



DRAFT

CITY OF WASHOUGAL SHORELINE MASTER PROGRAM

Goals, Policies and
Regulations June 2025

Adopted by Resolution XX-YY, June 23, 2025

DRAFT prepared March 2025

Prepared by



DOWL
805 Broadway Street, Suite 615
Vancouver, Washington 98660



**CITY OF WASHOUGAL
SHORELINE MASTER PROGRAM**

TABLE OF CONTENTS

SECTION	PAGE
CHAPTER 1 INTRODUCTION	1
1.1 Title	1
1.2 Adoption Authority	1
1.3 Purpose and Intent.....	1
1.4 Governing Principles	2
1.5 Liberal Construction.....	3
1.6 Severability	3
1.7 Relationship to Other Plans and Regulations	3
1.8 Effective Date	4
CHAPTER 2 APPLICABILITY, SHORELINE PERMITS, EXEMPTIONS, AND NON-CONFORMING DEVELOPMENT	5
2.1 Applicability	5
2.2 Exceptions to Local Review	6
2.3 Prohibited Uses	7
2.4 Shoreline Substantial Development Permits.....	7
2.5 Shoreline Variance Permits	8
2.6 Shoreline Conditional Use Permit	9
2.7 Exemptions from a Shoreline Substantial Development Permit	10
2.7.1 General Requirements	10
2.7.2 Statements of Exemption	11
2.8 Nonconforming Uses and Development.....	12
2.8.1 Nonconforming Structures	12
2.8.2 Nonconforming Uses.....	13
2.8.3 Nonconforming Lots.....	14
2.9 Special Procedures for WSDOT Projects.....	14
2.10 Permit Revisions	14
CHAPTER 3 SHORELINE MASTER PROGRAM GOALS AND POLICIES.....	15
3.1 General Shoreline Goals	15
3.2 Shorelines of Statewide Significance	15
3.3 Archaeological, Cultural, and Historic Resources.....	16
3.3.1 Goal.....	16
3.3.2 Policies	16
3.4 Conservation.....	17
3.4.1 Goal.....	17
3.4.2 Policies	17
3.5 Economic Development	17
3.5.1 Goal.....	17
3.5.2 Policies	17

3.6	Flood Prevention and Flood Damage Minimization	18
3.6.1	Goal.....	18
3.6.2	Policies	18
3.7	Public Access and Recreation.....	19
3.7.1	Goal.....	19
3.7.2	Policies	19
3.8	Restoration	20
3.8.1	Goal.....	20
3.8.2	Policies	20
3.9	Shoreline Modification.....	21
3.9.1	Goal.....	21
3.9.2	Policies	22
3.10	Shoreline Use and Development	24
3.10.1	Goal.....	24
3.10.2	Policies	24
3.11	Transportation, Utilities, and Essential Public Facilities.....	26
3.11.1	Goal.....	26
3.11.2	Policies	26
3.12	Views and Aesthetics	27
3.12.1	Goal.....	27
3.12.2	Policies	27
3.13	Water Quality and Quantity.....	27
3.13.1	Goal.....	27
3.13.2	Policies	27
CHAPTER 4	SHORELINE DESIGNATIONS	28
4.1	Introduction	28
4.2	Authority	28
4.3	Shoreline Designations.....	28
4.3.1	Aquatic Shoreline Designation.....	29
4.3.2	Natural Shoreline Designation	30
4.3.3	Urban Conservancy Shoreline Designation.....	32
4.3.4	Medium Intensity Shoreline Designation	33
4.3.5	High Intensity Shoreline Designation	35
4.4	Shoreline Designation Map	36
4.4.1	Map Established	36
4.4.2	File Copies	37
4.4.3	Map Amendments	37
4.4.4	Boundary Interpretation	37
4.4.5	Shoreline Designation Changes and Urban Growth Boundary Revisions.....	37
CHAPTER 5	GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS.....	39
5.1	General Shoreline Use and Development Regulations	39
5.2	Archaeological, Cultural and Historic Resources.....	41
5.3	Critical Areas Protection	42
5.3.1	General Provisions	42
5.3.2	Modifications to Critical Areas Provisions in Shoreline Jurisdiction	43
5.4	Flood Hazard Reduction.....	43

5.4.1	General Provisions	43
5.4.2	Flood Hazard Reduction Measures	45
5.5	Public Access	46
5.6	Restoration.....	48
5.7	Site Planning and Development.....	49
5.7.1	General.....	49
5.7.2	Clearing, Grading, Fill, and Excavation	50
5.7.3	Building Design	52
5.8	Vegetation Conservation	52
5.9	Views and Aesthetics.....	54
5.9.1	Visual Access	54
5.10	Water Quality and Quantity.....	54
CHAPTER 6	SPECIFIC SHORELINE USE AND MODIFICATION REGULATIONS	56
6.1	General Provisions	56
6.2	Shoreline Use, Modifications, and Standards Tables	56
6.3	Use-Specific Development Regulations.....	61
6.3.1	Agriculture.....	61
6.3.2	Aquaculture.....	61
6.3.3	Boating Uses.....	63
6.3.4	Commercial Uses	71
6.3.5	Forest Practices.....	72
6.3.6	Industrial Uses	73
6.3.7	Institutional Uses.....	76
6.3.8	Mining.....	76
6.3.9	Parking	76
6.3.10	Recreational Development.....	77
6.3.11	Residential Development	79
6.3.12	Signs.....	81
6.3.13	Transportation Uses.....	81
6.3.14	Utilities Uses.....	82
6.4	Shoreline Modification Regulations	84
6.4.1	General Requirements	84
6.4.2	Dredging and Dredge Material Disposal	84
6.4.3	In-Stream Structures	88
6.4.4	Shoreline Restoration and Enhancement	89
6.4.5	Shoreline Stabilization – General	90
6.4.6	Bioengineered Stabilization.....	92
6.4.7	Structural Stabilization.....	93
6.4.8	Breakwaters, Jetties, Rock Weirs, and Groins.....	98
CHAPTER 7	ADMINISTRATION AND ENFORCEMENT.....	100
7.1	General Provisions	100
7.2	Administrative Authority and Responsibility	101
7.2.1	Shoreline Administrator	101
7.2.2	City Hearing Examiner	102
7.2.3	City Planning Commission	102
7.2.4	City Council.....	102

7.2.5	State Department of Ecology	103
7.2.6	State Shorelines Hearing Board	104
7.3	SMP Amendments.....	104
7.4	Permitting Procedures.....	105
7.4.1	Administrative Interpretations	105
7.4.2	Statement of Exemption	105
7.4.3	Shoreline Substantial Development Permits	106
7.4.4	Shoreline Conditional Use Permits.....	106
7.4.5	Shoreline Variance Permits	106
7.4.6	Revisions to Shoreline Permits	107
7.4.7	Public Notice Requirements	109
7.5	Hearings.....	109
7.6	Filing Local Appeals.....	109
7.7	Commencement of Development Activity and Permit Validity.....	110
7.8	Enforcement.....	110
7.8.1	General Enforcement	110
7.8.2	Investigation and Notice of Violation.....	111
7.8.3	Penalties.....	111
7.8.4	Violations – Subsequent Development and Building Permits.....	112
7.9	Public and Private Redress.....	112
7.10	Fees for Permits Obtained after Development	112
7.11	Revocation of Permits.....	112
CHAPTER 8	DEFINITIONS	114

LIST OF TABLES

Table 4-1	Shoreline Designations for Urban ¹ /Rural ² Boundary Revisions.....	38
Table 6-1	Shoreline Use, Modification and Development Standards	57

LIST OF APPENDICES

Appendix A	– City of Washougal Shoreline Designation Map
Appendix B	– Critical Area Provisions

ACRONYMS AND ABBREVIATIONS

Act, the	Shoreline Management Act
BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
City	City of Washougal
CMZ	Channel Migration Zone
CRD	Columbia River Datum
DAHP	Department of Archaeology and Historical Preservation
DBH	Diameter at Breast Height
DNR	Department of Natural Resources
Ecology	Washington State Department of Ecology
EPCRA	Emergency Planning and Community Right to Know Act
ESA	Endangered Species Act
HPA	Hydraulic Project Approval
NPDES	National Pollutant Discharge Elimination System
OHWM	Ordinary High Water Mark
RCW	Revised Code of Washington
SCUP	Shoreline Conditional Use Permit
SEPA	Washington State Environmental Policy Act
SMP	Shoreline Master Program
SSOE	Shoreline Statement of Exemption
SSDP	Shoreline Substantial Development Permit
SSWS	Shoreline of Statewide Significance
state	State of Washington
SVP	Shoreline Variance Permit
UGA	Urban Growth Area
USACE	United States Army Corps of Engineers
WAC	Washington Administrative Code
WMC	Washougal Municipal Code
WDFW	Washington Department of Fish and Wildlife
WSDOT	Washington State Department of Transportation

CHAPTER 1 INTRODUCTION

1.1 Title

This document shall be known and may be cited as the City of Washougal Shoreline Master Program (SMP).

1.2 Adoption Authority

This SMP is adopted under the authority granted by the Shoreline Management Act (the Act) of 1971 (Revised Code of Washington (RCW) 90.58) and Chapter 173-26 of the Washington Administrative Code (WAC), as amended.

1.3 Purpose and Intent

The purpose of this SMP is:

To guide the future development of shorelines in the City of Washougal (City) in a positive, effective, and equitable manner consistent with the Act;

- A. To promote the public health, safety, and general welfare of the community by providing long-range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and
- B. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the State of Washington (state):
- C. "It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...
- D. In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the

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

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

1.4 Governing Principles

- A. The goals, policies, and regulations of this SMP are intended to be consistent with the state shoreline guidelines in WAC 173-26. The goals, policies and regulations are informed by the Governing Principles in WAC 173- 26-186, and the policy statements of RCW 90.58.020.
- B. Any inconsistencies between this SMP and the Act must be resolved in accordance with the Act.
- C. Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
- D. The regulatory provisions of this SMP are limited to shorelines of the state, whereas the planning functions of this SMP extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.
- E. The policies and regulations established by this SMP must be integrated and coordinated with those policies and rules of the City Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.
- F. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This SMP protects shoreline ecosystems from such impairments in the following ways:

1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;
2. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Process to Prepare or Amend SMPs;
3. By including policies and regulations to address cumulative impacts, including ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities; and
4. By including regulations and regulatory incentives designed to protect shoreline ecological functions and restore impaired ecological functions where such functions have been identified.

1.5 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this SMP shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this SMP were enacted and adopted.

1.6 Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this SMP or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Washougal hereby declares that it would have adopted this ordinance and each section, subsection sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

1.7 Relationship to Other Plans and Regulations

- A. Proponents of shoreline use/development shall comply with all applicable laws prior to commencing any shoreline use, development, or activity.
 1. Where this SMP makes reference to any RCW, WAC, or other state or federal law or regulation the most recent amendment or current edition shall apply.
 2. Uses, developments, and activities regulated by this SMP may also be subject to the provisions of the City Comprehensive Plan, the Washington State

Environmental Policy Act ("SEPA," RCW 43.21C and WAC 197-11), other provisions of the City Code, including Title 18 Zoning, and various other provisions of local, state and federal law, as may be amended.

3. In the event this SMP conflicts with other applicable City policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated, the provisions that provide the most protection to shoreline ecological processes and functions shall prevail.
4. Projects in the shoreline jurisdiction that have been previously approved through local and state reviews are considered accepted. Changes or new phases of projects that were not included in the originally approved plan will be subject to the policies and regulations of this SMP and may require approval by the City.

1.8 Effective Date

This SMP and all amendments thereto shall take effect fourteen (14) days from the date of Washington State Department of Ecology's (Ecology's) written notice of final action (RCW 90.58.090(7)) and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.

CHAPTER 2 APPLICABILITY, SHORELINE PERMITS, EXEMPTIONS, AND NON-CONFORMING DEVELOPMENT

To be authorized, all uses and development activities in shorelines jurisdiction shall be planned and carried out in a manner consistent with this SMP and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline substantial development permit (SSDP), shoreline statement of exemption (SSOE), shoreline variance permit (SVP), or shoreline conditional use permit (SCUP) is required.

2.1 Applicability

- A. This SMP shall apply to all of the shorelands and waters within the City of Washougal limits that fall under the jurisdiction of RCW 90.58. Shoreline water bodies in the City and its Urban Growth Area (UGA) include segments of Gibbons Creek, the Washougal River, and the Columbia River. A copy of the Shoreline Designation Map for the City and its UGA is provided in Appendix A.
- B. Maps show the general extent of shoreline jurisdiction and location of shoreline designations. They are to be used in conjunction with best available science, field investigations, and on-site surveys to accurately establish the location and lateral extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this SMP. See Section 4.4 Shoreline Designation Map.
 - 1. Shorelands shall include:
 - a. Those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM);
 - b. Floodways and contiguous floodplain areas landward, two hundred (200) feet from such floodways; and
 - i All wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this SMP, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.
- C. Critical areas and their buffers within shoreline jurisdiction are regulated by Appendix B of this SMP. Critical areas and their buffers outside shoreline jurisdiction are regulated by the City's critical areas ordinance in Washougal Municipal Code WMC 16.04.

- D. The City is pre-designating shorelines within its adopted UGA. Until annexation, development in these areas will continue to be regulated by the Clark County SMP. The City's SMP will apply concurrent with annexation, and no additional procedures are required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is occurring per Section 4.4.5 and Table 4-1.

This SMP shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act; and within the external boundaries of federally owned lands (including but not limited to private in-holdings in national wildlife refuges).

- A. Non-federal agency actions undertaken on federal lands must comply with this SMP and the Act.
- B. Federal government actions on federally-owned lands are not subject to this SMP.

This SMP shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals, nor affect any rights established by treaty to which the United States is a party, pursuant to RCW 90.58.350.

- A. Shoreline development occurring in or over navigable waters may require a shoreline permit or SSOE in addition to other approvals required from state and federal agencies.
- B. This SMP shall apply whether the proposed development or activity is exempt from a shoreline permit or not.

2.2 Exceptions to Local Review

- A. Requirements to obtain an SSDP, SCUP, SVP, SSOE, or other review to implement the Act do not apply to the following:
 - 1. Remedial actions. 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 RCW 70.105D, or to Ecology when it conducts a remedial action under RCW 70.105D;
 - 2. Boatyard improvements to meet National Pollutant Discharge Elimination System (NPDES) permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a NPDES stormwater general permit;
 - 3. Washington State Department of Transportation (WSDOT) facility maintenance and safety improvements. Pursuant to RCW 90.58.356, WSDOT projects and

activities meeting the conditions of RCW 90.58.356 are not required to obtain an SSDP, SCUP, SVP, SSOE, or other local review;

4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045; and
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to RCW 80.50.

2.3 Prohibited Uses

The following modifications and uses are prohibited in all shoreline designations and are not eligible for review as a SCUP or SVP. See Chapter 8 for definitions of the following modifications and uses:

- A. Uses not otherwise allowed in the underlying zoning district;
- B. Parking as a primary use;
- C. Discharge of solid wastes, liquid wastes, untreated effluents, or other potentially harmful materials;
- D. Solid or hazardous waste landfills;
- E. Speculative fill; and
- F. Dredging or dredge material disposal in:
 1. wetlands, or;
 2. to construct land canals or small basins for boat moorage or launching, water ski landings, swimming holes or other recreational activities.

2.4 Shoreline Substantial Development Permits

- A. Substantial development as defined by this SMP and RCW 90.58.030 shall not be undertaken by any person on the shorelines of the state without first obtaining an SSDP from the Shoreline Administrator, unless the use or development is specifically identified as exempt from an SSDP, in which case a letter of exemption is required.
- B. The Shoreline Administrator is hereby authorized to grant or deny requests for an SSDP in accordance with the procedures set forth in Chapter 7 of this SMP.
- C. The Shoreline Administrator may grant an SSDP only when the development proposed is consistent with the policies and procedures of RCW 90.58, the provisions of WAC 173-27, and this SMP.

- D. Within the Washougal UGA, an SSDP is not required on land that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the OHWM when the requirements of WAC 173-27-215 have been satisfied.

2.5 Shoreline Variance Permits

- A. The purpose of an SVP is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in the Act and this SMP.
- B. When an SVP is requested, the Shoreline Administrator shall be the final approval authority for the City. However, SVPs must have approval from Ecology, which shall have final approval authority. SVPs should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the Act (RCW 90.58.020). In all instances, extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.
- C. To approve an SVP, the applicant must demonstrate compliance with all of the following criteria as listed in this SMP and as enumerated in WAC 173-27-170:
 - 1. The strict application of the bulk, dimensional or performance standards set forth in this SMP precludes, or significantly interferes with, reasonable use of the property;
 - 2. The hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this SMP, and not, for example, from deed restrictions or the applicant's own actions;
 - 3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP and will not cause adverse impacts to the shoreline environment;
 - 4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - 5. That the variance requested is the minimum necessary to afford relief; and
 - 6. That the public interest will suffer no substantial detrimental effect.
- D. SVPs for development and/or uses that will be located waterward of the ordinary OHWM, as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in

RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

1. The strict application of the bulk, dimensional or performance standards set forth in this SMP precludes all reasonable use of the property;
 2. The proposal is consistent with the criteria established under subsection (3)(b) through (f) of this section; and
 3. The public rights of navigation and use of the shorelines will not be adversely affected.
- E. The burden of proving that a proposed shoreline variance meets the criteria of this SMP shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
- F. In the granting of all SVPs, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area.
- G. Before making a final decision to grant an SVP, the City shall consider issues related to the conservation of valuable natural resources, and the protection of views from nearby public roads, surrounding properties and public areas.
- H. A variance from City development code requirements shall not be construed to mean that an SVP has been granted from use regulations in this SMP, and vice versa.
- I. SVPs may not be used to permit a use or development that is specifically prohibited in a shoreline designation.

2.6 Shoreline Conditional Use Permit

- A. The purpose of the SCUP is to provide greater flexibility in the application of the use regulations of this SMP in a manner that will be consistent with the policies of the Act and this SMP, particularly where denial of the application would thwart the policies of the Act.
- B. When a SCUP is requested, the Shoreline Administrator shall be the final approval authority for the City. However, SCUPs must have approval from Ecology, which shall have final approval authority under WAC 173-27-200.
- C. In approving a SCUP, special conditions may be attached to the permit by the City to prevent undesirable effects of the proposed use and/or to assure consistency of the project with this SMP and the Act. SCUPs shall be authorized only when the applicant demonstrates consistency with all the following criteria:

1. The proposed use is consistent with the policies of RCW 90.58.020 and all provisions of this SMP;
 2. The use will not interfere with normal public use of public shorelines;
 3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP;
 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
 5. The public interest will suffer no substantial detrimental effect; and
- D. In the granting of all SCUPs, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if SCUPs were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020, and shall not produce substantial adverse effects to the shoreline environment.
- E. Other uses not specifically identified in this SMP are considered “unclassified uses” and may be authorized through a SCUP, if the applicant can demonstrate that the proposed use is consistent with the requirements of this section and the requirements for conditional uses in this SMP.
- F. Uses specifically prohibited by this SMP may not be authorized.
- G. The burden of proving that a proposed shoreline conditional use meets the criteria of this SMP and WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application. The City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

2.7 Exemptions from a Shoreline Substantial Development Permit

2.7.1 General Requirements

- A. Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to the Act and this SMP.

A use or development that is listed as requiring a SCUP pursuant to Table 6-1 of this SMP or is an unclassified use or development must obtain a SCUP even if the development or use is exempt as defined in WAC 173-27-040.

- B. When a development or use is proposed that does not meet the bulk, dimensional, and/or performance standards of this SMP, such development or use shall only be

authorized by approval of an SVP even if the development is exempt as defined under WAC 173-27-040.

- C. The activities included in WAC 173-27-040 shall be considered exempt from the requirement to obtain an SSDP but shall obtain a SSOE, as provided for in Section 2.3.2.
- D. If any part of a proposed development is not eligible for an exemption as defined in RCW 90.58.030(3)(e), WAC 173-27-040 and this section, then an SSDP is required for the entire proposed development project.
- E. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
- F. An exemption from the SSDP process is not an exemption from compliance with the Act or this SMP, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the Act.

2.7.2 Statements of Exemption

- A. Any person claiming exemption from the requirement to obtain an SSDP shall make an application to the Shoreline Administrator in the manner prescribed by this section and Chapter 7 of this SMP, except that no written SSOE is required for emergency development pursuant to WAC 173-27-040(2)(d).
- B. SSOEs from SSDPs are processed as a Type I application and subject to Chapter 7 of this SMP.
- C. The Shoreline Administrator is hereby authorized to grant or deny requests for SSOEs from the SSDP requirement for uses and developments within shorelines that are specifically listed in WAC 173-27.040. The statement shall be in writing and shall indicate the specific exemption listed in WAC 173-27-040 that is being applied to the development and shall provide a summary of the Shoreline Administrator's analysis of the consistency of the project with this SMP and the Act. The SSOE shall be sent to the applicant and maintained on file in the offices of the Shoreline Administrator.
- D. A copy of the SSOE shall also be sent to Ecology whenever a development is determined by a local government to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:
 - 1. A U.S. Army Corps of Engineers (USACE) Section 10 permit under the Rivers and Harbors Act of 1899. (The provisions of Section 10 of the Rivers and Harbors

Act apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the USACE); or

2. A Section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of Section 404 of the Federal Water Pollution Control Act apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the USACE.)
- E. SSOEs may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this SMP and the Act.
- F. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. In accordance with Chapter 7, the Shoreline Administrator's decision on an SSOE may be reconsidered or appealed.
- G. Exempt activities related to any of the following shall not be conducted until an SSOE has been obtained from the Shoreline Administrator: dredging, flood control and in-water structures, archaeological or historic site alteration, clearing and ground disturbing activities such as filling and excavation, docks, shore stabilization, or free-standing signs.

2.8 Nonconforming Uses and Development

Non-conforming development includes non-conforming structures, uses, and lots and are subject to the standards of this section.

2.8.1 Nonconforming Structures

- A. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers, area, bulk, height, or density may be maintained and repaired.
- B. Nonconforming structures may be altered, rebuilt, enlarged, or expanded provided the proposed alteration, enlargement, or expansion shall not intrude further into a restricted area such as a setback or critical area buffer, but may expand laterally or away from the restricted area. Structures shall be considered intruding further into a restricted area, if any portion of the altered, enlarged, or expanded structure is located closer to the restricted area than the existing structure. An SVP is required for any alteration, enlargement, or expansion that increases the extent of nonconformity by intruding further into a restricted area.
- C. A structure for which an SVP has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

- D. A nonconforming structure which is moved any distance must be brought as closely as practicable into conformance with the SMP and the Act.
- E. A structure that is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a SCUP and SCUP may be approved only upon a finding that:
 - 1. No reasonable alternative conforming use is practical; and
 - 2. The proposed use will be at least as consistent with the policies and provisions of the Act and this SMP and as compatible with the uses in the area as the preexisting use.
- F. Conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this SMP and the Act, and to assure that the use will not become a nuisance or a hazard.
- G. If a nonconforming structure is damaged up to 100 percent of its real valuation exclusive of foundations, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within two years of the date the damage occurred.

