for compliance. If compliance is not achieved, the Administrator shall schedule a public hearing before the Hearing Examiner. Upon considering written and oral testimony taken at the hearing, the Hearing Examiner shall make a decision in accordance with the above procedure for shoreline permits.

4. These provisions do not limit the Administrator, the Prosecuting Attorney, the Department of Ecology or the Attorney General from administrative, civil, injunctive, declaratory or other remedies provided by law, or from abatement or other remedies.

6.17 Duration of permits

Time duration requirements for shoreline substantial development, variance, and conditional use permits shall be consistent with the provisions of WAC 173-27-090, as amended.

6.18 Amendments

1. Amendments to the Program shall be processed in accordance with WAC 173-26-100, as amended.

2. The board of county commissioners, city council, or planning commission may initiate an amendment to this Program according to the procedures prescribed in WAC 173-26-100. Where established, the planning commission shall conduct a public hearing on any amendment proposed by a city council or the board of county commissioners.

3. Any person may petition the city council, board of county commissioners, or planning commission to amend this Program. Petitions shall specify the changes requested and any and all reasons therefore. The board of county commissioners, city council or planning commission may schedule a public hearing on said petition(s) if it deems the proposed amendment would make this Program more consistent with the Act and/or any applicable Department of Ecology Guidelines, or more equitable in its application to persons or property due to changed conditions in an area.

4. After approval or disapproval of a Master Program amendment by the Department of Ecology as provided in RCW 90.58.090, the county or city shall publish a notice that the Master Program amendment has been approved or disapproved by the Department of Ecology. For the purposes of RCW 36.70A.290, the date of publication for the amendment of a Program is the date the city or county publishes notice that the Master Program amendment has been approved or disapproved by the Department of Ecology.

5. The Administrator shall submit an annual report to the city council or board of county commissioners reviewing the effectiveness of the Program in achieving its stated purpose, goals, and objectives. Such report may also include any proposed amendments deemed necessary to increase its effectiveness or equity. If said report contains proposed amendments, the city council or board of commissioners may schedule a public hearing to consider such matter in accordance with the procedure described above.

6. Upon city council or board of commissioner's adoption of a sub area plan or significant amendments to an existing comprehensive plan within the shoreline jurisdiction; the Administrator shall prepare amendments, as appropriate, for the purpose of incorporating the goals, objectives, and standards of the new or amended plan into this Program, where consistent with the Shoreline Management Act.

6.19 Enforcement

The county or city shall bring such declaratory injunctive or other proceeding as may be necessary to assure that no uses be made of the shorelines of the state located in Douglas County contrary to the provisions of this Program or of RCW Chapter 90.58, and shall otherwise enforce RCW 90.58.210 through 90.58.230, and WAC 173-27, "Part II Shoreline Management Act Enforcement", as amended, in a cooperation with the State.

7. Permit processing procedures

Sections:
7.1 Permit, applicability and definitions
7.2 Application process
7.3 Application review
7.4 Performance assurance and guarantee

7.1 Permit, applicability, and definitions

Sub-sections:
7.1.005 Purpose and applicability
7.1.010 Definitions

7.1.005 Purpose and applicability

1. The purpose of this chapter is to enact the processes and timelines for shoreline development permitting. The objectives of this chapter are to encourage the preparation of appropriate information early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, and to provide the development community with a standardized process and predictability.
2. This chapter shall apply to permit applications for shoreline development regulated by the ~~Douglas County Regional~~ City of East Wenatchee ~~Shoreline Master Program~~SMP.

7.1.010 Definitions

Unless the context clearly requires otherwise, the definitions in this sub-section apply throughout this chapter:

1. "Application" means a request for a shoreline permit required from the local jurisdiction for proposed development or action, including, without limitation, building permits, shoreline exemptions, shoreline substantial development permits, shoreline conditional use permits, and shoreline variances.
2. "Closed record appeal" means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.
3. "Department" means the applicable jurisdiction's department or representative that administers the jurisdiction's planning, community development, land use and environmental policies and regulations.
4. "Open record hearing" means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.
5. "Public meeting" means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing.

7.2 Application process

Sub-sections:

7.2.005 Application process
7.2.015 Consolidated application process
7.2.020 Plan review
7.2.030 Determination of completeness
7.2.040 Application vesting
7.2.050 Notice of application

7.2.005 Application process

The application process shall consist of the following components:

1. Plan review;
2. Determination of completeness;
3. Notice of application;
4. Application review;
5. Notice of final decision.

7.2.015 Consolidated application process

1. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.
2. Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.
3. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedure, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.
4. If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed.

7.2.020 Plan review

1. A plan review shall be conducted to determine if the application is complete. Plan review shall determine if adequate information is provided in or with the application in order to begin processing the application and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.
2. The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with this Program, applicable comprehensive plans, development regulations and other applicable regulations.

Department staff will coordinate the involvement of agencies responsible for the review of the proposed development.

7.2.030 Determination of completeness

1. Within twenty-eight days after receiving an application, the department shall complete the plan review of the application and provide the applicant a written determination that the application is complete or incomplete.
2. An application shall be determined complete only when it contains all of the following information and materials:
    a. A fully completed and signed application;
    b. Applicable review fees;
    c. All information and materials required by the application form;
    d. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act;
    e. A plot plan disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.;
    f. Any additional information and materials identified at the pre-application meeting or required by applicable development standards, plans, policies or any other federal, state or local laws; and
    g. Any supplemental information or special studies identified by the department.
3. For applications determined to be incomplete, the department shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within fourteen days after its receipt of the additional requirements, information or materials, the department shall issue a determination of completeness or identify the additional requirements, information or materials still necessary for completeness.
4. A determination of completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.
5. A determination of completeness shall not preclude the department from requesting additional information or studies if new information is required or a change in the proposed development occurs.

7.2.040 Application vesting

An application shall become vested on the date a determination of completeness is made. Thereafter the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the department, the application shall not be considered vested until a new determination of completeness on the changes is made.

7.2.050 Notice of application

1. Within fourteen days after issuing a determination of completeness, the department shall issue a notice of application. The notice shall include, but not be limited to the following:

a. The date of application, the date of the determination of completeness, and the date of the notice of application;
b. A description of the proposed project action, a list of permits required for the application, and if applicable, a list of any studies requested;
c. The identification of other required permits not included in the application, to the extent known by the department;
d. The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;
e. A statement of the public comment period, which shall be thirty days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights;
f. The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;
g. A statement of the preliminary determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development; and
h. Any other information determined by the department to be appropriate.

2. Informing the public.
    a. The notice of application shall be mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;
    b. In addition to mailing the notice of application, the Administrator may require the notice to be posted on the subject property for the duration of the public comment period, where the Administrator finds that such additional notice may be of benefit for the public. The applicant shall be responsible for posting and maintaining the posting throughout the entire public comment period. The applicant shall obtain the notice of application sign(s) from the department upon payment of all applicable fees. The sign location and condition shall be the responsibility of the applicant until the sign(s) are returned to the department. After the public comment period, the applicant shall sign an affidavit of posting before a notary public, using the form adopted by the department, and file the affidavit of posting with the department, together with a photograph of the notice of application sign(s) posted at the site. Any necessary replacement of the notice of application sign(s) and post(s) shall be the sole responsibility of the applicant.

3. The notice of application is not a substitute for any required notice of a public hearing.

4. A notice of application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:
    a. Application for a single-family residence, accessory uses or other minor construction building permits;
    b. Application for a lot line adjustment;
    c. Any application for which limited administrative review is determined applicable;
    d. All shoreline substantial development and shoreline conditional use permits shall require a notice of application, regardless of Sub-section 7.2.050 4(a-c) of Chapter 7.
5. A State Environmental Policy Act (SEPA) threshold determination may be issued for a proposal concurrent with the notice of application.

7.3. Application review

Sub-sections:

7.3.005 Application review criteria
7.3.010 Application review classification
7.3.020 Limited administrative review of applications
7.3.030 Full administrative review of applications
7.3.040 Quasi-judicial review of applications
7.3.050 Legislative review of applications
7.3.060 Notice of final decision

7.3.005 Application review criteria

Review of an application and proposed development shall be governed by and be consistent with the fundamental policies and choices which have been made in the adopted ~~Regional Shoreline Master Program~~SMP, the comprehensive plans and development regulations. The review process shall consider the type of use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with adopted plans and regulations. In the absence of applicable development regulations or policies in this Program, the applicable requirements of the Act, RCW 90.58, and WAC 173-26 &27 shall be determinative.

7.3.010 Application review classification

1. Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels: limited administrative review, full administrative review, quasi-judicial review and legislative review.
2. If this Program provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then the application for such development shall be processed and reviewed accordingly. If this chapter does not provide for a specific type of review or if a different review procedure is not required by law, then the department shall determine the type of review to be used for the type and intensity of the proposed development.
3. Any public meeting or required open hearing may be combined by the Department with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the jurisdiction and within the time limits of this Chapter and RCW 36.70B.

7.3.020 Limited administrative review of applications

Limited administrative review shall be used when the proposed development is subject to clear, objective and nondiscretionary standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of review are single-family building permits, accessory dwelling units, and shoreline exemptions which

do not require a letter of exemption. The department may approve, approve with conditions, or deny the application after the date the application is accepted as complete, without public notice. The decision of the department is final. There is no administrative appeal of a limited administrative review decision.

7.3.030 Full administrative review of applications

1. Full administrative review shall be used when the proposed development is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included within this type of review are applications for administrative interpretations, shoreline exemptions which require a letter of exemption, administrative shoreline substantial development permits, administrative shoreline conditional use permits, short subdivisions, multifamily, commercial, ~~and~~ industrial and/or office building permits, and essential public facilities.

~~1.~~2. The Administrator has the authority to elevate a shoreline substantial development permit application to quasi-judicial review due to the size and scope of the project.

