

## 5. Shoreline use and modification policies and regulations

***[Note to Reader of November 2012 Draft: These draft policies and regulations are based on those of a similar Washington State jurisdiction and reflect the minimum requirements of WAC 173-26-231 and 173-26-241.]***

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This chapter contains policies and regulations for both shoreline uses and modifications. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use, and are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading application of chemicals, or significant vegetation removal.

### 5.1 General Shoreline Use Policies

#### Policies

1. Use and development within the shoreline jurisdiction should be consistent with the provisions of the environment designation in which they are located and the general regulations of this Program.

2. Some types of shoreline development may require a shoreline conditional use permit to effectively address cumulative impacts or to provide the opportunity to require specially tailored environmental analysis or design criteria. Shoreline uses that require a conditional use permit are shown in Table 1. Unanticipated uses that are not classified in Table 1 shall require a shoreline conditional use permit.
3. New development should be set back an adequate distance to protect ecological function and protect structures from flooding and channel migration hazards.

## **5.2 General Shoreline Modification Policies**

### Policies

1. Structural shoreline modifications should generally be allowed only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. To reduce the adverse effects of shoreline modifications and, as much as possible, shoreline modifications shall be limited in number and extent.
3. Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
6. Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201 (2)(e).

## **5.3 Agriculture**

### Policies

1. Recognize the importance of agriculture in Kittitas County and support its continued economic viability.
2. Allow lawfully established agricultural activities occurring on agricultural lands to continue as they historically have. New agricultural activities on land not currently

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used for agriculture, conversion of agricultural lands to other uses, and other development on agricultural land that does not meet the definition of agricultural activities (including any agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv)) should meet shoreline requirements.

3. Encourage animal feedlot operations to locate away from shorelines.
4. Appropriate vegetation management and Natural Resources Conservation Service conservation practices should be used to avoid and minimize water quality impacts from agricultural activities.
5. 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.

### Regulations

1. For Shoreline purposes, WAC 173-26-020 (Definitions) and WAC 173-26-241(3)(a) (Agriculture) shall determine the need for shoreline review for agricultural activities. To summarize, existing agricultural activities, including maintenance, repair and replacement of existing facilities (roads, buildings, etc.), may continue as they historically have and may include changes in crops. New agricultural activities on land not currently in agricultural use are subject to shoreline review. New agricultural facilities (roads, buildings, etc.) are subject to shoreline review or exemption when applicable. The following provisions apply to any development, construction, or use of land for agricultural purposes.
2. New agricultural activities on lands that did not have agricultural activities in place on March 5, 1975 (the date of adoption of this Master Program); conversion of agricultural lands to non-agricultural activities; 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. When allowed in a shoreline environment, confined animal feeding operations shall meet the following standards:
  - a. Applicants shall submit a proposed site plan that indicates:
    - i. Maximum number and type of livestock to be kept on the site;
    - ii. Existing and proposed contour of the land and topographic features;

- iii. Groundwater profiles, streams and drainage ways;
  - iv. Soil types;
  - v. Existing and proposed building locations;
  - vi. Waste disposal facilities including: Site runoff storage ponds, location of manure stockpiles, holding tanks and ponds, ultimate manure disposal sites;
  - vii. Other use areas such as feed storage, animal movement routes and animal pens.
- b. A site plan judged by the Administrator to be insufficient for the protection of the shoreline environment shall cause denial of the application.
4. New agricultural activities and facilities shall utilize best management practices established by the USDA Natural Resources Conservation Service or other similar agency.
  5. Discharge of any manure storage facility into ground or surface water is prohibited.

#### **5.4 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. Ensure that aquacultural uses do not conflict with other water-dependent uses or navigation, spread disease, establish non-native species that cause significant ecological impact, or significantly impact the aesthetic qualities of the shoreline. Protect spawning areas designated by the Department of Fish and Wildlife from conflicting uses.
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
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.