2.8.2 Nonconforming Uses

- A. Uses that were legally-established and are nonconforming with regard to the use regulations of this SMP may continue as legal nonconforming uses.
- B. Nonconforming uses shall not be altered, enlarged, or expanded, except upon approval of a SCUP.
- C. A use that is listed as a SCUP but existed prior to adoption of this SMP or any relevant amendment and for which a SCUP has not been obtained shall be considered a nonconforming use.
- D. A nonconforming use that is discontinued for 12 consecutive months or for 12 months during any 2-year period shall forfeit its nonconforming rights and any subsequent use shall be conforming unless reestablishment of the use is authorized through a SCUP which must be applied for within the 2-year period. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use includes phased or rotational operations as part of typical operations.

Non-conforming uses and structures not covered by RCW 90.58.270(5), RCW 90.58.620, and not addressed by the SMP must comply with WAC 173-27-080.

2.8.3 Nonconforming Lots

- A. A legally-established, nonconforming lot located landward of the OHWM may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the SMP and the Act.

2.9 Special Procedures for WSDOT Projects

- A. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
- B. Pursuant to RCW 90.58.140, WSDOT projects that address significant public safety risks may begin twenty-one (21) days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

2.10 Permit Revisions

- A. Revisions to a previously approved SSDP, SCUP, or SVP must comply with the provisions of WAC 173-27-100.

CHAPTER 3 SHORELINE MASTER PROGRAM GOALS AND POLICIES

This chapter describes overall Program goals and policies. The general regulations in Chapter 5 and the specific use regulations in Chapter 6 are the means by which these goals and policies are implemented.

3.1 General Shoreline Goals

The general goals of this SMP are to:

- A. Use the full potential of shorelines in accordance with the opportunities presented by their relationship to the surrounding area, their natural resource values, and their unique aesthetic qualities offered by water, topography, and views; and
- B. Develop a physical environment that is both ordered and diversified, and which integrates water and shoreline uses while achieving a net gain of ecological function.

3.2 Shorelines of Statewide Significance

Within the City, the Columbia River and the Washougal River are designated shorelines of statewide significance (SSWS). SSWS are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

- A. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:
 - 1. Recognize and protect the statewide interest over local interest;
 - 2. Preserve the natural character of the shoreline;
 - 3. Result in long-term over short-term benefit;
 - 4. Protect the resources and ecological function of the shoreline;
 - 5. Increase public access to publicly owned areas of the shorelines;
 - 6. Increase recreational opportunities for the public in the shoreline; and
 - 7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
- B. Uses that are not consistent with these policies should not be permitted on SSWS.
- C. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.

1. Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by:
 - a. Restricting or prohibiting development that would irretrievably damage shoreline resources, and
 - b. Evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

3.3 Archaeological, Cultural, and Historic Resources

3.3.1 Goal

The goal for archaeological, historic, and cultural resources is to preserve and prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value. Such sites include those identified by affected Indian tribes, the Department of Archaeology and Historic Preservation, Clark County Historic Preservation Commission, and other appropriate authorities.

3.3.2 Policies

- A. Archaeological, historic, cultural, scientific or education resources identified by affected Indian tribes and DAHP are irreplaceable, if damaged and should be prevented.
- B. Identify, protect, preserve, and restore important archaeological, historic, and cultural sites located in shorelands of the state for educational, scientific, and enjoyment of the general public.
- C. Where appropriate, make access to such sites available to parties of interest, provided that access to such sites be designed and managed in a manner that protects the resource.
- D. Historical and cultural sites should be acquired by the City of Washougal or another preservation entity, where feasible, so as to ensure their protection and preservation.
- E. Encourage projects and programs that foster a greater appreciation of shoreline management, local history, maritime activities, environmental conservation, and maritime history.
- F. Continue to contribute to the state and local inventory of archaeological sites enhancing knowledge of local history and understanding of human activities.

3.4 Conservation

3.4.1 Goal

The goal of conservation is to protect shoreline resources, vegetation, important shoreline features, shoreline ecological functions, critical areas, and the processes that sustain them to the maximum extent practicable.

3.4.2 Policies

- A. Shorelines that support high value habitat or high-quality associated wetlands should be considered for the highest level of protection to remain in an unaltered condition.
- B. Impacts to critical areas should first be avoided, and where unavoidable, minimized and mitigated to result in no net loss of watershed processes and shoreline functions.
- C. Management practices for natural resources in shoreline areas should be developed and implemented to ensure the preservation of non-renewable resources, including unique, scenic and ecologically sensitive features, wetlands, and wildlife habitat.
- D. Administrative and regulatory assistance priority should be given to proposals to create, restore or enhance habitat for priority species.
- E. Regulatory, non-regulatory, and incentive programs should all be used for the protection and conservation of wildlife habitat areas. Emphasize policies and standards to protect and conserve critical areas as larger blocks, corridors or interconnected areas rather than in isolated parcels.
- F. Encourage the retention of existing vegetation along shorelines and where removal is unavoidable for physical or visual access to the shoreline, limit alteration such that habitat connectivity is maintained, degraded areas are restored, and the health of remaining vegetation is not compromised.

3.5 Economic Development

3.5.1 Goal

The goal for economic development is to create and maintain an economic environment that is balanced with the natural and human environment.

3.5.2 Policies

- A. Current economic activity that is consistent with the policies of this SMP should continue to be supported.

- B. Healthy economic growth is allowed and encouraged through those economic activities that will be an asset to the local economy, and which will result in the least possible adverse effect on the quality of the shoreline and downstream environments.
- C. New water-oriented industrial, commercial, and resource-based activities that will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline.
- D. As an economic asset, the recreation industry should be encouraged along shorelines in a manner that will enhance the public enjoyment of shorelines, consistent with protection of critical areas and cultural resources. The Port of Camas-Washougal Marina should be considered a water-dependent economic and recreational asset that should be supported by the City.
- E. Existing non-water-oriented commercial, industrial, and resource-based activities located in the shoreline jurisdiction are encouraged to protect watershed processes and shoreline functions.

3.6 Flood Prevention and Flood Damage Minimization

3.6.1 Goal

The goal for flood hazards is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

3.6.2 Policies

- A. All shoreline development should be located, designed, and constructed to prevent flood damage.
- B. Flood management works should be located, designed, constructed and maintained to protect:
 - 1. The physical integrity and other properties of the shoreline and other properties that may be damaged by alterations of the geo- hydraulic system;
 - 2. Water quality and natural ground water movement;
 - 3. Fish, vegetation, and other life forms and their habitat vital to the aquatic food chain; and
 - 4. Recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.

- C. Nonstructural flood hazard reduction measures are preferred to structural measures. Flood hazard reduction measures should be accomplished in a manner that ensures no net loss of ecological functions and ecosystem-wide processes.
- D. Flood protection measures that result in channelization and/or reduction in shoreline function should be avoided.
- E. Proposals for shoreline protection should clearly demonstrate that life, property, and natural resource values within the stream system will not be endangered.
- F. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.
- G. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone (CMZ) or floodway.

3.7 Public Access and Recreation

3.7.1 Goal

The goal of public access and recreation is to increase the ability of the general public to enjoy the water's edge, travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

3.7.2 Policies

- A. Provide, protect, and enhance a public access system that is both physical and visual; utilizes both private and public lands; increases the amount and diversity of public access to the state's shorelines and adjacent areas; and is consistent with the shoreline character and functions, private property rights, and public safety.
- B. Increase and diversify recreational opportunities by promoting the continued public acquisition of appropriate shoreline areas for public use and develop recreation facilities so that they are distributed throughout the community to foster convenient access.
 - 1. The City of Washougal should work to identify additional public access locations and recreational opportunities on the Washougal River including possibly connecting Schmid Family Park and Hathway Park.
 - 2. Schmid Family Park should contain public access that is appropriate for the eventual use of that park and the environmental conditions of the shoreline in this reach of the Washougal River. At a minimum, access shall include views of the Washougal River.

- C. Locate public access and recreational facilities in a manner that encourages variety, accessibility, and connectivity in a manner that will preserve the natural characteristics and functions of the shoreline.
- D. Encourage public access provisions consistent with adopted city and county trails plans.
- E. Encourage public access as part of each development project by a public entity, and for all private development (except residential development of less than four [4] parcels), unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
- F. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health, and safety, or is necessary to a proposed beneficial use.
- G. Consider private property rights, public safety, and protection of shoreline ecological functions and processes when providing public access and recreational opportunities.

3.8 Restoration

3.8.1 Goal

The goal of restoration is to reestablish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the SMP Restoration Plan and other approved restoration plans.

3.8.2 Policies

- A. Shorelines that are biologically degraded should be reclaimed and restored to the greatest extent feasible concurrent with development, redevelopment, or as part of standalone restoration projects consistent with the Shoreline Restoration Plan.
- B. Restoration strategies should be developed and implemented such that ecosystem processes are sustainable in the long term.
- C. Restoration efforts should include retrofitting existing stormwater control facilities to improve water quality.
- D. Restoration efforts should consider a focus on floodplain and CMZ reconnection where rivers are confined by levees and where compatible with shoreline development plans.

- E. Restoration projects should have adaptive management techniques including adjusting the project design, correcting problems (barriers to success), and implementing contingency measures.
- F. Eradication of invasive species, including noxious weeds and nonnative species, should be undertaken concurrent with shoreline restoration projects.
- G. Planting of vegetation that enhances shoreline function should be encouraged.
- H. Education programs should be developed for:
 - 1. Property owners about proper vegetation/landscape maintenance and the impacts of shore armoring and over-water structures;
 - 2. Educate boaters about proper waste disposal methods, anchoring techniques, and other best boating practices.
- I. Cooperative restoration actions involving local, state, and federal agencies, Native American tribes, non-government organizations, and landowners should be encouraged.
- J. Restoration and enhancement of shorelines should be designed using principles of landscape and conservation ecology and should restore or enhance chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
- K. Restoration and enhancement actions should improve shoreline ecological functions and processes and should target meeting the needs of sensitive plant, fish and wildlife species as identified by WDFW, DNR, NOAA Fisheries, and/or U.S. Fish and Wildlife Service.
- L. Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions (such as historic floodplain restoration) and to protect habitat for fish, wildlife, and plants.

3.9 Shoreline Modification

3.9.1 Goal

The goal for shoreline modification is to avoid or minimize the need for shoreline modification along shorelines of the state, and when it is necessary, achieve it in a way that best protects ecosystem processes, shoreline functions, and downstream properties.

3.9.2 Policies

- A. New developments should be located in such a manner as to not require shoreline stabilization measures.
- B. When necessary, natural, nonstructural shoreline stabilization measures are preferred over structural stabilization measures. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
 - 1. No action.
 - 2. Flexible stabilization works constructed of natural materials, including soft shore protection, bioengineering, beach nourishment, protective berms, or vegetative stabilization.
 - 3. Rigid works constructed of structural materials such as riprap or concrete.
- C. Allow new or expanded structural shoreline stabilization only where it is demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, or necessary for reconfiguration of the shoreline for mitigation or enhancement purposes, and where such stabilization would not cause a net loss of shoreline ecological functions and processes.
- D. Shoreline stabilization should be located and designed to accommodate the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.
- E. Provisions for multiple-use, restoration, and/or public shore 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. Shoreline stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.
- F. Shoreline stabilization projects should be developed in a coordinated manner among affected property owners and public agencies within a reach where feasible, particularly those that cross jurisdictional boundaries, to address ecological and geo-hydraulic processes and sediment conveyance.
- G. Materials used for construction of shoreline stabilization should be selected for durability, ease of maintenance, and compatibility with local shoreline features.
- H. Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed or replaced to restore shoreline ecological functions and processes.

- I. Larger works such as jetties, breakwaters, weirs, or groin systems should be permitted only for water-dependent uses, public access, or shoreline stabilization, and were mitigated to provide no net loss of shoreline ecological functions and processes.
- J. Lower impact structures, including floating, portable or submerged breakwater structures, or several smaller discontinuous structures, are preferred over higher impact structures.
- K. Encourage and facilitate levee setback (including but not limited to, pulling back an existing levee to allow for a larger floodplain area contiguous to a water body), levee removal, and other shoreline enhancement projects.
- L. Development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions with the rivers and streams should be limited.
- M. Public and private docks and piers, including private non-commercial docks exempt from SSDPs, should be limited in their number, location, spacing, and length.
- N. New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant demonstrates through a needs analysis that specific need exists to support water-dependent uses.
- O. The use of floating docks should be preferred to the more permanent open-pile piers where conflicts with the intended use and with recreational boaters and fishermen will not be created.
- P. Provisions for community piers should be included in proposals for new residential developments along shorelines to prevent the proliferation of single-user private docks.
- Q. Fills should only be permitted waterward of the OHWM for limited purposes to support water-dependent uses, public access, cleanup and disposal of contaminated sediments, dredge disposal consistent with a dredge materials management plan, and expansion or alteration of transportation facilities of statewide significance.
- R. Regulations for fills should limit them to the minimum extent necessary to accommodate an allowed shoreline use or development or when associated with a shoreline restoration project and with assurance of no net loss of shoreline ecological functions and processes.
- S. Site and design new development to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

- T. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary to assure accommodation of existing navigational uses. Maintenance dredging should be limited to maintaining previous vertical and horizontal channel and basin dimensions.
- U. Ensure dredging and dredge material disposal is 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.
- V. Discourage the disposal of dredge material on shorelands or wetlands within a CMZ.

3.10 Shoreline Use and Development

3.10.1 Goal

The goal for shoreline uses and development is to balance the preservation and development of shorelines in a manner that allows for mutually compatible uses. Resulting land use patterns will be compatible with shoreline designations and sensitive to and compatible with ecological systems and other shoreline resources. To help with this balance, shoreline and water areas with unique attributes for specific long-term uses such as commercial, residential, industrial, water, wildlife, fisheries, recreational and open space shall be identified and reserved.

3.10.2 Policies

- A. When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, the following preferences and priorities should apply in the order listed below:
 - 1. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
 - 2. Reserve shoreline areas for water-dependent and associated water-related uses.
 - 3. Accommodate mixed use that includes or supports water-dependent uses.
 - 4. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
 - 5. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
 - 6. Limit non-water-oriented uses to locations where the above-described uses are

inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act, including opportunities for ecological enhancements and public access improvements.

- B. Uses, activities, and facilities should be located on shorelines in such a manner as to:
 - 1. Retain or improve the quality of shoreline function;
 - 2. Respect the property rights of others;
 - 3. Ensure that proposed shoreline uses do not create risk or harm to neighboring or downstream properties; and
 - 4. Preserve and/or restore, to the maximum reasonable extent, the shoreline's natural features and functions in conjunction with any redevelopment or revitalization project.
- C. The following are encouraged in shoreline areas:
 - 1. Uses that enhance their specific areas or employ innovative features for purposes consistent with this SMP;
 - 2. The redevelopment of any area not suitable for preservation of natural features, based on its shoreline designation, with an emphasis on public access;
 - 3. Master planning for large sites or projects;
 - 4. Shared uses and joint use facilities in shoreline developments; and
 - 5. Uses that allow for or incorporate restoration of shoreline areas that are degraded as a result of past activities or events.
- D. The impact of uses proposed on lands adjacent to but outside of immediate shoreline jurisdiction should be considered whether they are consistent with the intent of this SMP.
- E. The SMP guidelines in WAC 173-26-241 reinforce the importance and potential impacts of single-family residential uses on the state's shorelines. When developed in a manner consistent with control of pollution and prevention of damage to the natural environment, single-family residences are a priority use within shorelines. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, stormwater runoff, septic systems, introduction of pollutants, and vegetation modification and removal.

3.11 Transportation, Utilities, and Essential Public Facilities

3.11.1 Goal

The goal for transportation, utilities, and essential public facilities is to provide for these facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

3.11.2 Policies

- A. Locate essential public facilities, utilities and circulation systems that are not shoreline-dependent outside of the shoreline jurisdiction to the maximum extent possible to reduce interference with either natural shoreline functions or other appropriate shoreline uses.
- B. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will have the least possible adverse effect on shoreline function and existing ecological systems, while contributing to the visual enhancement of the shoreline.
- C. Protect, manage, and enhance those characteristics of shoreline transportation corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.
- D. Devote roads within the shoreline jurisdiction to low volume local access routes and shoreline public access.
- E. Encourage alternate modes of travel and provide multiple-use transportation corridors where compatible if shoreline transportation development is necessary.
- F. Locate utility and transportation corridors to avoid creating barriers between adjacent uplands and the shoreline and to harmonize with the topography and other natural characteristics of the shoreline.
- G. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance, and encourage development of physical and visual shoreline public access.
- H. Where feasible, relocate existing utility and transportation facilities, such as transmission lines, rail lines, or freeways that limit public shoreline access or other shoreline uses and convert such rights-of-way to new public access routes.
- I. Utilities and transportation facilities should be installed and facilities designed and located in a coordinated manner that protects the shorelands and water from contamination and degradation.

- J. Discourage the siting of essential public facilities in the shoreline jurisdiction unless no practical alternatives exist.

3.12 Views and Aesthetics

3.12.1 Goal

The goal for views and aesthetics is to ensure that the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, is protected to the greatest extent feasible.

3.12.2 Policies

- A. Identify and encourage the protection of scenic vistas and areas where the shoreline has high aesthetic value.
- B. Encourage development within the shoreline area that, provides visual and physical linkage to the shoreline, and enhances the waterfront.
- C. Encourage development design that minimizes adverse impacts on views enjoyed by a substantial number of residences.

3.13 Water Quality and Quantity

3.13.1 Goal

The goal for water quality and quantity is to protect and enhance the quality and quantity of the region's water resources to ensure there is safe, clean water for the public's needs and enjoyment.

3.13.2 Policies

- A. Encourage the location, construction, operation, and maintenance of shoreline uses, developments, and activities to be focused on maintaining or improving the quality and quantity of surface and ground water over the long term.
- B. Minimize, through effective education, site planning, and best management practices, the inadvertent release of chemicals, activities that cause erosion, stormwater runoff, and faulty on-site sewage systems that could contaminate or cause adverse effects on water quality.
- C. Encourage the maintenance and restoration of appropriate vegetative buffers along surface waters to improve water temperature and reduces the adverse effects of erosion and runoff.

CHAPTER 4 SHORELINE DESIGNATIONS

4.1 Introduction

The intent of assigning shoreline designations to specific geographies is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given a shoreline designation based on existing development patterns, natural capabilities and limitations, and the vision of the city. The shoreline designations are intended to work in conjunction with the comprehensive plan and zoning.

Management policies are an integral part of the shoreline designations and are used for determining uses and activities that can be permitted in each shoreline designation. Development regulations specify how and where permitted development can take place within each shoreline designation and govern height and setback.

4.2 Authority

- A. Local governments are required under the State Shoreline Management Act of 1971 (RCW 90.58) and the SMP Guidelines (WAC 173-26) to develop and assign a land use categorization system known as “shoreline environment designations” for shoreline areas as a basis for effective SMPs. For purposes of this SMP “shoreline designation” is used in place of the term “shoreline environment designation” referred to in WAC 173-26.
- B. The shoreline designation assignments provide the framework for implementing shoreline policies and regulatory measures for environmental protection, use provisions, and other regulatory measures specific to each shoreline designation.

4.3 Shoreline Designations

The City’s classification system consists of shoreline designations that are consistent with and implement the Act (RCW 90.58), the SMP Guidelines (WAC 173-26) and the City’s Comprehensive Plan. These designations have been assigned consistent with the corresponding criteria provided for each shoreline designation. In delineating shoreline designations, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. Aquatic, Natural, Urban Conservancy, Medium Intensity, and High Intensity designations can be found in City shoreline jurisdiction. Shoreline designations are defined in the sections below.

4.3.1 Aquatic Shoreline Designation

4.3.1.1 Purpose

The purpose of the “Aquatic” shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM).

4.3.1.2 Designation Criteria

An Aquatic shoreline designation is assigned to lands and waters waterward of the OHWM.

4.3.1.3 Areas Designated

The Aquatic shoreline designation applies to areas as shown on a copy of the Shoreline Designation Map in Appendix A that are located waterward of the OHWM.

4.3.1.4 Management Policies

In addition to the other applicable policies and regulations of this SMP, the following management policies shall apply:

- A. The City shall reserve Aquatic shoreline space for shoreline preferred uses. Such planning should consider upland, and in-water uses, water quality, navigation, presence of aquatic vegetation, critical habitats, aesthetics, public access and views.
- B. New over-water structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration.
- C. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.
- D. Uses that adversely impact ecological functions should not be allowed, except where necessary to achieve the objectives of RCW 90.58.020, and then only when impacts are mitigated according to the sequence described in Section 5.3 of this SMP as necessary to ensure no net loss of ecological functions.
- E. On navigable waters or their beds, all uses and developments should be located and designed to:
 - 1. Minimize interference with surface navigation;
 - 2. Consider impacts to public views; and
 - 3. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

- F. Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.
- G. Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- H. Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.
- I. Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.
- J. Shoreline uses, development and modifications in the Aquatic shoreline designation that also requires use of adjacent landward property should be in a shoreline designation that permits the upland use.

4.3.2 Natural Shoreline Designation

4.3.2.1 Purpose

The purpose of the “Natural” shoreline designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, restoration of degraded shorelines within this environment is appropriate.

4.3.2.2 Designation Criteria

The following criteria are used to assign a Natural shoreline designation:

- A. The shoreline’s ecological functions are substantially intact and have a high opportunity for preservation and low opportunity for restoration;
- B. The shoreline is generally in public or conservancy ownership or under covenant, easement, or a conservation tax program;
- C. The shoreline contains little or no development, or is planned for development that would have minimal adverse impacts to ecological functions or risk to human safety;
- D. There are low-intensity agricultural uses, and no active forestry or mining uses;

- E. The shoreline has a high potential for low-impact or passive recreation and is planned for park or open space uses as part of the comprehensive plan; or
- F. The shoreline is considered to represent ecosystems and geologic types that have high scientific and educational value.

4.3.2.3 Areas Designated

The Natural shoreline designation applies to areas as shown on a copy of the City of Washougal Shoreline Designation Map in Appendix A.

4.3.2.4 Management Policies

In addition to the other applicable policies and regulations of this SMP, the following management policies shall apply in the Natural shoreline designation:

- A. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
- B. Scientific, historical, cultural, educational research uses, and low-impact, passive recreational uses may be allowed provided that ecological functions remain intact.
- C. Vegetation should remain undisturbed except for removal of noxious vegetation and invasive species. Proposed subdivision or lot line adjustments, new development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
- D. Uses that would deplete physical or biological resources or impair views to or from the shoreline over time should be prohibited.
- E. Only physical alterations that serve to protect a significant or unique physical, biological or visual shoreline feature that might otherwise be degraded or destroyed; or those alterations that are the minimum necessary to support a permitted use should be allowed.
- F. Only the following types of signs should be considered for location in the shorelines: interpretive, directional, navigational, regulatory, and public safety.
- G. The City will not designate shorelines with potential or existing residential development as natural.
- H. The City should consider designating some City parks that will remain as low intensity recreation or with unaltered shorelines for the Natural designation.

4.3.3 Urban Conservancy Shoreline Designation

4.3.3.1 Purpose

The purpose of the “Urban Conservancy” shoreline designation is to protect and restore ecological functions of open space, floodplains, and other sensitive lands, where they exist in urban and developed settings, while allowing a variety of compatible uses.