~~2.~~3. This review procedure under full administrative review shall be as follows:

a. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period required in the notice of application.

b. Upon the completion of the public comment period and the comment period required by SEPA, if applicable, the department may approve, approve with conditions, or deny the application. The department shall mail the notice of decision to the applicant and all parties of record. The decision shall include:

(1) A statement of the applicable criteria and standards in the development codes and other applicable law;

(2) A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;

(3) The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws;

(4) A statement that the decision is final unless appealed as provided in Chapter 6 of this Program. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal;

(5) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the department's representative to contact to arrange inspection.

c. The decision may be appealed to the hearing examiner or city council pursuant to the process established in Chapter 6 of this Program.

7.3.040 Quasi-judicial review of applications

1. Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review shall be used for shoreline conditional use permits, shoreline variances, shoreline substantial development permits which have been elevated to quasi-judicial review by the Administrator, and other similar applications.
2. The review procedure under quasi-judicial review shall be as follows:
    a. A quasi-judicial review process requires an open record public hearing before the appropriate hearing body.
    b. The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable.
    c. At least ten days before the date of a public hearing the department shall issue public notice of the date, time, location and purpose of the hearing.
    d. At least ten days before the date of the public hearing, the department shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.
    e. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body. A public hearing shall be recorded. If for any reason, the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.
    f. Within ten working days after the date the public record closes, the hearing body shall issue a written decision regarding the application(s).
    g. The hearing body may approve, approve with conditions or deny the application and shall mail the notice of its decision to the department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:
        (1) A statement of the applicable criteria, standards and law;
        (2) A statement of the findings the hearing body made showing the proposal does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards;
        (3) A statement that the decision is final unless appealed pursuant to Chapter 6 of this Program. The appeal closing date shall be listed;
        (4) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the Department representative to contact to arrange inspection.

7.3.050 Legislative review of applications

1. Legislative review shall be used to review and amend this master program.

2. Legislative review shall be conducted as follows:
    a. Legislative review requires at least one public hearing before the planning commission and one public meeting before the Legislative authority of the jurisdiction.
    b. The application shall contain all information and material requirements required by the appropriate application form.
    c. At least ten days before the date of the first planning commission hearing the department shall issue public notice of the date, time, location and purpose of the hearing. The notice shall include notice of the SEPA threshold determination issued by the department.
    d. At least ten days prior to the hearing the department shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative, and planning commission members. The department shall make available a copy of the staff report, subject to a reasonable charge, to other persons who request it.
    e. Following the public hearing and in accordance with RCW 36.70.630, the recommendation of the planning commission shall be forwarded to the legislative authority of the jurisdiction. Upon receiving the recommendation from the planning commission, the legislative authority shall set a public meeting to consider the proposal, at which the board may either accept or reject the recommendation.
    f. The legislative authority must hold a public hearing to consider any changes to the recommendation of the planning commission. The legislative authority may approve, approve with conditions, deny or remand the proposal back to the planning commission for further review after such public hearing. The final decision of the legislative authority shall be adopted by resolution.
    g. The final decision of the legislative authority shall be in writing and include:
        (1) A statement of the applicable criteria and law;
        (2) A statement of the findings indicating the application's or proposed development's compliance or noncompliance with each applicable approval criterion;
        (3) The decision to approve, condition or reject the planning commission recommendation or remand for further review;
        (4) A statement that the decision is final unless appealed pursuant to the process in Chapter 6 of this Program. The appeal closing date shall be listed.
        (5) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall state the place, days and times when the case file is available for inspection and the name and telephone number of the department representative to contact to arrange inspection.

7.3.060 Notice of final decision

1. A notice of final decision on an application shall be issued within one hundred twenty days after the date of the declaration of completeness. In determining the number of days that have elapsed, the following periods shall be excluded:
    a. Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated from the date the department issues the request to the applicant to, the earlier of, the date the department determines whether the additional information satisfies its request or fourteen days after the date the information has been received by the department;
    b. If the department determines the information submitted by the applicant under 7.3.060.1 of this section is insufficient, it shall again notify the applicant of deficiencies, and the procedures of this section shall apply to the request for information;
    c. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to RCW 43.21C;
    d. Any period for administrative appeals, which shall not exceed ninety days for open record appeals and sixty days for closed record appeals;
    e. Any extension of time mutually agreed upon by the applicant and the department.
2. The time limit by which the jurisdiction must issue a notice of final decision does not apply if an application:
    a. Requires an amendment to a comprehensive plan or development regulation;
    b. Requires approval of a new fully self contained community, a master planned resort, or the siting of an essential public facility, as are provided in RCW Chapter 36.70A and as may be hereafter amended;
    c. Is substantially revised by the applicant after a determination of completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete.
3. If the department is unable to issue its final decision within the time limits provided for in this chapter, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.
4. In accordance with state law, the local jurisdiction is not liable for damages which may result from the failure to issue a timely notice of final decision.
5. The local jurisdiction shall file the final decision with the Department of Ecology in accordance with WAC 173-27-130, as amended, and WAC 173-27-044.

7.4 Performance assurance and guarantee

Sub-sections:

7.4.010 Purpose
7.4.020 Performance assurance
7.4.030 Criteria

7.4.010 Purpose

The purpose of this sub-section is to allow individuals developing property to post a performance assurance device in a sufficient amount to guarantee and warranty the construction of required improvements, and protect public property.

7.4.020 Performance assurance

Except where specified by this Program, all improvements shall be fully completed prior to the final approval of a development permit, land divisions, issuance of a certificate of occupancy or actual occupancy, as directed by applicable codes or regulations, unless an alternative performance assurance device, a contractual agreement, an agreement and partial funding for a local improvement district (LID), or bond between the developer and the local jurisdiction has been executed and approved in accordance with this section.

7.4.030 Criteria

1. The performance assurance device shall be approved by the department as appropriate and shall be in a form acceptable to the prosecuting attorney.
2. Except where specified by this Program, the performance assurance device shall be for a period of not more than one year for each phase of the development, unless a time schedule for the performance assurance device is approved by the review authority. The time period may be extended depending on the type of project and phasing schedule.
3. If a performance assurance device or evidence of a similar device is required under 7.4.030 A or B of this section, the review authority shall determine the specific type of assurance device required in order to insure completion of the required conditions of approval. The value of the device shall equal at least one hundred twenty-five percent of the estimated cost of the required improvements and shall be utilized by the local jurisdiction to perform any necessary work, to reimburse the local jurisdiction for performing any necessary work, and to reimburse the local jurisdiction for documented administrative costs associated with action on the device. If costs incurred by the local jurisdiction exceed the amount provided by the assurance device, the property owner shall reimburse the local jurisdiction in full, or the local jurisdiction may file a lien against the subject property for the amount of any deficit.
4. If the performance device or evidence of a similar device is required the property owner shall provide the local jurisdiction with an irrevocable notarized agreement granting the local jurisdiction and its agents the right to enter the property and

perform any required work remaining uncompleted at the expiration of the completion date(s) identified in the assurance device.

5. Upon completion of the required work by the property owner and approval by the local jurisdiction, at or prior to expiration of the completion date(s) identified in the assurance device, the local jurisdiction shall promptly release the device or evidence thereof.
6. If bonds or securities are to be used, the review authority shall determine the specific type of assurance device required. The value of this device shall equal at least one hundred twenty-five percent of the estimated cost of the improvement to be performed. If costs incurred by the local jurisdiction exceed the amount provided by the assurance device, the property owner shall reimburse the local jurisdiction in full, or the local jurisdiction may file a lien against the property for the excess amount.

8. Definitions

The terms used throughout this Program shall be defined and interpreted as indicated below. When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular. Definitions established by WAC 173 have been incorporated herein and should these definitions in the WAC be amended, the most current WAC definition shall apply.

1. "Accessory" means a building, area, structure, use or any part thereof, which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot~~any structure or use incidental and subordinate to a primary authorized use or development~~.

2. "Accretion shoreform" means a shoreline with a relatively stable berm and backshore that has been built up by long-term deposition of sand and gravel transported by wind and/or water from a feeder bluff or other material source. Such shoreforms are scarce locally and include barrier beaches, points, spits, and point and channel bars on streams.

3. "Act" means the Shoreline Management Act of 1971 (RCW 90.58) as amended.

4. "Active alluvial fan" means a portion or all of a fan that has experienced channel changes, erosion, or deposition. Active fans can be identified based on determination by field geomorphic and topographic evidence, and by historical accounts.

5. "Activity" means human activity associated with the use of land or resources.

6. "Administrator" means the ~~Director of Douglas County Land Services,~~ City of East Wenatchee Community Development Director, ~~Mayor of the City of Bridgeport or Mayor of the City of Rock Island, as appropriate to jurisdiction,~~ who is to carry out the administrative duties enumerated in this Program, or his/her designated representative.

7. "Adverse impact" means an impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

8. "Agriculture" or "agricultural activities" means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining,

repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation . “New agriculture” means conversion of lands not in agricultural production converted to an agricultural activity.

9. “Agricultural equipment” and ”agricultural facilities” include, but are not limited to:
    a. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
    b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
    c. Farm residences and associated equipment, lands, and facilities; and
    d. Roadside stands and on-farm markets for marketing fruit or vegetables.

10. "Agricultural land" means those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to WAC 173-26 as evidenced by aerial photography or other documentation. After the effective date of the Master Program, land converted to agricultural use is subject to compliance with the requirements of the Master Program.

11. "Agricultural products" includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

12. "Alluvial fan" means a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of a mountainous upland onto a level plain or valley floor because of a sudden change in sediment transport capacity (e.g. significant change in slope or confinement).

13. "Alluvium" means a general term for clay, silt, sand, gravel, or similar other unconsolidated detrital materials, deposited during comparatively recent geologic time by a stream or other body of running water, as a sorted or semi-sorted sediment in the bed of the stream or on its floodplain or delta.

14. “Alteration” means any human induced change in an existing condition of a shoreline, critical area and/or its buffer. Alterations include, but are not limited to grading, filling, channelization, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

15. "Anadromous fish" means fish species that spend most of their lifecycle in saltwater, but return to freshwater to reproduce.

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

17. "Appurtenant" – A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark (e.g., a swimming pool).

