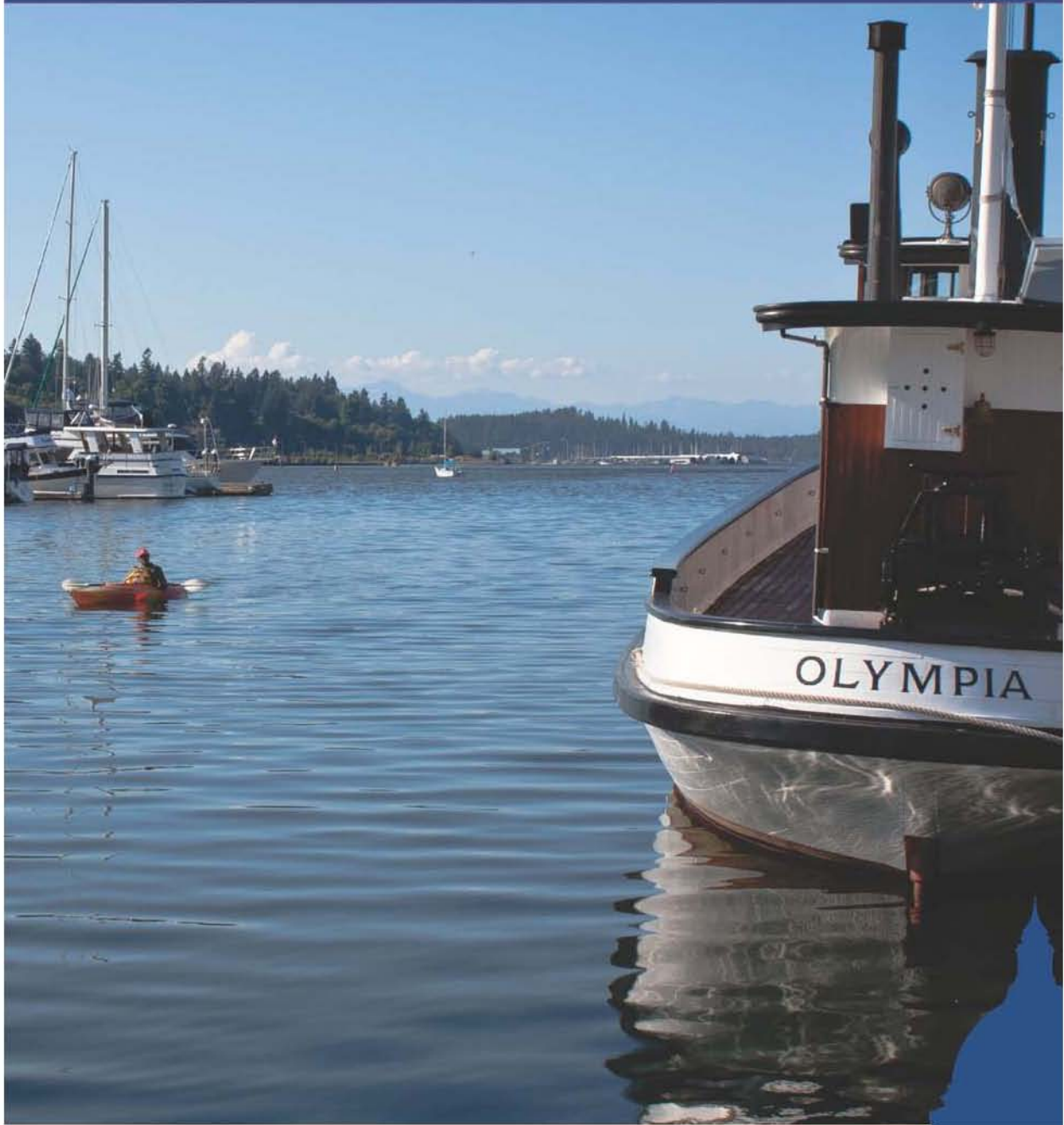


Draft Shoreline Master Program

January 22, 2013



City of Olympia | Capital of Washington State
olympiawa.gov/smp



Shoreline Master Program

January 22, 2013

**City of Olympia
Shoreline Master Program
COUNCIL HEARING DRAFT**

Issued January 8, 2013

**City of Olympia | Capital of Washington State
olympiawa.gov/smp**

[Note to the reader: Olympia’s proposed comprehensive Shoreline Master Program update is composed of the following elements: Section One includes general provisions applicable to all aspects of the proposed Shoreline Program. Section Two includes those elements of the Program to be added to the Olympia Comprehensive Plan. (Goals and policies of the program are already included in the Plan by reference; the new goals and policies would actually be inserted into the Plan.) Section Three includes those elements of the Program to be inserted in the development regulations of the Olympia Municipal Code (OMC), primarily as a new Chapter 18.34. Appendix A, the Restoration Plan, is a referenced ‘stand-alone’ part of the Program. Also proposed is a set of SMP-Related Code Amendments (Page 88) which, although associated with Section Three, would NOT be part of the Shoreline Program.]

Bracketed clauses such as this one in this document are for purposes of describing the structure of the document and are not to be part of the final Shoreline Master Program. In addition, except as explicitly stated, references herein to documents or code sections not included in this document are not intended and shall not be construed to adopt such as elements of Olympia’s Shoreline Program. Except for OMC sections 14.08.030, 14.08.040, 14.08.050, and 14.08.060, which are to be renumbered and readopted as OMC sections 18.34.280, 18.34.285, 18.34.290, and 18.34.295, approval of this proposed updated Shoreline Program by the Department of Ecology would result in repeal of all existing elements of Olympia’s Shoreline Program including the remainder of Olympia Municipal Code Chapter 14.08 and documents adopted by reference therein including the Percival Creek Corridor Plan and the Urban Waterfront Plan.]

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Appendix

Appendix A – Shoreline Restoration Plan [Appendix A - Shoreline Restoration Plan](#)

[This section of the Shoreline Master Program is applicable to the entirety of the Program including the goals, policies and regulations.]

- 1.1 Purpose and Intent**
- 1.2 Title**
- 1.3 Adoption Authority**
- 1.4 Critical Areas Adopted by Reference**
- 1.5 Severability**
- 1.6 Effective Date**

1.1. Purpose and Intent

The purpose of Olympia’s Shoreline Master Program is:

- A. To guide the future development of shorelines in the City of Olympia in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Act) as amended (RCW 90.58);
- B. 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 Olympia’s shorelines; and
- C. To ensure, at a 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 policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state.

1.2 Title

This document together with the Restoration Plan (Appendix A) shall be known as the Olympia Shoreline Master Program or Shoreline Program. [Note: SMP-Related Code Amendments (Page 88) below are NOT to be part of the Shoreline Program. The proposed code amendments are included because they are being concurrently considered and reviewed by the public and the City Council.]

1.3 Adoption Authority

This Shoreline Master Program is adopted under the authority granted by RCW 90.58 and WAC 173-26.

1.4 Critical Areas Regulations Adopted by Reference

The Critical Areas regulations contained in the Olympia Municipal Code (OMC) Chapter 18.32 on the effective date of this Program are integral and applicable to this Shoreline Program, and are hereby adopted by reference; provided that the reasonable use provisions set forth in OMC 18.66.040 shall not

be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance or a shoreline conditional use permit when seeking relief from critical areas regulations within shorelines.

1.5 Severability

The Act and this Shoreline Program adopted pursuant thereto comprise the basic state and city regulations for the use of shorelines in the City. In the event the provisions of this Shoreline Program conflict with other applicable City policies or regulations, the more restrictive shall prevail. Should any section or provision of this Shoreline Program be declared invalid, such decision shall not affect the validity of this Shoreline Program as a whole.

1.6 Effective Date

This Shoreline Program and any amendments thereto shall become effective fourteen (14) days following the date of final approval by the Washington State Department of Ecology.

DRAFT

[This section of the Shoreline Master Program is proposed as an amendment to and would be added to the Environment Chapter of the “Comprehensive Plan for Olympia and the Olympia Growth Area.” Upon incorporation the goals and policies would be numbered consistent with the form and content of the Plan.]

2.1 Shoreline Master Program Goals and Policies

The goals, policies and regulations of Olympia’s Shoreline Master Program are based on the governing principles in the Shoreline Master Program Guidelines, WAC 173-26-186 and the policy statement of RCW 90.58.020. It is the policy of the City to provide for the management of the shorelines of Olympia 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.

- A. The interest of all of the people shall be paramount in the management of those areas of Puget Sound lying seaward from the line of extreme low tide. Within this area the City will give preference to uses in the following order of preference which:
 - 1. Recognize and protect the state-wide interest over local interest;
 - 2. Preserve the natural character of the shoreline;
 - 3. Result in long-term over short-term benefit;
 - 4. Protect the resources and ecology of the shoreline;
 - 5. Increase public access to publicly owned areas of the shorelines;
 - 6. Increase recreational opportunities for the public in the shoreline;
 - 7. Provide for any other element as defined in RCW 90.58.100 as deemed appropriate or necessary.
- B. The policies of Olympia’s Shoreline Program may be achieved by diverse means, one of which is regulation. Other means may include but are not limited to acquisition of lands and/or easements by purchase or gift, incentive programs, and implementation of capital facility and/or non-structural programs.
- C. Regulation of private property to implement Shoreline Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations.
- D. Regulatory or administrative actions must be implemented consistent with the Public Trust Doctrine and other applicable legal principles as appropriate and must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

- E. The regulatory provisions of this Shoreline Program are to be limited to shorelines of the state, whereas the planning functions of the Program may extend beyond the designated shoreline boundaries.
- F. The policies and regulations established by this Shoreline Program are to be integrated and coordinated with the other goals, policies and rules of the Olympia Comprehensive Plan and development regulations adopted under the Growth Management Act (GMA).
- G. The policies and regulations of Olympia's Shoreline Program are intended to protect shoreline ecological functions by:
 - 1. Requiring that current and potential ecological functions be identified and understood when evaluating new or expanded uses and developments;
 - 2. Requiring adverse impacts to be mitigated in a manner that ensures no net loss of shoreline ecological functions. Mitigation, as defined in Chapter 2, shall include avoidance as a first priority, followed by minimizing, and then replacing/compensating for lost functions and/or resources;
 - 3. Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological functions;
 - 4. Preventing, to the greatest extent practicable, cumulative impacts from individual developments;
 - 5. Fairly allocating the burden of preventing cumulative impacts among development opportunities; and
 - 6. Including incentives to restore shoreline ecological functions where such functions have been degraded by past actions.

2.2 Shoreline Ecological Protection and Mitigation Goals

- A. The Shoreline Management Act and the Shoreline Master Program Guidelines place a primary emphasis on the protection of shoreline ecological functions and system-wide processes. In accordance with the Guidelines (WAC 173-26), Olympia's Shoreline Program must insure that shoreline uses, activities, and modifications will result in no net loss to these processes and functions.
- B. The protection, restoration and enhancement of shoreline ecological functions and system-wide processes, especially as they pertain to the long-term health of Budd Inlet, are high priorities of Olympia's Shoreline Program. The policies and regulations established therein are to be applied to all uses, developments and activities that may occur within the shoreline jurisdiction.

2.3 Shoreline Ecological Protection and Mitigation Policies

- A. All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means assuring no net loss of ecological functions and processes and protecting critical areas that are located within the shoreline jurisdiction.
- B. Natural features of the shoreline and nearshore environments that provide ecological functions and should be protected include but are not limited to marine and freshwater riparian habitat, banks and bluffs, beaches and backshore, critical saltwater and freshwater habitat, and wetlands and streams. Shoreline processes that should be protected include erosion and accretion, sediment delivery, transport and storage, organic matter input, and large woody debris recruitment. See WAC 173-26-201(2)(c).
- C. Preserve and protect important habitat including but not limited to the Port Lagoon, Priest Point Park, Ellis Cove, Grass Lake, Chambers Lake, and Percival Canyon.
- D. Development standards for density, setbacks, impervious surface, shoreline stabilization, vegetation conservation, critical areas, and water quality should protect existing shoreline functions and processes. During permit review, the Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.
- E. Where a proposed use or development creates significant adverse impacts not otherwise avoided or mitigated by compliance with Olympia's Shoreline Program, mitigation measures shall be required to ensure no net loss of shoreline ecological functions and system-wide processes.
- F. The City should work with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions carried out in support of the Olympia Shoreline Program are likely to be successful and achieve beneficial ecological outcomes. This includes such measures as mitigation banks, fee in lieu programs, and assisting applicants/proponents in planning, designing, and implementing mitigation.
- G. The City should develop a program to periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore shoreline ecology to ensure no net loss of ecological functions.

2.4 Shoreline Use and Development Policies

- A. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.
- B. The City should ensure that all proposed shoreline development will not diminish the public's health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.

- C. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.

