

Douglas County Regional Shoreline Master Program

NOTE: Only sections proposed to be amended are included



Jameson Lake

Last Amended by Ordinance TLS-20-07-19C

Effective Date: January 26, 2021

Douglas County Adopting Ordinances TLS 08-09-32B & TLS 09-08-41B

Effective Date: August 27, 2009

Public Review Draft

1.5 Public involvement process, advisory committee and agency coordination

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.

[2021 Periodic Review](#)

[In June 2021, Douglas County completed the SMP periodic review process in coordination with Ecology pursuant to RCW 90.58.80 with support from Anchor QEA, LLC. This SMP has been updated to reflect limited amendments that were developed during that process. Public and stakeholder input was obtained throughout the process, including a public workshop held in September 2020. A State Environmental Policy Act \(SEPA\) Determination of Nonsignificance was issued for the SMP periodic review process on February 25, 2021. Public and agency comments were accepted through May 18, 2021 and included comments from Chelan Public Utility District, Washington Department of Fish and Wildlife \(WDFW\), and the Confederated Tribes of the Colville Reservation.](#)

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.

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 County 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.

1.13 Effective date

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

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-~~dependant~~dependent, 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.

2.5 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.

3.10 Table 1. Use matrix

- ~~A.~~ ~~Shoreline use and development shall be classified by the Administrator and regulated under one or more of the following applicable sections of this Program.~~ 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.
- ~~A.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= ~~Dependant~~Dependent 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
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 dependant <u>dependent</u>	P	<u>PG</u>	P	C	C	X	S
Water-related/enjoyment	P	<u>PG</u>	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	<u>PG</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>	<u>PG</u>	C	S

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Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
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							
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	<u>PG</u>	X	C	C	C	X	S
Commercial dry boat storage	<u>PG</u>	X	C	X	X	X	NA
Float plane moorage accessory to permitted moorage	NA	NA	NA	NA	NA	NA	P

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Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
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 dependant <u>dependent</u>	P	P	P	P	P	C	S
Water-related/enjoyment	P	P	P	P	P	C	S
Non-water-oriented	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	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							
Dikes/levees	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	C	P <u>C</u>
Breakwaters, groins and jetties	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	C	P <u>C</u>
Bulkheads and revetments	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	C	P <u>C</u>
Bioengineering approaches	P	P	P	P	P	C	P <u>C</u>
Signs							
Signage	P	P	P	P	P	P	X

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Shoreline Uses	Shoreline Environment Designation						
	High Intensity	Urban Conservancy	Mixed Use	Shoreline Residential	Rural Conservancy	Natural	Aquatic
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 <u>C</u>	P	P	C	C	C
Wastewater systems	C	C	C	C	C	X	C
Solid waste facilities	X	X	X	X	X	X	X
Oil, gas and natural gas transmission	C	C	C	C	C	C	C
Electrical generation	P	P <u>C</u>	P	P	P	C	C
Communication systems	P	P <u>C</u>	P	P	P	C	C
Local utility distribution facilities	P	P	P	P	P	C	C
Transmission facilities	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C	C
Dams, diversion and tailrace structures for hydroelectric power generation	C	C	C	C	C	C	C

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.

3. 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:

- a. Preferential consideration shall be given to 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.
- b. 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.
- c. Off-site compensatory mitigation within the same watershed outside of Douglas County.
- d. 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.

~~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.

4.3 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.
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.
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.
- 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.

~~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.

4.6 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 ~~dependant~~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-~~dependant~~dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-~~dependant~~dependent 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.

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 ~~dependant~~dependent 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 ~~dependant~~dependent 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.
 - 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 ~~dependant~~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. 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 ~~dependant~~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 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.

5.10 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 unless additional moorage is required by other agencies or utilities with jurisdiction. 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.~~ 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.

- e.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 flotation 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 [of the underlying zoning district](#) 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.

41-12. 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 ~~twenty-fourty-five~~ percent (~~2540~~%) 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~~-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.

[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 [the](#) 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 construction of a single-family residence on an undeveloped lot to accommodate shoreline views that are similar, yet not necessarily equal, to those from adjoining properties. Common line setbacks may be allowed on lots that are adjacent to lots that have a single family residence on one or both adjoining shoreline lots within an urban growth area, a Rural Service Center, the Rural Conservancy shoreline environment or the Shoreline Residential shoreline environment.