Regulations

1. All structures located within water bodies shall not preclude navigability of those waters at any time, and shall be clearly marked so as to provide no hazard to navigation on those waters.
2. Aquaculture facilities shall avoid significant conflict with water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities.

**5.5 Boating facilities and marinas**

Policies

1. Ensure that boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses. All marinas should be developed and operated in accordance with all state and local requirements.
2. In planning for marina location and design, special consideration should be given to facilities such as adequate access, parking, and restroom facilities for the public. Such facilities should be located away from the immediate water's edge.
3. 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.
4. 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.
5. Special care should be given to preventing and controlling invasive species infestations at boat launches.

Regulations

1. Boating facilities, marinas and extended mooring sites shall:
  - a. Comply with the health, safety and welfare standards of State and local agencies for such facilities;
  - b. Be so located and designed as not to obstruct or cause danger to normal public navigation of water bodies;
  - c. Be restricted to suitable locations and should avoid locating in critical habitat including spawning and holding areas for anadromous fish;
  - d. Avoid or mitigate for aesthetic impacts;
  - e. Mitigate special impacts of live-aboard vessels, such as water and wastewater needs, and garbage collection ;
  - f. Mitigate impacts to existing public access and navigation;

- g. Provide documentation of ownership or authorization to use associated water areas;
- h. Demonstrate that state and local regulations will be met. Agencies responsible for such regulations shall be consulted as to the viability of the proposed design;
- i. Submit an operations and site plan demonstrating:
  - i. Location and design of fuel handling and storage facilities to minimize accidental spillage and protect water quality;
  - ii. Proper water depth and flushing action for any area considered for overnight or long-term moorage facilities;
  - iii. Adequate facilities to properly handle wastes from holding tanks;
  - iv. That boating facilities are located only at sites with suitable environmental conditions, shoreline configuration, and access;
  - v. Adequate access, parking, and restroom facilities for the public. Such facilities should be located away from the immediate water's edge.

## **5.6 Breakwaters, jetties, groins, and weirs**

### Policies

1. Breakwaters, jetties, groins, and weirs are shoreline stabilization structures, which should be allowed only when necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes, and should be designed to protect critical areas and provide for mitigation.

### Regulations

1. Breakwaters, jetties, groins, and weirs shall:
  - a. Be located waterward of the ordinary high-water mark shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purposes.
  - b. Require a Conditional Use permit; except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.
  - c. Be designed to protect critical areas and shall provide for mitigation according to the sequencing defined in WAC 173-26-201(2)(e).

## **5.7 Commercial development**

### Policies

1. Limit commercial development to those activities that are particularly dependent upon a shoreline location. Other commercial uses should be encouraged to locate upland.

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2. Give first preference to water-dependent commercial uses over non-water-dependent commercial uses; and give second preference to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses. Allow non-water-oriented commercial uses in limited situations.
3. 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. Non-water-oriented commercial uses may be permitted in the high intensity environment with a conditional use permit 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.
3. 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.
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 dependent development unless such improvements are demonstrated to be infeasible or inappropriate.
5. 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.
6. 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.

## **5.8 Dredging and dredge material disposal**

### 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. Dredge material disposal on land away from the shoreline is generally preferred over open water disposal.
6. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material should not be allowed, except when the material is necessary for the restoration of ecological functions.
7. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged.

### Regulations

1. All applications for Substantial Development Permits that include dredging shall supply a dredging plan that includes the following information:
  - a. The quantity of material to be removed.
  - b. The method of removal.
  - c. Location of spoil disposal sites and measures that will be taken to protect the environment around them.
  - d. Plans for the protection and restoration of the shoreline environment during and after dredging operations.
2. A dredging operation judged by the Administrator to be insufficient for protection or restoration of the shoreline environment shall cause denial of a Substantial Development permit.
3. Dredging in surface waters shall be allowed only where necessary because of existing navigation needs, habitat restoration or improvement, maintenance or construction of water-dependent uses.