2.5 Aquatic Environment Management Policies

- A. The *Aquatic* environment designation should apply to lands waterward of the ordinary high water mark.
- B. Allow new overwater structures only for water-dependent uses, public access, or ecological restoration.
- C. The size of new overwater structures should be the minimum necessary to support the structure's intended use.
- D. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of overwater facilities should be encouraged.
- E. All development and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- F. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
- G. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alternation of natural hydrographic conditions.
- H. Space for preferred shoreline uses should be reserved. Such planning should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical wildlife habitats, aesthetics, public access and views.

2.6 Natural Environment Management Policies

- A. The *Natural* environment designation should be assigned to shoreline areas if any of the following characteristics apply:
 - 1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;
 - 2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
 - 3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

- B. Priest Point Park is one of a few shorelines along Budd Inlet that is ecologically intact. Therefore, any use or modification that would substantially degrade the ecological functions or natural character of this shoreline area should not be allowed.
- C. Scientific, historical, cultural, educational research uses, and water-oriented recreation access may be allowed provided that no significant ecological impacts on the area will result. Recreation uses should be limited to trails and viewing areas.
- D. Uses should be highly restricted and allowed only with a conditional use permit for water-dependent and water-oriented recreational uses.
- E. Parking areas should be located outside of the shoreline jurisdiction.

2.7 Urban Conservancy Management Policies

- A. The *Urban Conservancy* environment designation should be applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities and urban growth areas if any of the following characteristics apply:
 - 1. They are suitable for water-related or water-enjoyment uses;
 - 2. They are open space, flood plain or other sensitive areas that should not be more intensively developed;
 - 3. They have potential for ecological restoration;
 - 4. They retain important ecological functions, even though partially developed; or
 - 5. They have potential for development that is compatible with ecological restoration.
- B. Uses that preserve the natural character of the area or promote preservation of open space or critical areas should be the primary allowed use. Uses that result in the restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the *Urban Conservancy* environment and the setting.
- C. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade shoreline values.
- D. Public access trails and public passive recreation should be provided whenever feasible and significant ecological impacts can be mitigated.
- E. Water-oriented uses should be given priority over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
- F. Restoration and protection of shorelands, stream openings and associated wetlands within the *Urban Conservancy* environment should be given high priority.

2.8 Waterfront Recreation Management Policies

- A. The *Waterfront Recreation* environment designation should be assigned to shoreline areas that are or are planned to be used for recreation.

- B. Development standards should take into account existing improvements and character of park areas, allow for development of low-intensity recreational uses, and restoration of shorelines.
- C. Trails, interpretive sites, viewing platforms and passive recreation areas should be allowed within setbacks and vegetation buffers when significant ecological impacts can be mitigated.
- D. Preferred uses include trails, open lawn areas, play equipment, shelters, picnic areas, launch ramps, viewing platforms and accessory uses. Special events may take place.
- E. Shoreline restoration should be a priority. All development should ensure no net loss of shoreline ecological functions.

2.9 Marine Recreation Management Policies

- A. The *Marine Recreation* environment designation should be assigned to areas on the Port Peninsula that are used or planned to be used for boating facilities, water-oriented recreation and commercial uses.
- B. Preferred uses include:
 1. Boating facilities including marinas, launch ramps, boat moorage, maintenance and repair, and upland boat storage; together with offices and other associated facilities;
 2. Water-oriented recreation such as trails and viewing areas; and
 3. Water-oriented commercial uses.
- C. Operation and management of the *Marine Recreation* environment should be directed towards maintaining and enhancing water-oriented services, while ensuring that existing and future activity does not degrade ecological functions.
- D. All development should ensure no net loss of shoreline ecological functions.

2.10 Shoreline Residential Management Policies

- A. The *Shoreline Residential* environment designation should be applied to shoreline areas if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.
- B. Establish standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- C. Multi-family development and subdivisions of land into more than nine (9) parcels should provide public access.
- D. Commercial development should be limited to water-oriented uses and not conflict with the character in the *Shoreline Residential* environment.
- E. Water-oriented recreational uses should be allowed.
- F. Encourage restoration of degraded shorelines in residential areas.

2.11 Urban Intensity Management Policies

- A. The *Urban Intensity* environment should be assigned to shoreline areas if they currently support high intensity uses related to commerce, industry, transportation or navigation, and high-density housing; or are suitable and planned for high-intensity water-oriented uses.
- B. Olympia's shoreline is characterized by a wide variety of "urban" uses and activities, including commercial, industrial, marine, residential, and recreational uses. Together, these uses and activities create a vibrant shoreline that is a key component of Olympia's character and quality of life. These types of uses should be allowed within the *Urban Intensity* environment, with preference given to water-oriented uses.
- C. Nonwater-oriented uses may be allowed where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is direct access to the shoreline.
- D. Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
- E. Where feasible visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).
- F. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and vegetation conservation measures.

2.12 Port Marine Industrial Management Policies

- A. The *Port Marine Industrial* environment should be assigned to the shoreline area located within the portion of the Port of Olympia that supports uses related to water-oriented commerce, transportation or navigation, or are planned for such uses.
- B. Highest priority shall be given to water-dependent and water-related industrial uses.
- C. The preferred location for non-water-dependent industrial uses is in industrial areas as far from the shoreline as feasible.
- D. Coordinate planning efforts to ensure that there is adequate land reserved for water-dependent industrial uses, to promote economic development, and to minimize impacts upon adjacent land uses.
- E. Encourage growth and re-development in areas that are already developed.
- F. Industrial use and development should be located, designed, and operated to avoid or minimize adverse impacts upon the shoreline and achieve no net loss of shoreline ecological functions and processes.
- G. Industrial uses and related development projects are encouraged to locate where environmental cleanup can be accomplished.
- H. Encourage the cooperative use of docking, parking, cargo handling and storage facilities on industrial properties.

2.13 Archaeological, Historic, and Cultural Resources Policies

- A. The destruction or damage to any site having any archaeological, historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Office of Archaeology and Historic Preservation, should be prevented.

2.14 Parking Policies

- A. Motor vehicle parking is not a preferred use within the shoreline jurisdiction and should be allowed only as necessary to support authorized uses.
- B. Where feasible, parking for shoreline uses should be located in areas outside the shoreline jurisdiction; otherwise locate parking as far landward of the ordinary high water mark as possible.
- C. Parking facilities or lots within the shoreline jurisdiction should utilize low impact best management practices where feasible to reduce stormwater impacts.
- D. Design and construct parking facilities or lots to be compatible with adjacent uses and to avoid impacts to the shoreline environment.
- E. Provide walkways between parking areas and the buildings or uses they serve. Such walkways should be located as far landward of the ordinary high water mark as feasible.

2.15 Public Access Policies

- A. Protect and maintain existing visual and physical public access so that the public may continue to enjoy the physical, visual, and aesthetic qualities of the shoreline.
- B. Incorporate public access into all new development or redevelopment if it creates or increases a demand for public access. Public access should also be required if the proposed use or development impairs existing legal access or rights.
- C. Protect the rights of navigation and space necessary for water dependent uses when identifying locations for public access.
- D. Public access should be commensurate with the scale and character of a proposed use or development. Requirements should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.
- E. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's use of the water or rights of navigation.
- F. Impacts resulting from public access improvements should be mitigated in order to avoid a net loss of shoreline ecological processes and functions.

- G. Public access should be designed to provide for public safety and comfort, and to minimize potential impacts to private property.
- H. Public access should be designed with provisions for persons with disabilities.
- I. Public access should connect to public areas, undeveloped right-of-way, and other pedestrian or public thoroughfares.
- J. Public access and interpretive displays should be provided as part of publicly-funded projects.

2.16 Scientific and Educational Activity Policies

- A. Encourage scientific and educational activities related to shoreline ecological functions and processes.

2.17 Signage Policies

- A. Signs should not block or otherwise interfere with visual access to the water or shorelands.
- B. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

2.18 Vegetation Conservation Areas Policies

- A. Developments and activities within the shoreline jurisdiction should be planned and designed to protect, conserve and establish native vegetation in order to protect and restore shoreline ecological functions and system-wide processes occurring within riparian and nearshore areas such as:
 - 1. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota;
 - 2. Regulating microclimate in riparian and nearshore areas;
 - 3. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates;
 - 4. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/ severity of landslides;
 - 5. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff;
 - 6. Improving water quality through filtration and vegetative uptake of nutrients and pollutants;
 - 7. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species; and
 - 8. Providing habitat for wildlife, including connectivity for travel and migration corridors.

- B. Restrict clearing and grading within vegetation conservation areas in order to maintain the functions and values of the shoreline environment, including protection of habitat, steep slopes and shoreline bluffs. Any alterations should be the minimum necessary to accommodate an authorized use or development.
- C. The composition, structure and density of the vegetation should replicate the functions of a natural, unaltered shoreline to the greatest extent possible.
- D. Maintaining a well-vegetated shoreline with native species is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns, or for safety, may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that an unobstructed view of the water is guaranteed. Trimming and pruning are preferred over removal of native vegetation. Property owners should be encouraged to avoid or minimize the use of fertilizers, herbicides and pesticides.
- E. Property owners should be encouraged to preserve and enhance woody vegetation and native groundcovers to stabilize soils and provide habitat. Maintaining native plant communities is preferred over non-native ornamental plantings because of their ecological value.
- F. Develop educational materials and establish a public outreach program to educate shoreline landowners and citizens about the importance of protecting and enhancing vegetative buffers along the shoreline.

2.19 View Protection Policies

- A. Preserve views and vistas to and from the water, by public and private entities, to ensure that the public may continue to enjoy the physical and aesthetic qualities of the shoreline, including views of the water and views of shoreline areas from the water.
- B. Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side of the subject property, and views of the development from the water.

2.20 Water Quality Policies

- A. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid impacts to water quality.
- B. Stormwater management facilities for new uses and development should be designed, constructed, and maintained in accordance with the current Olympia Drainage Manual. To the extent feasible, low impact development best management practices should be incorporated into every project along the shoreline.
- C. To reduce impacts to water quality, the use of chemical fertilizers, pesticides or other similar chemical treatments should be avoided. Landscaping should be designed to avoid or minimize the use of such products. Maintenance activities should use integrated pest management best practices. Pesticide free areas should be encouraged.

- D. Uses and activities that pose a risk of contamination to ground or surface waters should be prohibited.

2.21 Agriculture Policies

- A. Recognize existing agricultural uses within the City and allow them to continue operating.
- B. New agricultural uses should be prohibited.

2.22 Aquaculture Policies

- A. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and microalgae, or significantly conflict with navigation and other water-dependent uses.
- B. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

2.23 Boating Facilities Policies

- A. Boating facilities, including marinas and launch ramps, are water-dependent uses and should be given priority for shoreline location.
- B. Boating facilities and their accessory uses should be located, designed, constructed and maintained to achieve the following:
 - 1. Protect shoreline ecological functions and system-wide processes. When impacts cannot be avoided, mitigate to assure no net loss to shoreline ecological functions;
 - 2. Maintain use of navigable waters, public access areas, and recreational opportunities, including overwater facilities;
 - 3. Minimize adverse impacts to adjacent land uses such as noise, light and glare, aesthetics, and public visual access; and
 - 4. Minimize adverse impacts to other water-dependent uses.
- C. Development of new boating facilities should be coordinated with public access and recreation plans and should be collocated with port or other compatible water-dependent uses where feasible. Affected parties and potential partners should be included in the planning process.
- D. Boating facilities should provide physical and visual public shoreline access and provide for multiple uses including water-related uses, to the extent compatible with shoreline ecological functions and processes.
- E. Upland boat storage is preferred over new in-water moorage.

- F. New covered moorage should be prohibited.
- G. Pilings treated with creosote or other similarly toxic materials should be replaced with steel or concrete pilings to minimize adverse impacts to water quality. Unused or derelict pilings should be removed.

2.24 Commercial Policies

- A. Give preference to water-dependent commercial uses, then to water-related, and then water-enjoyment commercial uses in shoreline jurisdiction. Non-water-oriented commercial uses should be prohibited unless they are integrated into mixed use development.
- B. The preferred location for non-water-oriented commercial uses is in commercial areas as far from the shoreline as possible.
- C. Coordinate planning efforts between the City and the Port to promote economic development in downtown Olympia.
- D. Commercial development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.
- E. Commercial development should provide public access to shoreline beaches, docks, walkways, or viewing areas unless such improvements are demonstrated to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
- F. Commercial development should be designed to be visually compatible with adjacent and upland properties and so that the height, bulk, and scale do not impair views.
- G. Commercial development should implement low impact development techniques to the maximum extent possible.

2.25 Industrial Policies

- A. Give preference to water-dependent industrial uses first, then to water-related industrial uses over non-water-oriented industrial uses.
- B. The preferred location for non-water-dependent industrial uses is in industrial areas as far from the shoreline as possible.
- C. Coordinate planning efforts between the City and the Port to ensure that there is adequate land reserved for water-dependent industrial uses, to promote economic development, and to minimize impacts upon adjacent land uses.
- D. Locate water-dependent or water-related industrial marine uses in areas already established or zoned for industrial use.