The common line buffer/setback shall be determined by:

- a. Existing residential dwelling units on both sides: Where there are existing residences on both sides of the proposed residence, the setback shall be calculated the average of adjacent residences' existing setback from the OHWM.
- b. Existing residential dwelling unit on one side: Where there is an existing residence within 150 feet of one side the proposed residence, the setback shall be determined as a common line calculated by the adjacent residences' buffer/setback, as measured landward from the OHWM and the ~~default~~ buffer for the adjacent vacant lot.

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. Additional standards which apply to impervious surface area and water quality review may be found in Section 4.2, Water Quality.~~

~~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.~~

~~40.9.~~ 9. No disturbance of the building setback shall be allowed during construction activity. Temporary fencing of the buffer area during construction activities shall be required consistent with Section 3.050(C)(2) of Appendix H.

~~41.10.~~ 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

~~42.11.~~ 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. Building setbacks shall not apply from critical area buffers when existing vegetation within the buffer is disturbed per Appendix H, Sections 2.050(B)(4) and 3.050 (B)(6)(c)(1) of this Program. [Please refer to the underlying zoning code for side yard setbacks.](#)

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

SF- Single 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

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

SF- Single Family

All dimensions are in feet

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	400	NA	NA	400	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	40	40	40	40	40	NA	NA
Side yard setback-SF	40	40	40	40	40	40	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

~~13.~~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 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 [groynes](#) 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~~[Groins](#) 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.

5.17 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 ~~dependant~~dependent 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.

6.5 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 ~~immediately upon adoption by the Department of Ecology~~fourteen calendar days from the date of the Department of Ecology's written notice of final action to the County.
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.

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.
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.

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 structure" – 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., 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. [Buffers are precluded from further disturbance unless allowed by this SMP \(e.g., no new fences, fire rings, septic facilities, etc.\). Buffers are defined in this SMP and Appendix H Chapters 2.050\(B\) and 3.050\(C\).](#)
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, 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 Delineation manual and/or the, Corps of Engineers Wetlands Delineation Manual 1987 Edition, as amended.
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. "Disturbed vegetation" means areas, particularly within wetland and riparian buffers, where native vegetation has been and continues to be disturbed as part of a legally established recreational or residential development, including associated site improvements, or prior agricultural use, resulting in vegetated area that provides minimal habitat function or value. Typical disturbances include mowed lawn areas, landscaped areas, recreational uses, previous agricultural uses that are currently mowed, and maintained upland grasses and weedy species.
71. "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 consisting of any combination of fixed pier, gangway, and/or float. Docks include ing but are 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.

72. "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.

73. "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.

74. "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.

75. " 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.

76. "Multifamily dwelling" means a building containing three or more dwelling units.
77. "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.
78. "Two-family dwelling (duplex)" means a building containing two attached dwelling units on one lot, other than an accessory dwelling.
79. "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.
80. "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.
81. "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.
82. "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.
83. "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.

84. "Erosion" means a process whereby wind, rain, water and other natural agents mobilize, and transport, and deposit soil particles.
85. "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.
86. "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.
87. "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.
88. "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.
89. "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.
90. "Exotic" means any species of plants or animals that is not indigenous to the area.

91. "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.
92. "Farm pond" means an open water depression created from a non-wetland site in connection with agricultural activities.
93. "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.
94. "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.
95. "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.
96. "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.

97. "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.
98. "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.
99. "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.
100. "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.
101. "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.
102. "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.

103. "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.
104. "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.
105. "Floodgate" means a closeable passageway placed in a river, stream or artificial channel to control flood waters.
106. "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.
107. "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.
108. "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.
109. "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.
110. "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.

111. "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.
112. "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.
113. "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.
114. "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.
115. "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.
116. "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).
117. "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.
118. "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.

119. "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.
120. "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).
121. "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.
122. "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.
123. "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).
124. "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).
125. "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.

126. "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.
127. "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.
128. "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.
129. "Hearings board" means the State Shorelines Hearings Board referenced in RCW 90.58.170.
130. "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.
131. "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.
132. "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.
133. "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 (RCW 36.70A.175).
134. "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.

135. "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.
136. "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.
137. "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.
138. "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.
139. "Infiltration" means the passage or movement of water into the soil surface.
140. "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, 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.

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” mean 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.

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.

~~177. “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.~~

~~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 conducive 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.