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4. Minor trenching to allow the installation of necessary underground pipes or cables may be allowed if no alternative, including boring, is feasible, and:
  - a. Impacts to fish and wildlife habitat are avoided to the maximum extent possible.
  - b. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.
  - c. Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
  - d. Mitigation is implemented, as appropriate, pursuant to Section 4.2 Critical Areas.
5. Dredging for the purpose of obtaining landfill material is prohibited, except that permitted under Section 5.11 Mining.
6. Dredging and excavation shall be confined to the minimum area necessary to accomplish the intended purpose or use.
7. Hydraulic dredging or other techniques that minimize the dispersal and broadcast of bottom materials shall be preferred over agitation forms of dredging.
8. Curtains and other appropriate mechanisms shall be used to minimize widespread dispersal of sediments and other dredge materials.
9. Entries across shore and wetland edges to accomplish dredging or excavation shall be confined to the minimum area necessary to gain entry and shall be confined to locations with the least potential for site disturbance and damage.
10. Dredging and excavation shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
11. Dredge spoils are also considered fill, and shall not be deposited within the shoreline except where such deposit is in accordance with approved procedures intended to preserve or enhance wildlife habitat, natural drainage, or other naturally occurring conditions.
12. Disposal of dredge material within a river's channel migration zone shall require a conditional use permit.
13. Dredge material disposal on land away from the shoreline is permitted under the following conditions:
  - a. Shoreline ecological functions and processes will be preserved, including protection of surface and ground water.
  - b. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.
  - c. Sites will be adequately screened from view of local residents or passersby on public right-of-ways.

## **5.9 Filling, grading, and excavation**

### Policies

1. Filling, grading, and excavation should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration.
2. Allow normal and reasonable land grading and filling where necessary to develop a land area for a permitted use. There should be no substantial changes made in the natural drainage patterns and no reduction of flood water storage capacity that might endanger other areas. Allow filling, grading, and excavation within the ordinary high water mark only when necessary to support water dependent uses, public access, transportation facilities, mitigation, restoration, enhancement, and certain special situations listed in WAC173-26-231(3)(c).
3. In evaluating filling, grading, and excavation projects, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, impediment to irrigation systems, reduction of water quality, and destruction of fish and wildlife habitat should be examined.
4. Locate and design shoreline fills or cuts to avoid creating a hazard to adjacent life, property, and natural resources systems, and to provide all perimeters of fills with vegetation, retaining walls, or other mechanisms for erosion prevention.

### Regulations

1. Filling, grading or excavation waterward of the ordinary high-water mark for any use except ecological restoration shall require a conditional use permit.
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; or
  - 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. Fill for the purpose of increasing elevation may be permitted if such can be accomplished in a manner consistent with the policies of this chapter.

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4. Fill shall be the minimum necessary to accomplish the use or purpose and shall be confined to areas having the least impact to the stream corridor. Other alternatives should be preferred over fill to elevate new homes in the floodplain, such as increasing foundation height or zero-rise methods such as piers, posts, columns, or other methods.
5. Fill in floodplains shall meet the requirements of section 4.3 Flood Hazard Reduction.
6. Pile or pier supports shall be preferred over fill for water-dependent uses and facilities.
7. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material, with a minimum potential to degrade water quality.
8. Fill placement shall be scheduled at times having the least impact to fish spawning, nesting patterns, and other identified natural processes.
9. Fill shall be stabilized with native vegetation where appropriate to prevent erosion, migration of sediments and other material from the fill area to surrounding water, shore, and wetlands, unless technical consultation with other regulating agencies indicates alternative means are required.
10. Projects that propose fill shall make every effort to acquire fill onsite (also known as compensatory storage) where appropriate.
11. Excavation that occurs either waterward of the OHWM or within wetlands shall be considered dredging for purposes of this Program.
12. 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.
13. 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.
14. 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.

15. 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.
16. 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 4.2 Critical Areas.