18. "Aquaculture" means the farming or culture of food fish, or other aquatic plants or animals and may require development such as fish hatcheries, rearing pens, and structures, as well as use of natural spawning and rearing areas. The term "aquaculture" also includes activities related to growing, handling, or harvesting of aquatic produce, including, but not limited to, propagation, stocking, holding, nurturing, disease treatment, waste disposal, water use, development of habitat and structures.

19. "Aquaculture practices" means any activity directly pertaining to growing, handling, or harvesting of aquaculture produce including but not limited to propagation, stocking, feeding, disease treatment, waste disposal, water use, development of habitat and structures. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, or final processing and freezing.

20. "Aquatic environment" means an area so designated in this Program.

21. "Archaeological resource/site" means a geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects. "Significant" is that quality in American history, architecture, archaeology, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
    a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
    b. That are associated with the lives of significant persons in our past; or
    c. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
    d. That has yielded or may be likely to yield, information important in history or prehistory.

22. “Archaeologist” means a person who has designed and executed an archaeological study as evidenced by a thesis or dissertation and has been awarded an advanced degree such as an M.A., M.S. or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one (1) year of field experience with at least twenty-four (24) weeks of field work under the supervision of a professional archaeologist, including no less than twelve (12) weeks of survey or reconnaissance work, and at least eight (8) weeks of supervised laboratory experience. Twenty (20) weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

23. "Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

24. "Atypical situation" as used herein, refers to areas in which one or more parameters (vegetation, soil, and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter. Recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect.

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

26. “Beach nourishment” means a restoration or shoreline stabilization activity in which selected beach material is deposited at one or several locations.

27. “Bedlands” means those submerged lands below the ordinary high water mark.

28. "Bedrock" means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.

29. “Berm’ or ‘protective berm” means one or several accreted linear mounds of sand and gravel generally paralleling the shore at or landward of OHWM; berms are normally stable because of material size or vegetation, and are naturally formed by littoral drift.

30. "Best management practices" (BMP’s) means conservation practices or systems of practices and management measures that:

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

31. “Bioengineered shoreline stabilization” means biostructural and biotechnical alternatives to hardened structures (bulkheads, walls) for protecting slopes or other erosive features. Bioengineered stabilization uses vegetation, geotextiles, geosynthetics and similar materials. An example is vegetated reinforced soil slopes (VRSS), which uses vegetation arranged and imbedded in the ground to prevent shallow-mass movement and surficial erosion.

32. “Boathouse” means any roofed and enclosed structure built onshore or offshore for storage of water craft or float planes. See also Covered Moorage.

33. “Boat ramp” means a structure constructed of concrete or other material, which extends waterward of the ordinary high-water mark.

34. “Boat storage” means dry moorage- on land. See also Moorage.

35. “Breakwater” means protective structure, generally built off shore to protect harbor areas, moorages, navigation, beaches and bluffs from wave action. They may be fixed, open-pile or floating.

36. "Buffer (buffer zone)" means the area adjacent to a shoreline and/or critical area that separates and protects the area from adverse impacts associated with adjacent land uses.

37. “Building” means any combination of materials constructed, placed or erected permanently or temporarily on the ground or attached to something having a permanent location on the ground, for the shelter, support or enclosure of persons, animals or property, or supporting any use, occupancy or function whether artificially built or composed of parts joined together in some definite manner, which could be installed on, above or below the surface of the ground or water. The terms building and structure are synonymous.

38. “Bulkhead” means an upright partition that is watertight; a retaining wall.

39. “Buoy” means a floating object anchored in water to warn of rocks, etc., or to mark a channel.

40. "Channel migration zone (CMZ)" means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

41. “Channelization” means the straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

42. “Chemicals” mean any synthetic substance or mixture of such substances used for a fertilizer, herbicide, pesticide, insecticide, or rodenticide.

43. “Circulation systems”- see transportation facilities/systems.

44. “City” means ~~one of the three cities with shorelines in Douglas County: the Cities of Bridgeport,~~ the City of East Wenatchee~~, and Rock Island~~.

45. “Clearing” means the removal of vegetation or plant cover by manual, chemical, or mechanical means. Clearing includes, but is not limited to, actions such as cutting, felling, thinning, flooding, killing, poisoning, girdling, uprooting, or burning.

46. “Cluster ~~subdivision~~development” means land divisions that concentrate residential uses into a compact area with perimeter buffering, open space, community water and sewer systems and other conditions, and which are designed to prevent conflict with resource and critical areas.~~a form of development that permits a reduction in lot area and bulk requirements, and may provide a net increase in the number of lots permitted under a conventional subdivision, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.~~

47. “Commercial development” means those facilities involved in a wholesale or retail business or service. They range from office buildings, hotels, motels, grocery markets, shopping centers, restaurants, gift shops and private or public indoor recreation facilities. Excluded from this category are residential or recreation subdivisions, agriculture, resort marinas and ports and industry.

48. “Commercial docks” means those used for commercial or industrial uses. This does not include marinas.

49. "Commercial fish" means those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).

50. “Community access” means the right of all property owners or members of a residential development to get to and use the state's public waters, the water/land interface and associated shoreline area. It includes physical access that is either

lateral (areas paralleling the shore) or perpendicular (an easement or community corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other community sites or facilities. Community access is not intended for the general public.

51. “Compensatory mitigation” means a mitigation project for the purpose of replacing, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. Compensatory mitigation includes, but is not limited to, wetland creation, restoration, enhancement, and preservation; stream restoration and relocation, rehabilitation; and buffer enhancement.

52. “Conditional use” means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

53. "Conservation" means the prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.

54. “Conservation easement” means a legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a plat or property deed, runs with the land, and is legally binding on all present and future owners of the property.

55. "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels (Chapter 172-200 WAC).

56. “County” means Douglas County, Washington.

57. “Covered moorage” means a roofed, floating or fixed offshore structure without walls other than minimal structural framework needed to support the roof for moorage of water craft or float planes.

58. “Critical aquifer recharge area” means areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) used for potable water as defined by WAC 365-190-030(2).

59. "Critical areas" the following areas as designated in critical area standards as established in Appendix H:
    a. Critical aquifer recharge areas
    b. Wetlands
    c. Geologically hazardous areas

d. Frequently flooded areas
e. Fish and wildlife habitat conservation areas

60. “Critical habitat” means habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) Program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

61. “Current deflector” means an angled "stub-dike", groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

62. “Dam” means a barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

63. "Debris flow" means a moving mass of rock fragments, soil, and mud; more than half of the particles being larger than sand size; a general term that describes a mass movement of sediment mixed with water and air that flows readily on low slopes.

64. "Debris torrent" means a violent and rushing mass of water, logs, boulders and other debris.

65. "Deepwater habitats" means permanently flooded lands. Deepwater habitats include environments where surface water is permanent and often deep, so that water, rather than air, is the principal medium in which the dominant organisms live. The boundary between wetland and deepwater habitat in the riverine and lacustrine systems lies at a depth of two meters (6.6 feet) below low water; however, if emergent vegetation, shrubs, or trees grow beyond this depth at any time, their deepwater edge is the boundary.

66. "Delineation" means the precise determination of wetland boundaries in the field according to the application of the specific method described in the 1997 Washington State Wetland Identification and Delineation manual, ~~and/or the,~~the Corps of Engineers Wetlands Delineation Manual 1987 Edition, as amended, and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.

67. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a

permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any stage of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development.

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

69. “Dike” means an artificial embankment or revetment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

70. “Dock” means all platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation including but not limited to floats, swim floats, float plane moorages, and water ski jumps. Excluded are launch ramps.
    (a) Private docks- over-water structures are constructed and utilized for private moorage by a single residential waterfront property owner; or an upland property owner adjacent to publicly owned shoreline where the public entity has authorized the placement of a private dock.
    (b) Joint use docks - are constructed and utilized by two or more contiguous residential waterfront property owners. Joint use dock facilities may also serve one waterfront property owner and one or more contiguous upland property owners; or may consist of two or more upland property owners adjacent to publicly owned shoreline, where the public entity has authorized the placement of a joint use dock.
    (c) Community docks- are typically designed and constructed to serve all or a significant component of the members of a residential development; which typically include waterfront property owners and often include non-water front property owners. A homeowner’s association usually owns a shoreline tract(s) or easement (s) providing for the potential placement of the dock facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and the entity has authorized dock facilities, the dock facilities for multiple upland property owners of a residential development would also be considered community dock facilities.
    (d) Public docks- are constructed and utilized for use by the general public, typically owned and managed by a public agency and may include a boat ramp.

71. "Drainage ditch" means an artificially created watercourse constructed to drain surface or ground water. Ditches are graded (man-made), channels installed to

collect and convey runoff from fields and roadways. Ditches may include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse. Ditched channels that support fish are considered to be streams.

72. “Dredging” means the removal, displacement, and disposal of unconsolidated earth material such as silt, sand, gravel, or other submerged material from the bottom of water bodies; maintenance dredging and other support activities are included in this definition. Dredging is commonly done in shallow environments to deepen wet moorage, marinas, harbors and their entrances, and navigational lanes and to obtain bottom materials for landfill or construction.

73. "Duration (inundation/soil saturation)" means the length of time during which water stands at or above the soil surface (inundation), or during which the soil is saturated. As used herein, duration refers to a period during the growing season.

74. "Dwelling unit" means a building or portion thereof designed exclusively for residential purposes on a permanent basis; to be used, rented, leased, or hired out to be occupied for living purposes having independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. No motor home, travel trailer, tent trailer or other recreational vehicle shall be considered a dwelling unit.

75. "Multifamily dwelling" means a building containing three or more dwelling units.

76. "Single-family dwelling" means a building containing one dwelling unit on one lot, other than an accessory dwelling. A single-family dwelling unit can be either attached or a detached unit, provided each unit is located on a separate lot.

77. "Two-family dwelling (duplex)" means a building containing two attached dwelling units on one lot, other than an accessory dwelling.