4.3.3.2 Designation Criteria

The following criteria are used to assign an Urban Conservancy shoreline designation:

- A. The shoreline is located within incorporated municipalities and designated UGAs;
- B. The shoreline has moderate to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration, or low to moderate ecological function with moderate to high opportunity for restoration;
- C. The shoreline has open space or critical areas that should not be more intensively developed;
- D. The shoreline is not highly developed and is likely in recreational use. The shoreline has the potential for development that is compatible with ecological restoration. The shoreline is planned for a park, or as open space;
- E. The shoreline is suitable for water-related or water-enjoyment uses; and
- F. The shoreline has moderate to high potential for low-impact, passive or active water-oriented recreation where ecological functions can be maintained or restored.

4.3.3.3 Areas Designated

The Urban Conservancy shoreline designation applies to areas as shown on a copy of the City of Washougal Shoreline Designation Map in Appendix A.

4.3.3.4 Management Policies

In addition to the other applicable policies and regulations of this SMP the following management policies shall apply:

- A. Uses that preserve the natural character of the area or promote preservation of open space or critical areas either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the Urban Conservancy shoreline designation and the setting.

- B. Single-family residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.
- C. Encourage regulations that limit lot coverage, provide adequate setbacks from the shoreline, promote vegetation conservation, reduce the need for shoreline stabilization and maintain or improve water quality to ensure no net loss of shoreline ecological functions.
- D. Public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated.
- E. Thinning or removal of vegetation should be limited to that necessary to:
 - 1. Remove noxious vegetation and invasive species;
 - 2. Provide physical or visual access to the shoreline; or
 - 3. Maintain or enhance an existing use consistent with critical areas protection and maintenance or enhancement of shoreline ecological functions.
- F. Public access and public recreation facilities are a preferred use if they will not cause substantial ecological impacts and when restoration of ecological functions is incorporated.
- G. Low intensity water-oriented commercial uses may be permitted as a conditional use.
- H. Water-oriented uses have priority over-non-water-oriented uses. For areas adjacent to the Columbia River, water-dependent uses have the highest priority.

4.3.4 Medium Intensity Shoreline Designation

4.3.4.1 Purpose

The purpose of the “Medium Intensity” shoreline designation is to accommodate primarily residential development and appurtenant structures, but to also allow other types of development that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

4.3.4.2 Designation Criteria

The following criteria are used to assign a Medium Intensity shoreline:

- A. The shoreline is located within incorporated municipalities and designated UGAs.

- B. The shoreline has low to moderate ecological function with low to moderate opportunity for restoration;
- C. The shoreline contains mostly residential development at urban densities and does not contain resource industries (agriculture, forestry);
- D. The shoreline is planned or platted for residential uses in the comprehensive plan; or
- E. The shoreline has low to moderate potential for low-impact, passive or active water-oriented recreation where ecological functions can be restored.

4.3.4.3 Areas Designated

The Medium Intensity shoreline designation applies to areas as shown on a copy of the City of Washougal Shoreline Designation Map in Appendix A.

4.3.4.4 Management Policies

In addition to the other applicable policies and regulations of this SMP the following management policies shall apply:

- A. Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development such as providing adequate setbacks from the shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization and maintaining or improving water quality to ensure no net loss of ecological functions.
- B. The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.
- C. Multifamily and multi-lot residential development exceeding four (4) units and recreational uses should provide public access and joint-use community recreational facilities.
- D. Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible and be the minimum necessary to adequately serve existing needs and planned future development.
- E. Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
- F. Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed as part of mixed-use

developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this SMP such as providing public access or restoring degraded shorelines.

4.3.5 High Intensity Shoreline Designation

4.3.5.1 Purpose

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

4.3.5.2 Designation Criteria

The following criteria are used to assign a High Intensity shoreline designation:

- A. The shoreline is located within incorporated municipalities and designated UGAs.
- B. The shoreline has low to moderate ecological function with low to moderate opportunity for ecological restoration or preservation;
- C. The shoreline contains mostly industrial, commercial, port facility, mixed-use, or multifamily residential development at high urban densities and may contain industries that are not designated agriculture, forestry, or mineral resource lands in the comprehensive plan;
- D. The shoreline may be or have been identified as part of a state or federal environmental remediation program;
- E. The shoreline is planned or supports high intensity water-dependent uses; or
- F. The shoreline may support public passive or active water-oriented recreation where ecological functions can be restored.

4.3.5.3 Areas Designated

The High Intensity shoreline designation applies to areas as shown on a copy of the City of Washougal Shoreline Designation Map in Appendix A.

4.3.5.4 Management Policies

In addition to the other applicable policies and regulations of this SMP the following management policies shall apply:

- A. Ensure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
- B. Full utilization of existing High Intensity sites should be achieved before further expansion of the High Intensity designation is allowed. Reasonable long-range projections of regional economic need should guide the amount of shoreline designated High Intensity.
- C. First priority should be given to water-dependent uses. Second priority should be given to water-related, and water-enjoyment uses. Non-water-oriented uses should not be allowed except as part of mixed-use developments. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.
- D. Encourage the transition of uses from non-water-oriented to water-oriented uses.
- E. Visual and physical public access should be required as provided for in SMP Section 5.5.
- F. Developments in the High-Intensity environment designation shall comply with Section 6.3.12 of this SMP and the WMC for standards related to signs, building architecture, landscape screening, and buffering, and siting standards.
- G. Water-oriented uses have priority over non-water-oriented uses. For areas adjacent to the Columbia River that are designated high-intensity, water-dependent uses have the highest priority.

4.4 Shoreline Designation Map

4.4.1 Map Established

- A. The location and extent of areas under the jurisdiction of this SMP, and the boundaries of various shoreline designations affecting the lands and water of the City shall be as shown on the map entitled, “City of Washougal Shoreline Designation Map” contained in Appendix A. The Shoreline Designation map and all the notations, references, amendments, and other information shown on the map are hereby made a part of this SMP, as if such information set forth on the map were fully described herein.
- B. In the event that new shoreline areas are discovered (including but not limited to, associated wetlands) that are not mapped and/or designated on the Shoreline Map, these areas are automatically assigned an Urban Conservancy designation until the shoreline can be re-designated through an SMP amendment.

4.4.2 File Copies

The City of Washougal Shoreline Designation Map shall be kept on file in the office of the City Community Development Department and Ecology. Unofficial copies of the map may be prepared for administrative purposes. To facilitate use of this SMP an “unofficial copy” has been attached as Appendix A.

4.4.3 Map Amendments

The City of Washougal Shoreline Designation Map is an integral part of this SMP and may not be amended except upon approval by the City and Ecology, as provided under the Act.

4.4.4 Boundary Interpretation

If disagreement develops as to the exact location of a shoreline designation boundary line shown on the City of Washougal Shoreline Designation Map, the following rules shall apply:

- A. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
- B. Boundaries indicated near a road or railway shall be respectively construed to encompass the width of the right-of-way in order to avoid parallel designations for the same span of road or railway.
- C. Boundaries indicated as approximately parallel to, or extensions of features indicated in (A) or (B) above shall be so construed.
- D. Whenever existing physical features are inconsistent with boundaries on the City of Washougal Shoreline Designation Map, the Shoreline Administrator shall interpret the boundaries with deference to actual conditions. Appeals of such interpretation may be filed according to the applicable appeal procedures described in Chapter 7, Administration and Enforcement.
- E. In the event of a mapping error, the City will rely on common boundary descriptions and the criteria in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended rather than the incorrect or outdated map.

4.4.5 Shoreline Designation Changes and Urban Growth Boundary Revisions

When a portion of shoreline jurisdiction is brought into or removed from the City or its UGA, a new shoreline designation may need to be assigned. Shoreline designations shall be assigned in accordance with Table 4-1, Shoreline Designations for Urban/Rural Boundary Revisions. Where more than one designation could be appropriate according to Table 4-1, the shoreline designation criteria in this chapter shall be applied and the best-fitting shoreline designation assigned. Shoreline designation assignments shall occur concurrently with the annexation or other legislative action to remove a portion of shoreline jurisdiction from the City or UGA and

to amend the City of Washougal Shoreline Designation Map and shall be effective upon approval by Ecology (see Section 4.4.3).

Table 4-1 Shoreline Designations for Urban¹/Rural² Boundary Revisions

SENDING Jurisdiction Shoreline Designation	Transfer From/To	RECEIVING Jurisdiction Shoreline Designation(s)
Aquatic	Rural/Urban Urban/Rural	Aquatic Aquatic
Natural	Rural/Urban Urban/Rural	Natural Natural
Rural Conservancy – Residential	Rural/Urban	Urban Conservancy Medium Intensity
Rural Conservancy – Resource Lands	Rural/Urban	Urban Conservancy Medium Intensity High Intensity

1 Urban = City or Urban Growth Area

2 Rural = Unincorporated Clark County outside Urban Growth Areas

CHAPTER 5 GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS

All uses and development activities in shorelines shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6.

5.1 General Shoreline Use and Development Regulations

- A. Shoreline uses and developments that are water-dependent shall be given priority.
- B. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.
- C. In order to ensure that development activities achieve no net loss of shoreline ecological functions, applicants shall describe how a proposal will follow the sequence of mitigation defined below and in accordance with WAC 173-26-201(2)(e):
 - 1. Avoid the impact altogether by not taking a certain action or parts of an action;
 - 2. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - 3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;
 - 4. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
 - 5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - 6. Monitor the impact and the compensation projects and take appropriate corrective measures.
- D. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures in compliance with Section SMP section 6.4.5.
- E. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals for a proposed shoreline use or

development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.

- F. Non-water-oriented uses shall not adversely impact or displace water-oriented shoreline uses.
- G. Single-family residential uses shall be allowed on all shorelines not subject to a preference for commercial or industrial water-dependent uses, and shall be located, designed and used in accordance with applicable policies and regulations of this SMP. However, single-family residences are prohibited in the Aquatic and Natural shoreline designations.
- H. On navigable waters or their beds, all uses and developments should be located and designed to:
 - 1. Minimize interference with surface navigation;
 - 2. Consider impacts to public views; and
 - 3. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
- I. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this SMP as amended and all other applicable federal, state, and local statutes, codes, and ordinances.
- J. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
- K. Previous approvals of master plans for projects in shoreline jurisdiction should be accepted. New phases of projects for which no master plan has yet been approved, or for which major changes are being proposed, or new projects for which master plans are being submitted should be subject to the policies and regulations of this SMP.
- L. Within UGAs, relief from use and development regulations of this SMP may be granted when a shoreline restoration project identified in the Clark County Coalition SMP Restoration Plan causes or would cause a landward shift in the OHWM creating a hardship meeting specific requirements and criteria in WAC 173-27-215.

5.2 Archaeological, Cultural and Historic Resources

- A. The provisions of this section apply archaeological and historic resources that are either recorded by the Washinton Department of Archaeology and Historic Preservation (DAHP) or by Clark County or have been inadvertently uncovered. Archaeological sites located in shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) a chapter 27.53 RCW (Archeological sites and records and development or uses that may impact such sites shall comply with chapter 25-48 WAC as well as the provisions of this chapter.
- B. When a shoreline use or development is in an area identified as having a “Low-Moderate,” “Moderate,” “Moderate-High,” or “High” probability of having archaeological resources based on Clark County’s predictive model and the potential for impacts, the applicant shall provide for a site inspection and survey by a professional archaeologist and coordinate with affected tribes prior to permit issuance, or as a condition of any shoreline permit or approval as determined by the City and in compliance with WMC 16.40. The affected tribes include the Yakama, Nez Perce, Warm Springs, Umatilla, Cowlitz, and Grand Ronde tribes. Work may not begin until the inspection and survey have been completed, and the City has issued its permit or approval.
- C. If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all work shall immediately stop, and the City, DAHP, and affected Native American tribes shall be notified of such finding. A stop-work order will be issued. The shoreline permit will be temporarily suspended. All applicable state and federal permits shall be secured prior to commencement of the activities they regulate and as a condition or resumption of development activities. Development activities may resume only upon receipt of City approval.
- D. If the discovery includes human skeletal remains, the find must be secured and protected from further disturbance; the Clark County Medical Examiner and local law enforcement shall be notified in the most expeditious manner possible. The County Medical Examiner will assume jurisdiction over the site and the human skeletal remains and will make a determination of whether they are crime-related. If they are not, DAHP will take jurisdiction over the remains and report them to the appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.

5.3 Critical Areas Protection

5.3.1 General Provisions

- A. Critical areas within shoreline jurisdiction shall be regulated for any use, development or activity, as provided in accordance with this SMP and Appendix B, whether or not an SSDP, SCUP, SVP, or written SSOE is required.
- B. Unless otherwise stated, critical area buffers shall be protected and/or enhanced in accordance with this SMP and Appendix B. However, these provisions do not extend the shoreline jurisdiction beyond the limits specified in this SMP (see Section 2.1 for the definition of shoreline jurisdiction).
- C. Where there is a conflict between the SMP and Appendix b, the most protective provision shall apply.
- D. Critical area review within shoreline jurisdiction shall be integrated into and conducted with the associated shoreline permit or exemption review, and approval shall occur as part of the shoreline permit or shoreline exemption process. Any additional decision criteria and submittal requirements within Appendix B shall be considered supplemental to the shoreline permit or review required for the proposed activity.
- E. Frequently Flooded Areas regulations (WMC 16.04), apply within shoreline jurisdiction, but are not incorporated as part of this SMP. The City shall ensure any specific requirements of the National Flood Insurance Program are also met.
- F. Shoreline uses, activities, developments and their associated structures and equipment shall be located, designed and operated to protect the ecological processes and functions of critical areas.
- G. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
- H. Critical freshwater habitats, which include streams, rivers, wetlands, and lakes; their associated CMZs, hyporheic zones, and floodplains, shall be protected as consistent with WAC 173-26-221(2)(c)(iv). If critical freshwater habitats are impacted from development, an applicant shall mitigate impacts to ensure no net loss of ecological functions. Critical freshwater habitats are also protected under Appendix B.
- I. The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate adverse impacts such that no net loss of critical area and shoreline ecological function is achieved consistent with mitigation sequencing requirements in Section 5.3.1 of this SMP. In addition to compensatory

mitigation, unavoidable adverse impacts may be addressed through voluntary restoration efforts.

5.3.2 Modifications to Critical Areas Provisions in Shoreline Jurisdiction

- A. Critical areas in shoreline jurisdiction are regulated by the provisions in Appendix B except as specifically modified or exempted in this section. Provisions of Appendix B that are not consistent with the Act, RCW 90.58, and supporting WAC chapters shall not apply in shoreline jurisdiction, as follows:
 - 1. Provisions in Appendix B relating to exemptions from the critical area provisions do not apply in shoreline jurisdiction. Exemptions are limited to those listed in Section 2.3 and are from the permit process only, and not from the standards of the SMP and the critical area regulations, including requirements for no net loss.
 - 2. Provisions of Appendix B for critical areas variances and WMC 16.04 that include a “reasonable use exception” shall not apply within shoreline jurisdiction. An SVP, as set forth in Section 2.6 of this SMP, is required to vary from provisions of the Appendix B within shoreline jurisdiction.
 - 3. When there are conflicts between the definitions in this SMP and those in Appendix B, the definitions in the SMP shall govern.

5.4 Flood Hazard Reduction

5.4.1 General Provisions

- A. Development in floodplains shall not significantly or cumulatively increase flood hazard.
- B. General location of the CMZ is shown on Map 4 in Chapter 6 (City of Washougal), included in Volume 2 of the Clark County Shoreline Inventory & Characterization Report; incorporated herein by reference. Future updates of this SMP should consider a reach-level channel migration analysis to better understand CMZ location and conditions in Washougal.
- C. New development or uses in the shoreline jurisdiction, including subdivision of land, shall not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the CMZ or floodway or interrupt the process of channel migration. The following uses may be appropriate and/or necessary within the CMZ or floodway, provided that they mitigate impacted functions and processes:
 - 1. Actions that protect or restore the ecosystem-wide processes or ecological functions;

2. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules;
 3. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur;
 4. Bridges, utility lines, and other public utility and transportation structures where an alternatives analysis shows that locations outside the shoreline are not feasible or the alternative would result in unreasonable and disproportionate cost;
 5. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses;
 6. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions;
 7. Development within the City or its UGA where existing structures prevent active channel movement and flooding.
 8. Measures to reduce shoreline erosion, provided it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.
- D. New structural flood hazard reduction measures are allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, and that appropriate vegetation conservation actions are undertaken consistent with Section 5.8 of this SMP.
- E. New structural flood hazard reduction measures shall be placed landward of associated wetlands and buffers, except for projects that increase ecological functions, such as wetland restoration, or where no other alternative to reduce flood hazard to existing development is feasible.
1. The need for, and analysis of, feasible alternatives to structural improvements shall be documented through a geotechnical analysis.
- F. Fills are prohibited in floodplains except where the applicant clearly demonstrates that the geohydraulic characteristics will not be altered in a way that increases flood

velocity or risk of damage to life or property; and flood storage capacity will not be reduced. See Section 5.7.2, Clearing, Grading, Fill and Excavation.

- G. Fill shall be avoided in critical areas or buffers where possible. Pile or pier supports or other support methods shall be utilized instead of fills whenever feasible, particularly for permitted development in floodways or wetlands. See Section 5.7.2, Clearing, Grading, Fill and Excavation.
- H. Dikes and levees shall not be placed in the floodway except for current deflectors necessary for protection of bridges and roads.
- I. Removal of gravel for flood management purposes shall be consistent with the adopted flood hazard reduction plan and the provisions of this SMP, and only allowed after a biological and geomorphological study determines that extraction has a long-term flood hazard reduction benefit and does not result in net loss of ecological functions.
- J. Removal of beaver dams to control or limit flooding shall be avoided where feasible and allowed only in coordination with WDFW and receipt of all applicable state permits.

5.4.2 Flood Hazard Reduction Measures

- A. In-stream structures shall be reviewed for conformance to the criteria for approval found in this Section and this SMP, including the provisions of Section 6.3 and 6.4.3.
- B. Dikes and levees shall only be authorized by SCUP, except in the High Intensity designation where they are a permitted use (see Table 6-1).
- C. Dikes and levees shall protect the natural processes and resource values associated with streams including but not limited to wildlife habitat.
- D. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
- E. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the protected flood stage as identified in the applicable comprehensive flood control management plan or as required by the Federal Emergency Management Agency for dike recertification.

- F. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or stream area unless part of a comprehensive flood and habitat enhancement plan, and the only by conditional use.

5.4.2.1 Flood Hazard Reduction – Design

- A. Dikes and levees shall be designed, constructed, and maintained in accordance with the approved Hydraulic Project Approval (HPA), and in consideration of resource agency requirements and recommendations.
- B. Dikes and levees shall be set back at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion.
- C. Where dikes are necessary in intermediate gradient floodways to protect flood prone areas, tangent diking is preferred over bank levees. Dikes and levees shall be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity.
- D. The outside face of dikes shall be sloped at 1.5:1 (horizontal to vertical) or flatter and seeded with native grasses.

5.5 Public Access

- A. Provisions for adequate public access shall be incorporated into all shoreline development proposals that involve public funding unless the proponent demonstrates public access is not feasible due to one or more of the provisions of Section 5.5, Regulation B.1–5.
 - 1. The City shall give specific consideration to providing additional public access or enhancing existing public access at the Sandy Swimming Hole and Schmid Family Park. The access enhancements shall be consistent with the anticipated level of use, the shoreline environment in which they are located, and the shoreline ecological resources present at each location.
 - 2. The City shall identify additional public access locations along the Washougal River, where feasible, and the types of access improvements needed and feasible at each location. Such locations and improvements shall be included in a future update of the Comprehensive Parks and Recreation Plan.
 - a. Potential additional locations for enhanced public access include Hathaway Park by providing water access along the 28th Street right-of-way or converting the baseball field to access, Riverbend Waterfront Park, a potential connection between Hathaway Park and Schmid Family Park, and acquisition of the River Terrace HOA shoreline parcel if adequate vehicular access could be provided and in coordination with the homeowners.

- B. Provisions for adequate public access shall be incorporated into proposed development for water-enjoyment, water-related, and/or non-water-dependent uses, or for the subdivision of land into more than four (4) parcels, unless this requirement is clearly inappropriate to the total proposal. Public access will not be required where the proponent demonstrates one or more of the following:
1. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
 2. Constitutional or other legal limitations may apply;
 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 4. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;
 5. Significant environmental impacts that cannot be mitigated will result from the public access; and/or
 6. Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the City determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to:
 - a. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - b. Designing separation of uses and activities (including but not limited to, fences, terracing, use of one-way glazings, hedges, landscaping); and
 - c. Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
- C. Public access sites shall be connected to a barrier free route of travel and shall include facilities based on criteria within the Americans with Disabilities Act Accessibility Guidelines.
- D. Public access shall include provisions for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.
- E. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.

- F. Required public access shall be fully developed and available for public use at the time of occupancy of the use or activity.
- G. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock 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.
- H. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, as a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval.
- I. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- J. Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement approved by the Shoreline Administrator and recorded with the County Auditor's Office.

5.6 Restoration

(See also Section 6.4.4, Shoreline Restoration and Enhancement).

- A. Restoration of ecological functions and processes shall be encouraged and allowed on all shorelines and shall be located, designed and implemented in accordance with applicable policies and regulations of this SMP and consistent with other City programs.
- B. Impacts to shoreline functions shall be fully mitigated. Such mitigation may include elements from the Clark County Coalition Shoreline Restoration Plan, where appropriate.
- C. Elements of the Clark Coalition Shoreline Restoration Plan may also be implemented in any shoreline designation to improve shoreline function.
- D. Restoration efforts shall be developed by a qualified professional, shall be based on federal, state, and local guidance and shall consider the following:
 - 1. Riparian soil conditions;
 - 2. In-stream fish habitats; and
 - 3. Healthy aquatic and terrestrial food webs.

5.7 Site Planning and Development

5.7.1 General

- A. Land disturbing activities such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation.
- B. Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety and shall be minimized through the use of alternative surfaces, where feasible.
- C. When feasible, existing transportation corridors shall be utilized. Ingress/egress points shall be designed to minimize potential conflicts with and impacts upon vehicular and pedestrian traffic. Pedestrians shall be provided with safe and convenient circulation facilities.
- D. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.
- E. Non-water-dependent accessory uses and structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principal use.
- F. Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.
- G. Elevated walkways shall be utilized, as appropriate, to cross sensitive areas such as wetlands.
- H. Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.
- I. Exterior lighting shall be designed, shielded and operated to:
 - 1. avoid illuminating nearby properties or public areas;
 - 2. prevent glare on adjacent properties, public areas or roadways;
 - 3. prevent land and water traffic hazards; and
 - 4. reduce night sky effects to avoid impacts to fish and wildlife.
- J. Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.

- K. A use locating near a legally established aquaculture enterprise, including an authorized experimental project, shall demonstrate that such use would not result in damage to or destruction of the aquaculture enterprise, or compromise its monitoring or data collection.