## **5.10 Forest Practices**

### Policies

1. Shoreline areas having well-known scenic qualities (such as those providing a diversity of views, unique landscape contrasts, or landscape panoramas) should be maintained as scenic views in timber harvesting areas. Timber harvesting practices, including road construction and debris removal, should be closely regulated so that the quality of the view and viewpoints along shorelines of statewide significance in the region are not degraded.
2. Forest management shall proceed in accordance with regulations established by the Washington State Forest Practices Act, including coordination with Kittitas County on forest practice conversions and other Class IV-forest practices where there is a likelihood of conversion to non-forest uses.
3. Ensure that timber harvesting on shorelines of statewide significance does not exceed the limitations established in RCW 90.058.150 (regarding selective harvest requirements), except as provided in cases where selective logging is rendered ecologically detrimental or is inadequate for preparation of land for other uses.
4. Accomplish reforestation in shorelines as quickly as possible. Replanting should be done with native species common to the area.
5. Forest lands should be reserved for long term forest management and other uses compatible with forest use.

### Regulations

1. All federal forest practices or non-federal forest practices meeting the criteria below shall qualify for an exemption from this Program. All forest practices qualifying for this exemption shall demonstrate compliance by providing a copy of the federal approval or state Forest Practices Permit. Other forest practices must conform to all applicable development standards. To qualify for an exemption the forest practice must meet the following criteria:

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- a. The activities includes harvest/treatment of at least 5 acres of forestland, or supporting such an operation;
  - b. All harvesting within 200' of the ordinary high-water mark of a Shoreline of Statewide Significance uses methods meeting RCW 90.58.150 (selective harvest), as amended;
  - c. The activities are not associated with a Conversion Option Harvest;
  - d. The activities are approved under a forest practices permit;
  - e. The activities are not associated with a harvest under a Class IV–General application to convert forest land to non-forestry use.
2. Non-federal forest practices not meeting criteria (a), (b), or (c) above shall require a conditional use permit.
  3. Non-federal forest practices not meeting criteria (d) above (Class 1 forest practices activities not requiring Department of Natural Resources review) shall be reviewed as separate uses or activities.
  4. Non-federal forest practices not meeting criteria (e) above shall be reviewed as a new proposed use.

### **5.11 Industrial and port development**

#### Policies

1. Allocate sufficient quantities of suitable land for water related industry. Give preference to water-dependent industrial uses over non-water-dependent industrial uses; and second, give preference to water-related industrial uses over non-water-oriented industrial uses. Allow non-water-oriented industrial development in limited situations.
2. Industrial development shall be located, designed, or 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.
3. Discourage industries which have proven to be environmentally hazardous from locating along the shorelines.
4. Industrial development should consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, as provided in WAC [173-26-221](#)(4).
5. Where industrial use is proposed for location on land in public ownership, public access should be required.

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6. Industrial development and redevelopment should be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

### 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 dependent 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. 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:
    - i. 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
    - ii. 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.
  - c. 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 dependent 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 ordinary high water mark,

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.

## **5.12 In-stream structures**

### Policies

1. In-stream 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. In-stream 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. In-stream 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 in-stream 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 in-stream 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. In-stream 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 in-stream 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. In-stream structures shall allow for natural ground water movement and surface runoff.
6. The jurisdictions shall require professionally engineered design of any proposed in-stream 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 in-stream 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.

### **5.13 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.

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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.
8. 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 below the ordinary high-water mark of a river shall be permitted only when:
  - a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; and
  - b. The mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.

Determination of whether the two provisions above have been met shall be made consistent with RCW [90.58.100](#)(1) and WAC [173-26-201](#) (2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of SEPA (chapter [43.21C](#) RCW) and the SEPA rules (chapter [197-11](#) WAC). The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC [173-26-231](#) (3)(f).

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2. Mining within any channel migration zone that is within the shoreline jurisdiction shall require a shoreline conditional use permit.
3. Mining of, including but not limited to, sand, gravel, cobbles, or boulders from any alkaline lake or shoreline is prohibited.
4. 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 43.21 C RCW), or otherwise be shown in a manner consistent with RCW 90.58.100(1) and WAC 173-26-201 (2)(a).
5. 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.
6. 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.
7. 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).
8. 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.
9. Subsequent use of reclaimed sites shall be consistent with the provisions of this Program.