78. “Ecological functions” or ”shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(3)(d)(i)(C). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and flood water attenuation and flood peak desynchronization, and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

79. “Ecosystem processes”, or “ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and

specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

80. “Emergency activities” are those activities that require immediate action within a time too short to allow full compliance with this program due to an unanticipated and imminent threat to public health, safety or the environment. Emergency construction does not include development of new permanent protective structures where none previously existed. All emergency construction shall be consistent with the policies of 90.58 RCW and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

81. "Emergent wetland" means a wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

82. “Enhancement” means actions performed within a shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species.

83. “Erosion” means a process whereby wind, rain, water and other natural agents mobilize, and transport, and deposit soil particles.

84. “Erosion hazard areas” means lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS) as having “severe” or “very severe” erosion hazards and areas subject to impacts from lateral erosion related to moving water such as river channel migration and shoreline retreat.

85. “Essential public facilities” means those publicly and privately owned and/or operated facilities, structures, utilities and uses that are typically difficult to site due to scale and operational characteristics that may pose potentially hazardous or inherently objectionable conditions if permitted to site without public review. Examples of essential public facilities include, but are not limited to, airports, state education facilities, state or regional transportation facilities, state and local correction facilities, solid waste handling facilities and inpatient facilities including substance abuse facilities, mental health facilities and group homes.

86. “Excavation” means any act by which soil, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting there from.

87. "Exempt" developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147,90.58.355 , and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

88. “Existing and ongoing agricultural activities” means those activities conducted on lands defined in RCW 36.70A.030 and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that result in the filling of an area or bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a non-agricultural use, or has lain idle for more than five (5) years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

89. "Exotic" means any species of plants or animals that is not indigenous to the area.

90. “Fair market value” of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

91. "Farm pond" means an open water depression created from a non-wetland site in connection with agricultural activities.

92. “Feasible" means an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
    a. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
    b. The action provides a reasonable likelihood of achieving its intended purpose; and
    c. The action does not physically preclude achieving the project's primary intended legal use.

    In cases where this Program requires certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant/proponent. In determining an action's infeasibility, the jurisdiction may weigh the action's relative costs and public benefits, considered in the short and long-term time frames.

93. “Feasible alternative” means an substitute action that is available and reasonably capable of being carried out after taking into consideration, existing technology and logistics in light of overall project purposes, and that has less impact to critical areas. Cost shall not be the sole basis for determining feasibility.

94. “Feeder bluff” or “erosional bluff” means any bluff (or cliff) experiencing periodic erosion from waves, sliding or slumping, and/or whose eroded sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform; these natural sources of beach material are limited and vital for the long-term stability of driftways and accretion shoreforms.

95. “Feed lot” means a confined area or structure for feeding, breeding or holding livestock for eventual sale or slaughter and in which animal waste accumulates faster than it can naturally dissipate without creating a potential for a health hazard, particularly with regard to surface and groundwater; but not including barns, pens or other structures used in a dairy operation or structures on farms holding livestock primarily during winter periods.

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

97. “Fill material” means any solid or semi-solid material, including rock, sand, soil, clay, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure, that when placed, changes the grade or elevation of the receiving site. Materials such as plastics, construction debris, wood chips, etc., would be regulated as either solid waste or inert waste and not fill material for the purposes of this Program.

98. “Filling” means the act of transporting or placing by any manual or mechanical means fill material from, to, or on any soil surface, including temporary stockpiling of fill material.

99. “Fish and wildlife habitat conservation areas” are areas important for maintaining species in suitable habitats within their natural geographic distribution so that isolated populations are not created, as designated in critical areas standards identified in Appendix H.

100. "Fish habitat" means a complex of physical, chemical, and biological conditions that provide the life supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, lakes, estuaries, marine waters, and nearshore areas include, but are not limited to, the following:
    a. Clean water and appropriate temperatures for spawning, rearing, and holding;
    b. Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat;

c. Abundance of bank and instream structures to provide hiding and resting areas and stabilize stream banks and beds;
d. Appropriate substrates for spawning and embryonic development. For stream and lake dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand;
e. Presence of riparian vegetation as defined in this article. Riparian vegetation creates a transition zone, which provides shade, and food sources of aquatic and terrestrial insects for fish;
f. Unimpeded passage (i.e. due to suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

101. “Floats” means a detached, anchored structure that is free to rise and fall with water levels including any floating, anchored platform or similar structure, used for boat mooring, swimming or similar recreational activities that is not anchored or accessed directly from the shoreline.

102. “Flood/flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters and/or the unusual rapid accumulation of surface runoff.

103. “Flood control works” means all development on rivers and streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, vegetative stabilization, weirs, flood and tidal gates. Excluded are water pump apparatus.

104. “Floodgate” means a closeable passageway placed in a river, stream or artificial channel to control flood waters.

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

106. “Floodplain management” means a long-term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

107. “Flood-proofing” means structural provisions, changes, adjustments or a combination thereof, to buildings, structures, and works in areas subject to flooding in order to reduce or eliminate damages from flooding to such development and its contents, as well as related water supplies and utility facilities.

108. "Floodway" means the area, as identified in a master program that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

109. “Floodway fringe” means that fringe of land in the floodplain outside the floodway, which is subject to inundation by the base flood. Flooding in the fringe is limited to flood surge storage of water currents moving at a negligible velocity of less than 0.5 miles per hour.

110. “Food chain” means the hierarchy of feeding relationships between species in a biotic community. The food chain represents the transfer of material and energy from one species to another within an ecosystem.

111. “Freestanding sign” means any sign supported by one or more uprights, poles or braces in or upon the ground and that are independent from any building or other structure.

112. “Frequently flooded areas” means lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance and attenuation functions, as determined by the jurisdiction in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program, as designated in critical areas standards identified in Appendix H.

113. “Function assessment or functions and values assessment” mean a set of procedures, applied by a qualified professional, to identify the ecological functions being performed in a shoreline or critical area, usually by determining the presence of certain characteristics, and determining how well the area is performing those functions. Function assessments can be qualitative or quantitative and may consider social values potentially provided by area. Function assessment methods must be consistent with best available science.

114. “Gabions” means works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.

115. "Game fish" means those species of fish that are classified by the Washington Department of Fish and Wildlife as game fish (WAC 232-12-019).

116. "Geologically hazardous areas" means areas designated in critical areas standards identified in Appendix H that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose unacceptable risks to public health and safety and may not be suited to commercial, residential, or industrial development.

117. “Geologically unstable” means the relative instability of a shoreform or land form for development purposes over the long-term or the intended life of any proposed structure. Soil, slope, ground or surface water, other geologic conditions, vegetation and effects of development are common factors that contribute to instability. Areas characterized by banks or bluffs composed of unconsolidated alluvial or glacial deposits (till and drift material), severely fractured bedrock, active and substantial erosion, substantially deformed trees and shrubs, or active or inactive earth slides are likely to be considered geologically unstable. A determination by the jurisdiction of geologically unstable shoreline areas shall be made using the best available information at the time.

118. "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified professional that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

119. "Gradient" means a degree of inclination, or a rate of ascent or descent, of an inclined part of the earth's surface with respect to the horizontal; the steepness of a slope. It is expressed as a ratio (vertical to horizontal), a fraction (such as meters/ kilometers or feet/miles), a percentage (of horizontal distance), or an angle (in degrees).

120. “Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

121. “Groins” means a barrier type of structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent uplands by influencing the movement of water or deposition of materials.

122. "Groundwater" means all water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves (Chapter 90.44 RCW).

123. "Growing season" means the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5°C).

124. “Hazard tree” means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.

125. “Hazardous area” means any shoreline area which is hazardous for intensive human use or structural development due to inherent and/or predictable physical conditions; such as but not limited to geologically hazardous areas, and frequently flooded areas.

126. “Hazardous materials” means any substance containing such elements or compounds which when discharged in any quantity in shorelines present an imminent and/or substantial danger to public health or welfare; including, but not limited to: fish, wildlife, water quality, and other shoreline features and property.

127. “Hazardous substance” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

128. “Hearings board” means the State Shorelines Hearings Board referenced in RCW 90.58.170.

129. "Height" is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: provided further, that temporary construction equipment is excluded in this calculation.

130. “Historic site” means those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any locally developed historic registry formally adopted by the local jurisdiction.

131. “Hydraulic project approval” (HPA) means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

132. “Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Washington State Wetland Identification and Delineation manual, ~~and/or the,~~the Corps of Engineers Wetlands Delineation Manual 1987 Edition, as amended, and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. ~~Washington State Wetland Identification and Delineation Manual (RCW 36.70A.175)~~.

133. “Hydrologic soil groups” means soils grouped according to their runoff-producing characteristics under similar storm and cover conditions. Properties that influence runoff potential are depth to seasonally high water table, intake rate and permeability after prolonged wetting, and depth to a low permeable layer. Hydrologic soil groups are normally used in equations that estimate runoff from rainfall, but can be used to estimate a rate of water transmission in soil. There are four hydrologic soil groups:
    a. Low runoff potential and a high rate of infiltration potential;
    b. Moderate infiltration potential and a moderate rate of runoff potential;
    c. Slow infiltration potential and a moderate to high rate of runoff potential; and
    d. High runoff potential and very slow infiltration and water transmission rates.

134. "Hydrophytic vegetation" means the sum total of macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. When hydrophytic vegetation comprises a community where indicators of hydric soils and wetland hydrology also occur, the area has wetland vegetation.

135. “Hyporheic zone” means the saturated zone located beneath and adjacent to streams that contain some proportion of surface water from the surface channel mixed with shallow groundwater. The hyporheic zone serves as a filter for nutrients, as a site for macro-invertebrate production important in fish nutrition and provides other functions related to maintaining water quality.

136. “Impervious surface” means those hard surfaces that prevent or retard the entry of water into the soil. Such surfaces include, but are not limited to, rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas or storage areas, which similarly affect the natural infiltration.

137. “Industrial development” means facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors’ offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including onsite processing of raw materials, and off site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

138. “Infiltration” means the passage or movement of water into the soil surface.

139. “Institutional development” means those public and/or private facilities including police and fire stations, libraries, activity centers, schools, educational and religious training centers, water-oriented research facilities, and similar non-commercial uses, excluding essential public facilities.