5.7.2 Clearing, Grading, Fill, and Excavation

- A. Land disturbing activities such as clearing grading, fill and excavation shall be conducted in such a way as to minimize impacts to soils and native vegetation, and shall at a minimum meet the requirements of WMC C15.04.
- B. Clearing and grading shall be scheduled to minimize adverse impacts, including but not limited to, damage to water quality and aquatic life.
- C. Clearing and grading shall not result in substantial changes to surface water drainage patterns off the project site and onto adjacent properties.
- D. Developments shall include provisions to control erosion during construction and to ensure preservation of native vegetation for bank stability.
- E. Grading and grubbed areas shall be planted with a cover crop of native grasses until construction activities are completed.
- F. In areas that are expected to take a successional path to mature forest, development shall be located to avoid clearing and grading impacts to more mature or multi-storied plant communities and to retain habitat connectivity. Development shall be located such that grass communities are impacted first; scrub/shrub communities next; and forest communities last.
- G. Habitat that cannot be replaced or restored within twenty (20) years shall be preserved.
- H. Clearing, filling, or excavation shall not be conducted where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.
- I. Fills shall be permitted only in conjunction with a permitted use and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.
- J. Any significant placement of materials from on site or off site (other than permitted deposition of clean dredge spoils) or substantial creation or increasing the elevation of land shall be considered fill and shall comply with the fill provisions in the building code (WMC 15.04).
- K. Soil, gravel or other substrate transported to the site for fill shall be screened and documented that it is uncontaminated. Use of contaminated dredge spoils or fill

materials is prohibited.

- L. Fills shall be designed and placed to allow surface water penetration into groundwater supplies where such conditions existed prior to filling.
- M. Fills must protect shoreline ecological functions, including channel migration processes.
 - 1. Fill waterward of OHWM shall only be allowed as a conditional use and then only when necessary:
 - a. To support a water-dependent or public access use;
 - b. For habitat creation or restoration projects;
 - c. For remediation of contaminated sediments as part of an interagency environmental cleanup plan;
 - d. For disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Department of Natural Resources (DNR);
 - e. For expansion or alteration of transportation facilities of statewide significance currently located on the shoreline, and then only upon a demonstration that alternatives to fill are not feasible;
 - f. For a mitigation action;
 - g. For environmental restoration; or
 - h. For a beach nourishment or enhancement project.
- N. In the Columbia River, fills shall be prohibited between the OHWM and minus fifteen (-15) feet Columbia River Datum (CRD), unless shallow water habitat will be created as mitigation.
- O. Excavation below the OHWM is considered dredging and subject to provisions under that section in Chapter 6.
- P. Upon completion of construction, remaining cleared areas shall be replanted with native species contained in the Clark County-approved plant list. Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.

5.7.3 Building Design

- A. Structures shall be designed to conform to natural contours and minimize disturbance to soils and native vegetation.
- B. Non-single-family structures shall incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible.
- C. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.
- D. Façade treatments, mechanical equipment and windows in structures taller than two (2) stories, shall be designed and arranged to prevent bird collisions using the best available technology. Single-family residential structures shall be exempt from this provision.
- E. Interior and exterior structure lighting shall be designed, shielded, and operated to:
 - 1. Avoid illuminating nearby properties or public areas;
 - 2. Prevent glare on adjacent properties, public areas or roadways;
 - 3. Prevent land and water traffic hazards; and reduce night sky effects to avoid impacts to fish and wildlife.
- F. Accessory uses, including parking, shall be located as far landward as possible while still serving their intended purposes.

5.8 Vegetation Conservation

- A. Existing vegetation within shoreline jurisdiction shall be retained waterward of the OHWM and in the riparian area between the OHWM and the landward edge of the buffer or setback.
- B. Removal of native vegetation shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized to protect ecological functions.
- C. If native vegetation removal cannot be avoided, it shall be minimized and mitigated at a minimum ratio of 1:1, based on area, and shall result in no net loss of shoreline functions. Removal of vegetation within critical areas shall follow the requirements in Appendix B. Lost functions may be replaced by enhancing other functions, provided that no net loss in overall functions is demonstrated, and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan.

- D. Clearing by hand-held equipment of invasive or nonnative shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly re-established in the disturbed area.
- E. If nonnative vegetation is to be removed, then it shall be replaced with native vegetation within the shoreline jurisdiction.
- F. Pruning of trees is allowed in compliance with the National Arborist Association pruning standards, unless the tree is a hazard tree as defined by Chapter 8 of this SMP, and meets the following criteria:
 - 1. Removal of no more than twenty (20) percent of the limbs of any single tree may be removed; and
 - 2. No more than twenty (20) percent of canopy in a single stand of trees may be removed in a given five- (5-) year period.
- G. Topping trees is prohibited.
- H. Natural features such as snags, stumps, logs or uprooted trees, which do not intrude on the navigational channel or threaten or public safety, and existing structures and facilities, shall be left undisturbed.
- I. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
- J. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified professional.
- K. Unless otherwise stated, the vegetation conservation regulations of this SMP do not apply to commercial forest practices as defined by this SMP when such activities are covered under the Washington State Forest Practices Act (RCW 76.09), except where:
 - 1. Such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority; or to
 - 2. Flood control levees are required to be kept free of vegetation that damages their structural integrity.

5.9 Views and Aesthetics

5.9.1 Visual Access

- A. Visual access shall be maintained, enhanced, and preserved as appropriate on shoreline street-ends, public utility rights-of-way above and below the OHWM, and view corridors.
- B. Development on or over the water shall be constructed to avoid interference with views from surrounding properties to the adjoining shoreline and adjoining waters to the extent practical.
- C. Any new or expanded building or structure over thirty-five (35) feet in height above average grade level that obstructs the shoreline view of a substantial number of residents shall not be allowed, except where overriding considerations of the public interest will be served. The Shoreline Administrator may require a view analysis, including view corridors, view profiles, and vertical profiles from various locations, to determine if shoreline views will be obstructed.

5.10 Water Quality and Quantity

- A. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site.
 - 1. All shoreline development shall comply with the applicable requirements of Appendix B WMC 16.04, the City's current stormwater manual and Western Washington Stormwater Manual, dated 2014, and as subsequently amended.
- B. Stormwater facilities shall be designed in accordance with the City's Stormwater Management Program.
- C. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.
- D. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land except in accordance with Appendix B. Potentially harmful materials shall be maintained in a safe and leak-proof condition.
- E. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a water body, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject

water bodies and shall be applied by a qualified professional in accordance with state and federal law.

- F. Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.
- G. Conveyance of any substance not composed entirely of surface and stormwater directly to water resources shall be in accordance with Appendix B.
- G. Septic systems should be located as far landward of the shoreline and floodway as possible. Where permitted, new on-site septic systems shall be located, designed, operated, and maintained to meet all applicable water quality, utility, and health standards.

CHAPTER 6 SPECIFIC SHORELINE USE AND MODIFICATION REGULATIONS

6.1 General Provisions

- A. This chapter contains the regulations that apply to specific shoreline uses, developments, modifications, and activities in the shoreline jurisdiction.
- B. These regulations are intended to work in concert with all sections of this SMP and in particular the Goals and Policies (Chapter 3) and General Use and Development Regulations (Chapter 5).

6.2 Shoreline Use, Modifications, and Standards Tables

- A. Each shoreline designation shall be managed in accordance with its designated purpose as described in this SMP. Table 6-1 identifies those uses that are prohibited, may be permitted or permitted with a conditional use approval in each shoreline designation. In the event conflicts exist between the Table 6-1 and the text in this chapter, the text shall apply.
- B. Table 6-1 also summarizes general setbacks and building heights for uses within each shoreline designation. Uses are further divided between water-oriented and non-water-oriented uses. Generally speaking, water-oriented uses are permitted to locate closer to the shoreline than non-water-oriented uses. These setbacks apply in conjunction with the requirements of the critical areas requirements established in Chapter 5 and Appendix B. In the event a conflict exists between Table 6-1 and the requirements of Chapter 5, the most protective of shoreline functions shall apply.
- C. In Table 6-1, setbacks are measured landward from the OHWM. For transportation facilities and utilities, the setback from the OHWM pertains to the right-of-way and not just the structure or pipeline. Building heights are measured from the average grade level to highest point of a structure. Maximum building heights are outlined in Table 6-1 based on use and shoreline designation.

Table 6-1 Shoreline Use, Modification and Development Standards

Abbreviations P = Permitted; C = SCUP Required; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.		AQ	NAT	UC	MI	HI
Shoreline Designation		Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity
Shoreline Uses						
Agriculture						
Agriculture		X	X	X	X	X
• Building Setback		N/A	N/A	N/A	N/A	N/A
• Building Height		N/A	N/A	N/A	N/A	N/A
Aquaculture						
Aquaculture, General		P	X	C	C	C
• Building setback		0'	N/A	50' ¹	50' ¹	50' ¹
Boating Uses^{2,3}						
Motorized Boat Launches		P	X	C	C	P
Non-motorized Boat Launches		P	C	P	P	P
Marinas		P	X	X	C	P
• Structure Setback		0'	N/A	N/A	25'	25'
• Structure Height						
- 0-100' from OHWM		N/A	N/A	N/A	25'	35'
- >100' from OHWM		N/A	N/A	N/A	35'	45' ⁹
Docks, Piers, Mooring Buoys		P	X	P	P	P
• Structure Setback		0'	0'	0'	0'	0'
Houseboat or Live-aboard Vessel		X	X	X	X	X
Commercial Uses						
Water-dependent		C	X	C	P	P
• Building Setback		0' ⁸	N/A	0'	0'	0'
• Building Height						
- >100' from OHWM		15'	N/A	25'	35'	35'
- >100' from OHWM		15'	N/A	35'	45'	45'
Water-related, Water-enjoyment		X	X	C	P	P
• Building Setback		N/A	N/A	50'	25'	25'
• Building Height						
- 0' -100' from OHWM		N/A	N/A	25'	25'	35'
- >100' from OHWM		N/A	N/A	35'	35'	45'
Non-water-oriented		X	X	X	C ⁴	C ⁴
• Building Setback		N/A	N/A	N/A	100'	100'
• Building Height		N/A	N/A	N/A	25'	25'
Forestry						
Log Storage		C	X	X	X	P
Timber Harvest		X	X	C	P	P
• Activity Setback		N/A	N/A	100'	100'	50'
Industrial Uses						
Water-dependent		P	X	X	X	P
• Building Setback		N/A	N/A	N/A	N/A	0'
• Building Height						
- 0-100' from OHWM		45'	N/A	N/A	N/A	60'
- >100' from OHWM		45'	N/A	N/A	N/A	60'
Water-related		X	X	X	X	P
• Building Setback		N/A	N/A	N/A	N/A	50'
• Building Height						
- 0-100' from OHWM		N/A	N/A	N/A	N/A	45'
- >100' from OHWM		N/A	N/A	N/A	N/A	60'

Abbreviations P = Permitted; C = SCUP Required; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.					
	AQ	NAT	UC	MI	HI
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity
Non-water-oriented	X	X	X	X	P ⁴
• Building Setback	N/A	N/A	N/A	N/A	100'
• Building Height	N/A	N/A	N/A	N/A	35'
Institutional Uses					
Water-dependent	C	X	C	P	P
• Building Setback	0'	N/A	0'	0'	0'
• Building Height					
- 0-100' from OHWM	25'	N/A	25'	35'	45'
- >100 from OHWM	25'	N/A	35'	45'	60'
Water-related,	X	X	X	P	P
• Building Setback	N/A	N/A	N/A	25'	25'
• Building Height					
- 0-100' from OHWM	N/A	N/A	N/A	35'	45'
- >100 from OHWM	N/A	N/A	N/A	45'	60'
Non-water-oriented	X	X	X	C ¹	C ¹
• Building Setback	N/A		N/A	100'	100'
• Building Height	N/A		N/A	35'	35'
Mining					
Gravel Mining	X	X	X	X	X
• Activity Setback	N/A	N/A	N/A	N/A	N/A
Hard Rock Mining	X	X	X	X	X
• Activity Setback	N/A	N/A	N/A	N/A	N/A
Parking					
Primary Use	X	X	X	X	X
• Structure or Surface Lot Setback	N/A	N/A	N/A	N/A	N/A
Accessory Use	X	X	P	P	P
• Structure or Activity Setback	N/A	N/A	100'	100'	50'
• Structure Height	N/A	N/A	35'	35'	35'
Recreational Uses					
Water-dependent	P	C	P	P	P
• Building Setback	0'	0' (buildings 100')	0'	0'	0'
• Building Height	15'	15'	15'	35'	45'
Water-related/enjoyment)	C ²	P	P	P	P
• Building Setback	0'	20' (buildings 100')	20' (buildings 100')	75'	50'
• Building Height	15'	15'	15'	35'	35'
Public Access – Viewing Platforms and Trails parallel to the Shoreline	P	P	P	P	P
• Setback	0'	20'	50'	50'	50'
Public Access – Approach Trails Perpendicular to the Water	P	P	P	P	P
• Setback	0'	0'	0'	0'	0'
Non-water-oriented (golf courses, sports fields)	X	X	C	C	C
• Building/Golf Course/Sports	N/A	N/A	100'	100'	100'

Abbreviations P = Permitted; C = SCUP Required; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ	NAT	UC	MI	HI
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity
<i>Field Setback</i>					
•					
• <i>Building Height</i>	N/A	N/A	25'	45'	60'
Residential Uses					
Single-family and non-water-oriented appurtenances and accessory uses ⁷	X	X	P	P	P
• <i>Building Setback</i>	N/A	N/A	100'	50'	50'
• <i>Building Height</i>	N/A	N/A	35'	35'	45'
Water-oriented accessory uses (access trails, viewing decks, recreational supply sheds)	X	X	P	P	P
• <i>Building Setback</i>	N/A	N/A	75'	35'	35'
• <i>Building Height</i>	N/A	N/A	15'	25'	25'
Over-water residences and floating homes (new) ⁵	X	X	X	X	X
• <i>Building Height</i>	N/A	N/A	N/A	N/A	N/A
Multifamily	X	X	X	P	P
• <i>Building Setback</i>	N/A	N/A	N/A	35'	35'
• <i>Building Height</i>	N/A	N/A	N/A	35'	35'
• <i>Lot Coverage</i>	N/A		N/A	40%	50%
Signs⁶					
Fascia or Wall Signs	X		X	P	P
Free-Standing Informational	P		P	P	P
Transportation Uses					
Highways, Arterials, Railroads (parallel to OHWM)	C	X	C	P	P
• <i>Right-of-Way Setback</i>	0'	N/A	200'	100'	100'
Secondary/Public Access Roads (parallel to OHWM)	X	X	P	P	P
• <i>Right-of-Way Setback</i>	NA	N/A	100'	50'	50'
Bridges (perpendicular to shoreline)	C	X	C	P	P
• <i>Setback</i>	0'	N/A	0'	0'	0'
Utility Uses					
Above-ground Utilities (parallel to shoreline)	C	C	P	P	P
• <i>Right-of-Way Setback</i>	0'	150'	150'	100'	50'
• <i>Structure Height</i>	15'	15'	35'	35'	35'
• <i>Distribution Pole Height</i>	0'	45'	45'	45'	45'
Electrical Transmission Lines (parallel to the shoreline)	C	C	C	C	C
• <i>Right-of-Way Setback</i>	0'	150'	150'	100'	50'
• <i>Tower Height</i>	UNL	UNL	UNL	UNL	UNL
Underground Utilities (parallel to shoreline)	C	C	P	P	P
• <i>Right-of-Way Setback</i>	0'	100'	100'	50'	50'
Underground Utilities (perpendicular to shoreline)	C	C	C	C	C
• <i>Right-of-Way Setback</i>	0'	0'	0'	0'	0'
Unclassified Uses					
Unclassified Uses	C	C	C	C	C
• <i>Structure or Activity Setback</i>	0'	150'	75'	50'	50'

Abbreviations P = Permitted; C = SCUP Required; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ	NAT	UC	MI	HI
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity
<i>(water-oriented)</i>					
• <i>Structure or Activity Setback (non-water-oriented)</i>	0'	150'	100'	100'	100'
• <i>Structure Height</i>	15'	35'	35'	35'	35'
Shoreline Modification					
Dredging and Dredge Material Disposal					
Non-maintenance Dredging	C	N/A	N/A	N/A	N/A
Maintenance Dredging	P	N/A	N/A	N/A	N/A
Dredge Material Disposal	C	X	X	C	C ⁶
Dredging & Disposal as part of Ecological Restoration/ Enhancement	P	C	P	P	P
Fill					
Fill upland of OHWM	N/A	C	P	P	P
Fill waterward of OHWM	C	N/A	N/A	N/A	N/A
Flood Hazard Reduction Measures and In-stream Structures					
Dams, Dikes, & Levees	C	C	C	C	P
In-stream structures	C	N/A	N/A	N/A	N/A
Shoreline Restoration					
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P
Shoreline Stabilization					
New, Expanded, or Replacement Soft Stabilization	C	C	P	P	P
New, Expanded, or Replacement Hard Stabilization ⁶	C	X	C	C	C
Breakwaters, Jetties, Rock Weirs, and Groins⁶	C	X	C	C	C

General Notes:

- Setbacks are landward from the OHWM in the NT, UC, MI, and HI Shoreline Designations;
- Setbacks are waterward of the OHWM in the AQ Shoreline Designation.
- Consistent with RCW 90.58.320, no permit shall be issued for any new or expanded structure of more than 35 feet above average grade level that will obstruct the view of a substantial number of residences unless overriding considerations of the public interest will be served, as determined by the Shoreline Administrator.
- Water-dependent, water-related, and water-enjoyment setbacks shall apply only to those components of a proposed development meeting the definition of water-dependent, water-related, or water-enjoyment, respectively. Except as otherwise allowed in this SMP, all other project components shall be located landward of the non-water-oriented setback. All development proposed in shoreline jurisdiction shall demonstrate mitigation sequencing consistent with Section 5.1 of this SMP, including avoidance by locating as far from the OHWM as possible and compensatory mitigation as needed to ensure no net loss of shoreline ecological functions.
 1. Only water dependent facilities may be located waterward of Critical Area buffers and
 2. See also Section 6.3.3 for additional requirements for boating uses.
 3. Marinas, docks, piers, and mooring buoys are prohibited on the Washougal River. New docks must be shared/joint-use only on the Columbia River.
 4. As part of mixed-use development only.
 5. Over-water residences and floating homes: Not including vessels, floating homes in existence in the City as of January 1, 2011, are conforming uses and restricted to marinas with adequate utility hookups including handling of sewage. Existing floating on- water residences legally established and moored within a marina within the City prior to July 1, 2014, are considered a conforming use.
 6. Sign regulations for size and height is regulated under WMC 18.60.
 7. Permitted outside of CMZs.
 8. SCUP not required for ecological restoration/enhancement projects.

6.3 Use-Specific Development Regulations

6.3.1 Agriculture

- A. Agricultural practices shall prevent erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
- B. Agricultural activities are non-conforming uses in the city, and any new or expansion to such use is prohibited. The conversion of agricultural land to permitted land uses within the underlying zone shall be consistent with the shoreline environment designation and the general and specific use regulations applicable to the proposed use and shall not result in a net loss of ecological functions associated with the shoreline.
- C. The disposal of farm wastes, chemicals, fertilizers and associated containers and equipment within shoreline jurisdiction is prohibited. However, composted organic wastes may be used for fertilization or soil improvement.

6.3.2 Aquaculture

- A. Aquaculture is a preferred, water-dependent use when consistent with control of pollution and prevention of damage to the environment.
- B. No aquatic species shall be introduced into city waters without prior written approval of the appropriate state or federal regulatory agency for the species proposed for introduction. Such approval(s) shall be submitted in writing to the City as part of the shoreline permit application.
- C. Aquaculture facilities should be designed and located so that they do not spread disease to native aquatic life or establish new nonnative species that cause significant ecological impacts.
- D. New aquaculture uses that employ new or experimental technologies shall be allowed provided they do not result in a net loss of shoreline ecological functions. Impacts shall be mitigated in accordance with the sequence in Section 5.1 of this SMP.
- E. Aquaculture facilities shall only be permitted where impacts to existing uses can be fully mitigated, ensuring no net loss of ecological functions and in consideration of the impacts on nearby uses. Aquaculture facilities shall not be permitted if, after mitigations are applied, they would negatively affect recreational uses or water-dependent facilities, or conflict with navigation.

- F. Fish net-pens shall not occupy more than one (1) surface acre of water, excluding booming and anchoring equipment, and shall be located one (1) mile from any other aquaculture facility.
- G. No processing of any aquaculture product, except for the sorting or culling of the cultured species and the washing or removal of surface materials or species after harvest, shall occur in or over the water. All other processing activities and facilities shall be located on land.
- H. New, expanded, or altered aquaculture facilities shall not significantly impact the aesthetic quality of the shoreline. Aesthetic impacts may be addressed by limiting the removal of shoreline vegetation, using colors and materials that blend with the surrounding environment, and locating facilities where they are naturally concealed from view.
- I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity, baseline and periodic operational monitoring by a City-approved consultant (unless otherwise provided for) may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.
- J. Aquacultural uses and facilities not involving substantial substrate modification shall be located at least six hundred (600) feet from any wildlife refuge lands; those involving substantial substrate modification shall be located at least fifteen hundred (1,500) feet from such areas. Lesser distances may be authorized without a variance if:
 - 1. it is demonstrated by the applicant that the fish and wildlife habitat resources will be protected; and
 - 2. if the change is supported by the reviewing resource agencies. Greater distances may be required if recommended by the reviewing resource agencies.
- K. Aquacultural structures and activities that are not water-dependent (including but not limited to, warehouses for storage of products, parking and loading facilities) shall be located landward of the OHWM and landward of water-dependent portions of the project to avoid degradation of water quality and minimize detrimental impacts to the shoreline.
- L. For aquaculture projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than

- three (3) feet in height, as measured from the surface of the raft or dock. Materials, which are not necessary for the immediate and regular operation of the facility, shall not be stored waterward of the OHWM.
- M. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation. All wastes shall be disposed of in a manner that will ensure strict compliance with all applicable waste disposal standards.
 - N. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and application.
 - O. Prior to use of any agents such as antibiotics, vaccines, growth stimulants, or anti-fouling agents, approval must be obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, Ecology, WDFW, and the Department of Agriculture, as required, and proof thereof is submitted to the City.
 - P. Only nonlethal, non-abusive predator control methods shall be used. Double netting for seals, overhead netting for birds, and three- (3-) foot-high fencing or netting for otters are approved methods of predator control. The use of other nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

6.3.3 Boating Uses

6.3.3.1 General Requirements

- A. All boating uses, development and facilities shall protect the rights of navigation.
- B. Boating facilities shall locate on stable shorelines in areas where:
 - 1. There is adequate water mixing and flushing;
 - 2. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard; and
 - 3. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities.
- C. Boating facilities shall not be located:
 - 1. Along braided or meandering river channels where the channel is subject to change in alignment;

2. On point bars or other accretion beaches; or
 3. Where channel dredging will be required.
- D. Boating facilities should not be located in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.
 - E. Boating facilities located in or over state-owned aquatic lands shall meet DNR requirements as well as other state guidance to ensure no net loss of ecological functions.
 - F. In-water work for boating uses shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
 - G. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.
 - H. Boating uses and facilities shall be located far enough from public beaches commonly used for swimming, valuable fishing, and aquaculture harvest areas, or waterways used for commercial navigation to alleviate any adverse impacts, safety concerns and potential use conflicts.
 - I. Accessory uses at boating facilities shall be limited to water-oriented uses, including uses that provide physical or visual shoreline access for substantial numbers of the general public.
 - J. Accessory uses shall be located as far landward as possible while still serving their intended purposes.
 - K. Storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.
 - L. Moorage facilities with more than ten (10) berths and boat launching facilities are regulated as marinas (see Section 6.3.3.3). Moorage facilities with ten (10) or fewer berths are regulated under Section 6.3.3.4.
 - M. All marinas and public launch facilities shall provide restrooms/hand-sanitizing facilities for boaters' use that are designed, constructed and maintained to be clean, well-lighted, safe and convenient for public use. One (1) restroom and hand-washing

facility shall be provided for every seventy-five (75) marina moorage sites or twenty (20) boat launch parking spaces.