## **5.14 Piers and docks**

### Policies

1. Piers and docks should only be allowed for water dependent uses and public access, except that water enjoyment and water related uses may sometimes be included as part of a mixed use development. New piers and docks must have a specific need and must be the minimum size necessary. The cooperative use of piers and docks is encouraged.
2. New piers and docks, excluding docks 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. A port district or other public or commercial entity involving water-dependent may demonstrate a future need for a pier or dock according to WAC 173-26-231(2)(F)(b), and seek approval of a pier design, size, and construction.
4. New and existing docks should be designed to be fish-friendly (e.g. grating to allow light penetration, and use of non-toxic materials).

### Regulations

1. Piers and dock construction shall be the minimum size necessary to meet the needs of the use.
2. New pier or dock construction, excluding docks accessory to single-family residences must demonstrate that a specific need exists to support the intended water-dependent or public access use.
3. New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.
4. All piers and docks shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions and critical areas, see Section 4.2 Critical Areas. Structures should be made of materials that have been approved by the Department of Fish and Wildlife.

## **5.15 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 4.4 Public Access.
2. Recreational uses and development should provide for the preservation and enhancement of scenic views and vistas.

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3. 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.
4. Recreational uses and facilities should be designed and located to ensure no net loss of critical areas and shoreline ecological functions.
5. Opportunities incorporating educational and interpretive information should be pursued in design and operation of recreation facilities.
6. 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.
7. Commercial recreational facilities should be consistent with the provisions of Section 5.7 Commercial development.

### 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. Access to recreational areas should emphasize both areal and linear access. Linkage of shoreline parks and public access points by means of linear access should be encouraged.
3. Commercial and public recreation areas or facilities on the shoreline shall provide public access (physical or visual) consistent with Section 4.4, Public Access.
4. Commercial recreational facilities shall be consistent with the provisions of Section 5.7 Commercial development.
5. Recreational uses and facilities shall be designed and located to ensure no net loss of critical areas and shoreline ecological functions
6. Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area. The use of native plant species is preferred over the use of plant types that need extensive maintenance and support (mowing, pruning, irrigation, etc.).
7. 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 4.6, Water Quality, Storm Water, and Nonpoint Pollution.

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8. State-owned shorelines of the state are priority locations for wilderness beaches, ecological study areas and other recreational activities for the general public.
9. The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designation.
10. Within the natural environment, 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;
  - b. Any necessary landscaping or site restoration shall use native or similar self-maintaining vegetation.
11. Recreational activities in the urban conservancy and rural conservancy environment must be compatible with existing or proposed uses in the area and must not create a noise, traffic, visual or similar problem.
12. No permanent structures are allowed in the natural environment.

### **5.16 Residential development**

#### Policies

1. Residential development includes single-family development, multi-family development, and the creation of new residential lots through subdivision. Residential development shall be designed and constructed in a way that ensures no net loss of shoreline ecological function.
2. Residential development and 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.)
3. Residential development and appurtenant structures and uses 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.
4. Single family residences are a priority use when planned and built in accordance with the policies and regulations of this Program, including without limitation Section 4.2 Critical Areas and Section 4.6 Water Quality, Stormwater, and Nonpoint Pollution.
5. New multi-unit residential developments, including short plats and subdivisions, should provide access (visual and physical) to the shoreline in conformance with Section 4.4, Public Access.

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6. Plans and subdivisions should be designed and configured in a manner that assures no net loss of ecological function results from the plat or subdivision at full build-out of all lots. New lot creation should not create a need for new shoreline stabilization or flood hazard reduction measures and should be consistent with the shoreline environment designation policies and general shoreline policies.
7. Allowable density of new residential development should comply with applicable comprehensive plan goals and policies, zoning restrictions and shoreline environment designation and dimensional standards in this Program.
8. New over-water residences, including floating homes, are not a preferred shoreline use and should be prohibited.
9. Measures to conserve native vegetation should be implemented in conformance with Section 4.2, Critical Areas and Section 4.5 Shoreline 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.