~~224-222.~~ "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, 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, 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 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

Appendix C. Cumulative effects

C.3 Foreseeable future development and use of the shoreline

There is very minimal development likely to occur on the interior lakes or Banks Lake due to ownership (public or large landowners), proximity to existing development, and the water quality on most being alkaline in nature. Jameson Lake may have some recreational or rural residential related development occur on the north end- likely converting agricultural uses to others. On the south end of Jameson Lake very little development is expected to occur as most of the shoreline available for development has already occurred and the existing road lines the banks. The County records indicate almost no permits for development along any of the lakes in the last 10 years; only a couple in the Jameson Lake area.

The Columbia River

Because the future development is likely to be very different in each of the reservoirs, this discussion will be separated into those areas, with the urban areas discussed separately at the end.

Lake Rufus Woods

Most of this section of the river is designated Natural for a combination of factors: lack of development presently, poor accessibility, likelihood of demand for development in the future, extent of geologic hazards (steep or talus slopes), U.S. Corps of Engineers easement restrictions and ownership. Rural Conservancy was designated in areas where development may occur; agricultural areas and access points that presently exist. In the next 10-20 years the Corps is the most likely entity to improve or create shoreline access improvements, or other similar activities and is exempt from local permitting. Private development is most likely to occur in the section immediately upstream from Chief Joseph Dam where the zoning is Commercial Agriculture-10. The remaining shoreline is zoned either Dryland Ag-20 or Rural Resource 20. The proposed policies and regulations for the two Environment Designations should provide adequate protection or mitigation of shoreline resources. Any development that is likely to occur would be a conversion of uses- irrigated or row crop agriculture to residential and/or with water ~~dependant~~dependent uses (docks, etc.).

Lake Pateros

The Douglas County Public Utility District owns virtually all of the shoreline, although not the entire 200 foot jurisdictional area in all places. Similar to the Corps of Engineers, the PUD has a landowner agreement that allows some limited activities to occur on the shoreline (once all other permits are approved). The PUD also manages some of the area for fish and wildlife. In addition, some of the upland shoreline is also owned by state agencies or the Colville Tribes that are designated for fish and wildlife uses. The shoreline from Crane Orchards to the City of Bridgeport is a mix of Natural and Rural

Conservancy Environment Designations; specific areas that are planned for wildlife management or inaccessible being designated Natural. The area upstream from Wells Dam to Crane Orchards is largely inaccessible and has some steep and unstable slopes thereby preventing most development from occurring, and designated Natural. Within the City of Bridgeport Urban Growth Area there is a mix of urban environment designations that generally follow the Comprehensive Plan designations. The likelihood of any significant development occurring along the shorelines in the next 10-20 years is minimal; development is most likely to occur in the Bridgeport UGA.

The City of Bridgeport expects some development to occur along the Columbia River shorelines, although to date interest has been limited. The ownership by the Douglas County PUD and U.S. Army Corps of Engineers in large part controls the level of development. There is interest in some shoreline related commercial uses and possible access by adjacent landowners although since it is a small community, much of the access desired is provided by the facilities at Marina Park. The shoreline has been designated Urban Conservancy on public lands east of the SR 17 bridge, and either Shoreline Residential or Mixed Use west of the bridge. Because of the current conditions and mitigation required for proposals no net impact is expected.

Lake Entiat

Part of this section of river, from just north of McNeil Canyon south to Rocky Reach Dam, is likely to have the most development of all the Columbia River within Douglas County based on recent subdivisions of land, development, and zoning, including clustering provisions. This section is primarily designated Rural Conservancy, with small areas designated Natural and where local areas of more intense rural development, designated Shoreline Residential or Urban Conservancy. The Orondo Rural Service Center is the exception, designated Mixed Use to provide consistency with the Douglas County Comprehensive Plan. Upstream from McNeil Canyon to Wells Dam the shoreline is inaccessible and has very steep slopes that would prevent development from occurring in the next 10-20 years, and has been designated Natural. Chelan County PUD has flood easements along the entire reservoir, and in some areas owns the shorelines.