- E. Industrial use and development should be located, designed, and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.
- F. Transportation and utility corridors serving industrial uses should be located away from the water's edge to minimize ecological impacts and reduce the need for waterfront signs and other infrastructure.
- G. Industrial uses and related development projects are encouraged to locate where environmental cleanup can be accomplished.
- H. Encourage the cooperative use of docking, parking, cargo handling and storage facilities on industrial properties.
- I. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with port operations or endanger public health or safety.

2.26 Recreation Policies

- A. Public recreation is a preferred use of the shoreline. Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and shoreline are preferred. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment for a substantial number of people.
- B. Water-oriented recreational uses, such as boating, swimming beaches, and wildlife viewing, should have priority over non-water oriented recreation uses, such as sports fields. A variety of compatible recreation experiences and activities should be encouraged to satisfy diverse recreational needs.
- C. Recreational developments and plans should promote the conservation and restoration of the shoreline's natural character, ecological functions, and processes.
- D. Plan, design, and implement shoreline recreational development consistent with the growth projections, level-of-service standards, and goals established in Olympia's Comprehensive Plan and Parks, Arts and Recreation Plan.
- E. Hiking paths, sidewalks, and bicycle paths in proximity to or providing access to the shoreline are encouraged.
- F. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, sidewalks, bicycle paths, easements, and/or scenic drives.
- G. Recreation facilities should incorporate public education and interpretive signs regarding shoreline ecological functions and processes, historic and cultural heritage.
- H. Recreation facilities should be designed to preserve, enhance, or create scenic views and vistas.

- I. Commercial recreation facilities should be consistent with the provisions for commercial development (see commercial policies above).

2.27 Residential Policies

- A. All residential developments should be located, designed, and properly managed to avoid damage to the shoreline environment and avoid cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, vegetation clearing, and introduction of pollutants.
- B. The overall density of development, lot coverage, setbacks, and height of structures should be appropriate to the physical capabilities of the site.
- C. Residential development, including the division of land and the construction of residential units, should be designed and located so that shoreline armoring will not be necessary to protect land or structures.
- D. Dwelling units and accessory structures should be clustered to preserve natural features and minimize overall disturbance of the site.
- E. New residential development should provide opportunities for public access.
- F. New residential development should minimize impacts upon views to adjacent residential areas, in keeping with the Shoreline Management Act.
- G. Overwater residential development should be prohibited.
- H. Whenever possible, non-regulatory methods to protect, enhance and restore shoreline ecological functions should be encouraged for residential development.

2.28 Transportation Policies

- A. New roads or road expansions should not be built within the shoreline jurisdiction. Where this is not possible, such improvements should be located and designed to have the least possible adverse effect on the shoreline, will not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water-oriented uses, public access, and habitat restoration/enhancement projects.
- B. Maintenance and repair of existing roads and railroads should avoid adverse impacts on adjacent shorelines and waters
- C. Transportation facilities should be designed and located to minimize the need for the following:
 - 1. Structural shoreline protection measures;
 - 2. Modifications to natural drainage systems; and
 - 3. Waterway crossings.

- D. Planning for transportation and circulation corridors shall consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.
- E. Pedestrian trails and bicycle paths are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.
- F. Piers and bridges for roads, pedestrian trails, bicycle paths, and railroads are preferred over the use of fill in upland and aquatic areas.
- G. When transportation corridors are necessary, joint use corridors are preferred and encouraged for roads, utilities, and all forms of transportation/circulation.

2.29 Utility Policies

- A. Utility facilities should be designed, located and maintained to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
- B. Expansion of existing sewage treatment, water reclamation, substations, and power plants should be compatible with recreational, residential, or other public uses of the water and shorelands.
- C. Where water crossings are unavoidable, they should be located where they will have the least adverse ecological impact.
- D. New utilities should use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.
- E. Utilities should be located and designed to avoid impacts to public recreation and public access areas, as well as significant historic, archaeological, cultural, scientific or educational resources.
- F. Encourage the use of utility rights-of-way for public access to and along shorelines.
- G. Design and install utilities in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.

2.30 Shoreline Modification Policies

- A. Locate and design all new development in a manner that prevents or minimizes the need for shoreline modifications.
- B. Regulate shoreline modifications to assure that individually and cumulatively, the modifications do not result in a net loss of shoreline ecological functions.
- C. Give preference to those types of shoreline modifications that have a lesser impact on ecological functions.

- D. Require mitigation of impacts resulting from shoreline modifications.
- E. Plan for the enhancement of impaired ecological functions while accommodating permitted uses. Incorporate all feasible measures to protect ecological functions and ecosystem-wide processes in the placement and design of shoreline modifications. To avoid and reduce ecological impacts, use mitigation sequencing set forth in WAC 173-26-201(2)(e).

2.31 Dredging Policies

- A. Design and locate new development to minimize the need for dredging.
- B. Allow dredging for water-dependent uses and/or essential public facilities only when necessary and when significant ecological impacts are minimized and appropriate mitigation is provided.
- C. Allow dredging in locations where a comprehensive management plan has been evaluated and authorized by local and state governmental entities.
- D. Plan and conduct dredging to minimize interference with navigation and adverse impacts to other shoreline uses and properties.
- E. Allow maintenance dredging of established navigation channels and basins.
- F. Conduct dredging and disposal in a manner to minimize damage to natural systems, including the area to be dredged and the area where dredged materials will be deposited. Disposal of dredge spoils on land away from the shoreline is preferred over open water disposal.
- G. Re-use of dredge spoils is encouraged for beneficial uses such as restoration and enhancement.
- H. Dredging and dredge disposal should not occur where they would interfere with existing or potential ecological restoration activities.
- I. Allow dredging for ecological restoration or enhancement projects, beach nourishment, public access or public recreation provided it is consistent with the policies and regulations of the Master Program.

2.32 Fill Policies

- A. Fill should be located, designed, and constructed to protect shoreline ecological functions and system-wide processes. The quantity and extent of fill should be the minimum necessary to accommodate a permitted shoreline use or development.
- B. Fill landward of the ordinary high water mark should be permitted when necessary to support permitted uses, and when significant impacts can be avoided or mitigated.
- C. Fill should be allowed to accommodate berms or other structures to prevent flooding caused by sea level rise.

- D. Fill for the maintenance, restoration, or enhancement of beaches or mitigation projects should be permitted.
- E. Fill waterward of the ordinary high water mark should be permitted only to accommodate water-dependent uses, public access and recreational uses, cleanup of contaminated sites, the disposal of dredge materials associated with a permitted dredging activity, or other water-dependent uses that are consistent with the goals and policies of Olympia's Shoreline Program.
- F. Fill for the purpose of creating new uplands should be prohibited unless it is part of an approved restoration activity.
- G. Fill should not adversely impact navigation.
- H. Fill should not be allowed where structural shoreline stabilization would be required to maintain the materials placed.

2.33 Moorage Policies

- A. New moorage should be permitted only when it can be demonstrated that there is a specific need to support a water-dependent or public access use.
- B. Moorage associated with a single family residence is considered a water-dependent use provided it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible.
- C. Allow shared moorage for multifamily uses or as part of a mixed use development when public access is provided.
- D. Allow moorage facilities in the following order of preference:
 - 1. Give preference to buoys over piers, docks, and floats; however, discourage the placement of moorage buoys where sufficient dock facilities exist; and
 - 2. Give preference to shared moorage facilities over single-user moorage where feasible. New subdivisions of more than two lots and new multifamily development of more than two dwelling units should provide shared moorage.
- E. Shared moorage for residential uses is preferred over individual moorage.
- F. Moorage facilities should be sited and designed to avoid adversely impacting shoreline ecological functions and processes, and should mitigate for unavoidable impacts to ecological functions.
- G. Moorage facilities should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights including but not limited to boating, swimming, and fishing.

- H. Encourage the cooperative use of docking, parking, cargo handling and storage facilities in industrial areas instead of new facilities.
- I. Moorage facilities should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of piers, docks and floats should be no greater than required for safety and practicality for the primary use.
- J. Encourage design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material. No new overwater coverage moorage or boathouses should be allowed.
- K. Moorage facilities should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

2.34 Restoration and Enhancement Policies

- A. Olympia recognizes the importance of restoration of shoreline ecological functions and processes and encourages cooperative restoration efforts and programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to address shorelines with impaired ecological functions and processes.
- B. Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted towards meeting the needs of sensitive and/or locally important plant, fish and wildlife species as well as the biologic recovery goals for state and federally listed species and populations.
- C. Coordinate restoration and enhancement with other natural resource management efforts and plans.
- D. Consider restoration actions outside of the shoreline jurisdiction that have a system-wide benefit.
- E. When prioritizing restoration actions, the City will give highest priority to measures that have the greatest chance of re-establishing shoreline ecological functions and processes.
- F. Incorporate restoration and enhancement measures into the design and construction of new uses and development, public infrastructure (e.g., roads, utilities), and public recreation facilities.
- G. Shoreline restoration and enhancement should be considered as an alternative to structural stabilization and protection measures where feasible.
- H. All shoreline restoration and enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
- I. Design, construct, and maintain restoration and enhancement projects in keeping with restoration priorities and other policies and regulations set forth in Olympia's Shoreline Program.

- J. Design restoration and enhancement projects to minimize maintenance over time.
- K. Shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.

2.35 Shoreline Stabilization Policies

- A. Preserve remaining unarmored shorelines and limit the creation, expansion and reconstruction of bulkheads and other forms of shoreline armoring.
- B. New development requiring structural shoreline armoring should not be allowed. Shoreline use and development should be located and designed in a manner so that structural stabilization measures are not likely to become necessary in the future.
- C. Structural shoreline armoring should only be permitted when there are no feasible alternatives, and when it can be demonstrated that it can be located, designed, and maintained in a manner that minimizes adverse impacts on shoreline ecology and system-wide processes, including effects on the project site, adjacent properties, and sediment transport.
- D. The reconstruction or expansion of existing hard armoring should only be permitted where necessary to protect an existing structure that is in danger of loss or substantial damage, and where mitigation of impacts is sufficient to assure no net loss of shoreline ecological functions and processes.
- E. Encourage the removal of bulkheads and other hard armoring and restore the shoreline to a more natural condition. Where stabilization is necessary for the protection of private property, alternative measures that are less harmful to shoreline ecological functions should be employed.
- F. Nonstructural stabilization measures, including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff, and other measures, are preferred over structural shoreline armoring.
- G. Failing, harmful, unnecessary, or ineffective structures should be removed. Shoreline ecological functions and processes should be restored using non-structural methods.
- H. Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property, or creating or preserving residential lawns, yards, or landscaping should not be allowed.
- I. Shoreline stabilization measures, individually or cumulatively, should not result in a net loss of shoreline ecological functions or system-wide processes. Preference should be given to structural shoreline stabilization measures that have a lesser impact on ecological functions, and mitigation of identified impacts resulting from said modifications should be required.
- J. The City should promote non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources. Examples of such methods include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, and other incentive programs.

- K. Jetties, breakwaters, or groin systems should not be permitted unless no other practical alternative exists. If allowed, they should be located, designed, and maintained to avoid impacts to shoreline ecological functions and system-wide processes.

DRAFT

Section 3

Regulations

[This Section of the Olympia Shoreline Master Program amends and is to be adopted as part of the Olympia Municipal Code, including a new Chapter 18.34.]

Chapter 18.34 Shoreline Master Program Regulations

3.1 18.34.100 - Applicability

- A. All proposed uses and development occurring within Olympia's shoreline jurisdiction shall comply with Olympia's Shoreline Program and RCW 90.58, Shoreline Management Act (Act). The Shoreline Program applies to all uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.
- B. Olympia's Shoreline Program shall apply to all of the lands and waters in the City of Olympia that fall under the jurisdiction of the Act (see OMC 18.34.300 - Shoreline Jurisdiction).
- C. The Shoreline Program 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 which develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act.
- D. Federal agency actions on shorelines of the state are required to be consistent with this Master Program and the Act, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and §173-27-060(1) WAC, Applicability of RCW 90.58, Shoreline Management Act, to federal lands and agencies).
- E. The permit requirements established under the Shoreline Program apply to all nonfederal activities; and to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.

3.2 18.34.110 - Relationship to Other Plans and Regulations

- A. Uses, developments and activities regulated by Olympia's Shoreline Program may also be subject to the provisions of the City of Olympia Comprehensive Plan, the Olympia Municipal Code (OMC), the Olympia Engineering Design and Development Standards, the Washington State Environmental Policy Act (SEPA, RCW 43.21C and WAC 197-11), and various other provisions of local, state and federal law.
- B. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development or activity.
- C. In the event Olympia's Shoreline Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the more restrictive provisions shall prevail.
- D. Any inconsistencies between a Shoreline Program and the Shoreline Management Act must be resolved in accordance with the Act.