### Regulations

1. New residential development, including lot creation, 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. New residential development shall be designed to meet minimum required setbacks from critical area buffers and side property lines, maximum height limits and density standards contained in the Section 5.22 Shoreline Bulk and Dimensional Standards.

5. Residential development shall make provisions for vegetation conservation in conformance with Section 4.5 Shoreline Vegetation Conservation.
6. Shoreline access for residential development shall incorporate access to adjacent publicly owned shorelines or public water bodies as provided for in Section 4.4, Public Access.
7. Residential density shall not exceed the maximum set forth in Table 2 Shoreline Bulk and Dimensional Standards.

### **5.17 Shoreline stabilization**

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

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

Structural stabilization measures can be “hard” or “soft” “Hard” structural stabilization refers to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement. There is a range of measures varying from soft to hard that include:

- Vegetation enhancement;
- Upland drainage control;
- Biotechnical measures;
- Beach enhancement;
- Anchor trees;
- Gravel placement;
- Rock revetments;
- Gabions;
- Concrete groins;
- Retaining walls and bluff walls;
- Bulkheads; and
- Seawalls.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Additionally, hard structures, especially vertical walls, often create conditions that lead to failure of the structure. Failed bulkheads and walls adversely impact beach aesthetics, may be a safety or navigational hazard, and may adversely impact shoreline ecological functions.

## Policies

1. Nonstructural alternatives of stabilization should be encouraged over structural methods, 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 structures should be located and designed to avoid the need for future shoreline stabilization where feasible. New lots created through sort plat or subdivision should be designed to assure that future development on the created lots will not require structural shoreline stabilization for reasonable development to occur.
3. New or expanded structural shoreline stabilization should be permitted only 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 ecological enhancement, restoration, or hazardous substance remediation projects should be allowed only 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 interfere with public access to shorelines.
6. New shoreline stabilization should not cause significant impacts to adjacent or down-current properties.
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. 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. 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.
10. All shore stabilization activities must be designed and constructed to accepted engineering standards.

## Regulations

1. New development shall be located and designed to avoid the need for future shoreline stabilization to the extent feasible.

2. Subdivision of land may not create lots that will require shoreline stabilization in order for reasonable development to occur.
3. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
4. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.
5. New structural stabilization measures shall only be allowed for the following instances, and then only when necessity is demonstrated based on criteria included in this section:
  - a. When necessary to protect an existing primary structure;
  - b. In support of new non-water-dependent development, including single-family residence;
  - c. In support of new water-dependent development; and
  - d. To protect projects for the restoration of ecological functions or hazardous substance remediation projects.
6. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, are permitted only if 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.
7. New structural stabilization for new non-water-dependent development, including single family residences, is permitted only if 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.
8. New structural stabilization for water-dependent development is permitted only if it can be demonstrated that:

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- 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.
9. New structural stabilization to protect projects for the restoration of ecological functions or hazardous substance remediation projects is permitted only if it can be demonstrated that nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
10. 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. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark. A geotechnical analysis shall be required to document that alternative solutions are not feasible or do not provide sufficient protection.
11. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
12. All new, expanded, or replacement shoreline stabilization shall be permitted only if it can be demonstrated that the proposed measures will not result in a net loss of shoreline ecological functions.
13. For purposes of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
14. 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. 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.

15. When structural shoreline stabilization measures are demonstrated to be necessary, the following provisions shall apply:

- a. The size of stabilization measures shall be limited to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions;
- b. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses;
- c. Publicly financed or subsidized shoreline erosion control measures may not restrict appropriate public access to the shoreline except where such access is not feasible because of incompatible uses, safety, security, or harm to ecological functions. See Section 4.4 Public Access. Where feasible, incorporate ecological restoration and public access improvements into the project;
- d. Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems. Where sediment conveyance systems cross jurisdictional boundaries, local governments should coordinate shoreline management efforts. If beach erosion is threatening existing development, local governments should adopt master program provisions for a beach management district or other institutional mechanism to provide comprehensive mitigation for the adverse impacts of erosion control measures.