Rock Island Reservoir

This section of river is likely to have the second most development of all the Columbia River in Douglas County based on proximity to East Wenatchee, recent subdivisions of land, development, and zoning, including clustering provisions. The primary area where development may occur is south of the SR 28 bridge (George Sellar Bridge), designated a mix of Shoreline Residential, High Intensity, and Urban Conservancy. North of the George Sellar Bridge the shoreline is almost entirely owned by the Washington State Department of Transportation, which has been designated Urban Conservancy; one existing use, the Douglas County Sewer District facilities occurs in just north of the Bridge. This reservoir includes the cities of East Wenatchee and Rock Island, discussed below. Chelan County PUD has flood easements along the entire reservoir, and in some areas owns the shorelines.

Within the City of East Wenatchee UGA the development along the Columbia River most likely to occur is recreational in nature; additional trails and possible development of an additional boat access point. The upper banks, likely outside of the 200 foot jurisdictional area, will have increased residential development and some commercial development. The potential effect of development is increased use of the trail system, reduction in irrigated agricultural uses and stormwater runoff. Since the area is within a stormwater utility and regulated as such, stormwater runoff should have a very minor to negligible effect on the shorelines. Most of the shoreline has been designated Urban Conservancy because of the trail system and ownership, thereby providing adequate protection and regulation of shoreline uses. Because of the current conditions and mitigation required for proposals no net impact is expected.

The City of Rock Island shorelines, as previously discussed has inherent limitations to future development to most of the Columbia River. As provided for in the Restoration Plan, the developed industrial area has been identified as having potential for restoration. Over time it is likely that a net gain in shoreline functions could be realized through planning and development proposal mitigation. For the six lakes, various activities that are planned and in discussion in the community should improve the overall shoreline and aquatic functions. Gravel extraction operations, over the long-term, should improve the functions of Putter's and Marina lakes by providing a wide variety of lake and shore habitats. The golf course, should it expand, would be required to mitigate for any changes in the shorelines along Putter's and Hammond Lakes. Pit Lake, a juvenile fishing pond, may have additional recreational facilities incorporated, although they would not negatively affect the shorelines, and may improve conditions by concentrating some activities to specific sites. Hideaway Lake has been almost completely designated natural; the Chelan County PUD owns almost all of the shoreline and annual recreational activities are expected to remain the same. Big Bow Lake, heavily used for recreational fisheries, may have some improvements in the established access sites, and may have some development occur that would replace existing orchards. Because of the current conditions and mitigation required for proposals no net impact is expected.

Wanapum Reservoir

This section is likely to have the third most development of all the Columbia River in Douglas County based on available land and zoning, including clustering provisions. Portions of the area are inaccessible, having very steep slopes and basalt outcrops that would prevent development from occurring. Grant County PUD has flood easements along the entire reservoir, and in many areas owns the shorelines.

C.4 Analysis of future development

Future development was examined developing two linear regression models. The first model was developed using the County Assessor records for sales of property located on the shorelines. The second model was based on building permits issued by the Transportation and Land Services Department for parcels within, or partially within, the shoreline jurisdiction. These two approaches were used to reflect what has occurred in recent years. A third analysis was completed on the shoreline based on all vacant

parcels and parcels over 10 acres that are built, but have buildable area to approximate a future development scenario. Included in the analysis is the affect of clustering provisions. The result is what could happen at approximately full build-out- number of lots and dwelling units, and assuming different scenarios of lots sharing boating facility; a dock or similar mooring facility. The criteria developed to conduct the analysis include:

1. Zones that allow clustering were separated from those that do not; urban and agriculture designations;
2. No publicly owned land were included;
3. Vacant lots too small to be divided were added to dwelling units and boating facilities;
4. Boating facilities were estimated at 1, 2 and 4 lots per facility;
5. No critical areas were considered where a structure may not be able to be built;
6. Parcels include those in the land use inventory- residential over 1 acre, agriculture, and vacant;
7. Urban areas were calculated at ½ acre land divisions
8. Areas where community facilities were created, Bauer’s Landing and Sun Cove, were not included in the boating facility calculation;
9. Other regulatory restrictions, such as Regional General Permits were not considered;
10. Lots configured in such a manner that shoreline division could NOT occur were not considered- likely a very small amount.

This third analysis also reflects full build-out and not representative of actual expectations based on past trends for the next 20 years as the linear regression models do.