- N. Installation of boat waste disposal facilities such as pump-outs and portable dump stations shall be required at all marinas and shall be provided at boat launches to the extent possible. The locations of such facilities shall be considered on an individual basis in consultation with the Washington Departments of Health, Ecology, Natural Resources, Parks, and Fish and Wildlife, as necessary.
- O. All utilities shall be placed at or below dock levels, or below ground, as appropriate.
- P. All signage shall adhere to the standards for signs in this chapter and the City sign code, except that a marina or boat launch may have one (1) advertising sign oriented toward the water that does not exceed twenty-four (24) square feet in area and fifteen (15) feet in height above the OHWM.
- Q. Marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.
- R. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited for use in moorage facilities.
- S. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
- T. New boating facilities shall provide public access, particularly where water-enjoyment uses are associated with the marina.

6.3.3.2 Boat Launch Facilities

- A. Boat launch facilities on the Washougal River shall only be for non-motorized watercraft.
- B. Launch facilities, haul-out facilities and minor accessory buildings, shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

- C. When permitted, boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.
- D. Rail and track systems shall be preferred over concrete ramps or similar facilities.
- E. Private boat launches shall be allowed only when public boat launches are unavailable within one half-mile.
- F. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot.

6.3.3.3 Marinas

- A. Backshore dry-moorage marinas shall be preferred over foreshore marinas.
- B. Where foreshore marinas are permitted, open-pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.
- C. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.
- D. Marinas shall be designed to:
 - 1. Provide thorough flushing of all enclosed water areas;
 - 2. Allow the free movement of aquatic life in shallow water areas; and
 - 3. Avoid and minimize any interference with geohydraulic processes and disruption of existing shore forms.
- E. To the maximum extent possible, marinas and accessory uses shall share parking facilities and those facilities shall be located landward of critical area buffers to the extent practicable.
- F. Marinas shall have adequate facilities and procedures for:
 - 1. Fuel handling and storage, and
 - 2. The containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.

- G. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control.
- H. New live-aboard or houseboat vessels are prohibited.
- I. Existing live-aboard vessels may occupy up to twenty (20) percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility.
- J. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste.
- K. No commercial or sport fish-processing discharge or discarding of unused bait, scrap fish, or viscera shall be permitted within any marina.

6.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys

Moorage Facilities

- A. Moorage facilities shall be located so as to minimize interference with the use of navigable waters.
- B. Moorage facilities should not be located in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.
- C. Covered moorage associated with any residential development shall be prohibited.
- D. Commercial covered moorage may be permitted only where vessel construction or repair work is the primary activity and covered work areas are demonstrated to be the minimum necessary over water, including a demonstration that adequate landside sites are not feasible.
- E. Moorage facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.
- F. Residential moorage facilities shall be allowed as follows:
 - 1. Existing, legally established, private recreational docks and floats for individual lots in existing subdivisions and for existing individual single-family developments are considered conforming uses and structures.
 - 2. If a private, recreational dock or float is abandoned, becomes hazardous, or is removed for any reason, only a joint-use facility may be developed to replace it

and only if the applicant meets the requirements of this section and are consistent with other policies and regulations of this SMP.

- G. Lots which do not have water frontage are prohibited from having a joint-use moorage with a waterfront property unless they are part of a subdivision with a common area that serves all lot owners.
1. New or replacement, private recreational moorage for individual lots is permitted only where shared or joint-use moorage has not already been made available. Prior to development of a new or replacement dock for a single residential lot, the applicant shall:
 - a. Demonstrate that existing facilities in the vicinity, including marinas, shared or joint-use moorage are not adequate or not available for use; and
 - b. Provide written evidence that adjacent property owners are not willing to share their existing dock or pier.
 2. Provided the criteria in 6.3.3.4.G(1) above are met, new or replacement private recreational moorage facilities are allowed as follows:
 - a. No more than one (1) private, non-commercial moorage facility for recreational purposes is permitted for each shoreline lot or parcel or contiguous group of lots or parcels in a single ownership.
 - b. Only a single, joint-use moorage facility shall be permitted in association with hotels, motels, and multifamily residences. No more than one (1) mooring slip for every two (2) lodging rooms or units shall be allowed.
 3. Provisions for waste discharge shall be made in all proposals for public shared or joint-use moorage facilities and shall include oil containment barriers when required by the U.S. Coast Guard under provisions of the Federal Water Pollution Control Act.
 4. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner.

Docks and Piers

- A. Docks, piers, and mooring buoys are prohibited on the Washougal River.
- B. New joint-use docks and piers serving two or more contiguous residential lots each having direct water frontage are allowed if no public marina or public boat launch is

located within ½-mile upstream or downstream of any property line and all applicable requirements of this SMP are met.

- C. Over-water structures shall be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water or stoppers should be installed to prevent grounding out on state-owned aquatic lands.
- D. New docks and piers shall be allowed only for specific, demonstrated water-dependent uses or public access. Docks associated with single-family residences are defined as water-dependent uses, provided they are designed and intended as a facility for access to watercraft.
- E. Docks and piers for water-dependent commercial and industrial uses shall be allowed to the outer harbor line or combined U.S. Pierhead/Bulkhead line but no more than that required for the draft of the largest vessel expected to moor at the facility. These provisions are also applicable to multiple-use facilities where the majority use is water-dependent and public access can safely be provided.
- F. Pilings must be structurally sound and cured prior to placement in the water. Pilings employed for docks, piers, or any other structure shall have a minimum vertical clearance of one (1) foot above extreme high water. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.
- G. Docks and piers are prohibited along braided or meandering river channels, or where the river channel is subject to change in direction or alignment.
- H. Fixed-piers shall not be permitted for residential use on rivers. Floating docks shall be required in rivers and streams unless it can be demonstrated that fixed docks will result in substantially less impact on geohydraulic processes and flood hazards can be minimized or mitigated.
- I. Docks for residential use on a river shall be securely anchored to pilings to allow for changes in river level, and shall be designed to withstand the one-hundred- (100-) year flood or be seasonably removable.
- J. All docks shall include stops that serve to keep the floats off the riverbed at low water levels. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.

- K. New subdivisions or residential development of more than two (2) dwellings with shoreline frontage shall provide shared or joint-use piers or docks if any are proposed. Proposed docks and piers shall include no more than one (1) mooring space per two (2) lots or dwelling units. Applicants for shared or joint-use docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties.
- L. Docks and piers shall be the shortest length necessary to provide moorage for the intended boating use. Dimensional standards are included below.
1. For private, single-use docks or piers, the width of the walkway shall not exceed four (4) feet.
 2. A dock or pier shall be long enough to obtain a depth as required by WDFW at its landward edge. A dock or pier shall not extend farther from shore than necessary to achieve a water depth of 10 feet.
 3. The deck surface of docks and piers shall not exceed three (3) feet in height above the OHWM on the landward side and shall extend one (1) foot above the water surface at all other locations.
- M. The dimensional standards provided above may be adjusted as required by state and federal agencies. Generally, developments larger than these standards will be required to provide grating or reflective panels to increase light refraction to improve fish habitat conditions.
- N. Docks and piers shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties. A copy of such agreement shall be recorded with the County Auditor and filed with the shoreline permit application.
- O. Docks used for motorboats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.
- P. Recreational floats shall be located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas. Floats shall be constructed so that the deck surface is one (1) foot above the water surface. Reflectors for nighttime visibility shall be incorporated into their design. Floats serving the public, a multifamily development, or multiple property owners shall not exceed one hundred (100) square feet; those serving a legally established single-family home shall not exceed sixty-four (64) square feet.
- Q. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.

- R. Overhead wiring or plumbing shall not be permitted on docks or piers.

Mooring Buoys

- A. Mooring buoys shall be used instead of docks and piers whenever feasible.
- B. Mooring buoys shall be placed as specified by WDFW, DNR, and the U.S. Coast Guard to balance the goals of protecting nearshore habitat and minimizing obstruction to navigation. Anchors and other design features shall meet WDFW standards.
- C. Mooring buoys shall be discernible from a distance of at least one hundred (100) yards, and shall be equipped with reflectors for nighttime visibility. Only one (1) mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the applicant and documented by the City.
- D. Mooring buoys for residential use on a river shall be securely anchored to pilings to allow for changes in river level and shall be designed to withstand the one hundred-(100-) year flood or be seasonably removable.

6.3.4 Commercial Uses

- A. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment commercial uses. Second preference shall be given to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses.
- B. New commercial uses and development shall demonstrate that there will not be a net loss of ecological function or have significant adverse impacts to other shoreline resources or other shoreline uses.
- C. Non-water-oriented commercial development shall not be allowed unless:
 - 1. The use is part of a mixed-use project that includes water-dependent uses, and provides a significant public benefit with respect to provisions of public access or ecological restoration; or
 - 2. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access or ecological restoration; or
 - 3. The site is designated for commercial use and is physically separated from the shoreline by another property or a public right-of-way.
- D. Commercial uses that are not water-dependent shall not be allowed over water except where it is located within the same existing building and is necessary to support a water-dependent use.

- E. Water-related and water-enjoyment uses shall provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access. Public access shall be provided in compliance with Section 5.5 of this SMP.
- F. Loading, service areas, and other accessory uses shall be located landward of a commercial structure or underground whenever possible but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.
- G. Where commercial uses are allowed as a conditional use, the following must be demonstrated:
 - 1. A water-dependent use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or due to the site's separation from the water;
 - 2. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and
 - 3. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, ecological function, and/or access to the shoreline.

6.3.5 Forest Practices

- A. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222), as administered by the DNR. A forest practice that only involves timber cutting is not a development and does not require an SSDP or SSOE. A forest practice that includes activities other than timer cutting may be a development and may require a SSDP.
- B. Forest practices not covered by the Forest Practices Act, especially Class IV General Forest Practices involving conversions to non-forest uses, shall demonstrate that the practices result in no net loss of ecological functions and avoid impacts to navigation, recreation, and public access.
- C. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to Conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent conversion proposals for a period of six (6) years from date of

Forest Practices application approval per RCW 76.09.060(3)(d), (e) and (f), RCW 76.09.460, and RCW 76.09.470.

- D. For the purposes of this SMP, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered forest practices and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this SMP, including vegetation conservation.
- E. With respect to timber situated within two hundred (200) feet landward of the OHWM within shorelines of statewide significance, only selective commercial timber cutting, so that no more than thirty (30) percent of the merchantable trees may be harvested in any ten- (10-) year period of time, is allowed; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. Exceptions to this standard shall be by SCUP only.

6.3.6 Industrial Uses

6.3.6.1 General Requirements

- A. Water-oriented industrial uses and development are preferred over nonwater-oriented industrial uses and development.
- B. Water-related uses shall not displace existing water-dependent uses or occupy space designated for water-dependent uses identified in an SSDP or other approval.
- C. Water-enjoyment uses shall not displace existing water-dependent or water-related uses or occupy space designated for water-dependent or water-related uses identified in an SSDP or other approval.
- D. Industrial development shall be located, designed, and constructed in a manner that ensures no net loss of shoreline ecological functions, resources and values.
- E. Industrial development and redevelopment should be located where restoration of impaired shoreline ecological functions and processes and environmental cleanup can be included in the design of the project.
- F. Industrial development should incorporate public access unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, in accordance with Section 5.5 of this SMP.

- G. New non-water-oriented industrial development should be prohibited on shorelines except when:
1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the 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 Act's objectives, such as providing public access and ecological restoration; or
 3. The area is designated for industrial development in the Washougal Comprehensive Plan and the site is physically separated from the shoreline by another property or public right-of-way.
- H. Waterward expansion of existing non-water-oriented industry is prohibited unless the facility is physically separated from the shoreline by another property or public right-of-way.
- I. Proposed developments shall maximize the use of legally established existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial and port developments shall demonstrate the need for expansion into an undeveloped area.
- J. Proposed large-scale industrial developments or major expansions shall be consistent with an officially adopted comprehensive scheme of harbor improvement and/or long-range port development plan.
- K. New facilities for shallow-draft shipping shall not be allowed to preempt deep-draft industrial sites.
- L. Ship, boat-building, and repair yards shall employ BMPs with regard to the various services and activities they perform and their impacts on surrounding water quality.
- M. Industrial water treatment and water reclamation facilities may be permitted only as conditional uses and only upon demonstrating that they cannot be located outside of shoreline jurisdiction. They shall be designed and located to be compatible with recreational, residential, or other public uses of the water and shorelands.

6.3.6.2 Log Storage

- A. Log booming, rafting and storage in the Aquatic shoreline designation shall comply with WAC 332-30-145 or its successor.
- B. Log storage shall be permitted in public waters only where:

1. Water quality standards can be met at all times;
 2. Grounding will not occur;
 3. Associated activities will not hinder other beneficial uses of the water, such as small craft navigation; and
 4. Fish and wildlife habitat conservation areas can be avoided.
- C. No log raft shall remain in the Aquatic shoreline designation for more than one (1) year, unless specifically authorized in writing.
- D. Log storage facilities shall be sited to avoid and minimize the need for dredging in order to accommodate new barging and shall be located in existing developed areas to the greatest extent feasible. If a new log storage facility is proposed along an undeveloped shoreline, an alternatives analysis shall be required.
- E. Log booming shall only be allowed offshore in subtidal waters in order to maintain unimpeded nearshore migration corridors for juvenile salmonids and to minimize shading of nearshore habitat from log rafts.
- F. A Debris Management Plan describing the removal and disposal of wood waste must be developed and submitted to the City. Debris monitoring reports shall be provided, where stipulated. Positive control, collection, treatment, and disposal methods for keeping leachate, bark, and wood debris (both floating and sinking particles) out of surface water and groundwater shall be employed at log storage areas, log dumps, raft building areas, and mill-side handling zones. In the event that bark or wood debris accidentally enters the water, it shall be immediately removed. Surface runoff from log storage areas shall be collected and discharged at only one point, if possible.
- G. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under the Endangered Species Act (ESA) shall be re-evaluated if use is discontinued for one (1) year, or if substantial repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water, or, if the site should be used for other purposes that would have lesser impacts on ESA-listed species. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.
- H. Non-aquatic log storage areas shall meet the following requirements:
1. The ground surface of any unpaved log storage area underlain by permeable soils shall be separated from the highest seasonal water table by at least four (4)

feet in order to reduce waste buildup and impacts on groundwater and surface water;

2. Stormwater shall be managed consistent with the City's Stormwater Management Manual; and
3. A berm must be located around the outer edge of the upland log sorting area using rocks, or other suitable materials to prevent loss of wood debris into the water.

6.3.7 Institutional Uses

- A. Water-oriented institutional uses and developments are preferred.
- B. Where allowed, non-water-oriented institutional uses may be permitted provided that a significant public benefit such as public access and/or ecological restoration are provided.
- C. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.
- D. Water-dependent institutional uses in the Aquatic and Urban Conservancy designations and non-water-oriented institutional uses in the Medium Intensity and High Intensity designations are conditional uses. Where institutional uses are allowed as a conditional use, the following must be demonstrated:
 1. A water-dependent use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or due to the site's separation from the water;
 2. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and
 3. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, or access to the shoreline.

6.3.8 Mining

- A. Mining and associated activities are prohibited within Washougal's shoreline jurisdiction.

6.3.9 Parking

- A. Parking as a primary use is prohibited in all shoreline areas.

- B. Where parking is allowed as accessory to a permitted use, it shall be located landward of the OHWM and the primary structure as far as possible, or within the primary structure and shall adhere to the shoreline setbacks outlined in Table 6-1.
- C. Parking shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas in compliance with WMC 16.04.
- D. Impervious surfacing for parking shall be minimized through the use of alternative surfaces, where feasible.

6.3.10 Recreational Development

- A. Water-oriented recreational uses that provide access to and use of the water are a priority use category under the Act and for development of the City's shorelines and economy and should be promoted. Non-water-oriented uses should be allowed only if it can be demonstrated that they do not displace water-oriented recreational opportunities.
- B. All shoreline recreational developments shall result in no net loss of ecological processes and functions. Recreational developments that avoid impacts to shoreline vegetation and critical areas are preferred.
- C. Trails and viewing platforms in all environment designations shall be constructed of pervious materials unless other materials are necessary for conformance with the Americans with Disabilities Act. The trail surface shall meet all other requirements, including water quality standards set forth in the latest version of Ecology's Stormwater Management Manual for Western Washington, the City's Stormwater Management Plan, and the City's Comprehensive Park and Recreation Plan.
- D. The location, design, and operation of recreational facilities shall be consistent with the purpose of the environmental designations in which they are allowed. Recreational developments in environment designations, such as Natural and Urban Conservancy, should focus on preservation of functions including vegetation, water quality, and habitat and should be designed to avoid impacts or use low-impact design and construction techniques.
- E. In addition to meeting the setback requirements in Table 6-1, trails in the Urban Conservancy designation shall not be developed parallel to the shoreline for more than 500 linear feet where removal of vegetation would be required. In instances where there is no alternative to a parallel shoreline location, trails shall be the minimum width necessary for their function (generally 8 feet or less) and composed of natural materials including bark, dirt, or gravel.

- F. Recreational developments shall provide facilities for non-motorized access to the shoreline such as pedestrian and bicycle paths consistent with Section 5.5 of this SMP.
- G. The minimum width of public access easements for trails shall be twenty (20) feet when a trail is not located within a public right-of-way, unless the Shoreline Administrator determines that undue hardship would result, or that it is impractical or environmentally unsound. In such cases, easement width may be reduced only by the minimum extent necessary to meet public access standards.
- H. Recreation areas or facilities on shorelines shall provide physical or visual public access consistent with SMP sections 5.5 and 5.9.
- I. Parking areas shall be located upland away from the immediate shoreline consistent with SMP section 6.3.9 and with pedestrian trails or walkways providing access to the water.
- J. All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways. The Administrator may grant administrative exceptions for non-intensive minor accessory uses (including, but not limited to, picnic tables and playground equipment).
- K. Recreational sites with active uses shall be provided with restrooms and hand-washing facilities in accordance with public health standards and without adversely altering the natural features attractive for recreational uses.
- L. Recreational facilities shall make adequate provisions, such as buffer strips, screening, fences, and signs, to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.
- M. Provisions shall be made for the protection of water areas from drainage and surface runoff in all recreational developments requiring the use of fertilizers and pesticides in areas adjacent to shorelines, such as in play fields and golf courses.
- N. Golf course structures (clubhouses and maintenance buildings) that are non-water-oriented shall be located no closer than one hundred (100) feet from the OHWM of any shorelines of the state.
- O. Tees, greens, fairways, golf cart routes, and other site development features shall be located no closer than one hundred (100) feet from the OHWM of any shorelines of the state to the extent practicable. Where unavoidable, such development shall be designed to minimize impacts to shoreline and critical areas and their buffers and mitigate impacts by including ecological restoration and enhancement.

- P. Golf course water hazards and stormwater drainage basins shall be managed for wildlife through appropriate plantings and measures to maintain or enhance water quality.

6.3.11 Residential Development

- A. Residential developments shall include provisions to ensure preservation of native vegetation in conformance with SMP Section 5.8 and to control erosion during construction.
- B. Shoreline stabilization for residential development shall meet the requirements of Sections 6.4.5 to 6.4.7 of this SMP.
- C. New over-water and on-water residences and floating homes, are prohibited. Existing floating on-water residences legally established and moored within a marina within the City prior to July 1, 2014, are considered a conforming use and should be accommodated through reasonable permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages.
- D. Floating homes in existence as of January 1, 2011, and restricted to marinas with adequate utility hookups, including handling of sewage, are considered conforming uses. Maintenance, repair, replacement, and remodeling of existing floating homes and floating home moorages is permitted.
- E. Legally established existing residential structures and appurtenances that do not meet the standards of the SMP are considered to be conforming. Existing residential structures can expand in conformance with the requirements of Section 2.8.1 of this SMP.
- F. Residential developments, including accessory uses, and additions to existing residences, shall adhere to the shoreline setback and height standards identified in Table 6-1 including being located outside setback areas and critical areas buffers unless otherwise allowed under this SMP to promote community access and recreational opportunities. The standard setbacks for primary residences, but no accessory uses and structures may be modified by any one of the following methods:
 - 1. Common line setback. Notwithstanding setback standards in Table 6-1, if a proposed single-family residence or addition would have views obstructed by existing residences within 100 feet of both side property lines, the minimum setback required shall be the average established by drawing a line between the closest point of the existing primary structures to the OHWM on either side of the subject property. However, all other provisions of this SMP must be met, such as critical areas buffers. In no case shall the setback be reduced to less than 75 percent of the standard width or 35 feet, whichever is greater. For purposes of

this section, a view obstruction means that more than 50 percent of the shoreline view at the standard setback distance would be blocked by either adjacent residence. It must further be demonstrated that reducing the setback using this approach would improve the views and that no net loss can continue to be met.

2. Minor setback adjustments. The Shoreline Administrator may approve a minor adjustment in setback standards for residential uses, up to a maximum of 10 percent provided that:
 - a. Such area does not contain native vegetation;
 - b. Critical areas or buffers are not present, would not be impacted, or could be mitigated on site to achieve no net loss.
 3. Setback variances. Reductions or adjustments to setback standards that exceed the allowances of F.1 or F.2 above may only be approved as an SVP under the provisions of Chapter 2.5 of this SMP.
 4. In no case shall common line setbacks or minor setback adjustments place a residential structure closer to the top of a steep or unstable slope than is determined to be safe by a geotechnical engineer or closer than 35 feet, whichever is greater.
- G. New residential development shall be located and designed to a density that minimizes view obstructions to and from the shoreline.
- H. Clustering of residential units shall be allowed where appropriate to minimize physical and visual impacts on shorelines.
1. Density, lot line setbacks, lot frontage, and lot coverage for residential developments shall comply with City zoning standards. In order to maintain visual access to the waterfront, fences within the required setback from the OHWM shall be: No more than 4 feet high when separating two residential lots and no more than 6 feet high when separating a residential lot from a park or commercial use, and
 2. May not extend beyond the OHWM.
- I. New, expanded, or altered residential uses shall adhere to the regulations regarding on-site sewage systems contained in WMC 14.12.
- J. In those areas where only on-site sewage systems are available, density shall be limited to that which can demonstrably accommodate protection of surface and groundwater quality.

- K. New residential development, including sewage disposal systems, shall be prohibited in floodways and CMZs.
- L. New residential lots created through land division in the shoreline are required to:
 - 1. Prevent the loss of ecological functions at full build-out of the lots and must be located outside critical areas and buffers;
 - 2. Prevent the need for new shoreline stabilization or flood hazard reduction measures; and

6.3.12 Signs

- A. Signs proposed within shoreline jurisdiction shall adhere to the size and height requirements in the City's sign regulations (WMC 18.60).
- B. Free-standing signs shall be for only informational purposes such as to provide directional, navigational, educational/interpretive, and safety information, unless otherwise allowed under this SMP and as specified in Table 6-1.
- C. Signs for commercial purposes shall be limited to fascia or wall signs and as regulated by WMC 18.60, unless otherwise provided for in this chapter for specific uses.
- D. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access corridors to the shoreline.
- E. Over-water signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.
- F. Illuminated signs shall be limited to informational, directional, navigational or safety purposes and shielded so as to eliminate glare when viewed from surrounding properties or watercourses.