139. "In-stream structure" means a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.

140. “Invasive species" means a species that is 1) non-native (or alien) to Douglas County and 2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

141. “Jetties” means structures generally built singly or in pairs perpendicular to the shoreline at harbor entrances or river mouths to prevent shoaling and accretion of littoral sand drift. They also protect channels and inlets from crosscurrents and storm waves.

142. “Joint-use piers, ramps, and floats” are those constructed and utilized by more than one contiguous residential waterfront property owner or by a homeowner’s association. This does not include commercial marinas.

143. “Jurisdiction” means one of two definitions depending on context:
    a. the shoreline jurisdiction as established in Chapter 1 of this Program; or
    b. ~~one or more of the participating governmental entities- Douglas County, the City of Bridgeport,~~ the City of East Wenatchee ~~or the City of Rock Island~~.

144. “Lahar” means a mudflow and debris flow originating from the slopes of a volcano.

145. "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream. Where the ordinary high water mark cannot be found, it shall be the line of mean high water.

146. “Landfill” see “fill.”

147. "Landslide" means a general term covering a wide variety of mass movement landforms and processes involving the down slope transport, under gravitational influence of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

148. “Landslide hazard areas” means areas that, due to a combination of site conditions like slope inclination and relative soil permeability are susceptible to mass wasting, as designated in critical areas standards as identified in Appendix H.

149. “Launch ramp” means an inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or occasionally by hand.
    a. Private launch ramp - is constructed and utilized by a single residential waterfront property owner or a single upland property owner.
    b. Community launch ramp - are typically designed and constructed to serve two or more members of a residential development; which typically may include waterfront property owners and often include non-water front property owners. A homeowner’s association usually owns a shoreline tract(s) or easement (s) providing for the potential placement of the launch facilities; and is responsible for the ownership and maintenance of the facilities. Where the shoreline is owned by a public entity and the entity has authorized such facilities, the facilities for multiple upland property owners of a residential development would also be considered community launch ramp facilities.
    c. Public launch ramps - are constructed and utilized for use by the general public, typically owned and managed by a public agency.

150. “Levee” means a natural or artificial embankment on the bank of a stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.

151. “Liberal construction” means and interpretation that applies in writing in light of the situation presented that tends to effectuate the spirit and purpose of the writing.

152. “Line of navigability” means a horizontal line on the bed of a water body at a depth sufficient for navigation by watercraft commonly used on such water bodies; until such lines are finally established by the State Department of Natural Resources or court of law.

153. “Littoral drift” or “littoral transport” means the natural movement of sediment, particularly sand and gravel, along shorelines by wave action in response to prevailing winds or by stream currents.

154. "Long duration" means a period of inundation from a single event that ranges from seven days to one month.

155. “Lot” means land described by final plat, short plat or metes and bounds description and is established pursuant to applicable state and local regulations in effect at the date a legal instrument creating the lot is recorded at the Douglas County Auditor’s Office.

156. "Maintenance and repair" means work required to keep existing improvements in their existing operational state. This does not include any modification that changes the character, scope, or size of the original structure, facility, utility or improved area.

157. “Marina” means a public or private water-dependent wet moorage and/or dry boat storage facility for pleasure craft and/or commercial craft where goods or services related to boating may be sold commercially. Marinas also include wet moorage facilities where boat moorage slips may be leased or rented to individuals who are not a member or owner of an associated residential development. Launching facilities may also be provided. Marinas may be open to the general public or restricted on the basis of property ownership or membership.

158. “Marsh” means a low flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other hydrophytic plants. Shallow water usually stands on a marsh, at least during part of the year.

159. “Mass wasting” means downslope movement of soil and rock material by gravity. This includes soil creep, erosion, and various types of landslides, not including bed load associated with natural stream sediment transport dynamics.

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

161. “May” means the action is allowable, provided it conforms to the provisions of this Program.

162. “Mining” means the removal of naturally occurring metallic and non-metallic minerals or other materials from the earth for economic use.

163. “Mineral extraction” means the removal of topsoil, gravel, rock, clay, sand or other earth material, including accessory activities such as washing, sorting, screening, crushing and stockpiling. Not included is the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) subject to the provisions of this Program.

164. "Mitigation" means individual actions that may include a combination of the following measures, listed in order of preference:
    a. Avoiding an impact altogether by not taking a certain action or parts of actions;
    b. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
    c. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
    d. Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action;
    e. Compensating for an impact by replacing or providing substitute resources or environments; and
    f. Monitoring the mitigation and taking remedial action when necessary.

165. “Mitigation bank” means a site where wetlands or similar habitats are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to aquatic resources.

166. "Mitigation plan" means a detailed plan indicating actions necessary to mitigate adverse impacts to critical areas as detailed in Appendix H.

167. “Mixed use development” means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design. Mixed use developments, which incorporate non-water oriented uses, must include water dependent use(s), except commercial uses complying with WAC 173-26-241(3)(d).

168. “Mixed use environment” means an area so designated in this Program.

169. “Monitoring” means evaluating the impacts of development proposals over time on the biological, hydrological, pedological, and geological elements of such systems and/or assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

170. Moorage- storage of boats within water (see also Boat Storage).

171. “Multifamily dwelling” means a means a single building, or portion thereof, designed for or occupied by three or more families living independently of each other in separate dwelling units on one lot of record and, for the purpose of this code, includes triplexes, four-plexes, apartment buildings, and residential condominiums.

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

173. "Native vegetation" means plant species that are indigenous to the Douglas County and the local area.

174. “Natural environment” means an area so designated in this Program.

175. “Navigable Waters of the United States” means a water body that in its ordinary condition, or by being united with other water bodies, forms a continued route over which commerce is or may be carried on with other states or foreign countries in the customary modes in which such commerce is conducted by water.

176. “No net loss” means the maintenance of the aggregate total of the County’s shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement.

~~“Nonconforming” means a lot, use, building or structure which was lawful prior to the adoption, revision or amendment of the SMP, but which fails, by reason of such adoption, revision or amendment, to conform to the then current requirements of the Program.~~

177. “Nonconforming use” means an existing shoreline use that was lawfully established prior to the effective date of the act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

178. “Nonconforming development or nonconforming structure” means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

~~177.~~179. “Nonconforming lot” means a lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.

~~178.~~180. “Non-water-oriented Use” means uses that are not water-dependent, water-related or water-enjoyment (WAC). Non-water-oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline

Management Act. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as non-water-oriented.

~~179.~~181. "Obstruction (water-related)" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building wire, fence, rock-gravel, refuse, fill, structure or matter in, along, across or projecting into any channel or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

~~180.~~182. "Off-premise sign" means a sign which advertises or promotes merchandise, service, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which the sign is located.

~~181.~~183. "Off-site mitigation" means to ~~replace~~ compensate for impacts to shoreline ~~resources~~ functions away from the site that is impacted by development.

~~182.~~184. "Oil" means petroleum or any petroleum product in liquid, semi-liquid, or gaseous form including but not limited to crude oil, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredging spoil.

~~183.~~185. "Ongoing agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a non-agricultural use, or has lain idle for more than five consecutive years unless that idle land is registered in a federal or state soils conservation program.

~~184.~~186. "On-premise sign" means a sign incidental to a lawful use of the premises on which it is located, advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, person, firm, or corporation occupying the premises

~~185.~~187. "Open space" means any parcel or area of land or water not covered by structures, hard surfacing, parking areas and other impervious surfaces except for pedestrian or bicycle pathways, or where otherwise provided by this Program or other county or city ordinance and set aside, dedicated, for active or passive recreation, visual enjoyment or critical area development buffers, as established in critical area regulations.

~~186.~~188. "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water .

a. The following criteria clarify this mark on lakes, and streams:
b. Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;
c. Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

187. “Party of record” includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

188. “Piers” means fixed platforms above the water, perpendicular to the shoreline.

189. “Point” means a low profile shore promontory that may be either the wave-cut shelf remaining from an ancient bluff or the final accretional phase of a hooked spit that closed the leeward side gap. Points are accretion shoreforms characterized by converging berms accreted by storm waves that enclose a lagoon, marsh, or meadow, depending on the point's development stage.

190. “Point bar” means an accretion shoreform created by deposition of sand and gravel on the inside, convex side of a meander bend. Most material is transported downstream as sediment and bedload at times of high current velocity, or flood stage, from eroding banks or other bars upstream.

191. "Pond" means an open body of water, generally equal to or greater than 6.6 feet deep, that persists throughout the year and occurs in a depression of land or expanded part of a stream and has less than thirty percent (30%) aerial coverage by trees, shrubs, or persistent emergent vegetation. Ponds are generally smaller than lakes. Farm ponds are excluded from this definition. Beaver ponds that are two (2) years old or less are excluded from this definition.

192. "Potable" means water that is suitable for drinking by the public (Chapter 246-290 WAC).

193. “Preservation” means actions taken to ensure the permanent protection of existing, ecologically important areas that the local jurisdiction has deemed worthy of long-term protection.

194. "Prevalent vegetation" means the plant community or communities that occur in an area during a given period. The prevalent vegetation is characterized by the dominant macrophytic species that comprise the plant community

195. “Primary association” means the use of a habitat area by a listed or priority species for breeding/spawning, rearing young, resting, roosting, feeding, foraging, and/or migrating on a frequent and/or regular basis during the appropriate season(s) as well as habitats that are used less frequently/regularly but which provide for essential life cycle functions such as breeding/nesting/spawning.

196. “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: Comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(24)).

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

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

    Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a

specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

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

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

198. “Projecting sign” means a sign that is attached to and projects at an angle from a building's exterior wall.

199. "Provisions" means policies, regulations, standards, guideline criteria or environment designations.

200. “Public access” means the public's right to get to and use the state's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities. See also Community Access.

201. “Public interest” means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from adverse effects of a use or development.

202. “Public utility” means a use owned or operated by a public or publicly licensed or franchised agency that provides essential public services such as telephone exchanges, electric substations, radio and television stations, wireless communications services, gas and water regulation stations and other facilities of this nature.