Linear regression models

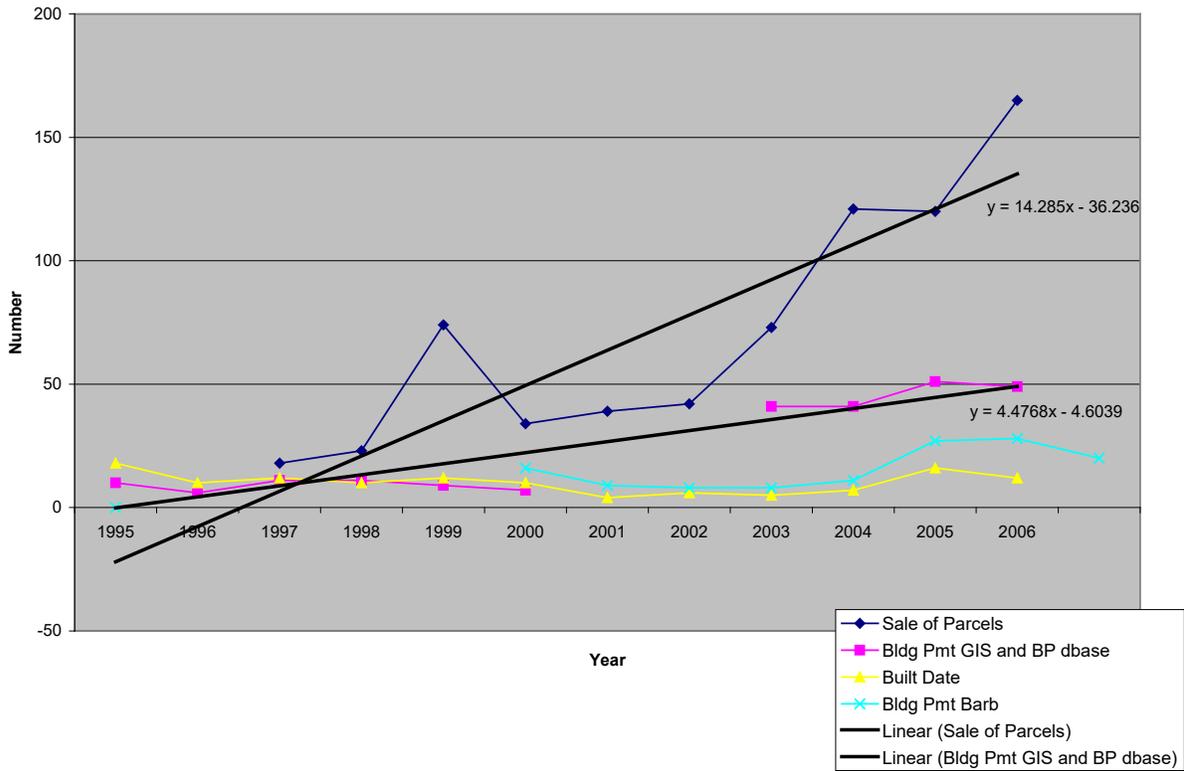
The linear regression models used actual data were depicted using the following calculations:

$$\text{Sales (Y)} = 14.285X - 36.236 \text{ and}$$

$$\text{Building Permits (Y)} = 4.4768X - 4.6039$$

The chart below shows the actual data and the linear regression trend lines developed from that data.

Shoreline Parcel Information



Because records were difficult to match parcel numbers in the geographic information system (GIS) data, several sources were examined; Excel tables prior to initial use of tracking software, changes in the land use inventory (GIS parcel layer changes), and the newer permit tracking software. Building date data from the Douglas County Assessor's Office was also analyzed, but based on permit and sales data, was deemed to be too inaccurate (permits for things other than initial structure construction could not be easily separated/ascertained). Table 1 below depicts the final linear regression analysis and corresponding numbers in sales and building permits.

Table 1. Regression analysis of expected homes and lots.

Year	Sales	Building Permits
2004	103	41
2005	120	45
2006	134	50
2007	149	54
2008	163	59
2009	177	63
2010	191	68
2011	206	72
2012	220	77

2013	234	81
2014	249	86
2015	263	90
2016	277	95
2017	291	99
2018	306	104
2019	320	108
2020	334	113
2021	349	117
2022	363	122
2023	377	126
2024	391	131
2025	406	135
2026	420	139
2027	434	144
2028	449	148

This analysis does not necessarily indicate two things regarding sales: resales of property, and whether they are vacant or not at the date of sale. For the both analyses, it reflects only a linear affect; i.e. as property is divided, it is unclear if the overall development is linear or curvilinear (increasing at a rate that depicts something closer to an exponential type curve. Either way, building can be expected to be somewhere between the two datasets over the next twenty years, given the prior year's trend.