3.3 18.34.120 - Interpretation and Definitions

- A. As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and all aspects of Olympia's Shoreline Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and Olympia's Shoreline Program were enacted and adopted.
- B. For purposes of this Chapter, the City hereby adopts by reference the definitions of the following terms as set forth in the Revised Code of Washington 90.58.030 and the Washington Administrative Code 173-26-020:
- Agricultural activities,
 - Agricultural land,
 - Aquaculture,
 - Development,
 - Ecological functions or shoreline functions,
 - Extreme low tide,
 - Feasible,
 - Fill,
 - Flood plain,
 - Geotechnical report or geotechnical analysis,
 - Guidelines,
 - Marine,
 - Nonwater-oriented uses,
 - Ordinary high water mark (OHWM),
 - Priority habitat,
 - Priority species,
 - Restore, restoration or ecological restoration,
 - Shoreline modification,
 - Shorelines,
 - Shorelines of statewide significance,
 - Shorelines of the state,
 - Substantial development,
 - Substantially degrade,
 - Water-dependent use,
 - Water-enjoyment use,
 - Water-oriented use,
 - Water-related use, and
 - Wetlands.
- C. For the purposed of this Chapter, the terms defined below shall have the meaning ascribed to them below. Terms not defined in this Chapter nor listed in subsection B above shall be interpreted as set forth on OMC 18.02. When the definitions in this Chapter conflict with the definitions set forth in OMC 18.02, the definitions herein shall govern for purposes of this Chapter.

Administrator. That person designated by the City to administer the provisions of Olympia's Shoreline Program.

Alteration: Any human-induced change in existing conditions or a shoreline and/or its buffer. Alterations include, but are not limited to excavation, grading, filling, channelization (straightening, deepening or lining of stream channels except dredging of sediment or debris alone), dredging, clearing vegetation, draining, constructing structures, compaction, or any other activity that changes the character of a site.

Appurtenance: A structure or development that is necessarily connected to the use and enjoyment of another structure. Common appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred and fifty cubic yards.

Backshore: The zone of accretion or erosion lying landward of the ordinary high water mark, wetted by tides during storm events.

Beach: The zone along the shoreline where there is continuous movement of sediment both laterally and vertically. This zone extends from the daily low tide mark to where the permanent line of vegetation begins.

Beach Nourishment: The process of replenishing a beach by artificial means, for example, by the deposition of sand and gravel; also called beach replenishment or beach feeding.

Berm: One or several linear deposits of sand and gravel generally paralleling the shore at or landward of the ordinary high water mark.

Boat ramp: A slab, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

Boat house: A structure designed for storage of vessels located over water or in upland areas.

Boating facilities: Marinas located both landward and waterward of the ordinary high water mark (dry storage and wet-moorage types), boat ramps, covered and uncovered moorage, and marine travel lifts. Boating facilities do not include docks serving four or fewer single-family residences.

Breakwater: An offshore structure generally built parallel to the shore that may or may not be connected to the land. Breakwaters may be fixed (e.g., a rubble mound or rigid wall), open-pile, or floating. Their primary purpose is to protect harbors, moorages and navigation activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect shorelines from erosion caused by wave action.

Bulkhead: A wall usually constructed parallel to the shoreline or at the ordinary high water mark for the primary purpose of containing and preventing the loss of soil or structure caused by erosion or wave action. Bulkheads are typically constructed of rock, poured-in-place concrete, steel or aluminum sheet piling, wood, or wood and structural steel combinations. Structural foundation walls are not bulkheads.

Conditional Use: A use, development, or substantial development which is classified as a shoreline conditional use. Shoreline conditional uses are not synonymous with zoning conditional uses.

Covered Moorage: Boat moorage, with or without walls, that has a solid roof to protect the vessel and is attached to the dock itself or the substrate of the water body. Overwater boat houses are a type of covered moorage.

Critical Habitat: Habitat areas within which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or WAC 232-12-014; in the Priority Habitat and Species (PHS) program by the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

Critical Saltwater Habitat: All kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

Cumulative impacts or cumulative effects: The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a long period of time. See WAC 173-26-186(8)(d).

Dike or Levee: A natural or man-made embankment, including any associated revetments, to prevent flooding by a stream or other water body.

Dock: A structure built from the shore extending out over the water to provide moorage for commercial or private recreation vessels that and does not include above water storage. A dock may be built either on a fixed platform or float on the water.

Dredging: The removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or wetlands; maintenance dredging and/or support activities are included in this definition.

Ecologically Intact Shorelines: Those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.

Enhancement: Actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions and values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing invasive plant or animal species.

Erosion: A process whereby wind, rain, water and other natural agents mobilize, and transport, and deposit soil particles.

Extreme Low Tide: The lowest line on the land reached by a receding tide.

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.

Float: A floating platform similar to a dock that is anchored or attached to pilings and which does not connect to the shore. A float may serve as a temporary moorage facility but is not intended to be used for boat storage. Floats are also used for swimming, diving or water skiing.

Floodway: The “floodway” area that has been established in Federal Emergency Management Agency rate maps not including 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.

Gabions: Structures composed of masses of rocks, rubble, soil, masonry or similar material held tightly together usually by wire mesh, fabric, or geotextile so as to form layers, blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Grade Level, Average: The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. 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. In the case of structures to be built over water, average grade level is the elevation of the adjacent ordinary high water mark. Compare “Grade Plane” in OMC 18.02.

Groin: Structure built seaward at an angle or perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, a groin may be built in a series along the shore.

Harbor Area: The area of navigable waters determined as provided in Article XV, Section 1 of the State Constitution, which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Height (of Structure): The difference between the average grade level and the highest point of a structure (not including temporary construction equipment); provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height except where such appurtenances obstruct the view of the shoreline from a substantial number of residences on areas adjoining such shorelines.

Jetty: A structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at harbor entrances or river mouths to prevent accretion of littoral drift in an entrance channel. Jetties also protect channels and inlets from storm waves and cross-currents and to stabilize inlets through barrier beaches. Most jetties are of riprap mound construction.

Joint-use: Sharing of facilities such as docks, piers, floats and similar structures by more than one property owner or by a homeowners' association or similar group.

Littoral drift: The mud, sand or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Marina: A facility with water-dependent components for storing, servicing, fueling, berthing, launching and/or securing boats but at minimum including piers, buoys or floats to provide moorage for five (5) or more boats. Marinas may provide eating, sleeping, and retail facilities for owners, crews, and guests. Those aspects located landward of the ordinary high water mark are referred to as "backshore." Backshore marinas include wet-moorage that is dredged out of the land to artificially create a basin and dry moorage with upland storage that uses a hoist, marine travel lift or ramp for water access. Marina features located in the intertidal or offshore zone waterward of the ordinary high water mark and including any breakwaters of open type construction (floating breakwater and/or open pile work) and/or solid type construction (bulkhead and landfill), are referred to as "foreshore."

Mean Higher High Water (MHHW): The average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch.

Mean Lower Low Water (MLLW): The average of the lower low water height of each tidal day observed over the National Tidal Datum Epoch.

Mitigation: Measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts. Explicit in this definition is the following order of preference:

1. Avoiding an impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
3. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating an impact over time by preservation and maintenance operation during the life of the action;
5. Compensating for an impact by replacing or providing substitute resources or environments; and
6. Monitoring the mitigation and taking remedial action when necessary.

Moorage Buoy: A floating device anchored to the bottom of a water body to provide tie-up capabilities for vessels or watercraft.

Natural Topography or Existing Topography: The topography of a lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

No Net Loss: The maintenance of the aggregate total of shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting impacts on ecological functions or processes.

Overwater: Location above the surface of the water or waterward of the ordinary high water mark, including placement of buildings on piling or floats.

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.

Port: When capitalized, that government agency known as the Port of Olympia; when lower-case, a center for water-borne commerce and traffic.

Public Access: The 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 shoreline from adjacent locations. See WAC 173-26-221(4).

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 such as an effect on public property or on health, safety, or general welfare resulting from a use or development. See WAC 173-27-030(14).

Recreation: Activities and associated facilities for public or private use for refreshment of body and mind through play, amusement or relaxation including hiking, swimming, canoeing, photography, fishing, boat ramps, playgrounds and parks.

Revetment: A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral movement. The slope differentiates it from a bulkhead, which is a vertical structure.

Riprap: Dense, hard, angular rock free from cracks or other defects conducive to weathering often used for bulkheads, revetments or similar slope/bank stabilization purposes.

Sea Level Rise: An increase in the elevation of marine waters associated with changes in the state of the climate and which can be identified by changes in the mean and/or variability of its properties and that persists for decades or longer.

Shorelands or Shoreland areas: Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark, floodways and all wetlands and river deltas associated with the streams, lakes, and tidal waters designated by the Department of Ecology as subject to the Shoreline Management Act.

Shoreline Master Program or Shoreline Program of Olympia: Specified goals and policies of the Olympia Comprehensive Plan together with specified use regulations and including maps, diagrams,

charts, or other descriptive material and text, a statement of desired goals, and standards adopted in accordance with the policies of the Shoreline Management Act.

Shoreline Setback: The horizontal distance required between an upland structure or improvement and the ordinary high water mark; usually measured in feet. (Note that in general setbacks are only applicable to structures having a height greater than 30 inches.)

Shoreline Stabilization or Protection: Protection of shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion through the use of structural and non-structural methods. See OMC 18.34.860 for examples.

Stair Tower: A structure twelve (12) feet or taller in height typically consisting of one (1) or more flights of stairs, usually with landings to pass from one level to another.

Structure, Overwater: Location of a structure or development above the surface of the water, including placement of buildings on piling or floats; excludes piers, docks, and floats.

Submerged Lands: Areas below the ordinary high-water mark of marine waters, lakes and rivers.

Tideland: The land on the shore of marine water bodies between ordinary high water mark (OHWM) or mean higher high tide (MHHW) and the line of extreme low tide which is submerged daily by tides.

Transportation Facilities: Streets, railways, bicycle lanes, sidewalks, and shared use paths consistent with the City of Olympia Engineering Design and Development Standards.

Variance, Shoreline: A means to grant relief from specific bulk, dimensional or performance standards set forth in this Chapter or related state regulations pursuant to the criteria of WAC 173-27-170; such may not vary a use of a shoreline.

Vegetation Conservation: Activities to protect and restore vegetation along or near shorelines that minimize habitat loss and the impact of invasive plants, erosion and flooding, and contribute to 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 non-native species.

Vegetation Conservation Area: That area within which vegetation conservation actions take place, as required by this Chapter. Vegetation management provisions may be independent of a permit or approval requirement.

Vessel: A floating structure that is designed primarily for navigation, is normally capable of self-propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency

Visual Access: Access with improvements that provide a view of the shoreline or water but that do not allow physical access to the shoreline.

Water-dependent use: Defined by WAC 173-26-020; such as but not limited to aquaculture, beach recreation and swimming, boat ramps and launch facilities, ferry terminals, hydroelectric power plants, marinas, marine construction, dismantling and repair, marine and limnological research and education, private and public docks for public moorage, terminal and transfer facilities for marine commerce and industry, water intakes and outfalls, tug and barge facilities, and log booming. (Log booming is the placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility. It does not include the temporary holding of logs to be taken directly into a vessel.)

Water-enjoyment use: Defined by WAC 173-26-020; such as but not limited to aquariums with direct water intake, restaurants, public golf courses, museums, shared use paths and trails, boardwalks (overwater structures generally parallel to the shoreline for public pedestrian access) and viewing towers.

Water-related use: Defined by WAC 173-26-020; such as but not limited to warehousing and storage facilities, support services for fish hatcheries, seafood processing plants, wood products manufacturing, watercraft and boating supply sales, and log storage. (Log storage is the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but not including the temporary holding of logs to be taken directly to or from a vessel or processing facility.)

Weir: A device placed in a stream or river to raise or divert the water.

3.4 18.34.200 – General Permit and Authorization Provisions

- A. To be authorized, all uses and development shall be carried out in a manner that is consistent with the Olympia Shoreline Master Program and the policies of the Shoreline Management Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.
- B. No use, alteration, or development shall be undertaken within the regulated shorelines by any person without first obtaining permits or authorization.
- C. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City. Applications shall contain information required in WAC 173-27-180.
- D. All permit applications shall be processed in accordance with the rules and procedures set forth in OMC Titles 14, 16, 17 and 18 and WAC 173-27. Where in conflict state law shall prevail.

3.5 18.34.210 - Shoreline Substantial Development Permits

- A. A shoreline substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempted in accordance with WAC 173-27-040 and RCW 90.58.
- B. In order to be approved, the decision maker shall find that the proposal is consistent with the following criteria:
 - 1. The policies and procedures of RCW 90.58 and provisions of WAC 173-27-150; and
 - 2. All policies and regulations of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except any bulk or dimensional standards that have been modified by approval of a shoreline variance.
- C. Conditions may be attached to the approval of permits as necessary to assure consistency of the project with the Act and this Shoreline Program.
- D. The City is the final authority for a Shoreline Substantial Development Permit, unless an appeal is filed with the State Shorelines Hearings Board.