203. “Qualified professional or qualified consultant” mean a person with experience and training with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, soil science, engineering, environmental studies, fisheries, geology, geomorphology or related field, and related work experience and meet the following criteria:
    a. A qualified professional for wetlands means a biologist who has a degree in biology, ecology, botany, or a closely related field and a minimum of five (5) years of professional experience in wetland identification and assessment in Eastern Washington.

b. A qualified professional for habitat conservation areas means a biologist who has a degree in wildlife biology, ecology, fisheries, or closely related field and a minimum of five (5) years professional experience related to the subject species/habitat type.
c. A qualified professional for geologically hazardous areas must be an engineer or geologist licensed in the state of Washington. An engineer must be licensed as a civil engineer pursuant to Chapter 18.43 RCW, to qualify. A geologist must be a practicing geologist licensed as a professional geologist pursuant to Chapter 18.22, RCW.
d. A qualified professional for critical aquifer recharge areas means a Washington State licensed hydro-geologist, geologist, or engineer.

204. “Quasi-public” means uses associated with churches or some non-profit organizations that provide public benefits or services.

205. “Recharge” means the process involved in the absorption and addition of water from the unsaturated zone to ground water.

206. “Recreation” means an experience or activity in which an individual engages for personal enjoyment and satisfaction. Most shore-based recreation outdoor recreation such as: fishing, hunting, beach combing, and rock climbing; various forms of boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, watching or recording activities such as photography, painting, bird watching or viewing of water or shorelines, nature study and related activities.

207. “Recreational development” means development that provides opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement or contemplation. It includes facilities for activities such as, but not limited to, skin diving, hiking, canoeing, kayaking, sailing, photography, viewing and fishing. It also includes facilities with more developed uses such as parks, campgrounds, golf courses and other outdoor recreation areas. It applies to both publicly and privately owned shoreline facilities intended for use by the general public, private club, group or association.

208. “Re-establishment” means measures taken to intentionally restore an altered or damaged natural feature or process including:
    a. Active steps taken to restore damaged wetlands, streams, protected habitat, and/or their buffers to the functioning condition that existed prior to an unauthorized alteration;
    b. Actions performed to re-establish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or other events; and
    c. Restoration can include restoration of wetland functions and values on a site where wetlands previous existed, but are no longer present due to lack of water or hydric soils.

209. “Rehabilitation” means a type of restoration action intended to repair natural or historic functions and processes. Activities could involve breaching a dike to reconnect wetlands to a floodplain or other activities that restore the natural water regime.

210. “Renovation” means to restore to an earlier condition as by repairing or remodeling. Renovation shall include any interior changes to the building and those exterior changes that do not substantially change the character of the existing structure.

211. “Repair or maintenance” mean an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

212. “Resident fish” means a fish species that completes all stages of its life cycle within freshwater and frequently within a local area.

213. “Residential development” means one or more buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex or multi-family dwellings, apartment/condominium buildings, mobile homes, short and long subdivisions and other structures that serve to house people.

214. “Restore”, ”restoration” or ”ecological restoration” means the re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre- European settlement conditions.

215. “Revetment” means a sloped wall constructed of rip rap or other suitable material placed on stream banks or other shorelines to retard bank erosion from high velocity currents or waves respectively.

216. “Rills” means steep-sided channels resulting from accelerated erosion. A rill is generally a few inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion tends to occur on slopes, particularly steep slopes with poor vegetative cover.

217. “Rip rap” means dense, hard, angular rock free from cracks or other defects conductive to weathering used for revetments or other flood control works.

218. “Riparian habitat” is the area adjacent to flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. This habitat includes the area with riparian vegetation and the riparian area of influence, and is delineated by function rather than form. Riparian habitat does not include

those artificial riparian areas intentionally created from non-riparian sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.

219. “Riparian area” is an area with distinctive hydrology and vegetation between a stream or other body of water and the adjacent upland. This definition includes wetlands and those portions of flood plains and valley bottoms that support riparian vegetation. “Riparian habitat area” is a standard management area on either side of a stream or river that is designed to include the full range of riparian habitat functions. This includes riparian habitat and upland habitat designated by a measurement from the ordinary high water mark.

220. "Riparian vegetation" means vegetation that tolerates and/or requires moist conditions and periodic free flowing water thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and their root systems stabilizes stream banks, attenuates high water flows, provides wildlife habitat and travel corridors, and provides a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize stream beds.

~~220.~~
221. “Road” means an improved and maintained public or private road that provides vehicular circulation or principal means of access to abutting properties and may also include provisions for public utilities, pedestrian walkways, public open space and recreation areas, cut and fill slopes, and drainage.

~~221.~~222. “Roof sign” means a sign erected upon, against, or directly above a roof or on top of or above the parapet of a building; signs on mansard roofs shall be considered wall signs.

~~222.~~223. “Rural conservancy environment” means an area so designated pursuant to this Program.

~~223.~~224. “Seismic hazard areas“ means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

~~224.~~225. “Sensitive area” means any area that is naturally unsuitable or undesirable for intensive human use or development due to its higher development costs or its value to region or community in its natural or present condition.

~~225.~~226. "SEPA" is the acronym for the State Environmental Policy Act.

~~226.~~227. "Shall" means a mandate; the action must be done.

~~227.~~228. “Shared moorage”, means dock facilities that would include joint use and/or community dock facilities.

~~228.~~229. "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of Chapter 90.58 RCW; the same to be designated as to location by the Department of Ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet there from.

~~229.~~230. “Shoreline” means all of the water areas of the state within ~~Douglas County~~East Wenatchee, including reservoirs, and their associated wetlands, together with the lands underlying them; except (a) shorelines of state-wide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty feet per second or less and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes

~~230.~~231. “Shoreline jurisdiction” means all shorelines of the state and shorelands.

~~231.~~232. "Shoreline modifications" means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

~~232.~~233. “Shoreline permit” means a shoreline exemption, shoreline substantial development permit, a shoreline conditional use, or a shoreline variance, or any combination thereof issued by ~~Douglas County, the City of Bridgeport,~~ the City of East Wenatchee, ~~or City of Rock Island, as appropriate,~~ pursuant to RCW 90.58.

~~233.~~234. “Shoreline residential environment” means an area designated pursuant to this Program.

~~234.~~235. “Shoreline stabilization” is structural or non-structural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches. They are generally located parallel to the shoreline at or near the OHWM. Other construction classified as shore defense works include groins, jetties and breakwaters, which are intended to influence wave action, currents and/or the natural transport of sediments along the shoreline.

~~235.~~236. "Shorelines of statewide significance" means the following shorelines of the state:

a. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;
b. Those natural rivers or segments thereof as follows: Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;
c. Those shorelands associated with the above.

~~236.~~237. "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state.

~~237.~~238. “Should” means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Act and this Program, against taking the action.

~~238.~~239. “Side yard” means the distance from the structure, such as a residence, to the parcel line. Examples: in the case of a residence it is the sides, but not the front or rear of the structure. In the case of a structure such as a dock, it means the distance along the shoreline to the parcel line.

~~239.~~240. “Sign” means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or profession.

~~240.~~241. "Solid waste" shall have the same meaning attributed to the term as in Chapter WAC 173-304 as it now exists or may be amended or succeeded.

~~241.~~242. “Spit” means an accretion shoreform that is narrow in relation to length and extends parallel to or curves outward from shore; spits are also characterized by a substantial wave-built sand and gravel berm on the windward side, and a more gently sloping silt or marsh shore on the lagoon or leeward side; curved spits are called hooks.

~~242.~~243. “Statement of exemption” means a written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Program including the policy of the Act (RCW 90.58.020) pursuant to Chapter 6.

~~243.~~244. "Streams" are those areas where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year round. This definition includes drainage ditches

or other artificial water courses where natural streams existed prior to human alteration, and/or the waterway is used by anadromous or resident salmonid or other fish populations.

~~244.~~245. "Substantial development" as defined by RCW 90.58.030.

~~245.~~246. “Substantially degrade” means to cause significant ecological impact.

~~246.~~247. "Toe" means the lowest part of a slope or cliff; the downslope end of an alluvial fan, landslide, etc.

~~247.~~248. "Top" means the top of a slope; or in this Program it may be used as the highest point of contact above a landslide hazard area.

~~248.~~249. “Transportation facilities” means those structures and developments that aid in the movement of people, goods and services across land and water surfaces. They include roads, streets and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, airports and other related facilities.

~~249.~~250. "Typically adapted" is a term that refers to a species being normally or commonly suited to a given set of environmental conditions, due to some feature of its morphology, physiology, or reproduction.

~~250.~~251. “Unavoidable” means adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

~~251.~~252. “Upland” generally means dry lands landward of OHWM. Some usages of the word may also include the area above riparian or wetland vegetation, or the area above the shoreline jurisdictional boundary.

~~252.~~253. “Urban conservancy environment” means an area designated pursuant to this Program.

~~253.~~254. “Utilities” means any water, gas, sanitary or storm sewer, electrical, telephone, irrigation, drainage way, wire or television communication facility and/or service and all persons, companies or governmental agencies furnishing the same. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

~~254.~~255. “Utility development” includes but is not limited to facilities for distributing, processing, or storage of water, sewage, solid waste, storm drainage, electrical energy including electronic communications, and their administrative structures, as well as pipelines for petroleum products, and fire fighting facilities. Power plants are considered industrial.

~~255.~~256. "Variance" is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline.

~~256.~~257. “Vegetative stabilization” means planting of vegetation to retain soil and retard erosion; reduce wave action, and retain bottom materials. It also means utilization of temporary structures or netting to enable plants to establish themselves in unstable areas.

~~257.~~258. "Very long duration" means a period of inundation from a single event that is greater than one month.

~~258.~~259. “Vessel” means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

~~259.~~260. “Visual access” means access that provides a view of the shoreline or water, but does not allow physical access to the shoreline.

~~260.~~261. “Volcanic hazard areas” means geologically hazardous areas that are subject to pyroclastic flows, lava flows, debris avalanche, or inundation by debris flows, mudflows, or related flooding resulting from volcanic activity, as designated in critical area regulations.