6.3.13 Transportation Uses

- A. New transportation facilities shall comply with the City's Transportation Capital Facilities Plan and Comprehensive Park and Recreation Plan, as well as any subsequent transportation plans adopted by the City. Any updated City transportation plans should include provisions for pedestrian, bicycle, and public transportation, where appropriate, and be consistent with the SMP.
- B. All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.

- C. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction wherever possible, or set back from the OHWM far enough to make shoreline stabilization, such as riprap, bulkheads or jetties, unnecessary.
- D. Transportation facilities shall not adversely impact existing or planned water-dependent uses by impairing access to the shoreline.
- E. All roads shall be adequately set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.
- F. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open-pile or pier structures whenever feasible to reduce shade impacts. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.
- G. Fills for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this SMP.
- H. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies.

6.3.14 Utilities Uses

These provisions apply to services and facilities that produce, convey, store, or process power, gas, wastewater, communications, and similar services and functions. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence or other approved use are “accessory utilities” and shall be considered a part of the primary use.

- A. Whenever feasible, all utility facilities shall be located outside shoreline jurisdiction. Where distribution and transmission lines (except electrical transmission lines) must be located in the shoreline jurisdiction they shall be located underground.
- B. Where overhead electrical transmission lines must parallel the shoreline, they shall be outside of the two hundred (200) foot shoreline environment unless topography or safety factors would make it unfeasible. If they cannot be located outside the shoreline, they must comply with the setbacks for electrical transmission lines in Table 6-1 unless located perpendicular to the shoreline for a crossing in, which case, no setback is required.

- C. Utilities shall be designed, located and installed in such a way as to preserve the natural landscape, minimize impacts to scenic views, and minimize conflicts with present and planned land and shoreline uses.
- D. Transmission, distribution, and conveyance facilities shall be located in existing rights-of-way and corridors or shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
- E. Utility production and processing facilities, such as power plants and wastewater treatment facilities, or parts of those facilities that are non-water-oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.
- F. Stormwater control facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the following provisions are met:
 - 1. The stormwater facility is designed to mimic and resemble natural wetlands and meets applicable City or state stormwater management standards and the discharge water meets state water quality standards; and
 - 2. Low-impact development approaches have been considered and implemented to the maximum extent feasible.
- G. New and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to those habitats.
- H. Water reclamation discharge facilities such as injection wells or activities such as land application are prohibited in the shoreline jurisdiction unless the discharge water meets Ecology Class A reclaimed water standards. Proponents for discharge of Class A reclaimed water in the shoreline jurisdiction shall demonstrate habitat benefits of such discharge.
- I. Where allowed under this SMP, construction of underwater utilities or those within the wetland perimeter shall be scheduled to avoid major fish migratory runs or use construction methods that do not cause disturbance to the habitat or migration.
- J. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall provide automatic shut off valves.
- K. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and

provided with maintenance care until the newly planted vegetation is fully established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.

6.4 Shoreline Modification Regulations

6.4.1 General Requirements

- A. Shoreline structural modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect a legally existing shoreline use or primary structure that is in danger of loss or substantial damage, or are necessary for reconfiguration of the shoreline or bedlands for an allowed water-dependent use or for shoreline mitigation or enhancement purposes.
- B. Modifications shall only be allowed when impacts are avoided, minimized, and mitigated to ensure no net loss of shoreline ecological functions.
- C. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

6.4.2 Dredging and Dredge Material Disposal

- A. Dredging may only be permitted for the following activities:
 - 1. Development of new or expanded wet moorages, harbors, recreational facilities, hydroelectric facilities, ports, water-dependent industries of economic importance to the region, or essential public facilities only when there are no feasible alternatives or other alternatives may have a greater ecological impact;
 - 2. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes;
 - 3. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat;
 - 4. Trenching to allow the installation of necessary underground utilities if no alternative, including boring, is feasible; impacts to fish and wildlife habitat are avoided to the maximum extent possible; and the installation does not alter the natural rate, extent, or opportunity of channel migration;
 - 5. Establishing, expanding, relocating or reconfiguring navigation channels where necessary to ensure safe and efficient accommodation of existing navigational

uses, provided significant ecological impacts are minimized and mitigation is provided; and

6. Maintenance dredging of established navigation channels and basins when restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
- B. New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
 - C. Dredging and dredge material disposal must be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided must be mitigated in a manner that ensures no net loss of shoreline ecological functions.
 - D. Dredging for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions. The site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a SCUP, any other significant habitat enhancement project.
 - E. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places, the Washington Heritage Register, and/or the Clark County Historic Register until such time that they have been reviewed and approved by the appropriate agency.
 - F. Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created to mitigate for the dredging project.
 - G. New dredging activity is prohibited in the following locations:
 1. Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered, or irretrievably lost;
 2. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity which result in the need for continual maintenance dredging; and
 3. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.
 - H. Near shore or landside disposal of dredge materials shall not be located upon, adversely affect, or diminish:

1. Stream mouths, wetlands, or significant plant communities (approved mitigation plans may justify exceptions);
 2. Prime agricultural land except as enhancement;
 3. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;
 4. Designated or officially recognized wildlife habitat and concentration areas;
 5. Water quality, quantity, and drainage characteristics; and
 6. Public access to shorelines and water bodies.
- I. Dredge material disposal shall be avoided where possible. Dredge disposal shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
- J. Disposal of dredge material on shorelands or wetlands within a river's CMZ is discouraged. When allowed, such disposal shall require a SCUP. This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the CMZ.
- K. Dredged material shall be disposed of on land only at sites reviewed and approved by the USACE and the Shoreline Administrator. Applicants shall demonstrate that the proposed site will ultimately be suitable for a use permitted by this SMP. Disposal shall be undertaken such that:
1. The smallest possible land area is affected, unless dispersed disposal is authorized as a condition of permit approval for soil enhancement or other purposes;
 2. Shoreline ecological functions and processes will be preserved, including protection of surface and groundwater;
 3. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and

4. Sites will be adequately screened from view of local residents or passersby on public rights-of-way to the maximum extent practicable.
- L. The following conditions shall apply to land disposal sites:
1. Underground springs and aquifers shall be identified and protected;
 2. Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one (1) foot of standing water at all times to encourage proper settling;
 3. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainage ways;
 4. There shall be a single point of ingress and egress for removal of the de-watered material;
 5. Runoff shall be directed through grassy swales or other treatment features that ensures protection of water quality and a location that maximizes circulation and fishing;
 6. Sites shall be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions;
 7. Vegetation shall be maintained by the property owner; and
 8. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within the jurisdiction of this SMP, shall comply with the fill regulations.
- M. Dredged material shall be disposed of in water only at sites approved by the USACE and the Administrator. Disposal techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only if:
1. Land disposal is infeasible, less consistent with this SMP, 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 spoil will be minimal; and

6. Water quality will not be adversely affected.
- N. The deposition of dredged materials in water or wetlands shall be permitted only:
 1. To improve wildlife habitat;
 2. To correct material distribution problems adversely affecting fish habitat;
 3. To create, expand, rehabilitate, or enhance a beach when permitted under this SMP and any required state or federal permit;
 4. When land deposition is demonstrated to be more detrimental to shoreline resources than water deposition; or
 5. In approved, open-water disposal sites.

6.4.3 In-Stream Structures

- A. In-stream structures must provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including but not limited to, fish and fish passage, priority habitats and species, other wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
- B. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City may condition the permit to achieve this objective such as setbacks, buffers, or storage basins.
- C. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
- D. In-stream structures shall provide for adequate upstream or downstream migration of anadromous fish, where applicable.
- E. In-stream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.
- F. When necessary, in-stream structures shall be located, designed, and maintained in such a manner that minimizes flood potential and the damage affected by flooding.
- G. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes shall be evaluated during permit review.

6.4.3.1 In-Stream Structures – Design & Placement

- A. In-stream structures and their support facilities shall be located and designed to avoid the necessity for shoreline stabilization structures. Shoreline stabilization structures shall be minimized and any impacts mitigated. All diversion structures shall be designed to permit natural transport of bedload materials.
- B. Materials adequate to immediately correct emergency erosion situations shall be maintained on site.
- C. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body, including a wetland, by erosion, from drainage, high water, or other vectoring mechanisms.
- D. All heavy construction equipment, and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline functions.
- E. Powerhouses, but not raceways, shall be located farther than one hundred (100) feet from the OHWM unless there is no feasible alternative, and any unavoidable impacts are minimized and mitigated. Penstocks shall be located, designed, and constructed so as to present as low a profile as possible. Powerhouses and penstocks shall be located and designed to return flow to the stream in as short a distance as possible.
- F. A mitigation plan that details the objectives of the mitigation activities shall be prepared by the applicant and be subject to approval by the appropriate authority.

6.4.4 Shoreline Restoration and Enhancement

- A. Shoreline restoration and enhancement activities that are designed to restore shoreline ecological functions and processes as well as shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species shall be given priority.
- B. Shoreline restoration, enhancement, and mitigation activities designed to create dynamic and sustainable ecosystems to assist the City in achieving no net loss of shoreline ecological functions are preferred.
- C. Restoration activities shall be carried out in accordance with the Clark County Shoreline Restoration Plan and in accordance with the provisions of this SMP.
- D. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the Clark County Coalition Shoreline Restoration Plan.

- E. Habitat and beach creation, expansion, restoration, and enhancement projects may be permitted subject to required state or federal permits when the applicant has demonstrated that:
 - 1. The project will not be carried out within spawning, nesting, or breeding fish and wildlife habitat conservation areas;
 - 2. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected.
 - 3. Water quality will not be degraded;
 - 4. Flood storage capacity will not be degraded;
 - 5. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
 - 6. The project will not interfere with the normal public use of the navigable waters of the state.
- F. The City shall review the projects for consistency with this SMP in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant.

6.4.5 Shoreline Stabilization – General

- A. New shoreline stabilization for new development is prohibited unless it can be demonstrated that the proposed use cannot be developed without shore protection or is necessary to restore ecological functions or is necessary for hazardous substance remediation.
- B. Additions to or increases in size (expansions) of existing shoreline stabilization structures shall be considered new structures and are subject to the same regulations as new shoreline stabilization structures.
- C. Proposed designs for new or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines, must use best available science, must document that alternative solutions are not feasible or do not provide sufficient protection; must demonstrate that future stabilization measures would not be required on the project site or adjacent properties; and be designed by a geotechnical engineer.
- D. New or expanded structural shoreline stabilization is allowed only where it is demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of substantial damage, or is

necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.

1. For stabilization required to protect a use from substantial damage, a geotechnical analysis is required that demonstrates a significant possibility that the structure will be damaged within three (3) years as a result of shoreline erosion caused by stream processes or waves. The geotechnical analysis shall evaluate alternative solutions to structural stabilization and, if such is the case, describe why no alternative to structural stabilization is feasible. All new or expanded stabilization shall mitigate significant adverse impacts to ensure no net loss of shoreline ecological functions and/or processes.
 2. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three (3) years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
- E. Residential development shall be designed to ensure that any subsequent development will not require additional structural stabilization.
- F. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities including roads, bridges, railways, and utility systems from erosion caused by stream undercutting or wave action; provided that, the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity.
1. Replacement structures for existing residences shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns.
- G. New erosion control measures, including replacement structures, on slopes or other actions that affect sediment-producing areas shall avoid or, if that is not possible, to minimize adverse impacts to sediment conveyance systems.
- H. The City of Washougal shall coordinate with the City of Camas and Clark County where sediment conveyance systems cross jurisdictional boundaries in the management of these systems.
- I. Where erosion threatens existing development, the City should explore a comprehensive solution including a management district, rather than a property-by-property approach.
- J. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 are exempt and will be regulated under the

state process. Stabilization projects that are not part of such a fish enhancement project will be regulated by this SMP.

- K. Small-scale or uncomplicated shoreline stabilization projects (for example, tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.
- L. Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The applicant may be required to have a qualified professional oversee construction or construct the project.
- M. Standards for new stabilization structures when found to be necessary include limiting the size to the minimum necessary, using measures to ensure no net loss of shoreline ecological functions, using soft approaches, and mitigating for impacts.
- N. Publicly financed or subsidized shoreline stabilization measures shall not restrict public access except where such access is demonstrated to be infeasible for reasons stated in Section 5.5 of this SMP. Ecological restoration and public access improvements shall be incorporated into the stabilization measure, where feasible.

6.4.6 Bioengineered Stabilization

- A. Bioengineered stabilization for the prevention and control of shoreline erosion shall be used instead of structural solutions where:
 - 1. The length and configuration of shoreline will accommodate such systems;
 - 2. Such protection is a reasonable solution to the needs of the specific site; and
 - 3. The project will:
 - a. Recreate or enhance natural shoreline conditions;
 - b. Create or enhance natural habitat;
 - c. Reverse otherwise erosional conditions; or
 - d. Enhance access to the shoreline, especially to public shorelines.
- B. All bioengineered projects shall be designed in accordance with best available science and use a diverse variety of native plant materials including but not limited to trees, shrubs, forbs, and grasses, unless demonstrated infeasible for the particular site.

- C. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that within three (3) years' time all vegetation is fully re-established. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.
- D. Bank protection in the form of a buffer zone shall be provided for a minimum of three (3) years. The buffer zone shall exclude livestock, vehicles, and/or other activities that could disturb the site.
- E. All bioengineered projects shall be monitored and maintained, as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.
- F. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

6.4.7 Structural Stabilization

- A. New or enlarged structural shoreline stabilization measures shall not be allowed, except when the following subsections (1 through 4), as applicable, are met.
 - 1. For existing primary structures, including residences, when the following provisions are met:
 - a. There is conclusive evidence documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Such geotechnical report shall demonstrate that the structure meets the following requirements:
 - i The erosion control structure will not result in a net loss of shoreline ecological functions; and
 - ii No alternatives (including relocation or reconstruction of existing structures) are feasible or less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result. The analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
 - 2. In support of new non-water-dependent development, including single-family residences, when all of the conditions below apply:
 - a. The erosion is not being caused by upland conditions, such as drainage or loss of vegetation;

- b. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, using bioengineered stabilization, or installing on-site drainage improvements, are not feasible or not sufficient;
 - 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 tidal action, currents, and waves; and
 - d. The erosion control structure will not result in a net loss of shoreline ecological functions.
3. In support of water-dependent development when all of the conditions below apply:
- a. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage;
 - b. Nonstructural measures, such as placing the development farther from the shoreline, planting vegetation, using bioengineered stabilization, or installing on-site drainage improvements, are not feasible or not sufficient; and
 - c. The erosion control structure will not result in a net loss of shoreline ecological functions.
4. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to RCW 90.70.105D when the following conditions apply:
- a. Nonstructural measures, planting vegetation, using bioengineered stabilization, or installing on-site drainage improvements, are not feasible or not sufficient; and
 - b. The erosion control structure will not result in a net loss of shoreline ecological functions.

6.4.7.1 Bulkheads

Bulkheads – General

- A. All bulkheads must be in support of an allowable shoreline use that is in conformance with the provisions of this SMP, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
- B. Bulkheads shall be allowed only when evidence is presented that conclusively demonstrates that one of the following conditions exists:

1. Erosion from waves, tidal action, or currents threatens an established primary use or existing primary building(s) on upland property;
 2. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this SMP, provided that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options), and that such bulkheads meet other policies and regulations of this chapter; or
- C. Use of a bulkhead to protect a platted lot where no structure presently exists is prohibited.
- D. Bioengineered stabilization using natural materials and processes such as protective berms, drift logs, brush, beach feeding, or vegetative stabilization shall be utilized to the maximum extent possible.
- E. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.
- F. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.

Bulkhead – Location

- A. Bulkheads shall not be located on shores where valuable geohydraulic-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marshes, wetlands, or accretion shoreforms such as spits, hooks, bars, or barrier beaches.
- B. Bulkheads are to be permitted only where local physical conditions such as foundation bearing material, surface, and subsurface drainage are suitable.
- C. On all shorelines, bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural), and generally parallel to the natural shoreline. In addition:
1. On bluff or bank shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the bank as possible, and in no case shall it be more than three (3) feet waterward from the toe of the natural bank; and
 2. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that:
 - a. The adjoining bulkheads were built at or near the OHWM, and

- b. The new bulkhead does not extend more than three (3) feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM, and shall be contoured to minimize the land area waterward of the required setback, that shall be met on the side not abutting an existing bulkhead.
3. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead, provided that replacement bulkheads shall not be authorized abutting an abandoned or neglected bulkhead, or a bulkhead in serious disrepair that is located more than three (3) feet waterward of OHWM. Replacement of such bulkheads shall be located at OHWM.

Bulkhead – Design

- A. Bulkhead design and development shall conform to all other applicable state agency policies and regulations, including the WDFW criteria governing the design of bulkheads.
- B. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.
- C. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.
- D. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.
- E. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
- F. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of it.
- G. Materials used in bulkhead construction shall meet the following standards:
 1. Bulkheads shall utilize stable, non-erosional, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials that will accomplish the desired end with the maximum preservation of natural shoreline characteristics; and
 2. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit, and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.

3. Fill behind bulkheads shall be considered landfill, and shall be subject to the provisions for landfill, and the requirement for obtaining a SSDP.
4. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this SMP are feasible, because of their limited durability and the potential hazard to shore users and the shoreline environment.

6.4.7.2 Revetments

Revetments - General

- A. Revetments must be in support of an allowable shoreline use that is in conformance with the provisions of this SMP, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
- B. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.
- C. Design of the proposed revetment shall incorporate proper consideration of:
 1. Data on local geophysical conditions;
 2. Data on stream flow, velocity, and/or flood capacity; and
 3. Effects on adjacent properties
- D. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.
- E. Revetments shall only be used when habitat-friendly alternatives are not feasible.

Revetment – Design

- A. When permitted, the siting and design of revetments shall be performed using appropriate engineering principles, including guidelines of the Natural Resources Conservation Service and the USACE.
- B. Revetment shall be constructed using techniques and materials that will enhance natural shoreline values and functions, including fish and wildlife habitat, water quality, vegetation, and aesthetics. The following techniques and materials shall be used:

1. Riprap material shall consist of clean quarried rock, free of loose dirt and any pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action. Tires, automobile bodies, scrap metal paper products, and other inappropriate solid waste materials shall not be used for riprap;
 2. Use of downed logs, snags, or rock-work to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate; and
 3. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion, provide cover, shade and habitat, and improve the natural appearance of the shoreline, consistent with the applicable vegetation management provisions of this SMP.
- C. If an armored revetment is employed, the following design criteria shall be met.
1. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 2. Filter cloth must be used to aid drainage and help prevent settling; and
 3. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action for the anticipated life of the project.
 4. The area shall be restored as nearly as possible to pre-project condition, including replanting with native species and maintenance care until the newly planted vegetation is established.

6.4.8 Breakwaters, Jetties, Rock Weirs, and Groins

6.4.8.1 Breakwaters, Jetties, Rock Weirs, and Groins - General

- A. All breakwaters, jetties, rock weirs, and groins are allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- B. A SCUP is required for all breakwaters, jetties, rock weirs, and groins except when installed to facilitate ecological restoration or enhancement projects.
- C. Applicants proposing groins, jetties, and solid breakwaters shall notify all shoreline landowners within the same drift sector. If it is not possible to make a reasonable determination of the drift sector, all shoreline landowners within one (1) mile of the project proposal shall be notified.
- D. The effect of proposed breakwaters, jetties, rock weirs, and groins on sand movement shall be evaluated during permit review. The beneficiaries and/or owners

of large-scale defense works that substantially alter, reduce, or block littoral drift, and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long-term beach feeding program either by artificially transporting sand to the downdrift side of an inlet with jetties or by artificial beach feeding in the case of groins, breakwaters, and rock weirs.

- E. The effect of proposed breakwaters, jetties, rock weirs, and groins on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

6.4.8.2 Breakwaters, Jetties, Rock Weirs, and Groins – Location

- A. Jetty, rock weir, or groin development that would result in a net adverse impact on adjacent and nearby properties and shorelines is prohibited.

6.4.8.3 Breakwaters, Jetties, Rock Weirs, and Groins – Design

- A. Proposed designs for new or expanded breakwaters, jetties, rock weirs, and groins shall be designed and certified by a registered civil engineer.
- B. The design of breakwaters, jetties, rock weirs, and groins shall conform to all applicable requirements established by the WDFW, and the USACE. Breakwaters, jetties, rock weirs, and groins shall be designed and constructed in a manner that will prevent detrimental impacts on water circulation, sand movement, and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.
- C. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access such as sightseeing and public fishing if it is determined such access is feasible and desirable.
- D. Open-pile or floating breakwaters shall be the only type allowed unless it can be shown that solid breakwaters will have no significant adverse effect on the aquatic biology and shore processes, or that such adverse effects can be adequately mitigated.
- E. Materials used for the construction of breakwaters, jetties, rock weirs, and groins shall exhibit the qualities of long-term durability, ease of maintenance, and compatibility with local shore features, processes, and aesthetics. The use of solid waste, junk, or abandoned automobiles, asphalt, or any building demolition debris is prohibited.
- F. Floating breakwaters shall be used in place of solid, rubble mound types wherever they can withstand anticipated wave action in order to maintain sand movement and protect fish and aquatic habitat.

CHAPTER 7 ADMINISTRATION AND ENFORCEMENT

7.1 General Provisions

- A. Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to RCW 90.58, the Act, and this SMP whether or not a permit is required.
- B. For administrative interpretation of this SMP, the City shall consult with Ecology to ensure that any formal written interpretation is consistent with the purpose and intent of the Act and applicable guidelines. See Section 7.4.1 for further detail.
- C. Classification of a use or development as permitted does not mean the use/development is allowed without review. It means the use/development may be allowed subject to review and approval by the City and/or Ecology. The City may attach conditions of approval to any permitted use via an SSDP, SCUP, SVP or SSOE as necessary to ensure consistency of a project with the Act and this SMP. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.
- D. To be authorized under this SMP, all uses and developments shall be planned and carried out in a manner that is consistent with the City's codes and this SMP regardless of whether an SSDP, SSOE, SVP, or SCUP is required.
- E. Applicants requesting review for shoreline permits or an SSOE under this SMP have the burden to prove that the proposed development or activity is consistent with the criteria contained in Chapter 2 of this SMP before a permit or SSOE is granted.
- F. Applicants shall submit all information and documentation determined by the Shoreline Administrator as necessary to process an application and contained on forms on file in the City's Community Development Department.
- G. The City shall not issue any permit or an SSOE for development within the shoreline jurisdiction until approval has been granted pursuant to this SMP.
- H. A development or use that does not comply with the bulk, dimensional, and/or performance standards of this SMP shall require an SVP even if the development or use does not require an SSDP.
- I. A development or use that is listed as a conditional use pursuant to Table 6-1 of this SMP, or is an unlisted use, must obtain a SCUP even if the development or use does not require an SSDP.
- J. Issuance of an SSDP, SVP, or SCUP does not constitute approval pursuant to any other federal, state or City laws or regulations.