## **5.18 Shoreline habitat enhancement**

### Policies

1. Protect all shorelines of the state so that there is no net loss of ecological functions from both individual permitted development and individual exempt development.
2. In development of the Shoreline Master Program, evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions to ensure no net loss of ecological function. Develop a means to allocate the burden of addressing cumulative effects.
3. Provide, where feasible and desirable, restoration of degraded areas along the shorelines of Kittitas County.

### Regulations

Shoreline habitat enhancement is regulated through Section 4.2 Critical Areas, Section 4.5 Shoreline Vegetation Conservation, and Section 4.6 Water Quality, Stormwater, and Nonpoint Pollution.

## **5.19 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.

### Regulations

1. This Program does not contain specific regulations and standards associated with outdoor signage. Signs may be permitted above the ordinary high water mark in any shoreline environment, subject to the locally adopted sign code, Kittitas County Code 17, Chapter 17.72 Signs.

## **5.20 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

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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 inclusion in 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. Roads and railroads shall not be located within a designated stream corridor except where it is necessary to cross the corridor, or where existing development, topography, and other conditions preclude locations outside the stream corridor.
  - a. Construction of roadways across stream corridors shall be by the most direct route possible having the least impact to the stream corridor.
  - b. Roadways that must run parallel to stream or wetland edges shall be along routes having the greatest possible distance from stream or wetland and the least impact to the corridor.
  - c. Roadways within the stream corridor shall not hydrologically obstruct, cut-off or isolate stream corridor features.
2. Material excavated from the roadway area to achieve the design grade shall be used as fill where necessary to maintain grade, or shall be transported outside the corridor.
3. Necessary fill to elevate roadways shall not impede the normal flow of floodwaters or cause displacement that would increase the elevation of flood waters such that it would cause properties not in the floodplain to be flood-prone.
4. Spoil, construction waste, and other debris shall not be used as road fill or buried within the stream corridor.
5. Bridges and water-crossing structures shall not constrict the stream channel or impede the flow of the ordinary high water, sediment and woody debris.
6. Natural stream channels and drainage ways shall be preserved through the use of bridges for crossings, unless the use of culverts is demonstrated to be the only technically feasible means for crossing. The use of bridges shall be the preferred means to preserve natural streams and drainage ways. Where bridges are not feasible, large, natural bottom culverts, multi-plate pipes and bottomless arches shall be used.
7. The alignment and slope of culverts shall parallel and match the natural flow of streams or drainage ways, unless doing so conflicts with subsection 1 and 2 above,

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and shall be sized to accommodate ordinary high water, and shall terminate on stable, erosion-resistant materials.

8. Where fish, amphibian or other wildlife passage is present, culverts shall be designed and constructed to specifications provided through the Washington State Aquatic Habitat Guidelines or a comparable source of expertise.
9. At least one end of a wood stringer bridge shall be anchored to prevent it from being washed away during high water.
10. Roads must be designed and constructed using established flood resistant and design and construction methods when they may be subject to damage by flood waters.
11. Roads and bridges within floodways must meet the requirements of Section 4.3 Flood Hazard Reduction.
12. Parking is not a preferred shoreline use and shall be allowed only as an accessory use to an authorized primary use when no other feasible alternative exists.
13. Authorized parking areas shall be designed and constructed to minimize the visual impact of parking facilities from the shoreline and to prevent environmental impacts to the shoreline.

### **5.21 Utilities** Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.
2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground, or alongside or under bridges.
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

### Regulations

1. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants, pipelines and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities that are water-dependent. Non-

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water dependent utilities should be placed outside of shoreline jurisdiction unless no other feasible option exists.