Parcel vacancy analysis

The table below reflects the cluster and development analysis at full build-out, given assumptions listed above. Deeded (Assessor's Office) and calculated (GIS) acres were used as there are discrepancies in each from drawing, measuring, or deed errors may have occurred. Therefore it can be expected that some number in between the two is close.

Table 2. Parcel development analysis.

Parcels in the analysis only include residential over 1 acre, agriculture and vacant. No public lands are included.						
The category "Cluster Zones" only includes those areas where bonus density can occur.					Urban was calculated at 1/2 acre divisions	
Does not consider critical areas limitations, or if the lot configuration is such that some of the lots could not occur in the 200' area.						
	RR-2.5 to 20		Urban and ag			
DEEDED ACRES	Cluster Zones		Non-cluster Zones			
Location	Existing Lots	Potential Lots	Existing Lots	Potential Lots	Total Potential Lots*	Dwelling Units**
Lake Entiat North	7	57	-	-	57	57

Lake Entiat South	219	1,317	76	725	2,042	2,069
Lake Pateros	41	180	40	150	330	333
RI Lakes	30	150	10	263	413	402
Rock Island	36	75	11	172	247	232
Rufus Woods	48	438	15	97	535	535
Wanapum	3	14	17	189	203	202
TOTAL	384	2,231	169	1,596	3,827	3,830

* includes lots with an existing dwelling unit

** removed existing dwelling units to adjust total- only potentially new units included

Dwelling units can be higher than potential lots. Those lots not divisible, but that are vacant or currently in agricultural use, get a value of 1

CALCULATED ACRES	Cluster Zones		Non-cluster Zones		Total Potential Lots*	Dwelling Units**
	Existing Lots	Potential Lots	Existing Lots	Potential Lots		
Lake Entiat North	7	57	-	-	57	57
Lake Entiat South	80	1,153	2	714	1,867	1,895
Lake Pateros	42	161	40	142	303	306
RI Lakes	32	150	9	252	402	390
Rock Island	39	79	11	166	245	228
Rufus Woods	48	454	16	99	553	556
Wanapum	3	14	17	194	208	207
TOTAL	251	2,068	95	1,567	3,635	3,639

Potential water structures- docks, lifts. Varying number per group of lots is given, lots not available were accounted for.

i.e. Bauer's and Lake Entiat Estates excluded since they have community docks.

DEEDED ACRES	Docks @1 per lot	1 per 2 lots	1 per 4 lots*
Lake Entiat North	57	29	17
Lake Entiat South	2122	1231	780

Lake Pateros	417	273	196		
RI Lakes	436	242	144		
Rock Island	260	159	102		
Rufus Woods	555	308	171		
Wanapum	118	72	46		
TOTAL	3,965	2,314	1,456		
*Individual Lots are calculated as one available per one lot- the rest are rounded up- i.e. if there are 2 lots possible, one dock.					
All lots within 50 feet of an inventoried dock or ramp were excluded. All public lands excluded.					
CALCULATED ACRES					
Location	Docks @1 per lot	1 per 2 lots	1 per 4 lots*		
Lake Entiat North	57	29	17		
Lake Entiat South	1916	1129	727		
Lake Pateros	391	261	190		
RI Lakes	423	238	139		
Rock Island	254	154	101		
Rufus Woods	575	312	178		
Wanapum	118	70	47		
TOTAL	3,734	2,193	1,399		

While doing a build out analysis can help with depicting trends, many assumptions go into the analysis that would reduce the numbers considerably. Changes in clustering provisions, including not allowing clustering in the Natural Environment Designation, lot widths, requirements in new plats for joint or community use facilities, critical areas standards, bulk, dimensional and density standards, impervious surface limitations, infrastructure limitations, and underlying zoning would significantly reduce the calculations, although an exact number cannot be arrived at with great confidence. Generally what can be characterized are where most development is likely to occur and the increasing demands to uses, including recreation, within shorelines. The trend analysis supports the adoption of the plan, goals, objectives and regulations which seek to guide where and how development and shoreline activities may most appropriately be developed consistent with the intent and requirements of the Shoreline Management Act and the shoreline visioning report. The goals, objectives, policies and regulations were designed to achieve a no net loss to ecosystem values and functions, while recognizing projected demand of development expected to occur. It can also assist in long range planning of public facilities for recreation (where demand is likely to occur most) and measures to prevent conflicts with preferred uses of the shoreline in the future.