3.6 18.34.220 - Exemptions from Shoreline Substantial Development Permit

- A. Certain developments are exempt from the requirement to obtain a substantial development permit. Such developments still may require a shoreline variance or conditional use permit, and all development within the shoreline is subject to the requirements of this Shoreline Program, regardless of whether a substantial development permit is required. Developments which are exempt from the requirement for a substantial development permit are identified in WAC 173-27-040, RCW 90.58.030(3)(e) and RCW 90.58.147.
- B. Whenever a development is exempt from the requirement to obtain a shoreline substantial development permit and the development is subject to one or more of the following federal permits, a letter of exemption is required pursuant to WAC 173-27-050:
 - 1. A U.S. Army Corps of Engineers Section 10 Permit under the Rivers and Harbors Act of 1899; or
 - 2. A Section 404 Permit under the Federal Water Pollution Control act of 1972.

3.7 18.34.230 - Shoreline Conditional Use Permits

- A. The purpose of a shoreline conditional use permit is to provide a system which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a shoreline conditional use permit, special conditions may be attached by the City or the Department of Ecology to control any undesirable effects of the proposed use and to assure consistency with the Shoreline Management Act and Olympia's Shoreline Program.
- B. Uses which are classified in this Chapter as conditional uses may be authorized provided that the applicant can satisfy the criteria set forth in WAC 173-27-160:

1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Program;
 2. That the proposed use will not interfere with the 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 Shoreline Program;
 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 5. That the public interest suffers no substantial detrimental effect.
- C. In the granting of all shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if shoreline conditional use permits 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.
- D. Other uses which are not specifically classified as a permitted or conditional use in this Shoreline Program may be authorized as a shoreline conditional use provided that the applicant can satisfy the criteria set forth in WAC 173-27-160 (see B above).
- E. Uses that are specifically prohibited by this Chapter shall not be authorized.

3.8 18.34.240 - Shoreline Variances

- A. The purpose of a shoreline variance is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this Chapter where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of Olympia's Shoreline Program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- C. Variances from the use regulations of this Shoreline Program are prohibited.
- D. Land shall not be subdivided to create parcels that are buildable only with a shoreline variance or would be considered non-conforming.
- E. Variances for development and/or uses that will be located landward of the ordinary high water mark and/or landward of any associated wetland may be authorized provided the applicant can demonstrate all of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in this Chapter precludes, or significantly interferes with, reasonable use of the property;
 2. That the hardship described above 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 the Olympia Shoreline Program, 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 Shoreline Program 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 other properties in the area;
 5. That the variance request is the minimum necessary to afford relief; and
 6. That the public interest will suffer no substantial detrimental effect.
- F. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark, or within any wetland may be authorized provided the applicant can demonstrate all of the following:
1. That the strict application of the bulk, dimensional or performance standards set forth in this Shoreline Program precludes all reasonable use of the property not otherwise prohibited by this Shoreline Program;
 2. That the proposal is consistent with the criteria established under Section 3.5.E above; and
 3. That the public rights of navigation and use of the shoreline will not be adversely affected.
- G. In the granting of any shoreline variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. In other words, if shoreline conditional use permits 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.

3.9 18.34.250 - Unclassified Uses

- A. Other uses not specifically classified or set forth in this Chapter, including the expansion or resumption of a nonconforming use, may be authorized as shoreline conditional uses provided the applicant can demonstrate all of the following:
1. The proposal will satisfy the shoreline conditional use permit criteria set forth above;
 2. The use clearly requires a specific site location on the shoreline not provided for under this Chapter; and
 3. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with this Chapter.
- B. Uses that are specifically prohibited by this Chapter cannot be authorized by a shoreline conditional use permit.

3.10 18.34.260 - Submittal Requirements

All development proposals under the jurisdiction of this Chapter shall satisfy the application submittal requirements set forth in OMC Titles 16, 17 and 18.

3.11 18.34.270 - Inspections

Pursuant to RCW 90.58.200, the Administrator or authorized representatives may enter land or structures to enforce the provisions of the Shoreline Program. Such entry shall follow the provisions set forth in OMC 8.24.120.

[Note: Consistent with new Chapter 18.34, existing Olympia Municipal Code sections 14.08.030, 14.08.040, 14.08.050 and 14.08.060 are to be renumbered and readopted as OMC sections 18.34.280, 18.34.285, 18.34.290, and 18.34.295, respectively, as shown below.]

3.12 ~~14.08.030~~ 18.34.280 Shoreline Substantial Development, Conditional Use and Variance Permits

- A. Applications for shoreline substantial development permits, conditional use permits, and variance permits are subject to and shall be processed pursuant to WAC Chapter 173-27, as now or hereafter amended, and, as provided below.
- B. Applications for shoreline substantial development, conditional use, and variance permits shall be submitted to the planning department on forms supplied by the department. The application shall contain the information required by WAC 173-27-180 and such other information as may be required by the department. The applicant shall pay to the department the application fee prescribed by the approved fee schedule. In addition to the application fee, the applicant shall pay fees for environmental analysis, and for other necessary actions or approvals.
- C. Applications for those shoreline development permits that are exempt from the State Environmental Policy Act and entirely upland of the ordinary high water mark may be decided by the Site Plan Review Committee if a public hearing is not requested by an interested party. The Hearing Examiner shall hold a public hearing and render a decision regarding other applications identified in subsection A of this section.
- D. Pursuant to WAC 173-27-110, notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, fifteen (15) days before the hearing. In addition, the planning department, in its discretion, may give notice in any other manner deemed appropriate.
- E. The decision of the hearings examiner may be appealed to the city council, pursuant to Olympia Ordinance No. 4148, and the decision of the council may be appealed to the Shorelines Hearing Board pursuant to WAC 173-27-220.

- F. Pursuant to WAC 173-27-090 and 173-27-100, the director or the director's designee shall review and decide requests for time extensions and permit revisions. The decision of the director may be appealed pursuant to city ordinance.

3.13 ~~14.08.040~~ 18.34.285 Amendments

- A. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter 173-19 WAC as now or hereafter amended, and as provided below.
- B. Applications for proposed amendments shall be submitted to the planning department on forms supplied by the department. The applicant shall pay to the department the application fee and fees for environmental analysis pursuant to RCW 43.21C (SEPA), and for other necessary actions or approvals.
- C. The city ~~commission~~ council shall hold the public hearing prescribed by WAC 173-19-062(1). At any time, the ~~commission~~ council may refer a proposed amendment to the planning commission for a recommendation. If the planning commission elects to hold a public hearing, a notice of the hearing shall be given in the same manner as the hearing held by the board.
- D. If the proposed amendment is a map change of environmental designation, regardless of the size or number of parcels affected, or regardless of whether the applicant is a private person or governmental agency, notice of the proposed amendment shall be mailed to all the owners of the property which is proposed for redesignation, as shown by the records of the county assessor. In addition, notice shall be mailed to all the owners of property which lies within three hundred feet of the boundary of the property proposed for designation. Notices given pursuant to this subsection shall be mailed at least ten calendar days before the date of the hearing. The applicant shall furnish to the planning department the names and addresses of property owners who are to receive notice.

3.14 ~~14.08.050~~ 18.34.290 Appeals of Administrative Decisions

- A. Any aggrieved person may appeal an administrative decision made pursuant to the master program by filing a written appeal with the planning department within ten days from the date of decision. The appeal shall be filed on forms prescribed by the department and the appellant shall pay to the department the appeal fee prescribed by the approved fee schedule.
- B. Appeals of administrative decisions shall be decided by the hearings examiner, after public hearing, and shall be subject to the provisions of ~~Ordinance No. 4148~~ Chapter 18.75. Notice of the hearing shall be mailed to the appellant and may be mailed to any other person who the planning department believes may be affected by or interested in the appeal. Notice shall be mailed not later than ten days before the hearing.

3.15 ~~14.08.060~~ 18.34.295 Fees

For purposes of this Chapter, the fee schedule in Section 4.40.010 of the Olympia Municipal Code is considered the "approved fee schedule."

3.16 18.34.300 - Shoreline Jurisdiction

- A. The provisions of this Chapter shall apply to all shorelines of the state, all shorelines of statewide significance and shorelands as defined in RCW 90.58.030, within the City of Olympia. These areas are collectively referred to herein as 'shorelines'.
- B. Olympia's shorelands include floodways and contiguous floodplain areas landward from such floodways, and all wetlands and river deltas associated with the following bodies of water; but no other 'optional' shorelands as described in RCW 90.58.030. Within its municipal boundaries, the City of Olympia shall have authority over the shorelines of Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake, Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.

3.17 18.34.310 - Official Shoreline Map

- A. Shoreline Environment Designations have been established and are delineated on the "City of Olympia Shoreline Map" (Shoreline Map) hereby incorporated by reference. The official copy of this map shall reside with the Washington State Department of Ecology.
- B. The Shoreline Map (Figure 4.1) identifies shoreline environment designations and the approximate extent of shoreline jurisdiction within City boundaries. It does not identify or depict the lateral extent of shoreline jurisdiction or associated wetlands and floodplains. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark (OHWM) and associated wetlands and/or floodplains.
- C. The *Aquatic* environment designation applies to all lands waterward of the ordinary high water mark.
- D. Where uncertainty or conflict occurs in the exact location of a shoreline designation boundary, the Administrator shall interpret the boundaries based upon:
 - 1. The coordinates listed in *Shoreline Environmental Designations for the City of Olympia*;
 - 2. Boundaries indicated as approximately following lot, tract, or section lines;
 - 3. Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; and
 - 4. Boundaries indicated as approximately parallel to or extensions of features indicated in 2 or 3 above shall be so construed.
- E. In the event of a mapping error, the City will rely on the criteria in the statute and the WAC pertaining to the determination of shorelines.

3.18 18.34.320 - Shoreline Environment Designations

- A. The Olympia Comprehensive Plan sets forth the designation and management policies for the shoreline environment designations established in the Olympia Shoreline Program.
- B. Areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned an *Urban Conservancy* environment designation until the shoreline can be designated through a Shoreline Program amendment.

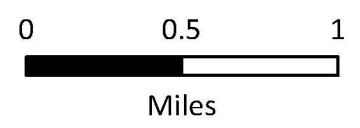
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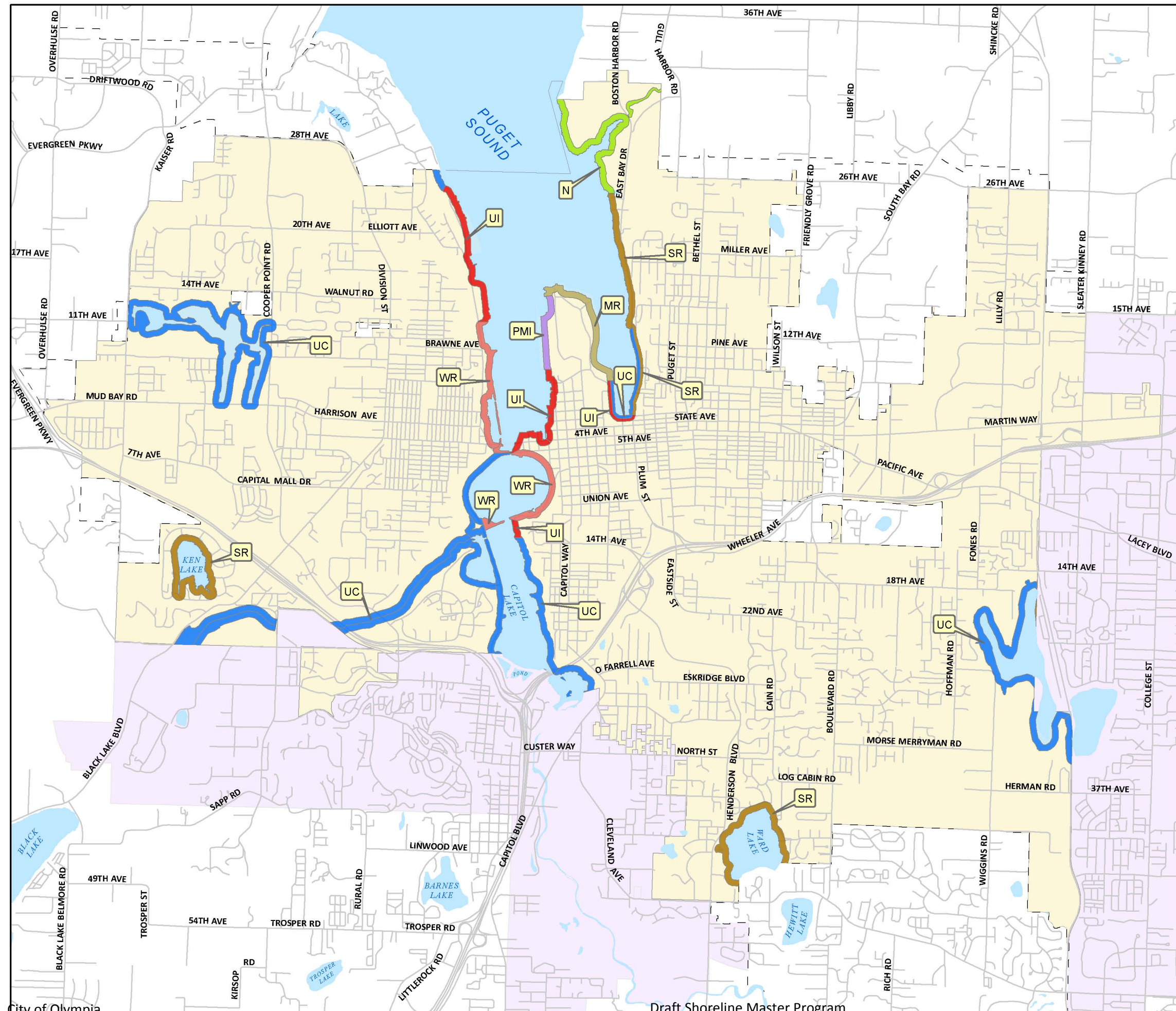
FIGURE 4.1 OLYMPIA SHORELINE MASTER PROGRAM

Proposed Shoreline
Environment Designations
January 2013

-  AQUATIC
-  MARINE RECREATION
-  NATURAL
-  PORT MARITIME INDUSTRIAL
-  SHORELINE RESIDENTIAL
-  URBAN CONSERVANCY
-  URBAN INTENSITY
-  WATERFRONT RECREATION
-  Roads
-  Urban Growth Area
-  Olympia City Limits
-  Tumwater/Lacey City Limits



DISCLAIMER: This map was created for internal City use only. The parcels, right-of-ways, utilities and structures depicted on this map are based on information taken from historical records and aerial photos. The information has not been independently verified as complete or accurate. Access to such information is provided to the public as a matter of public record, for general information only. The completeness and accuracy of this information should not be relied upon. Users are advised to field-verify all information through a private, licensed professional. The City of Olympia and its personnel expressly disclaim any liability arising from commercial or private use of this map or the information, or absence of information, contained herein.