2. All utility facilities shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The Administrator require the relocation or redesign of proposed utility development in order to ensure no net loss of ecological function.
3. Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided.
4. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions. Utilities should be located in existing rights of way and corridors whenever feasible.
5. Development of pipelines and cables on shorelines, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.
6. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities. The Director or designee will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of utility development.
7. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be added to or substantially reconstructed.
8. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser impact. Existing aboveground lines shall be moved underground during normal replacement processes.
9. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by a route that has the least ecological impact to the shoreline.

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10. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.
11. Utility production and processing facilities shall be located outside shoreline jurisdiction unless no other feasible option exists. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views, and shall meet no-net-loss standards.
12. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
13. Filling in shoreline jurisdiction for development of utility facility or line purposes is prohibited. Permitted crossings shall utilize pier or open pile techniques.
14. Power-generating facilities shall require a conditional use permit.
15. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
16. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction.
17. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.

### **5.22 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 4.2 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

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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 provision that is 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 173-27-1 70, 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 G shoreline critical areas regulations and buffer standards within shoreline jurisdiction 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 determine 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 on March 5, 1975 (the date 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:
    - i. The width of the undeveloped lot is less than 150 feet;
    - ii. The lot is located within an urban growth area, planned unit development, rural service center or rural recreation zoning district, or is a lot in a cluster development.
  - b. Common line buffers/setbacks shall not apply when:
    - i. The elevation of adjacent structures on adjacent lots are 15' higher or lower from the natural grade on the vacant center lot;
    - ii. One of the adjacent lots is undeveloped;
    - iii. Either of the adjacent lots has been developed since March 5, 1975 (the date of adoption of this Program).

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- iv. 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 G shoreline critical areas regulations and buffer standards within shoreline jurisdictions.
8. Critical area buffer: See Appendix G shoreline critical areas regulations and buffer standards within shoreline jurisdiction.
9. Density of development: Residential density standards for urban and rural areas are provided in Table 2. Additional standards which apply to impervious surface area and water quality review may be found in Section 4.6, Water Quality, Stormwater and Nonpoint Pollution.
10. When calculating 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. 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.
11. Lot frontage: Lot frontage standards are provided in Table 2. 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.

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12. Table 2. Shoreline Bulk and Dimensional Standards

Table 2: Bulk and Dimensional Standards						
(#): See note below du: dwelling unit	High Intensity	Urban Conservancy	Shoreline Residential	Rural Conservancy	Natural	Aquatic
Shoreline Setbacks	75'	100'	100'	100'	150'	N/A
Building Setback (measured from critical areas buffer)	15'	15'	15'	15'	15'	N/A
Side Yard Setback, General	20'	20'	20'	20' (1)	20' (1)	N/A(1)
Side Yard Setback, Single Family or Duplex	10'	10'	10'	10'	10'	N/A
Side Yard Setback, Boating Facilities	10'	15'	10'	15'	20'	(2)
Side Yard Setback, Mining	50'	100'	N/A	100'	N/A	N/A
Height	35'	35'	35'	35'	35'	N/A
Lot Frontage	80'	100'	100'	100'	150'	N/A
Rural Density (3)	N/A	N/A	1 du/ 5 acres	1 du/ 5 acres	1 du/ 10 acres	N/A
Urban Density (4)	6 du/ acre	6 du/ acre	6 du/ acre	N/A	1 du/ 10 acres	N/A

Notes to Shoreline Bulk and Dimensional Standards Table:

1. Side yard setbacks for Aquaculture shall be 500 feet.
2. Setback is based on upland shoreline environment.
3. "Rural Density" applies to unincorporated areas outside an urban growth area or localized area of more intense rural development (LAMIRD).
4. "Urban Density" applies to incorporated areas and unincorporated areas inside an urban growth area or localized area of more intense rural development (LAMIRD).

13. Administrative Setback Reduction: the Administrator shall have the authority to reduce building and side yard setbacks listed in Table 2, 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 (March 5, 1975). 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 Chapter 7 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

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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 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.