Development discussion- mitigation and avoidance of cumulative impacts

While the models above give a sense of development expected to occur in the future, several policies and regulations will limit the development on the shoreline and over/in

water. Within Douglas County and the cities the predominant development expected to occur along shorelines is residential development and associated water dependent facilities, such as docks, ~~beat~~-lifts and mooring buoys. Very little commercial or industrial activities are expected within the next 20 years. Within the shoreline areas. The regulations provide direction for residential or other development, docks, and other related facilities, that may occur, and provides for mitigation where impacts may occur to ~~acheive~~achieve a no net loss of ecosystem functions and values balanced with protection of private property rights. Below is a discussion on Chapter 3 and the specific policies and regulations that apply to docks from Sections 4 and 5 as an example of the framework for that particular shoreline use. This example is given based on the analysis on docks provided previously in this Appendix. Following the dock discussion is a brief discussion on residential development and the regulatory framework in Chapters 3, 4 and 5.

Chapter 3 discusses all of the Environment Designations and specifically the table in Section 3.10 Use Matrix lists most activities that may be permitted in each of the designations. The Table specifically allows or restricts certain types of development that may be analyzed generally by allowed or permitted uses by Environment Designation. Development is generally more intense to less intense in the following order: High Intensity, Mixed Use, Shoreline Residential, Urban Conservancy, Rural Conservancy and Natural. This general scheme translates into the regulations in Chapters 4, 5, particularly in Section 5.13 Shoreline Bulk and Dimensional Standards, and Appendix H.

Dock facilities

Policy from Section 4.1- General

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.

Regulations from 4.1

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.

Policies from Section 4.2

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.

Regulations from Section 4.2

3. Best management practices (BMP's) 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.

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.

Policies from Section 4.3

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.

Regulations from Section 4.3

2. Where impacts to buffers are permitted under Section 4.1, Environmental 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.

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

5. 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.

Policy from Section 4.6- Public Access

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.

3. Community access should be required for residential development.

Regulations from 4.6

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.

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

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.

Policies from Section 5.10

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.
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.
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 from 5.10

1. Shared moorage to serve new residential development shall be limited to the amount of moorage needed to serve lots within the development.
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.
- 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.
- 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 site characteristics that may create navigational safety hazards shall prepare a navigational safety study.
- 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.

9. In order to minimize impacts on near shore areas and avoid reduction in ambient light level:

- a. The width of piers, ramps, and floats shall be the minimum necessary and shall not exceed 4 feet in width, except where specific information on use patterns

such as community docks may justify a greater width. Materials that will allow light to pass through the deck may be required where width exceeds 4 feet.

b. Dock surfaces designed to allow light penetration shall be used on walkways or gangplanks in nearshore areas.

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.

16. 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.

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

22. 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. Moorage facilities shall avoid locations that will adversely impact shoreline ecological functions or processes.

24. 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.

Given these constraints, Table 2 above demonstrates the differences in the number of facilities that may occur in the future at 2 to 4 lots per facility. Most of this activity is likely to occur on lands with agricultural uses that are converted to residential uses. Restoration and mitigation during the permitting or land division processes will provide a net benefit (increase) in ecological function as agricultural uses currently on-going typically control the width and size of the vegetation along the shorelines. Only a narrow

band of riparian or wetland vegetation exists in these areas and area upland of there typically has a species composition of non-native and/or agricultural vegetation.. These areas are typically designated as Rural Conservancy in the County. Because of the current conditions and requirements for restoration and mitigation for development within the shoreline ~~jurisdictional~~jurisdictional area, a no net loss, and in many cases an improvement, of ecological functions will be ~~acheived~~achieved. In areas designated Natural, increased review will occur through a conditional use permit to ensure a no net loss of ecological function; commercial types of activities are not allowed within the Natural designation. In addition, clustering of lots is not allowed in the Natural designation, which would also further limit the number of docks and residential development, and ~~development~~development density limited in Section 5.13 and by use of buffers and setbacks. Within the cities, most of the shoreline is publicly owned and not likely to develop in the same manner as the County. While this is not typical across the state, within Douglas County the urban shorelines are overall less developed than the Rural Conservancy designated areas due to the ownership pattern. Even so, the same policies and regulations apply with the exception of shoreline critical area standards in Appendix H.