~~261.~~262. “Wall sign” means any sign attached to or painted directly on the wall, or erected against and parallel to the wall of a building, not exceeding more than twelve inches from the wall.

~~262.~~263. “Water body” means a body of still or flowing water bounded by the OHWM.

~~263.~~264. "Water craft lift" is an in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water periodically. A lift as herein defined is used to berth and launch a single vessel, suspended over the water's surface. A lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a dock or as stand-alone structure. A lift may be designed either for boats or personal watercraft.

~~264.~~265. "Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

~~265.~~266. "Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which

through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

~~266.~~267. "Water-oriented use" means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

~~267.~~268. "Water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this Program, the term "water quantity" refers only to development and uses regulated under this Program and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this Program, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

~~268.~~269. "Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

~~269.~~270. "Watershed" means a geographic region within which water drains into a particular river, stream or body of water.

~~270.~~271. "Well head protection area" means the area (surface and subsurface) managed to protect ground water based public water supplies.

~~271.~~272. "Weir" means a structure in a stream or river for measuring or regulating stream flow.

~~272.~~273. "Wet season" means the period generally between November 1 and March 30 of most years when soils are wet and prone to instability. The specific beginning and end of the wet season can vary from year to year depending on weather conditions.

~~273.~~274. "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and

similar areas. Wetlands do not include those artificial wetlands intentionally created for non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass lines swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

~~274.~~275. "Wetland buffer" means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and ecological stability of the wetland.

~~275.~~276. "Wetland class" means the general appearance of the wetland based on the dominant vegetative life form or the physiography and composition of the substrate. The uppermost layer of vegetation that possesses an aerial coverage of thirty percent (30%) or greater of the wetland constitutes a wetland class. Multiple classes can exist in a single wetland. Types of wetland classes include forest, scrub/shrub, emergent, and open water.

~~276.~~277. "Wetland delineation" means the precise determination of wetland boundaries in the field according to the application of specific methodology described in the Washington State Wetland Identification and Delineation manual, ~~and/or the,~~the Corps of Engineers Wetlands Delineation Manual 1987 Edition, as amended, and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. ~~as described in the 1997 Washington State Wetland Delineation Manual or 1987 edition, as amended, Corps of Engineers Wetlands Delineation Manual and the mapping thereof~~.

~~277.~~278. "Wetland edge" means the boundary of a wetland as delineated based on the definitions contained in this Program.

~~278.~~279. "Wetland mitigation bank" means a site where wetlands and buffers are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

~~279.~~280. "Wood waste" means solid waste consisting of wood pieces or particles generated as a byproduct or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

Acronym List

BMP Best Management Practice
BOD Biological Oxygen Demand
CRMP Cultural Resource Management Plan
DNR Department of Natural Resources
DOE Department of Ecology
ESA Endangered Species Act
FDA Food and Drug Administration
FEMA Federal Emergency Management Agency
FERC Federal Energy Regulatory Commission
GMA Growth Management Act
HPA Hydraulic Project Approval
IBC International Building Code
LID Low Impact Development
NMFS National Marine Fisheries Service
NRCS Natural Resource Conservation Service
OHWM Ordinary High Water Mark
PUD Public Utility District
RCW Revised Code of Washington
SEPA State Environmental Policy Act
SMA Shoreline Management Act
SMP Shoreline Management Program
TESC Temporary Erosion and Sediment Control
WAC Washington Administrative Code
WDFW Washington Department of Fish and Wildlife

9. Shoreline environment designation maps and descriptions

Environment designation site descriptions:

Columbia River (south to north) is a shoreline of statewide significance and is regulated under the SMP.

All Islands within the Columbia River are designated natural.

RM 441.0 to RM 442.2
Rural Conservancy. Begins at the east boundary of T20R22S13, the Douglas County line, and ends at the northeast corner of T20R22S13, approximately 350 feet east of the western boundary of T20R22S13.

RM 442.2 to RM 442.6
Shoreline Residential. Begins at the northeast corner of T20R22S13, approximately 350 feet east of the western boundary of T20R22S13, and ends at the west half of the east half of T20R22S14, approximately 650 feet east of the west boundary of the Rural Recreation Zoning District near Trinidad.

RM 442.6 to RM 448.5
Natural. Begins at the west half of the east half of T20R22S14, approximately 650 feet east of the west boundary of the Rural Recreation Zoning District near Trinidad, and ends at the south boundary of T21R22S28.

RM 448.5 to RM 455.5
Rural Conservancy. Begins at the south boundary of T21R22S28 and ends in the south half of the south half of T22R22S30, at the eastern edge of the City of Rock Island Urban Growth Area (2006).

RM 455.5 to RM 455.9
High Intensity. Begins in the south half of the south half of T22R22S30, at the eastern edge of the City of Rock Island Urban Growth Area (2006) and ends in the southwest ¼ of T22R21S30, at the eastern edge of the City of Rock City Limits (2008).

RM 459.9 to RM 456.7
High Intensity. Begins at the southeast ¼ of T22R21S25 at the eastern edge of the city limits of Rock Island and ends at the SE ¼ or the SW ¼ of T22R21S25 at the western edge of the city limits of Rock Island (2008).

RM 456.7 to RM 457.2
High Intensity. Begins at the SE ¼ or the SW ¼ of T22R21S25 at the western edge of the city limits of Rock Island and ends at the SE ¼ of T22R21S26 at the western edge of the City of Rock Island Urban Growth Area (2008).

RM 457.2 to RM 459.3
Rural Conservancy. Begins in the southeast ¼ of T22R21S26, at the western edge of the City of Rock Island Urban Growth Area (2008) and ends at the western boundary of T22R21S22.

RM 459.3 to RM 460.1
Natural. Begins at the western boundary of T22R21S22 and ends at the southwest ¼ of T22R21S21. Area owned by the Washington State Department of Fish and Wildlife.

RM 460.1 to RM 461.4
Rural Conservancy. Begins at the southwest ¼ of T22R21S21 and ends in the southwest ¼ of T22R21S20 at the eastern edge of the City of East Wenatchee Urban Growth Area. (2008)

RM 461.4 to RM 461.6
Shoreline Residential. Begins in the southwest ¼ of T22R21S20 at the eastern edge of the City of East Wenatchee Urban Growth Area (2008) and ends at the southeast ¼ of T22R21S19, approximately at the southeast boundary of Hydro Park.

RM 461.6 to RM 463.7
Urban Conservancy. Begins at the southeast ¼ of T22R21S19, approximately at the southeast boundary of Hydro Park, and ends in the SW ¼ of T22R20S13, approximately where Raymond St. would intersect the river.

RM 463.7 to RM 463.8
Shoreline Residential. Begins in the SW ¼ of T22R20S13, approximately where Raymond St. would intersect the river and ends at the east boundary of T22R20S13 with T22R20S14.

RM 463.8 to RM 464.3
High Intensity. Begins at the east boundary of T22R20S14 and ends at the east half of T22R20S14, at the southern extent of the city limits of East Wenatchee (2008).

RM 464.3 to RM 464.8
High Intensity. Begins at the east half of T22R20S14, at the southern extent of the city limits of East Wenatchee (2008), and ends approximately where Grant Road in East Wenatchee would intersect the river in the northwest ¼ of the northeast ¼ T22R20S14.

RM 464.8 to RM 466.4
Urban Conservancy. Begins in the northwest ¼ of the northeast ¼ T22R20S14, approximately where 1st St in East Wenatchee would intersect the river, and ends at the east-west center line of T22R20S02, approximately where 15th St. in East Wenatchee would intersect the river.

RM 466.4 to RM 466.9
Natural. Begins at the east-west center line of T22R20S02, approximately where 15th St. in East Wenatchee would intersect the river, and ends at the northeast ¼ of the northeast ¼ of T22R20S03, approximately where 19th Street would extend to the river, at the northern extent of the city limits of East Wenatchee.

RM 466.4 to RM 467.3
Natural. Begins at the northeast ¼ of the northeast ¼ of T22R20S03, approximately where 19th Street would extend to the river, at the northern extent of the city limits of East Wenatchee, and ends at the SW ¼ of T23R20S34, approximately where Bellevue St. in East Wenatchee would intersect the river

RM 467.3 to RM 469.4
Urban Conservancy. Begins at the SW ¼ of T23R20S34, approximately where Bellevue St. in East Wenatchee would intersect the river, and ends just north of Odabashian Bridge at T23R20S22.

RM 469.4 to RM 473.3
Natural. Begins just north of Odabashian Bridge at T23R20S22 and ends at the north half of the north half of T23R20S02, just south of Rocky Reach Dam.

RM 473.3 to RM 475.0
Rural Conservancy. Begins at the north half of the north half of T23R20S02, just south of Rocky Reach Dam, and ends at the south boundary of T24R20S25.

RM 475.0 to RM 475.6
Shoreline Residential. Begins at the south boundary of T24R20S25 and ends at the south half of the south half of T24R21S19. Only includes that area zoned Rural Recreation (2008).

RM 475.6 to RM 476.7
Rural Conservancy. Begins at the south half of the south half of T24R21S19 and ends at the south half of the south half of T24R21S18.

RM 476.7 to RM 478.0
Shoreline Residential. Begins at the south half of the south half of T24R21S18 and ends at the southwest ¼ of T24R21S08. Only includes that area zoned Rural Recreation (2008).

RM 478.0 to RM 479.9
Rural Conservancy. Begins at the southwest ¼ of T24R21S08 and ends at the north half of T24R21S05.

RM 479.9 to RM 481.8
Shoreline Residential. Begins at the north half of T24R21S05 and ends at the south half of the north half of T25R21S29. Only includes that area zoned Rural Service Center (2008).

RM 481.8 to RM 490.4
Rural Conservancy. Begins at the south half of the north half of T25R21S29, the beginning of the zoning for the Orondo Rural Service Center, and ends at the south boundary of T26R21S16.

RM 490.4 to RM 491.0
Natural. Begins at the south boundary of T26R21S16 and ends at the east half of the east half of T26R21S16.