- K. All shoreline permits or SSOEs issued for development or use within shoreline jurisdiction shall include written findings prepared by the Shoreline Administrator, documenting compliance with bulk and dimensional policies and regulations of this SMP.
- L. Proposed actions that would alter designated critical areas or their buffers, as established by this SMP (Chapter 5 and Appendix B) shall be reviewed for compliance with this SMP. If required, the applicable critical area report and/or mitigation plan shall be submitted as part of the shoreline permit or request for an SSOE. The critical area review shall be conducted and processed in conjunction with the highest threshold of review that is applicable to the primary development proposed:
 - 1. Review pursuant to SMP Chapter 2 (List of Exemptions);
 - 2. Land Use Permit or Building Permit;
 - 3. Excavation, Grading, Clearing and Erosion Control Permit;
 - 4. SEPA Threshold Determination;
 - 5. SSDP;
 - 6. SCUP; or
 - 7. SVP.

7.2 Administrative Authority and Responsibility

7.2.1 Shoreline Administrator

- A. The Shoreline Administrator shall have the authority to act upon the following matters:
 - 1. Interpretation, enforcement, and administration of the City's SMP as prescribed in this title;
 - 2. Issuance of final decisions on applications for statements of exemption under a Type I process specified in WMC 18.94;
 - 3. Issuance of final decisions on applications for SSDPs in accordance with Chapter 7 of this SMP under a Type II process as specified in WMC 18.94. Notice of SSDP shall meet the requirements of WAC 173-27-110 and shall be subject to a 30 day public comment period;

4. Issuance of recommendations to the Hearing Examiner on applications for SCUPs and SVPs;
 5. Modifications or revisions to any of the above approvals in conformance with WAC 173-27-100. If revisions to the original permit involves a SCUP or SVP, the Shoreline Administrator shall first schedule the revision for consideration by the City's Hearing Examiner and shall forward the Hearing Examiner's final local decision to Ecology for final review and decision;
- B. The Shoreline Administrator shall document all project review actions in shoreline areas in order to periodically evaluate the cumulative effects of authorized development on shoreline conditions per WAC 173-26-191.

7.2.2 City Hearing Examiner

- A. The City Hearing Examiner shall be responsible for conducting public hearings and making final local decisions on:
1. Applications for SCUPs;
 2. Applications for SVPs;
 3. When combined with an application for a SCUPs or SVP, the hearing examiner shall make a decision on an application for a shoreline exemption or SSDP. Both the decision on the SSDP or SSOE and the recommendation to Ecology on the SCUP or SVP shall be sent to Ecology per the requirements of the SMP; and,
 4. Appeals on SSDPs or SSOEs in accordance with WMC 18.94 of decisions made by the Shoreline Administrator. See also SMP Section 7.6, Filing Local Appeals.

7.2.3 City Planning Commission

- A. The City Planning Commission shall be responsible for hearing and making recommendations for action to the City Council on the following types of matters:
1. Amendments to the SMP are subject to Section 7.3 of this SMP under a Type IV process as specified in WMC 18.94. Any of the provisions of this SMP may be amended as provided for in WAC 173-26-090. The City may use the standard local or optional joint review processes set forth in WAC 173-26-100 or WAC 173-26-104, respectively.

7.2.4 City Council

- A. The City Council shall be responsible for making final local determinations on amendments to the SMP under a Type IV process as specified in WMC 18.94 for review and approval by Ecology, which shall be adopted by resolution prior to

sending the amendments to Ecology for review. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. Following review and final decision by the Department of Ecology, City Council shall adopt the final version of amendments by ordinance.

7.2.5 State Department of Ecology

- A. The duties and responsibilities of Ecology shall include, but are not limited to the following:
 - 1. Reviewing and approving SMP amendments prepared by the City pursuant to WAC 173-26-120 (State Process for Approving/Amending SMPs). Amendments or revisions to the SMP, as provided by law, do not become effective until approved by Ecology; and
 - 2. Final approval and authority to condition or deny SCUPs and SVPs filed by the City.
- B. After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City will mail the permit using return receipt requested mail to the Ecology regional office and the Office of the Attorney General. For projects that require either or both SCUPs and SVPs, the permits shall be mailed simultaneously with any substantial development permits for the project, pursuant to WAC 173-27-130.
- C. The permit and documentation of the final local decision will be mailed together with the complete permit application, a findings and conclusions letter, a permit data form (cover sheet), and applicable SEPA documents.
- D. Date of filing. The date of filing for shoreline permits is:
 - 1. The date of actual receipt by Ecology of a local government's final decision on a SSDP; or
 - 2. The date of transmittal of Ecology's final decision to local government and the applicant on the SVP, or SCUP.
- E. Ecology shall convey to the City and applicant its final decision approving, approving with conditions, or disapproving the permit within thirty (30) days of the date of submittal by the City. The Shoreline Administrator will notify interested persons who have requested notification of such decision.
- F. Ecology shall base its determination to approve, approve with conditions, or deny a SCUP or SVP on consistency with the policy and provisions of the Act, associated WACs, and the criteria listed in this SMP.

- G. Appeals of Ecology decisions on conditional use and variances requests shall be made to the Shorelines Hearing Board, as specified in Section 7.2.6.

7.2.6 State Shorelines Hearing Board

- A. Appeals of any final permit decision may be made to the Shorelines Hearing Board as governed by the procedures established in RCW 90.58.180 (Appeals from Granting, Denying, or Rescinding Permits) and WAC 461-08 (Practice and Procedure, Review of the Granting, Denying or Rescinding of Substantial Development Permits, Hearings).
- B. Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one-(21-) day appeal period starts with the date of filing.
- C. The provisions of this section shall apply to any final order, requirement, permit, decision, or determination on land use proposals made by the Shoreline Administrator on an SSDP or revision of an SSDP to Ecology's final decision on a SCUP or SVP or final decision revising a SCUP or SVP.

7.3 SMP Amendments

- A. This SMP shall be periodically reviewed according to the schedule set forth in RCW 90.58.080 following its approval by Ecology and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This quasi-judicial review process shall be consistent with requirements in RCW 90.58.080 and WAC 173-26-100 and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public. The amended SMP shall be consistent with the City Comprehensive Plan and development regulations and other local requirements.
- B. Any of the provisions of this SMP may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revision to this SMP, as provided by law, do not become effective until approved by Ecology.
- C. Proposals for shoreline re-designation (i.e., amendments to the shoreline maps and descriptions) must demonstrate consistency with the criteria set forth in WAC 173-22-040.
- D. Amendments shall be review under a Type IV City process as specified in WMC 18.94 with the following exceptions:
 - 1. Contents of the notice of hearing shall follow the requirements in WAC 173-26-100.

2. The notice period shall be for a minimum of 30 days prior to adoption of the amendments.
3. Contents of the submittal to Ecology shall be as specified in WAC 173-26-110.

7.4 Permitting Procedures

7.4.1 Administrative Interpretations

- A. Interpretation, enforcement, and administration of this SMP shall be in conformance with the provisions of WAC 173-26-140. The City establishes the following procedures for processing Administrative Interpretations:
 1. Application. Any person may request in writing the Shoreline Administrator's interpretation of a code provision of this SMP when it pertains to a specific property or project by means of a Type I application as specified in WMC 18.94.
 2. The Shoreline Administrator may independently initiate an interpretation of any conflicting or unclear provisions of this SMP.
 3. Consultation with Ecology. Prior to issuing an interpretation, the Shoreline Administrator shall formally consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.
 4. Catalog. To ensure that the Shoreline Administrator's interpretations are applied consistently over time, the Shoreline Administrator shall catalog these interpretations. The Shoreline Administrator shall retain and maintain the catalog of interpretations.

7.4.2 Statement of Exemption

- A. Any person requesting an exemption from the requirement to obtain an SSDP shall submit a completed application for an SSOE to the Shoreline Administrator.
- B. Proposals for an SSOE shall comply with the provisions of Section 2.7.
- C. Applications for SSOEs under Section 2.7 are to be processed using the Type I review procedures as specified in WMC 18.94. The Shoreline Administrator shall forward documentation of decisions on SSOEs to Ecology as required by Section 2.7 and WAC 173-27-050 or its successor.

7.4.3 Shoreline Substantial Development Permits

- A. Applications for SSDPs are to be processed using the Type II review procedures as specified in WMC 18.94 with the exception that the public comment period shall be 30 days in compliance with WAC 173-27-110(2)(e).
- B. Applications shall be reviewed and shall only be approved, if the application conforms with the criteria for approval found in WAC 173-27-150 and this SMP, including the provisions of Section 2.4.
- C. Upon completion of the local appeal period, the Shoreline Administrator shall forward the application and decision to Ecology in compliance with the provisions of 7.2.5 and WAC 173-27-130 or its successor.

7.4.4 Shoreline Conditional Use Permits

- A. SCUPs are required for any proposed use or development which is listed as a conditional use in Table 6-1 of this SMP and for any use not specifically addressed in this SMP. A SCUP cannot be used to allow any use or structure specifically prohibited by this SMP.
- B. SCUPs Review Procedures
 - 1. Applications for SCUPs are to be processed using the Type III review procedures as detailed in WMC 18.94 except that the Hearing Examiner shall make a final local decision prior to the City filing the SCUP with Ecology.
 - 2. Applications shall be reviewed and shall only be approved if the application conforms with the criteria for approval found in WAC 173-27-160 and this SMP, including the provisions of Section 2.6.
 - 3. Upon completion of the local appeal period, the Shoreline Administrator shall forward the application and recommendation to Ecology in compliance with the provisions of 7.2.5 and WAC 173-27-130 or its successor.

7.4.5 Shoreline Variance Permits

- A. The purpose of an SVP is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

B. SVP Procedures

1. Applications for SVPs are to be processed using the Type III review procedures as set forth in WMC 18.94, except that the Hearing Examiner shall make a final local decision prior to the City filing the SVP with Ecology.
2. Applications shall be reviewed and shall only be approved, if the application conforms to the criteria for approval found in WAC 173-27-170 and this SMP, including the provisions of Section 2.5.
3. Upon completion of the local appeal period, the Shoreline Administrator shall forward the application and final local decision to Ecology in compliance with the provisions of 2.5 and WAC 173-27-130 or its successor.

7.4.6 Revisions to Shoreline Permits

- A. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision. All revisions shall be processed in accordance with WAC 173-27-100.
- B. When an applicant seeks to revise a permit, the applicant shall complete an application and provide information as required by the Administrator. The applicant shall provide detailed plans and text describing the proposed changes.
 1. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit and are consistent with the SMP and the Act, Shoreline Administrator may approve a revision.
 2. "Within the scope and intent of the original permit" means all of the following:
 - a. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
 - c. The revised permit does not authorize development to exceed height, setback, or any other requirements of the SMP except as authorized under an SVP granted as the original permit or a part thereof;

- d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this SMP;
 - e. The use authorized pursuant to the original permit is not changed; and
 - f. No adverse environmental impact will be caused by the project revision.
3. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW and this SMP. If the proposed change constitutes substantial development, then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
 4. If the sum of the revision and any previously approved revisions under WAC 173-27-100 or this section violate the provisions in subsection (2) of this section, the City shall require that the applicant apply for a new permit.
 5. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the Shoreline Administrator shall notify parties of record of the action.
 6. If the revision to the original permit involves a SCUP or SVP, the Shoreline Administrator shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27. Upon receipt of Ecology's final decision, the Shoreline Administrator shall within 14 days notify parties of record of Ecology's final decision.
 7. The revised permit is effective immediately upon final decision by the Shoreline Administrator, when appropriate or under subsection (f) of this section, upon final action by Ecology.
 8. Appeals shall be in accordance with RCW 90.58. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

7.4.7 Public Notice Requirements

- A. A notice of application, comment periods, decisions, public hearings, and appeal hearings on applications and decisions associated with SSDPs, SCUPs and SVPs shall meet the requirements of WAC 173-27-110 and must be noticed to surrounding property owners in accordance with WMC 18.94.

7.5 Hearings

- A. Applications that require an open-record hearing shall be considered by the Hearing Examiner. When an open-record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently. Therefore, in this situation, applications for which the Shoreline Administrator has authority shall be transferred to the jurisdiction of the Hearing Examiner to allow consideration of all land use actions concurrently.

7.6 Filing Local Appeals

- A. The provisions of this section shall be followed when filing local appeals of permit decisions for SSOEs and SSDPs by the Shoreline Administrator prior to filing with Ecology. Appeals of final permit decisions by Ecology are to the Shoreline Hearings Board subject to the provisions of Section 7.2.6.
- B. Any appeal of a decision or ruling of the Shoreline Administrator shall be considered by the Hearing Examiner who shall hold a public hearing, conduct adjudicative proceedings, maintain a record thereof, and enter findings of facts, conclusions of law, and a final decision or other order as appropriate.
 - 1. Time Limit for Appealing. Appeals from decisions or rulings of the Shoreline Administrator shall be made within fourteen (14) calendar days of the date of the written order or within seven (7) calendar days of the date of issuance of the decision on a request for reconsideration, not counting the day of issuance of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day.
 - 2. Form of Appeal. An appeal of the Shoreline Administrator shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal. The following information, accompanied by an appeal fee shall be submitted:
 - a. An indication of facts that establish the appellant's right to appeal;
 - b. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion;
 - c. The requested relief from the decision being appealed;

- d. Any other information reasonably necessary to make a decision on the appeal; and
- e. Appeals shall be filed with the Shoreline Administrator who shall forward them to the Hearing Examiner.

7.7 Commencement of Development Activity and Permit Validity

- A. No construction pursuant to an SSDP, SVP, or SCUP use authorized by this SMP shall begin or be authorized until twenty-one (21) days from the date of filing as defined under RCW 90.58.140(6) and WAC 173-27-130 or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated except as provided in RCW 90.58.140(5)(a) and (b).
- B. Construction may commence no sooner than thirty (30) days after the date the appeal of the Shorelines Hearings Board's decision is filed in compliance with RCW 90.58.140.
- C. Construction activities shall be commenced, or where no construction activities are involved, the use or activity shall be commenced within two (2) years of the effective date of an SSDP. The Shoreline Administrator may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of proposed extension is given to parties of record on the substantial development permit and to the department.
- D. Authorization to conduct construction activities shall terminate five (5) years after the effective date of an SSDP. The Shoreline Administrator may authorize a single extension if it has been filed before the expiration date and notice of the proposed extension is given to parties of record and Ecology.

7.8 Enforcement

7.8.1 General Enforcement

- A. The enforcement provisions of RCW 90.58.210 and WAC 173-27-240 through 173-27-310 shall apply.
- B. The Act calls for a cooperative enforcement program between local and state government. It provides for both civil and criminal penalties, orders to cease and desist, orders to take corrective action and permit rescission. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the

benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

- C. The Shoreline Administrator, and/or authorized representative, shall have the authority to enforce the shoreline regulations of the City.
- D. The Shoreline Administrator with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this SMP.
- E. These shoreline regulations shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
- F. No provision of, or term used in, this code is intended to impose upon the City, or any of its officers or employee, any duty which would subject them to damages in a civil action.
- G. The Shoreline Administrator shall have the authority to request evidence of an SSOE for any development or use if s/he has cause to believe a substantial question exists as to qualifications of a use, development, or activity as an exemption or there is a likelihood of adverse impacts to shoreline ecological functions.

7.8.2 Investigation and Notice of Violation

- A. An investigation shall be made of any structure or use which the City reasonably believes does not comply with the standards and requirements of this SMP.
- B. If, after an investigation, it is determined that the standards or requirements of this title have been violated, a notice of violation shall be served, by first class mail, upon the owner, tenant or other person responsible for the condition.
- C. The compliance period shall not be less than two (2) weeks, except where substantial life safety issues exist.

7.8.3 Penalties

- A. Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of this SMP, and rules or regulations adopted pursuant thereto, shall be subject to the penalty provisions of WMC 18.97.

7.8.4 Violations – Subsequent Development and Building Permits

- A. No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this SMP. All purchasers or transferees of property shall comply with provisions of the Act and this SMP and each purchaser of transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or this SMP. Damages may include any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or this SMP as well as costs of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor, as an alternative to conforming their property to these requirements, may rescind the sale, transfer, or lease and recover costs of investigation, litigation and reasonable attorney's fees occasioned thereby from the violator.

7.9 Public and Private Redress

- A. Any person subject to the regulatory program of this SMP who violates any provision of this SMP or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.
- B. The City Attorney may bring suit for damages under this section on behalf of the City. Nothing in this section precludes private persons from bringing suit for damages on their own behalf. If liability has been established for the cost of restoring an area affected by violation, the court shall make provisions to ensure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.

7.10 Fees for Permits Obtained after Development

- A. Permits obtained following, rather than prior to, the commencement of a development or use shall be three (3) times the normal amount. This provision is in addition to the enforcement measures contained in this chapter and in WMC 18.96.
- B. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

7.11 Revocation of Permits

- A. Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the City upon a finding that a permittee has not complied with the conditions of a permit. If Ecology is of the opinion that noncompliance exists, Ecology shall provide written notice to the City and the permittee. If Ecology

is of the opinion that the noncompliance continues to exist thirty (30) days after the date of the notice, and the City has taken no action to rescind the permit, Ecology may petition the Shoreline Hearings Board for a rescission of the permit upon written notice of the petition to the City and the permittee if the request by Ecology is made to the Shoreline Hearings Board within fifteen (15) days of the termination of the thirty- (30-) day notice to the City.

- B. Permits found to have been authorized based on a misrepresentation of the facts shall also be subject to revocation.
- C. Should a discretionary shoreline permit be revoked, the use rights attached to the site and/or structure in question shall revert to uses permitted outright in the underlying zoning district, subject to all development standards contained therein. Revocation of a permit does not preclude the assessment of penalties in Section 7.8 above. Appeals of the revocation order shall be in accordance with Section 7.6.

CHAPTER 8 DEFINITIONS

Accessory Structure – a subordinate building or use incidental to the use of the main building or use.

Accessory Use – any use or activity incidental and subordinate to a primary use or development.

Accretion – the growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, hooks, and tombolos.

Act – Washington State Shoreline Management Act of 1971, as amended, RCW 90.58.

Adjacent – having a common end point or border.

Adjacent Lands – lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Agricultural Activities – agricultural uses and practices including, but not limited to: producing, breeding or increasing agricultural products; rotating and changing agricultural crops; agricultural crops; allowing land used for agricultural activities to lie fallow in that 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.

Agricultural Equipment and Agricultural Facilities – includes, but is not limited to: (i) 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; (ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) Farm residences and associated equipment, lands, and facilities; and (iv) Roadside stands and on-farm markets for marketing fruit or vegetables.

Agricultural Land – specific land areas on which agricultural activities are conducted after the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements of the SMP.

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 (20) 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.

Amendment – a revision, update, addition, deletion, and/or reenactment to an existing SMP.

Anadromous fish – fish that migrate downstream in their juvenile lifestages; live their adult lives in the ocean; then migrate upstream from the ocean to breed in fresh water.

Appurtenance – a structure or development that is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and also of the perimeter of any wetland. On a statewide basis, normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field, and grading that does not exceed two hundred fifty (250) cubic yards and that does not involve placement of fill in any wetland or waterward of the OHWM.

Aquaculture – the culture or farming of fish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery.

Area of Special Flood Hazard - land in the flood plain subject to a 1% or greater chance of flooding in any given year. Designations on Flood Insurance Rate Maps always include the letter A. Also referred to as “Frequently Flooded Areas.”

Associated Wetlands – wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake, river or stream subject to the Shoreline Management Act.

Average Grade Level – the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the OHWM. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

Beach Enhancement/Restoration – process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation drift sills, and other non-intrusive means as applicable.

Beds of Navigable Waters or “Bedlands” – submerged lands, including tidelands where appropriate, underlying navigable waters.

Berm – a linear mound or series of mounds of earth, sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best Available Science – use of the most reliable and available scientific information, most often used in the context of local government compliance with the State Growth Management Act (RCW 36.70A.172) for developing policies and development regulations regarding critical areas (WAC 365-195).

Best Management Practices (BMPs) – systems of practices and management measures that: (1) controls soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and (2) minimizes adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of fish and wildlife habitat conservation areas, wetlands and buffers.

Bioengineering – project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

Boat – see "Vessel."

Boating Facility – a facility or structure providing access in and out of the water for vessels, such as marinas, launching ramps, rails, or lift station. For purposes of the SMP, boating facilities excludes docks serving four (4) or fewer single-family residences.

Boat House – a structure designed for storage of vessels located over water (not to be confused with houseboats).

Boat Launch or Ramp – a facility with graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Bog – a type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70% cover of mosses at ground level and more than 30% of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hruby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #04-06-025. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

Breakwater – a structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.

Buffer Area – a strip of land that is designed and designated to permanently remain vegetated in an undeveloped condition to protect an adjacent aquatic or wetland resource from landward impacts, improve water quality, and to provide habitat for fish and wildlife.

Bulkhead – a solid, open-pile, or irregular wall of rock, riprap, concrete, steel, or timber or combination of these materials erected parallel to and near the OHWM to provide a protective vertical wall resistant to water and wave action.

Buoy – see “Mooring Buoy.”

Channel – an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels. See also “Stream.”

Channel Migration Zone (CMZ) – the area along a river within the channel(s) that 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.

Clearing – the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, which does not impair the health or survival of the trees or native vegetation.

Commercial – a business use or activity at a scale greater than a home business or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops.

Commercial Dredging – dredging for commercial purposes as authorized by local, state and/or federal permits.

Commercial Fishing – the activity of capturing fish and other seafood under a commercial license.

Conditional Use – a use, development, or substantial development that is classified as a conditional use, or is not classified within the SMP, and requires a SCUP. See RCW 173-27-160.

Covered Moorage – boat moorage, with or without walls, that has a roof to protect a vessel.

Critical Aquifer Recharge Area – area with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act.

Critical Areas – fish and wildlife habitat conservation areas, frequently flooded areas, critical aquifer recharge areas, geologic hazard areas, and wetlands as designated in Appendix B.

Critical Habitat – specific geographical areas that possess physical or biological features that are essential to the conservation of federally listed species. These designated areas may require special management considerations or protection.

Critical Freshwater Habitat – portions of streams, rivers, wetlands, and lakes, their associated CMZs, and floodplains designated as such.

Date of Filing – is as follows:

- A. For projects that only require a SSDP, the date of filing is the date that Ecology receives the City's decision.
- B. For a SCUP or SVP, the date of filing is the date that Ecology's decision on the permit or variance is transmitted to the applicant and the City.
- C. For SSDPs simultaneously mailed with a SCUP or SVP to Ecology, the date of filing is the date that Ecology's decision on the permit or variance is transmitted to the applicant and the City.

Development – an activity 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 the Shoreline Management Act of 1971 at any state of water level. "Development" does not include dismantling or removing structures if there is no other associated development or redevelopment or a forest practice that only involves timber cutting.

Development Regulations – the controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of an SMP other than goals and policies approved or adopted under RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Dike – an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

Dock – a basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shore lands providing for the securing of a boat or vessel. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this SMP. Docks serving from two to ten dwellings are joint-use docks. See also definition for "Marina."

Document of Record – the most current SMP officially approved or adopted by rule by Ecology for Washougal, including any changes resulting from appeals filed pursuant to RCW 90.58.190.

Dolphin – a cluster of piles bound together.

Dredge Spoil or Dredge Material – the material removed by dredging.

Dredging – the removal or displacement of earth or sediments such as gravel, sand, mud, silt, or debris from below the OHWM of any stream, river, lake, or water body or wetland.

Drift Sector - the extent of the littoral drift area downstream from and caused by a breakwater, jetty, rock weir or groin.

Ecological Functions – the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments which constitute the shoreline's natural ecosystem.