3.19 18.34.330 - Shoreline Environment Purposes

Aquatic – The purpose of the *Aquatic* environment is to protect, restore and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark

Natural – The purpose of the *Natural* environment 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, Olympia will plan for restoration of degraded shorelines within this environment.

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

Waterfront Recreation – The purpose of the *Waterfront Recreation* environment is to provide recreational and public access opportunities and to maintain and restore shoreline ecological functions and preserve open space. This designation is generally intended for appropriate public parks.

Marine Recreation – The purpose of the *Marine Recreation* environment is to establish provisions for boating facilities and water-oriented recreational and commercial uses and to restore shoreline ecological functions and preserve open space.

Shoreline Residential – The purpose of the *Shoreline Residential* environment is to accommodate residential development and appurtenant structures that are consistent with Olympia's Shoreline Program. An additional purpose is to provide public access and recreational uses.

Urban Intensity – The purpose of the *Urban Intensity* environment is to provide for high-intensity water-oriented commercial, transportation, industrial, recreation, and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded, and to provide public access and recreational uses oriented toward the waterfront.

Port Marine Industrial – The purpose of the *Port Marine Industrial* environment is to allow the continued use and development of high-intensity water-oriented transportation, commercial and industrial uses. This area should support water-oriented marine commerce balanced with the protection of existing ecological functions and restoration of degraded areas.

3.20 18.34.400 - General Regulations – Intent

This section sets forth regulations that apply to all uses and activities, as applicable, in all shoreline environments. These regulations are to be used in conjunction with the OMC 18.34.600, et seq.

3.21 18.34.410 - No-Net-Loss and Mitigation

- A. All shoreline uses and development, including preferred uses and uses that are exempt from shoreline permit requirements, shall be located, designed, constructed, and maintained in a manner that maintains shoreline ecological functions and processes.
- B. Applicants/proponents of new shoreline use and development shall demonstrate that all reasonable efforts have been taken to avoid adverse environmental impacts. Mitigation shall occur in the following order of priority:
 - 1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action;
 - 2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or taking affirmative steps to avoid or reduce adverse impacts;
 - 3. Rectifying the adverse impact by repairing, rehabilitating or restoring the affected environment;
 - 4. Reducing or eliminating the adverse impact over time by preservation and maintenance operating during the life of the action;
 - 5. Compensating for the adverse impacts by replacing, enhancing, or providing similar substitute resources or environments; and
 - 6. Monitoring the impact of the compensation projects and taking appropriate corrective measures.
- C. In determining appropriate mitigation measures, lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.
- D. Mitigation actions shall not have a significant adverse impact on other shoreline ecological functions.
- E. The City may require applicants to prepare special reports as necessary to address the impacts of proposed development on shoreline ecological functions.
- F. When mitigation measures are required, all of the following shall apply:
 - 1. The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources;
 - 2. The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time;
 - 3. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report, Olympia's Shoreline Restoration Plan and that of other jurisdictions, and other background studies prepared in support of this Program;
 - 4. The mitigation plan shall include contingencies should the mitigation fail during the monitoring/maintenance period;

5. Compensatory mitigation shall be done prior to or at the same time as the impact; and
 6. The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values. Mitigation sites shall be monitored for ten (10) years in accordance with the provisions in OMC 18.32.
- G. The applicant may be required to post a financial surety such as an assignment of savings or bond that is 125 percent of the estimated cost of the mitigation to guarantee performance. Estimates shall be prepared in accordance with OMC 18.32. Sureties shall only be released upon acceptance of the mitigation project by the City. If the mitigation project has not performed as prescribed in the mitigation plan, the City shall have the authority to extend the monitoring and surety period, and require additional monitoring reports and maintenance activities beyond the 10-year monitoring period. This requirement applies to all projects where mitigation is used.
- H. Mitigation measures shall occur in the immediate vicinity of the impact. If this is not feasible, mitigation may occur off-site if it provides greater improvement to shoreline ecological functions and values. The City may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches provided they have been approved by the Department of Ecology, the Department of Fish and Wildlife, or the Army Corps of Engineers.

3.22 18.34.420 - Critical Areas

- A. All uses and development occurring within the shoreline jurisdiction shall comply with Chapter 18.32 (critical area regulations).
- B. If there are any conflicts or unclear distinctions between this Chapter and Olympia's critical area regulations, the requirements that are the most consistent with the Shoreline Management Act or Washington Administrative Code pertaining to shoreline management shall apply.
- C. Reasonable uses exceptions (OMC 18.66.040) are not available for relief from critical area standards within the shoreline jurisdiction. Instead, applicants seeking relief from the critical area standards shall apply for a shoreline variance or shoreline conditional use permit.

3.23 18.34.430 - Archaeological, Historic, and Cultural Resources

- A. Archaeological sites located both in and outside shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records).
- B. Development or uses that impact such sites shall comply with WAC 25-48 (Archaeological Excavation and Removal Permit) as well as the requirements of OMC 18.12, Historic Preservation, and the applicable requirements of this Chapter.
- C. Shoreline use and development on sites having archaeological, historic, or cultural resources shall be designed and constructed in a manner that prevents impacts to the resource and provides educational benefits to the public, where appropriate.
- D. Developers and property owners shall immediately stop work and notify the City, the Office of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

- E. Development that is proposed in areas documented to contain archaeological resources shall have a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes during the development review process.

3.24 18.34.440 - Parking

- A. Parking facilities or lots within the shoreline jurisdiction shall be allowed only to support authorized uses.
- B. Commercial parking facilities or lots as a primary use are prohibited within the shoreline jurisdiction.
- C. Parking facilities or lots shall be located landward of the principal building, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
- D. Parking facilities or lots shall be designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. Landscaping shall comply with OMC 18.36 and the vegetation conservation standards of OMC 18.34.495.
- E. Parking facilities or lots shall provide safe and convenient pedestrian circulation within the parking area to the building or use it serves, and shall be located as far landward of the ordinary high water mark as feasible.
- F. To the extent feasible, new parking lots shall include the most effective stormwater treatment and 'best management' practices.

3.25 18.34.450 - Public Access

- A. Public access shall be required for the following types of development, unless waived pursuant to Section C.
 - 1. Residential developments of more than nine residential lots or dwelling units;
 - 2. Commercial or industrial developments; and
 - 3. Shoreline development proposed or funded by a public entity, port districts, state agencies, or public utility districts.
- B. Where a development or use will interfere with an existing public access, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby public access.
- C. The public access requirement may be waived by the decision maker where one or more of the following conditions are present:
 - 1. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

2. Constitutional or other legal limits apply;
 3. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions such as limiting hours of use; or
 4. Adverse impacts to shoreline ecological processes and functions that cannot be mitigated will result.
- D. Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the Thurston County Auditor prior to issuance of a certificate of occupancy or plat approval, whichever comes first.
 - E. Public access sites shall be constructed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.
 - F. Public access facilities shall be available to the public from dawn to dusk unless specific exceptions are granted through a shoreline substantial development or other permit.
 - G. Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
 - H. Maintenance of public access facilities on private property shall be the responsibility of the property owner, unless an accepted public or non-profit agency agrees to assume responsibility through a formal agreement recorded with the Thurston County Auditor. Where appropriate, this responsibility may be required of a future homeowners' association, or other entity approved by the City.
 - I. Signage indicating the public's right of access and hours of access shall be installed and maintained by the owner, developer or assignee. Such signs shall be posted in conspicuous locations at public access sites.
 - J. Public access areas shall be approved by the decision maker during review of the shoreline permit. If exempt from a shoreline permit, public access areas may be required by the Administrator.

3.26 18.34.460 – Design of Public Access

- A. Public access shall be located, designed and maintained in accordance with all of the following:
 1. The size and configuration of public access areas shall be at least the minimum necessary based on location, intended use, compatibility with adjacent uses, and proximity to other public access areas.
 2. Trails and shared uses paths (including access paths) shall be buffered from sensitive ecological features and provide limited and controlled access to sensitive features and the water's edge where appropriate (for example, when part of an interpretive or educational site). Fences may be used to control damage to vegetation and other sensitive ecological features. If used, fences

shall be designed and constructed of materials that complement the setting, as well surrounding features or structures, and allow for wildlife movement.

3. Where feasible, public access shall be located adjacent to other public areas, accesses and connecting trails, with connections to the nearest public street or trail.
 4. Where physical access to the water's edge is not available, a public viewing area shall be provided.
 5. Public access shall be designed to minimize intrusions on privacy and conflicts between users. For example, provide a physical separation between public and private spaces, orient public access away from windows or private outdoor spaces, or provide a visual screen such as a fence or vegetation.
 6. Public access shall be designed to provide for the comfort and safety of users. Such spaces shall be visible from the street or adjacent uses, have adequate lighting, and designed to discourage offensive or illegal conduct.
 7. Public amenities such as, but not limited to, a covered shelter, benches, or picnic table shall be provided in public access areas.
 8. Where feasible, public access areas shall be barrier free for the physically disabled in accordance with the Americans with Disabilities Act (ADA).
- B. The design and layout of public access shall conform to applicable City design standards and procedures, such as the width of public access easements or dedications for trails and share-use paths and trail classification and corresponding corridor widths set forth in the Olympia Engineering Design and Development Standards (EDDS). Any deviation shall be the minimum necessary to achieve the intended purpose of such deviation.

3.27 18.34.470 - Scientific and Educational Activities

- A. Scientific and educational uses and activities are limited to those which will:
1. Not jeopardize existing wildlife populations or organisms;
 2. Not permanently alter the character of biological habitats; and
 3. Not degrade the character of the shoreline environment in which they are located.
- B. Temporary disruption of biological systems may be permitted when a scientific activity will result in their restoration or improvement, and only when a restoration plan is approved by the City and other agencies with jurisdiction.
- C. Permits for scientific or education activities that will span an extended period of time may be granted; limits on the duration of the use or activity may be established as a condition of approval.
- D. Structures associated with scientific and educational activities such as museums, schools, or visitor centers may be allowed subject to the use provisions of OMC 18.34.620.
- E. Temporary facilities used in conjunction with the scientific or educational project shall be removed at the conclusion of the project.

3.28 18.34.480 - Signage Regulations

Signage shall conform to OMC 18.42, Sign Regulations. In addition, the following provisions shall apply within the shoreline jurisdiction:

- A. All off-site signs, except for directional signs, shall be prohibited;
- B. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline;
- C. Signs shall be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses;
- D. Over water signs and signs on floats or pilings, except as needed for navigational purposes, shall be prohibited;
- E. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as to minimize, to the extent practicable, light and glare from negatively impacting neighboring properties, streets, public areas or water bodies. Lighted signs shall be designed to reduce glare when viewed from surrounding properties or from the water. Lighting shall not shine directly upon or cast a glare on the water; and
- F. All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water shall be placed on the landward side of development.

3.29 18.34.490 - Vegetation Conservation Areas - Intent

- A. Vegetation conservation includes activities to protect and restore upland vegetation along or near marine or fresh water bodies to minimize habitat loss and the impact of invasive plants, erosion and flooding and contribute to the ecological functions of shoreline areas. The provisions of this section establish vegetation conservation areas, and set forth regulations for the prevention or restriction of native vegetation removal, grading, vegetation restoration, control of invasive weeds and non-native species, and tree maintenance adjacent to the shoreline.
- B. However, unless otherwise stated, vegetation conservation does not include those activities expressly authorized by the Washington State Forest Practices Act, but does include conversion to other uses and those other forest practice activities over which the City has authority.