RM 491.0 to RM 491.5
Shoreline Residential. Begins at the east half of the east half of T26R21S16 and ends at the NW ¼ of T26R21S15, the northeast corner of Bauer's Landing Rural Recreation zoning designation. Only includes that area zoned Rural Recreation (2008).

RM 491.5 to RM 492.2
Rural Conservancy. Begins at the NW ¼ of T26R21S15, northeast corner of Bauer's Landing Rural Recreation zoning designation, and ends at the SW ¼ of T26R21S10.

RM 492.2 to RM 492.9
Natural. Begins at the SW ¼ of T26R21S10 and ends at the east half of the west half of T26R21S11, the southwest boundary of the Sun Cove Rural Service Center. Area includes the Chelan County Public Utility District properties.

RM 492.9 to RM 494.0
Shoreline Residential. Begins at the east half of the west half of T26R21S11, the southwest boundary of the Sun Cove Rural Service Center, and ends at the east half of the west half of T26R21S12, the northeast boundary of the Sun Cove Rural Service Center zoning boundary (2006). Only includes that area designated Rural Service Center (2006).

RM 494.0 to RM 507.8
Rural Conservancy. Begins at the east half of the west half of T26R21S12, the northeast boundary of the Sun Cove Rural Service Center zoning boundary (2006) and ends at the north-south center line of T27R23S10.

RM 507.8 to RM 523.0
Natural. Begins at the north-south center line of T27R23S10 and ends at the eastern boundary of T29R23S01.

RM 523.0 to RM 530.0
Rural Conservancy. Begins at the eastern boundary of T29R23S01 and ends at the SW ¼ of T30R24S23, Brewster Bridge.

RM 530.0 to RM 532.9
Natural. Begins at the SW ¼ of T30R24S23, Brewster Bridge, and ends at the east boundary of the southwest ¼ of T30R25S19.

RM 532.9 to RM 533.1
Rural Conservancy. Begins at the east boundary of the southwest ¼ of T30R25S19 and ends at the west half of the east half of T30R25S19.

RM 533.1 to RM 535.2
Natural. Begins at the west half of the east half of T30R25S19 and ends at the east half of the east half of T30R25S20.

RM 535.2 to RM 535.7
Rural Conservancy. Begins at the east half of the east half of T30R25S20 and ends at the east half of the east half of T30R25S21.

RM 535.7 to RM 538.7
Natural. Begins at the east half of the east half of T30R25S21 and ends at the east-west center line of T30R25S28.

RM 538.7 to RM 539.0
Rural Conservancy. Begins at the east-west center line of T30R25S28 and ends at the eastern boundary of T30R25S28.

RM 539.0 to RM 540.3
Natural. Begins at the eastern boundary of T30R25S28 and ends in the southwest ¼ of T30R25S34.

RM 540.3 to RM 542.3
Rural Conservancy. Begins in the southwest ¼ of T30R25S34 and ends at the west boundary of T29R25S10, the western boundary of the Bridgeport Urban Growth Area (2008).

RM 542.3 to RM 542.5
Shoreline Residential. Begins at the west boundary of T29R25S10, the western boundary of the Bridgeport Urban Growth Area (2008) and ends at the southern boundary of T29R25S10, at the city limits of Bridgeport.

RM 542.5 to RM 543.1
Shoreline Residential. Begins at the southern boundary of T29R25S10, at the city limits of Bridgeport (2008) and ends at the center of T29R25S15.

RM 543.1 to RM 544.4
Mixed Use. Begins at the center of T29R25S15 and ends at the west half of the east half of T29R25S23, SR 17 Bridge. Includes the area of Bridgeport zoned Tourist Commercial (2008) plus Marina Park.

RM 544.4 to RM 544.7
Urban Conservancy. Begins at the west half of the east half of T29R25S23, SR 17 Bridge, and ends at the west boundary of T29R25S24 at the city limits of Bridgeport (2008)

RM 544.7 to RM 545.4
Urban Conservancy. Begins at the west boundary of T29R25S24 at the city limits of Bridgeport (2008), and ends in the east half of the east half of T29R25S24 at the Bridgeport Urban Growth Area as of 2008.

RM 545.4 to RM 550.6
Rural Conservancy. Begins in the east half of the east half of T29R25S24 at the Bridgeport Urban Growth Area as of 2008 and ends at the west half of the east half of T29R26S03.

RM 550.6 to RM 567.8
Natural. Begins in the west half of the east half of T29R26S03 and ends in the east half of the east half of T30R28S09

RM 567.8 to RM 568.9
Rural Conservancy. Begins in the east half of the east half of T30R28S09 and ends in the east half of the east half of T30R28S10

RM 568.9 to RM 577.3
Natural. Begins in the east half of the east half of T30R28S10 and ends in the east half of the east half of T31R29S35, except RM 575.3 to RM 576.0.

RM 575.3 to RM 576.0
Rural Conservancy. Located in T31R29S34.
RM 577.3 to RM 578.1
Rural Conservancy. Begins in the east half of the east half of T31R29S35 and ends in the east half of the west half of T31R29S36.

RM 578.1 to RM 580.4
Natural. Begins in east half of the west half of T31R29S36 and ends in the east half of the west half of T31R30S33.

RM 580.4 to RM 580.8
Rural Conservancy. Begins in the east half of the west half of T31R30S33 and ends in the east half of the east half of T31R30S33.

RM 580.8 to RM 589.4
Natural. Begins in the east half of the east half of T31R30S33 and ends at the vertical center line of T29R30S01.

RM 589.4 to RM 589.9
Rural Conservancy. Begins at the vertical center line of T29R30S01 and ends at the east side of T29R30S12.

RM 589.9 to RM 595.7
Natural. Begins at east side of T29R30S12 and ends at the Town of Coulee Dam city limits.

RM 595.7 to RM 596.2
Begins at the northern Town of Coulee Dam city limits on the west side of the Columbia River and ends at the Douglas County line. See that jurisdiction's shoreline plan; it is not included in the Douglas County Regional Shoreline Master Program.

Lakes listed here are shorelines of the state and are regulated under the SMP.

Rock Island Lakes:
Blue Heron- entire lake is designated Rural Conservancy.

Big Bow Lake- Within the northeast ¼ of T22R21S23 from 120˚9'19"W by 47˚23'5"N westerly to 120˚9'44"W by 47˚23'1"N, Natural, the remainder of the lake is Rural Conservancy.

Hideaway Lake- Within the southwest ¼ of T22R21S24 from 120˚9'4"W by 47˚23'3"N southerly to 120˚9'3"W by 47˚23'1.5"N, and from 120˚8'37"W by 47˚22'58.5"N southerly to 120˚8'35"W by 47˚22'55"N Rural Conservancy, the remainder of the lake is Natural.

Hammond's Lake- Within the northwest ¼ of T22R22S30 (east side of lake) from 120˚7'26"W by 47˚22'18"N southerly to 120˚7'16"W by 47˚21'56"N, Shoreline Residential, the remainder of the lake is High Intensity.

Marina Lake- Within the northeast ¼ of T22R21S25 (west side of lake) from 120˚8'18"W by 47˚22'30.5"N southerly to 120˚8'17"W by 47˚22'24.5"N, Shoreline Residential, the remainder of the lake is High Intensity.

Pit Lake- Within the northeast ¼ of T22R21S25 (east side of lake) from 120˚8'24"W by 47˚22'36.5"N southerly to 120˚8'24"W by 47˚22'32"N, High Intensity, the remainder of the lake is Shoreline Residential.

Putter's Pond- Within the northwest ¼ of T22R22S30 (north side of lake) from 120˚7'56"W by 47˚22'35"N westerly to 120˚8'21"W by 47˚22'33.5"N, and within the northeast ¼ of T22R21S24 (west side of lake) from 120˚8'21"W by 47˚22'31"N easterly

to 120˚8'18"W by 47˚22'31"N, Shoreline Residential, the remainder of the lake is High Intensity.

Interior Lakes:
The following lakes are designated natural in their entirety:
Cornehl, Klinkhammer Lakes, Elbow, Smith, Black, Stallard, Haynes, U292825, U292831, U292922, U302936a, and U302936b.

Bennett Lake- entire lake designated Rural Conservancy.

Wilson Lake- Within the northwest ¼ of T29R29S22 from 119˚8'39"W by 48˚0'9"N westerly to 119˚9'10"W by 48˚0'8"N, Rural Conservancy, the remainder of the lake is Natural.

Jameson Lake- Within the northwest ¼ of T25R26S06 from 119˚36'56.5"W by 47˚41'42.5"N westerly to 119˚37'37"W by 47˚41'45"N and within the southwest ¼ of T25R25S12 from 119˚37'28.5"W by 47˚40'36.5"N southwesterly to 119˚38'4"W by 47˚39'34"N, Rural Conservancy, the remainder of the lake is Natural.

Grimes Lake- Within the northwest ¼ of T26R26S29 from 119˚35'24"W by 47˚43'28.5"N southwesterly to 119˚36'3"W by 47˚43'17.5"N, Rural Conservancy, the remainder of the lake is Natural.

U292902- Within the northwest ¼ of T29R29S02 from 119˚7'53"W by 48˚2'38"N westerly to 119˚7'43"W by 48˚2'29"N, Rural Conservancy, the remainder of the lake is Natural.

Banks Lake- Within T28R29S22 Rural Conservancy, within T28R29S29, T26R28S01, T26R28S14, T26R28S22, T25R28S04, T25R28S09, T25R28S20, and T25R28S29 Natural.

Shoreline environment designation maps:

Appendix A. Inventory and analysis

Appendix B. Restoration plan

Appendix C. Cumulative effects

Commented [SN15]: This is Appendix C from the 2015 regional SMP (no changes).

Appendix D. Monitoring and evaluation

Commented [SN16]: This is Appendix D from the 2015 regional SMP (no changes).

Appendix E. Tables

Commented [SN17]: This is Appendix E from the 2015 regional SMP (no changes).

Appendix F. Shoreline inventory maps

See separate Acrobat map file.

Appendix G. Shoreline reach maps

See separate Acrobat map file.

Appendix H. Shoreline critical areas regulations