Development Policies and Regulatory Framework (Residential, Commercial and Industrial)

In Chapter 3 the Environment Designation criteria is developed, and with the exception of the Mixed Use designation follows the state Shoreline Management Act guidelines. In the mapping of these designations the Inventory and Characterization was relied upon heavily, along with three guidelines: existing conditions, biological and physical ~~chracteristics~~characteristics and local comprehensive plan and zoning designations and regulations. Using all the information and criteria, maps were developed. The following table lists the acres and percent of area designated within Douglas County and the cities.

Designation	Acres	Percent	Historic Acres	Percent
Natural	3398.7	54.6	0	0
Rural Conservancy	2043.7	32.8	5495.0***	93.5
Urban Conservancy	200.8	3.2	0	0
Shoreline Residential	221.2	3.6	0	0
Mixed Use**	38.6	0.6	0	0
High Intensity	134.89	2.2	382.8	6.5
Aquatic**	176.8	2.8	0	0
Total	6228.3			

*the area within the Coulee Dam city limits is not included

**not in use in 1975, the remaining match relatively close to the 1975 designations.

***includes a conservancy and a rural designation.

****equates to the existing urban designation.

Even though there are some changes in the areas covered and the types of designations and criteria, it is clear that the current proposed RSMP will reduce the

potential impacts from the current program that was adopted in 1975. The current residential buffer in the SMP is 25 feet, whereas the proposed buffers range from 50 to 150 feet for allowed and permitted activities and an additional setback for structures that ranges from 10-15 feet. The current proposal also addresses and has more restrictions on some types of activities that the 1975 document did not address, such as ~~boat~~ lifts.

In the policy and regulatory sections, any activity that has the potential for impacts is addressed in section 4, 4 and Appendix H. Some of the most relevant policies and regulations include:

Policy from Section 4.1

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.

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.

Regulations- Section 4.1

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

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

With respect to shoreline alteration related to bank hardening, bulkheads and similar structures, there are strong policies and regulations to prevent development of such structures unless absolutely necessary. These have been added below from Section 5.14 Shoreline Stabilization. Because of the local conditions identified in the inventory and characterization and these policies and regulations, there is little expectation of permitting stabilization structures related to a development proposal. It is expected that there may be some very limited areas where public health, welfare and safety may be a concern and will be addressed in the permitting process to minimize the need for such structures.

Policies- Section 5.14

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.

Regulations- Section 5.14

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, is 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; and
- 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; and
- 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. 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.

~~Commercial~~Commercial and industrial development that may be permitted, but are ~~generally~~generally restricted more than residential development. The commercial development is restricted to High ~~Intensity~~Intensity and Mixed Use environment

designations. Very ~~limited~~limited areas of commercial ~~activity~~activity currently exists within the jurisdiction of the Shoreline Master Program. Most is in the form of a golf course in Rock Island, on lakes previously not included in the RSMP. These lakes were created in the mid 1970s after the last pool raise behind Rock Island Dam, but prior to the current SMP. Other areas have commercial development, but are located 200 or more feet from the OHWM. There is some limited interest in the City of Bridgeport, but no proposals have been ~~processed~~processed to date.

While the industrial uses are restricted to those areas designated High Intensity, and then only if ~~ht~~the underlying zoning includes industrial uses. At the date of the proposal, 2008, there is only one area that fits this ~~description, which~~description, which is in Rock Island along the Columbia River. The main reasons for this area being designated industrial is existing industrial uses and this area is the only place served by rail service. While neither the county or city has received any proposals within the jurisdictional area in the last 20-30 years, outside of public utility facilities, there may be a desire in the future. Some recent comprehensive reviews in the city indicates that there may be some changes in some of the currently designated industrial area to commercial or mixed use development in the future.

Because of the policies and regulatory framework in the RSMP, particularly as it relates to restoration and mitigation measures, it is ~~anticipated~~anticipated that any impacts from development to the shorelines will not cumulatively impact the shoreline itself due to development, although changes in use are expected, such as changes from agricultural uses to dispersed residential. While this is a change in the overall characteristic of the shorelines or ~~neaby~~nearby uplands, the changes are not seen as negatively impacting the shorelines themselves, by avoiding or mitigating cumulative impacts from permitted uses with adequate buffers, setbacks and mitigation measures, environment designations, and finally the following regulation in Section 4.1:

2. 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.