3.30 18.34.492 – General Vegetation Conservation Regulations

- A. Vegetation conservation provisions apply to all shoreline uses and developments. All vegetation conservation in these areas shall conform to the regulations and standards below.
- B. Parcels fronting on lakes, marine waters, streams or wetlands shall preserve or provide native vegetation within vegetation conservation areas, also known as VCAs or buffers, upland of and adjacent to the ordinary high water mark.
- C. Except as provided herein, applicants for new development, expansion, or redevelopment shall protect existing native vegetation within the vegetation conservation area.

- D. If native vegetation within the vegetation conservation area did not exist, or has been destroyed or significantly degraded, mitigation in the form of restoration or creation of vegetation conservation area may be required as a condition of development approval consistent with mitigation sequencing priorities in OMC 18.34.410(B). Further, an applicant may propose such restoration consistent with the building height bonuses of OMC 18.34.620(D).
- E. Nonconforming and water dependent uses that cannot provide a vegetation conservation area due to the nature of the use or activity shall provide comparable mitigation. For example, if it is not feasible to provide vegetation on-site due to constraints such as lot size, topography, or existing site improvements, vegetation may be provided off-site in accordance with the provisions of OMC 18.34.410(B).

3.31 18.34.493 - Permitted Uses and Activities within Vegetation Conservation Areas

- A. The following uses and activities may be permitted within the vegetation conservation area if also allowed within the applicable shoreline environment designation:
 - 1. Transportation facilities and utilities within existing rights-of-way only when it has been determined that alternative upland locations are not feasible;
 - 2. Public access viewpoints, pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses;
 - 3. Public recreation trails identified in adopted plans and those located on existing road or railroad beds;
 - 4. Educational facilities such as viewing platforms, wildlife viewing blinds and interpretive sites;
 - 5. Equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage, loading equipment for transport of logs and natural resource materials. Where logs or natural resource materials are loaded directly from the shoreline to a vessel, impacts to the shoreline shall be minimized by:
 - a) Constructing designated loading areas;
 - b) Maintaining equipment to avoid fuel or oil leaks; and
 - c) Implementing best management practices to reduce erosion and untreated storm water directly into the water.
 - 6. Removal of noxious weeds or hazardous trees;
 - 7. Removal and thinning of trees and vegetation on public property to maintain public view corridors identified in Section 18.34.500;
 - 8. Improvements that are part of an approved enhancement, restoration, or mitigation plan; and
 - 9. Shoreline stabilization only when it is part of an approved project.
- B. Accessory structures other than those described above are prohibited within the vegetation conservation area.

3.32 18.34.494 – Single Family Alterations

Alterations to existing single-family residences, including accessory structures, decks, patios, sport courts, and walkways shall protect existing native vegetation within the vegetation conservation area. If the minimum vegetation conservation area is not present, the Administrator may require establishment of such vegetation conservation area that is necessary to prevent adverse impacts to the shoreline ecological functions that may result from any proposed alterations.

3.33 18.34.495 - Vegetation Conservation Area Standards

- A. Speculative clearing, grading, or vegetation removal is prohibited. Clearing, grading and vegetation removal within shoreline setbacks and vegetation conservation areas shall be the minimum necessary for the intended use or development.
- B. The minimum width of vegetation conservation areas is set forth in Table 6.2 and measured perpendicular to the ordinary high water mark along the entire shoreline of the property. To account for site conditions and to create a more natural vegetation conservation area, the minimum widths may be reduced by 25% by the Administrator upon finding that the total VCA of the parcel is equivalent to the minimum area and such reduction will not result in adverse impacts to the shoreline functions. Vegetation conservation areas exceeding minimums may be proposed or required if necessary to ensure no net loss of shoreline ecological functions will result from proposed shoreline development.
- C. In general, protected and restored vegetation conservation areas shall be composed of native vegetation comparable in species density and diversity to an ecologically similar undisturbed area. Such species density and diversity shall be determined by the Administrator based on best available science. Provided, however, that up to 25% of the vegetation conservation area may be utilized for authorized uses and activities described in OMC 18.34.493. If an authorized use or activity requires more than 25% of the VCA, such as transportation facilities, utilities, and public recreation trails, the applicant shall provide an equivalent area elsewhere on-site and shall ensure that the proposed use or activity will not result in a net loss to shoreline ecological functions.
- D. When restoring or enhancing shoreline vegetation, applicants shall use native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.
- E. Lawns shall be prohibited within the vegetation conservation area due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.
- F. Trimming of trees and vegetation is allowed within the vegetation conservation area subject to:
 - 1. This provision does not allow clearing of trees or vegetation except as provided below and elsewhere in this Chapter;
 - 2. The limbing or crown-thinning of trees larger than three inches in caliper shall comply with National Arborist pruning standards, unless the tree is a hazard tree as defined in OMC 16.60, Tree Protection and Replacement. No more than 25% of the limbs on any single tree may be

removed and no more than 25% of the canopy cover in any single stand of trees may be removed for a single view corridor.

3. Trimming does not directly impact the nearshore functions and values including fish and wildlife habitat;
4. Trimming is not within a critical area of Chapter 18.32 or associated buffer; and
5. Tree topping is prohibited.

G. Vegetation shall be maintained over the life of the use or development.

H. Vegetation conservation areas shall be placed in a separate tract in which development is prohibited; protected by execution of an easement dedicated to a conservation organization or land trust; or similarly protected through a permanent mechanism acceptable to the City.

3.34 18.34.496 – Vegetation Management Plan

A. Clearing and grading within the shoreline jurisdiction shall only be permitted upon approval of a vegetation management plan. The vegetation management plan shall include:

1. A map illustrating the distribution of existing plant communities in the area proposed for management. The map must be accompanied by a description of the vegetative condition of the site, including plant species, plant density, any natural or manmade disturbances, overhanging vegetation, and the functions served by the existing plant community (e.g., fish and wildlife values, slope stabilization);
2. A description of how mitigation sequencing was used or how the plan achieves no net loss of shoreline ecological functions the vegetation is providing;
3. An inventory of existing vegetation, including a description of vegetation overhanging the shoreline;
4. A detailed plan indicating which areas will be preserved and which will be cleared, including tree removal;
5. Drawings illustrating the proposed landscape scheme, including the species, distribution, and density of plants. Any pathways or non-vegetated portions and uses shall be noted;
6. A description of any vegetation introduced for the purposes of fish and wildlife habitat;
7. Installation of vegetation shall meet the following standards:
 - a) Native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County shall be used, unless non-native substitutes are authorized by the Administrator based on availability of native materials and said materials are appropriate to soil and climate conditions;
 - b) On public property, vegetation shall be selected and located to maintain public views identified in approved plans;
 - c) At the time of planting, plant materials shall be consistent with the standards in OMC 18.36, Landscaping and Screening;

- d) The applicant may be required to install and implement an irrigation system to insure survival of vegetation planted. For remote areas lacking access to a water system, an alternative watering method may be approved;
 - e) Planting in the fall or early spring is preferred over summer for purposes of plant establishment; and
 - f) For a period of 5 years after initial planting, the applicant shall replace any unhealthy or dead vegetation as part of an approved vegetation management plan.
- B. Loss of wildlife habitat shall be mitigated on-site. If on-site mitigation habitat is not possible, off-site mitigation shall be permitted in accordance with OMC 18.34.410(B); and
 - C. The Administrator may waive some but not all of the vegetation requirements when the applicant proposes to improve shoreline ecological functions of the shoreline, such as the removal of invasive species, shoreline restoration/enhancement, or removal of hard armoring.
 - D. For other applicable regulations, see OMC Chapters 16.60, 18.32, and 18.36.

3.35 18.34.500 - View Protection - Intent

Over 50 percent of Olympia's marine shoreline is publicly owned. Much of this shoreline, such as at Percival Landing, West Bay Park, Priest Point Park, and the East Bay area provide opportunities for the public to enjoy the views of Mount Rainier, the Capitol, Budd Inlet and the Olympic Mountains. The future may provide even greater opportunities for the public to enjoy the scenic qualities of the area.

The protection of these public views from the shoreline is an important objective of Olympia's Shoreline Program. Protection of such views to and from the shoreline can be achieved through multiple strategies including public ownership and use of shorelands, the inclusion of public access and viewpoints in private development, establishing key view corridors, establishing height limits and design standards, vegetation management standards, and visual assessment where views may be impacted.

Private uninterrupted views of the shoreline, although considered, are not expressly protected. Property owners concerned with the protection of views from private property are encouraged to obtain view easements, purchase intervening property and/or seek other similar private means of minimizing view obstruction.

3.36 18.34.504 View Protection Regulations

- A. No permit shall be issued pursuant to chapter for any new or expanded building or structure of more than 35 feet above average grade level that will obstruct the view of a substantial number of residences in areas adjoining such shorelines except where Olympia's Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.
- B. All development within the shoreline jurisdiction shall comply with the view protection standards of OMC 18.110.060.
- C. Public shoreline views shall be protected by the use of measures, including but not limited to, maintaining open space between buildings, clustering buildings to allow for broader view corridors, and minimizing building height and total lot coverage.

- D. When there is an irreconcilable conflict between water-dependent uses and physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.
- E. Buildings shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.
- F. New development, uses and activities shall locate trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.
- G. Design and install utilities and accessory structures in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area.
- H. Communication and radio towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology.
- I. Fences, walls, hedges and other similar accessory structures shall be limited to four (4) feet in height between the ordinary high water mark and structures.
- J. Where on-going maintenance of vegetation to protect public views is necessary, a vegetation management plan shall be approved by the Administrator prior to any work. At a minimum, the vegetation management plan shall identify the viewshed to be preserved, the areas where vegetation will be maintained (including tree removal), and percent of vegetation to be retained. If trees are removed, they shall be replaced per OMC 16.54.

3.37 18.34.507 - Visual Impact Assessment

The applicant of a building or structure that exceeds 35 feet to the highest point above average grade level shall prepare and submit a visual analysis in conjunction with any development permit. At a minimum, the analysis shall address how the proposed project impacts views protected under RCW 90.58.320 and OMC 18.110.060. The Administrator may require additional information such as photo-simulations showing proposed buildings in relation to impacted views.

3.38 18.34.510 - Water Quality

- A. Septic systems for new development within the shoreline jurisdiction are prohibited.
- B. Stormwater management facilities for new uses and development shall be designed, constructed, and maintained in accordance with the Olympia Drainage Manual. To the extent feasible, low impact development best management practices shall be incorporated into every project along the shoreline.
- C. The use of wood treated with creosote, copper, chromium, arsenic or pentachlorophenol shall only be approved upon a finding of no feasible alternative.

- D. All structures that come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals.
- E. Uses and activities that pose a risk of contamination to ground or surface waters shall be prohibited in shoreline jurisdiction. Such uses include, but are not limited to the following:
 - 1. Storage, disposal, or land application of waste (excluding secondary/tertiary treated effluent from municipal sewer systems), including solid waste landfills;
 - 2. Operations for confinement feeding of animals;
 - 3. Agricultural activities that involve the application of fertilizers, pesticides, or other chemical treatments;
 - 4. Junk yards and auto wrecking yards;
 - 5. Storage of hazardous or dangerous substances within a floodplain; and
 - 6. Alterations to structures and uses served by septic systems that do not meet local or state requirements.

3.39 18.34.600 - Shoreline Use and Development – Intent

The purpose of this section is to set forth regulations for specific common uses and types of development that occur within Olympia’s shoreline jurisdiction. Where a use is not listed on Table 6.1, the provisions of OMC 18.34.250, Unclassified Uses, shall apply. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located.

3.40 18.34.610 – General Use and Development Provisions

- A. Developments that include a mix of water-oriented and nonwater-oriented uses may be approved if the Administrator finds that the proposed development avoids impacts to shoreline ecological functions, provide public access, and otherwise enhance the public’s ability to enjoy the shoreline.
- B. All uses not explicitly permitted in this Chapter shall require a shoreline conditional use permit. The Administrator and/or Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of Olympia’s Shoreline Program.
- C. All development and uses must conform to all of the provisions of this Shoreline Program.
- D. All development and uses shall conform to the shoreline use table and the development standards table in OMC 18.34.600 through 18.34.710, unless otherwise stated.
- E. Except as required by state or federal regulations or explicitly authorized by this Chapter, forestry practices, mining and solid waste uses and activities are prohibited in all shoreline areas.