Ecosystem-wide Processes – 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.

Effective Date of Permit – For SSDPs, SCUPs and SVPs shall be the date of filing as provided in RCW 90.58.140(6) that includes completion of all appeals or legal actions.

Emergency/Emergency Construction –an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with WAC 173-27. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency.

Enhancement – alterations performed to improve the condition of an existing degraded area so that the functions provided are of a higher quality. Enhancements are to be distinguished from resource creation or restoration projects.

Erosion – the general process or the group of processes whereby the material of the earth's crust are loosened, dissolved, or worn away, and simultaneously moved from one place to another, by natural forces, that include weathering, solution, corrosion, and transportation, but usually exclude mass wasting (American Geological Institute, 1998).

Essential Public Facilities – broadly defined, as those types of facilities that are typically difficult to site. This definition includes but is not limited to, airports, state education facilities, state and regional transportation facilities, state and local correctional facilities, solid waste handling facilities, medical care facilities, mental health facilities, and group homes.

Exempt/Exemption – developments that are set forth in Chapter 2 (Exemptions from SSDP) of this SMP that are not required to obtain an SSDP, but which must otherwise comply with applicable provisions of the act and the local master program.

Fair Market Value – 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 (WAC 173-27-030(8)).

Feasible – 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 the SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long- term time frames.

Fill – 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 (WAC 173-26- 020(14)).

Fish and Wildlife Habitat Conservation Areas – Fish and Wildlife Habitat Conservation Areas include habitat for Endangered, Threatened and Sensitive species; Priority Habitats and areas associated with Priority Species; Habitats of Local Importance, and water bodies, as designated in Appendix B.

Fish Habitat Enhancement Project – a fish habitat enhancement project specifically meeting the criteria established in RCW 77.55.181 that allows for an expedited WDFW review and approval.

Float – a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water-dependent recreation or moorage for vessels or watercraft.

Floating Home – a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

Floating On-Water Residence – any floating structure other than a floating home, as defined by this chapter: (a) that is designed or used primarily as a residence on the water and has detachable utilities; and (b) whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.

Flood Hazard Reduction – measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

Floodplain – synonymous with the one-hundred- (100-) year floodplain and refers to the land area susceptible to inundation with a one (1) 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 that meets the objectives of the Act.

Floodway – the area that has been established in effective Federal Emergency Management Agency flood insurance rate maps or floodway maps. The floodway does not include 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. 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.

Forb – an herbaceous, non-woody plant other than grass.

Foreshore – in general terms, the beach between mean higher high water and mean lower low water.

Forest Practices – any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre- commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control.

Frequently Flooded Areas – the areas of special flood hazard as designated in Appendix B.

Gabions – structures composed of masses of rocks, rubble, or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action, to reduce mass wasting, or as foundations for breakwaters or jetties.

Geologic Hazard Areas – areas of landslide, liquefaction and dynamic settlement, ground shaking amplification, fault rupture, soil erosion, and bank erosion hazard areas identified as critical areas in Appendix B.

Geotechnical Report or "geotechnical analysis" – a scientific study or evaluation of geological, hydrological, geochemical, and/or geomorphological aspect(s) of a site conducted by a qualified expert.

Grading – 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.

Grassy Swale – a vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Groin or "spur dike" or "rock weir" – a barrier-type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of material.

Groundwater – the part of the subsurface water that is in the saturated zone, including underground streams, from which wells, springs, and ground water runoff are supplied. The saturated zone is a subsurface zone in which all interstices are filled with water under pressure greater than that of the atmosphere. This zone is separated from the unsaturated zone (above) by the water table.

Harbor Area – the area of navigable waters between the inner and outer harbor lines identified by the Board of Natural Resources acting as the State Harbor Lines Commission and as established by Section 1 of Article XV of the Washington State Constitution.

Hazardous Material – any product, substance, commodity, or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all "dangerous wastes" and "hazardous substances" that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Hazard Tree - any tree with a combination of structural defect and/or disease and a proximity to persons or property which makes it subject to a high probability of failure, as recommended by a qualified arborist.

Hearings Board – see "Shorelines Hearings Board."

Height – the distance measured from the 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 it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the SMP provides otherwise). Provided further that temporary construction equipment is excluded in this calculation.

Hook – a spit or narrow cape of sand or gravel that turns landward at its outer end.

Houseboat or Live-aboard Vessel – a vessel, principally used as an on-water residence. (Principal use as an on-water residence means that it is occupied in a single location for a period exceeding two (2) months in any one calendar year.) Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a vessel. (Houseboats should not be confused with boathouses or floating homes.)

In-kind Replacement – replacement of an object or structure or part of an object or structure with an identical or nearly identical object or structure with regard to materials and dimensions; in a biological context, replace wetlands biota, or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced, or degraded by an activity.

Inner Harbor Line – the line established by the state in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the “bulkhead line”).

Institutional Facility – structure(s) and related grounds used by organizations for the provision of educational, medical, cultural, social and/or recreational services to the community, including but not limited to such uses as schools, colleges, museums, community centers.

In-stream Structure – a structure placed by humans within a stream or river waterward of the OHWM 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. In-stream structure does not apply to stormwater outfalls.

Invasive – means a nonnative plant or animal species that either:

- A. Causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;
- B. Threatens or may threaten natural resources or their use in the state;
- C. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

D. Threatens or harms human health.

Jetty – a structure usually projecting out into the water for the purpose of protecting a navigation channel, a harbor, or to influence water currents.

Joint-use Moorage – see “Shared Moorage.”

Lake – a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the OHWM or, where a stream enters a lake, the extension of elevation of the lake’s OHWM within the stream (RCW 90.58.030(Id); WAC 173-20-030; WAC 173-22-030(4)).

Lakes of Statewide Significance - 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.

Large Woody Debris – Shrubs, trees, or their branches that have fallen and are on the ground or in, across, or dangling above streams, rivers, lakes, or ponds.

Levee – a large dike or embankment, often having an access road along the top, that is designed as part of a system to project land from floods.

Limited Utility Extension – the extension of a utility service that is categorically exempt under RCW 43.21C for natural gas, electricity, telephone, water or sewer to service an existing use and will not extend more than twenty-five hundred (2,500) linear feet within the shorelines of the state.

Littoral – the area of the shore from the OHWM waterward to a depth of two (2) meters below ordinary low water or to the maximum extent of non-persistent emergent plants.

Littoral Drift – the mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and current.

Live-aboard Vessel – see “Houseboat.”

Local Government – any county, incorporated city, or town that contains within its boundaries shorelines of the state subject to RCW 90.58.

Log Booming – the placement or removal of logs and log bundles into and from the water, and the assembly and disassembly of rafts for waterborne transportation.

Maintenance Dredging – refers to dredging for the purpose of maintaining a prescribed minimum depth or width of a channel, boat basin, or berthing area previously authorized by a federal, state, and/or local permit as part of any specific waterway project.

Marina – a water-dependent commercial use that consists of a system of piers, buoys, or floats which provides moorage for more than ten (10) boats. For the purposes of this SMP, large community moorage facilities, yacht club facilities, and camp or resort moorage areas are also considered marinas. Boat launch facilities and supplies and services for small commercial or pleasure craft are often associated with marinas. Uses accessory to marinas may include fuel docks and storage, boating equipment sales and rental, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

“Foreshore marinas” are marinas located waterward of the OHWM.

“Backshore marinas” are marinas located landward of the OHWM. There are two common types of backshore marinas: (1) a wet-moorage marina that is dredged out of the land artificially creating a basin; and (2) a dry- moorage marina that has upland storage with a hoist, marine travel lift, or ramp for water access.

Marine Travel Lift – a mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.

Marine Railway – a set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

May – means an action is acceptable, provided it conforms to the provisions of this SMP.

Merchantable Trees – live trees, 6 inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability. "Merchantable trees" shall not include trees smaller than 4 inches DBH.

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

Mitigation – avoidance, minimization, or compensation for adverse impacts to shoreline ecological functions and processes.

Mitigation, Compensatory – an action to reduce the severity of effects from an action that may cause potential impacts to functions and values of critical areas and their buffers.

Mixed-use Project – developments that include a combination of components, such as residential uses, hotels, marinas, habitat improvement actions, public access provisions, and other uses.

Mobile/Manufactured Home – a residential unit on one or more chassis for towing to the point of use and designed to be used with a foundation as a single-family dwelling unit on a year-

round basis. A commercial coach, recreational vehicle, or motor home are not mobile/manufactured homes.

Moorage – a pier, dock, buoy or float, either fixed or floating, to which vessels may be secured. “Individual mooring facilities” refers to moorage for single vessels. See also definition for “*Covered Moorage*.”

Mooring Buoy – a floating object anchored to the bottom of a water body that provides tie-up capabilities for vessels or watercraft.

Multifamily Dwelling (or multifamily residence) – a building containing two or more dwelling units including but not limited to duplexes, apartments, and condominiums.

Must – means a mandate; the action is required.

Natural Topography (or “**existing topography**”) – the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

Navigational Channels – routes on the waters of state beyond the outer harbor line, commonly used by ships for useful commerce.

Navigable Waters – a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The State of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

Non-conforming Development -- a shoreline use or structure that was lawfully constructed at the time it was built, but is no longer consistent with present regulations such as setbacks, buffers or yards, area, bulk, height, or density standards due to subsequent changes to the SMP.

Nonconforming Lot – 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.

Nonconforming Structure – a structure that was lawfully constructed or established prior to the effective date of the applicable Act or Program provision, and which no longer conforms to the applicable shoreline provisions. See also “Nonconforming Use.”

Nonconforming Use – use or activity that was lawfully established prior to the effective date of the applicable Act or Program provision, and which no longer conforms to the applicable shoreline provisions.

Non-maintenance dredging – any dredging that is not maintenance dredging. See also “Maintenance Dredging.”

Non-Water-Dependent Use or Activity – a water-related, water-enjoyment, or non-water-oriented use or activity.

Non-Water-Oriented Use or Activity – a use or activity that is not water- dependent, water-related, or water-enjoyment.

Normal Maintenance – includes the usual acts taken to prevent a decline, lapse, or cessation from a lawfully established condition. See also “Normal Repair.”

Normal Repair – to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. See also “Normal Maintenance.”

Noxious Weeds – nonnative plants that are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

On-site Replacement – to replace wetlands or other shoreline environmental resources at the site on which a resource has been impacted by a regulated activity.

Operation(s) – industrial, commercial, institutional, or residential activity that may be publicly or privately owned and operated, and may involve the use of stationary facilities, equipment, transport vehicles, or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state, or local government entities.

Ordinary High Water Mark (OHWM) – the mark found by examining the bed and banks of a body of water 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 Ecology: Provided that in any area where the OHWM cannot be found, the OHWM adjoining salt water shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water.

Oregon White Oak Woodland - priority Oregon white oak woodlands are stands of oak or oak/conifer associations where canopy coverage of the oak component of the stand is 25 percent; or where total canopy coverage of the stand is less than 25 percent, but oak accounts for at least 50 percent of the canopy coverage present. The latter is often referred to as an oak savanna. In urban or urbanizing areas, single oaks, or stands of oaks less than 1 acre, may also be considered priority habitat when found to be particularly valuable to fish and wildlife (i.e.,

they contain many cavities, have a large diameter at breast height [DBH], are used by priority species, or have a large canopy).

Outer Harbor Line – the line located and established by the State Department of Natural Resources in navigable waters that delineates the extent of water area that may be leased to private interests.

Over-water Structure – a structure or other construction located waterward of the OHWM or a structure or other construction erected on piling above the surface of the water, or upon a float.

Parking – the temporary storage of automobiles or other motorized vehicles.

Parking, Accessory – the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves an approved shoreline use.

Parking, Principal or primary – parking that is the principal use on the property and is not accessory to another use.

Party of Record – 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.

Permit – any SSDP, SVP, SCUP, or revision authorized under RCW 90.58.

Permitted Use – a use that is allowed under the rules and regulations of the SMP.

Person – an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

Pier – a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

Pierhead Line – the waterward limit to which open-pile work may be constructed as designated by the Federal government.

Point – a low-profile shoreline promontory of more or less triangular shape, the top of which extends waterward. A point may be the wavecut shelf remnant of a headland bluff or a purely accretional deposit that began as a hooked spit and becomes a point by subsequently closing the lagoon gap between the headland and the tip of the hook. Points are characterized by converging berms that normally enclose a lagoon, marsh, or meadow, depending on the point's stage of development.

Port – a municipal corporation that is a special purpose district of local government authorized by the Washington State Constitution and regulated by RCW 53.

Port Use – a use that meets either of the following criteria:

- A. a use on a property that is owned or leased by a port district; or
- B. a use that has been included in a port district's adopted Comprehensive Scheme of Harbor Improvements.

Potentially Harmful Materials – hazardous materials as well as other materials such as the following which, if discharged or improperly disposed, may present a risk to water resources:

1. Petroleum products including, but not limited to, petroleum fuel and petroleum based coating and preserving materials;
2. oils containing polychlorinated byphenyls (PCBs);
3. antifreeze and other liquid automotive products;
4. metals, either in particulate or dissolved form, in concentrations above established regulatory standards;
5. flammable or explosive materials;
6. radioactive material;
7. used batteries;
8. corrosives, acids, alkalis, or bases;
9. paints, stains, resins, lacquers or varnishes;
10. degreasers;
11. solvents;
12. construction materials;
13. drain cleaners and other toxic liquid household products;
14. pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards;
15. steam cleaning and carpet cleaning wastes;
16. car wash water;

17. laundry wastewater;
18. soaps, detergents, ammonia;
19. swimming pool backwash;
20. chlorine, bromine, and other disinfectants;
21. heated water;
22. domestic animal wastes;
23. sewage;
24. recreational vehicle waste;
25. animal carcasses, excluding salmonids;
26. food wastes;
27. collected lawn clippings, leaves or branches;
28. trash or debris;
29. silt, sediment, or gravel;
30. dyes; and
31. untreated or unapproved wastewater from industrial processes.

Priority Habitat – 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:

- A. Comparatively high fish or wildlife density;
- B. Comparatively high fish or wildlife species diversity;
- C. Important wildlife habitat;
- D. Important fish or wildlife seasonal range;
- E. Important fish or wildlife movement corridor;
- F. Rearing and foraging habitat;
- G. Important marine mammal haul-out;

- H. Refugia habitat;
- I. Limited availability;
- J. High vulnerability to habitat alteration;
- K. Unique or dependent species; or
- L. 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 (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as, old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife.

Priority Species – 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.

- A. 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 listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
- B. 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.
- C. 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.
- D. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Provisions – policies, regulations, standards, guideline criteria or environment designations.

Public Access – the physical ability of the general public to reach, touch and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

Public Facility – means any facility for public purposes financed in whole or in part by any port district, county, city, town, or special utility district of the State of Washington, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

Public Interest – 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 a use or development.

Recreational Development – commercial and public facilities designed and used to provide recreational opportunities to the public.

Qualified Professional - a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4).

Recreational Facility –

- A. **Active recreational facilities or uses** are those which involve indoor or outdoor activities and athletics which often require a moderate to high level of infrastructure development for structures and equipment as well as high levels of maintenance to support recreational pursuits. Facilities and uses generally support a large number of participants or teams for recreational activities. Sports fields, golf courses, skate parks, and motorized boating are examples of active recreational facilities or use.
- B. **Passive recreational facilities or uses** are those that generally require a low or moderate level of infrastructure development, maintenance and support. Recreational activities and/or associated facilities that are compatible with open space and natural resource protection such as wildlife viewing, non-vehicular trails, fishing, canoeing and picnicking.

Recreational Vehicle – a vehicle licensed, designed and operated for recreational purposes as temporary living quarters, that has a means of self-propulsion or is readily towable by a car or pickup truck, and is not used as a residence in any one location for extended periods of time (i.e., more than three [3] months).

Residential Development – development that is primarily devoted to or designed for use as a dwelling(s). Residential development includes single-family development, multifamily development and the creation of new residential lots through land division.

Restore, Restoration, Ecological Restoration –to reestablish or upgrade impaired ecological processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, 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.

Revetment – a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead that is a vertical structure.

Riprap – is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.

Riparian Habitat Corridor – areas adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other.

Right-of-Way (ROW) – a type of easement that gives an individual the right to travel across property owned by another; often refers to a thoroughfare for access by the public to travel or a public entity to place utilities or other public facilities.

Salmon and steelhead habitats – gravel bottomed streams, creeks, and rivers used for spawning; streams, creeks, rivers, side channels, ponds, lakes, and wetland used for rearing feeding and cover and refuge from predators and high water; streams, creeks, rivers, estuaries and shallow areas of saltwater bodies used as migration corridors; and saltwater bodies used for rearing, feeding and refuge from predators and currents.

Selective Timber Cutting – removing individual trees scattered throughout the subject area. The un-harvested trees should be as evenly distributed as possible throughout the shoreline area and should be representative of the species and size classes of the pre-harvest stand.

Setback (Activity, Building, Structure) – means the distance an activity, building, or structure must be located from the OHWM, landward or waterward depending on if the use is allowed in the water or on land.

Shall – indicates a mandate; the action must be done.

Shared or Joint-Use Moorage – interchangeable terms in this SMP. These terms indicate moorage constructed and utilized by more than one waterfront property owner or by a homeowner's association that owns waterfront property. Shared moorage also includes moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft.

If a shared moorage provides moorage for more than ten (10) slips, then it is a marina. If proposed shared moorage includes a swinging boom or davit style hoist, then it shall be reviewed under the provisions as a marina.

Shorelands or Shoreland Areas – those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this SMP, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

Shorelines – all water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes. See RCW 90.58.030(2)(d) and WAC 173-18, 173-26 and 173-22.

Shoreline Administrator or Administrator – the local government official, or his/her designee, responsible for administering this SMP.

Shoreline Designations – the categories of shorelines established by this SMP in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.

Shoreline Jurisdiction – all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030. See section 2.1 of this SMP for how shoreline jurisdiction is defined in the City.

Shoreline Master Program or "SMP" – 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.

As provided in RCW 36.70A.480, the goals and policies of a SMP approved under RCW 90.58 shall be considered an element of the local government's comprehensive plan. All other portions of the SMP for a local government adopted under RCW 90.58, including use regulations, shall be considered a part of the local government's development regulations.

Shoreline Modifications – 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, dredging or application of chemicals.

Shoreline Restoration Project – a project designed to restore impaired ecological function of a shoreline.

Shoreline Stabilization – actions taken to address erosion impacts to property and structures caused by processes such as current, flood, wind, or waves. These actions include structural and nonstructural methods. Structural measures include but are not limited to bulkheads, revetments, and riprap. Nonstructural measures include building setbacks, relocation of structures, and bioengineered methods that use vegetation or wood.

Shoreline Substantial Development Permit (SSDP)– the permit required by this SMP for uses that are substantial developments in shoreline jurisdiction.

Shorelines Hearing Board (SHB) – a quasi-judicial body established by the Shoreline Management Act of 1971 to hear appeals by any aggrieved party on the issuance of a substantial development permits, conditional uses, variance or enforcement penalties.

Shorelines of Statewide Significance – a select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special policies apply, and described below:

- A. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the OHWM;
- B. Those natural rivers or segments thereof, downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more, and
- C. Those shorelands associated with paragraphs a and b above.

Shorelines of the State – the total of all “shorelines” and “shorelines of statewide significance” within the state.

Should – indicates that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Act and this SMP, against taking the action.

Significant vegetation removal – the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal (WAC 173-26-020(33)).

Sign – any structure, device, advertisement, advertising device, or visual representation intended to advertise, identify, or communicate information to attract the attention of the public for any reason. Informational signs are non-commercial and intended to communicate safety, directional, navigation, educational, or interpretive information.

Single-Family Residence – a detached dwelling designed for and occupied by one family, including structures and developments within a contiguous ownership that are a normal appurtenance. See also “Appurtenance.”

Slash – the organic debris that is produced by logging operations.

Solid Waste Facility or “**Transfer Facility**” – any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

Speculative fill – the placement of fill material without an associated development proposal.

Stormwater – runoff during and following precipitation and snowmelt event, including surface runoff, drainage, and interflow.

Stream – a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel. See also “Channel.”

Structure – a permanent or temporary edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

Subdivision – the division or re-division of land, including short subdivision, for the purpose of sale, lease, or conveyance.

Substantial Development – any development of that the total cost or fair market value exceeds eight thousand five hundred four (\$8,504), or as periodically adjusted by the State Office of Financial Management, or any development that materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3e) and WAC 173-27-040. See also definition of “Development” and “Exemption.”

Substantially Degrade – to cause significant ecological impact.

Subtidal – any substratum that is constantly submerged.

Surface Water – water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

Terrestrial – of or relating to land as distinct from air and water.

Transportation Facility – roads, railways, bridges and related structures such as culverts, fills, embankments, causeways, for the purpose of moving people using motorized or non-motorized means of transport.

Upland – described as the dry land area above and landward of the OHWM.

Utilities – services and facilities that produce, convey, store, or process power, water, wastewater, stormwater, gas, communications, oil, and the like. 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.

Variance – 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.

Vegetation Conservation – activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species.

Vessel – ships, boats, barges, or any other floating watercraft that are designed and used for navigation and do not interfere with the normal public use of the water.

View Corridor – portion of a viewshed, often between structures or along thoroughfares. View corridors may or may not be specifically identified and reserved through development regulations for the purpose of retaining the ability of the public to see a particular object (such as a mountain or body of water) or a landscape within a context that fosters appreciation of its aesthetic value.

Water-dependent use – a use or portion of a use that cannot exist in a location which is not adjacent to the water, and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-enjoyment use – 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 that 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.

Water-oriented use – a use that is water-dependent, water-related, or water- enjoyment, or a combination of such uses.

Water Quality – the characteristics of water within shoreline jurisdiction, including water quantity, hydrological, chemical, aesthetic, recreation-related, and biological characteristics.

Water Quantity – where used in this SMP, the term refers only to development and uses regulated and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related Use or Activity – a use or portion of use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- A. of 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 make its services less expensive and/or more convenient.

Watershed Restoration Plan – a plan, developed or sponsored by WDFW, Ecology, DNR, the Washington Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, a special purpose agency such as the Lower Columbia Fish Recovery Board, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW 43.21C, the State Environmental Policy Act.

Watershed Restoration Project – a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities (RCW 89.08.460):

- A. A project that involves less than ten (10) miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
- B. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- C. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or in-stream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the OHWM of the stream.

Watershed restoration plan -- means a plan, developed or sponsored by WDFW, Ecology, State DNR, WSDOT, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, a conservation district, or a special purpose agency that provides a general program and implementation measures or actions for the preservation, restoration, re-creation,

or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to RCW 43.21C, the State Environmental Policy Act.

Weir – a structure in a stream or river for measuring or regulating stream flow.

Wetlands – areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances do 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 from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Wetlands delineation manual – means the Corps of Engineers Wetlands Delineation Manual, dated 1987, and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0), dated 2010, and as subsequently amended.

Yard, Front – a yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the main building.

Yard, Rear – a yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.

Yard, Side/View Corridor – a yard extending from the front yard to the rear yard along the side of the main building, the width of which yard is the minimum distance from the side lot line to the main building

**Shoreline Master Program
City of Washougal, Washington**

**Appendix A
City of Washougal Shoreline Designation Map**

**Shoreline Master Program
City of Washougal, Washington**

**Appendix B
Critical Area Provisions**