3.41 18.34.620 - Use and Development Standards Tables

- A. Table 6.1 identifies allowed uses and activities by shoreline environment designation. Table 6.2 establishes development standards by shoreline environment designation including shoreline setbacks, building heights, residential densities, and vegetation conservation areas. These tables shall be used in conjunction with the written provisions for each use. Table footnotes provide additional clarification or conditions applicable to the associated uses or development regulation.
- B. Maximum Shoreline Building Heights are not applicable to light and utility poles; nor to equipment used for loading and unloading such as conveyors and cranes within the Port Marine Industrial environment and adjacent Aquatic Environment.
- C. Upon finding that such structures will not result in a net loss of shoreline functions and is otherwise consistent with Olympia's Shoreline Program, the Administrator may authorize small buildings and other structures within the "building setback" area. Any such structures shall not exceed a total 800 square feet within each development, shall not be located closer than 20 feet to the ordinary high water mark, and shall not exceed a height of 20 feet. To ensure protection of shoreline functions, the Administrator may require appropriate measures including enhancement of any associated vegetation conservation area.
- D. Upon demonstration of adequate provisions for protection or creation of the minimum required vegetation conservation area on the same property, an applicant may obtain approval of a development incorporating an increased maximum building height ('VCA bonus') or as set forth in the Marine Recreation environment, a reduced minimum principal building setback.

Table 6.1 – Uses and Activities

LEGEND: P = Permitted C = Shoreline Conditional Use Permit X = Prohibited

C/P = A Shoreline Conditional Use Permit is required if wholly or partially located within 100 feet of the OHWM; uses and activities located more than 100 feet from the OHWM are permitted.

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic ¹
Agriculture								
Agriculture	X	X	X	X	X	X	X	X
Aquaculture								
Restoration and Recovery of Native Populations	P	P	P	P	P	P	P	P
Commercial Aquaculture	C	C	C	C	C	C	X	C
Boating Facilities								
Marinas	P	P	X	X	X	P	X	C
Launch Ramps	P	P	P	P	P	P	X	P
Boathouses & Storage Structures, & Overwater Covered Moorage	P	P	P	P	P	P	X	X
Commercial								
Water Dependent	P	P	C	X	C	P	X	C
Water Related and Enjoyment	P	P	C	X	C	P	X	X
Non-water Oriented	C/P	X	X	X	X	X	X	X
Industrial								
Water Dependent	P	P	X	X	X	X	X	P
Water Related	P	P	X	X	X	X	X	X
Nonwater Oriented	C	C	X	X	X	X	X	X
Recreation								
Water Dependent & Enjoyment, and All Other Water Related, e.g., viewing platforms, wildlife blinds, interpretive areas	P	X	P	P	P	P	C	C
Non-water Oriented	C/P	X	C/P	X	C	X	X	X

Primary Use of Building or Structure	Urban Intensity	Port Marine Industrial	Shoreline Residential	Urban Conservancy	Waterfront Recreation	Marine Recreation	Natural	Aquatic ¹
Residential								
Residential	P	X	P	P	X	X	X	C
Transportation								
Roads/Railroads	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C
Trails and Shared Use Paths	P	P	P	C/P	P	P	C/P	P
Parking	P	P	P	C/P	C/P	P	C/P	X
Utilities								
Utility Lines, Buildings and Facilities	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C
Other								
All Other Buildings, Structures, and Uses Not Listed Above	C	C	C	C	C	C	X	X

¹ Uses listed as permitted or conditional in the Aquatic designation are allowed only if permitted in the adjacent upland shoreline designation.

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Table 6.2 – Development Standards

Shoreline Environment	Shoreline Segment	Minimum Shoreline OHWM Building Setback*	Minimum Width Vegetation Conservation Area	Maximum Standard Building Height	Maximum Building Height with 'VCA' Bonus**
Aquatic	All	N/A	N/A	20 feet	N/A
Natural	All	200 feet	200 feet	20 feet	N/A
Waterfront Recreation	Budd Inlet	150 feet	100 feet	42 feet	65 feet
	Capitol Lake	30 feet	30 feet	35 feet	N/A
Urban Conservancy	All	100 feet	50 feet	35 feet	N/A
Shoreline Residential	Ward Lake	75 feet	20 feet	35 feet	N/A
	Ken Lake & Budd Inlet	30 feet	20 feet	35 feet	N/A
Marine Recreation	Budd Inlet	50 feet; 30 feet with VCA***	30 feet	40 feet; 25 feet within 75 feet of OHWM	N/A
Urban Intensity	Capitol Lake & Budd Inlet north of Brawne Ave. extended	30 feet	30 feet	42 feet	65 feet
	Budd Inlet south of Brawne Avenue extended	30 feet	None on West Bay; 20 feet on East Bay	35 feet waterward of streets; 90 feet remainder	N/A
Port Marine Industrial	All	None	None	65 feet	N/A

*See OMC 18.34.620(C) regarding reduced setbacks for small structures.

**See OMC 18.34.620(D) regarding bonus height with vegetation conservation area.

*** See OMC 18.34.620(D) regarding reduced setbacks with vegetation conservation area.

3.42 18.34.630 - Agriculture

- A. The creation of new agricultural lands and/or activities is prohibited.
- B. Confinement lots, feeding operations, lot wastes, stockpiles of manure solids and storage of noxious chemicals are prohibited.
- C. Existing agricultural activities shall be allowed to continue subject to:
 - 1. Expansion or modification of existing agricultural uses shall be conducted in a manner that avoids impacts to shoreline ecological functions and processes and shall comply with critical areas policies regulations set forth in this Chapter; and
 - 2. Appropriate farm management techniques shall be used to prevent contamination of nearby water bodies and adverse effects on plant, fish and animal life from the application fertilizers and pesticides.

3.43 18.34.640 -Aquaculture

- A. Impacts to ecological functions shall be mitigated according to the mitigation sequence of OMC 18.34.410(B).
- B. Aquaculture for the recovery of native populations is permitted when part of an approved restoration or habitat management plan complying with this Chapter.

3.44 18.34.650 - Boating Facilities - General Regulations

- A. Boating facilities which will adversely impact shoreline ecological functions and system-wide processes, especially in highly sensitive areas such as estuaries and other wetlands, forage fish habitat, and other critical saltwater habitats, are prohibited.
- B. Marinas and launch ramps shall be located in areas where there is adequate water mixing and flushing, and shall be designed not to retard or negatively influence flushing characteristics.
- C. Marinas and boat launch ramps shall be located only on stable shorelines where water depths are adequate to avoid the net loss of shoreline ecological functions and processes, and eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding and other river, lake, harbor, and channel maintenance activities.
- D. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials into the water.
- E. Marinas and boat launches shall provide physical and visual public access. This requirement may be waived by the Administrator if the applicant demonstrates that public access is not feasible in accordance with the provisions of OMC 18.34.450.

- F. Locate boating facilities where parking and access can be provided without causing adverse impacts to adjacent properties.
- G. Restrooms and garbage facilities shall be provided at marinas and boat launching facilities.
- H. Lighting for boating facilities shall be designed to minimize light and glare, especially where it is visible to adjacent properties and properties across the water. Illumination levels shall be the minimum necessary for the intended use. All light fixtures shall be fully shielded and oriented to avoid shining directly on the water and to prevent spillover off-site.

3.45 18.34.652 – Boat Launch Ramps

- A. Boat launch ramps shall be located, designed, constructed and maintained to reduce impacts to the shoreline. Preferred ramp designs, in order of priority, are:
 - 1. Open grid designs with minimum coverage of beach substrate;
 - 2. Seasonal ramps that can be removed and stored upland; and
 - 3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to change in beach profile.
- B. Ramps shall be located, constructed and maintained where alterations to the existing foreshore slope can be avoided or minimized.

3.46 18.34.654 – Marinas

- A. New marinas are allowed only when they are consistent with Olympia's Shoreline Program and only when the proponent demonstrates that all of the following conditions are met:
 - 1. The proposed location is the least environmentally damaging alternative. Shallow water embayments, areas of active channel migration where dredging would be required, and areas of intact shoreline ecological functions and processes shall be avoided;
 - 2. To the extent feasible, hard armoring is avoided (see Section C below);
 - 3. Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss;
 - 4. The project includes ecological restoration measures to improve baseline conditions over time;
 - 5. The area has adequate water circulation and flushing action, and the marina is designed so that it does not negatively influence flushing characteristics;
 - 6. The proposed location will not require excavation and/or filling of wetlands or stream channels; and
 - 7. Suitable public infrastructure is available, or can be made available by project completion, to support the marina.
- B. Where permitted, marinas shall be designed, constructed and operated as follows:

1. Floating structures shall be designed to prevent grounding on tidelands. Floats shall not rest on the substrate at any time. Stoppers or stub pilings shall be used to keep the bottom of the float at least one foot above the level of the substrate;
 2. Piers and other structures shall be located, sized, and designed to minimize shading of nearshore aquatic habitats and species that use these areas;
 3. Solid structures shall be designed to provide fish passage through and along the shallow water fringe;
 4. Marina development shall be required to provide public access amenities pursuant to OMC 18.34.450, Public Access. The location and design of public access shall be determined based on a given location and the public access needs in the vicinity of the marina. Existing public access shall not be adversely impacted;
 5. Impacts to navigation shall be avoided; where unavoidable, impacts shall be mitigated;
 6. Live-aboard vessels are permitted only if adequate solid waste and sanitary sewer disposal facilities are provided and maintained;
 7. Marinas shall provide restrooms and solid waste receptacles to accommodate marina users, and shall have facilities and established procedures for the collection of solid waste or sewage, other than discharge into the water;
 8. Marinas shall provide pump-out, holding and/or treatment facilities for sewage contained on boats or vessels;
 9. Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel and oil or toxic materials where they can be easily read by all users; and
 10. Marinas shall have facilities and established procedures for the containment and recovery of spilled petroleum or toxic products.
 11. Marina buildings shall be setback at least 30-feet from the OHWM.
- C. Where allowed, marinas that involve breakwaters shall meet all of the following design criteria:
1. Breakwaters built waterward in a perpendicular plane to the shoreline shall not be allowed as a continuous one-piece structure;
 2. The toe of the breakwater may not extend waterward of the ordinary high water mark more than 250 feet from mean higher high water;
 3. Breakwaters shall be built so that the side slopes shall not be steeper than 1-1/2-foot horizontal to 1-foot vertical slope;
 4. The opening between a shore breakwater and an isolated breakwater shall not be less than 20 feet in width as measured at the toe of the slope;
 5. Openings must be maintained at project depth at all times in order to ensure proper circulation and fish passage;
 6. Openings may be either offset or in-line design;
 7. Openings may also be used as navigational channels;

8. The opening must be sized (depth and/or width) so as to ensure proper circulation inside the marina configuration and exchange with the outside bay. To facilitate this exchange, the volume of the tidal prism (water present between mean low and mean high tide) shall be not less than 50 percent of the total volume of the basin;
9. The depth of the openings shall be at least as deep as the average depth of the marina; and
10. Openings may be baffled to protect the marina against wave action but in no instance should the baffling impede water circulation or fish movement.

3.47 18.34.656 – Boat Storage

- A. Boat storage shall be located upland unless:
 1. No suitable upland locations exist for such facilities;
 2. It can be demonstrated that wet moorage would result in fewer impacts to ecological functions and processes; or
 3. It can be demonstrated that wet moorage would enhance public use of the shoreline.
- B. Marinas that provide dry upland storage shall use a launch mechanism that protects shoreline ecological functions and processes and minimizes use of shoreline areas.
- C. Dry moorage and other storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual buffer for adjoining dissimilar uses or scenic areas.

3.48 18.34.658 – Covered Moorage

- A. New overwater covered moorage and the expansion of existing covered moorage is prohibited.
- B. Covered moorage above the elevation of the ordinary high water mark is permitted for commercial purposes only, and must comply with all the following:
 1. A view corridor of not less than 35 percent of the width of the property shall be maintained between the abutting street and waterway;
 2. The structure does not exceed the maximum height set forth on Table 6.2; and
 3. The structure shall be visually compatible with the surrounding environment.

3.49 18.34.660 Commercial Use and Development – General

- A. The construction of new and the expansion of existing overwater commercial buildings is prohibited.
- B. Public access shall be provided for all commercial use and development pursuant to OMC 18.34.450.
- C. Vegetation buffers shall be provided per Table 6.2 and pursuant to the provisions in Section 18.34.492.
- D. Commercial development shall not impact the rights of navigation.

- E. Home occupations are not considered to be commercial uses.

3.50 18.34.663 - Water-Oriented Commercial Use and Development

- A. Water-oriented commercial use and development shall demonstrate that:
 - 1. There will be no net loss of shoreline ecological functions or processes;
 - 2. There will be no significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility; and
 - 3. The design, layout, and operation of the use or development meet the definition of water-oriented uses.

3.51 18.34.667- Non-Water-Oriented Commercial Use and Development

Non-water-oriented uses may be allowed only if they are part of a mixed use development that include water-oriented uses, provide public access, and shoreline enhancement/restoration. The applicant shall demonstrate that the project will result in no net loss to shoreline ecological functions or processes.

3.52 18.34.670 - Industrial Development

- A. Water-dependent or water-related industrial development shall be permitted when the applicant demonstrates that:
 - 1. It will not cause a net loss of shoreline ecological functions or processes;
 - 2. It will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation, recreation and public access; and
 - 3. The design, layout, and operation of the use or development meet the definition of water-dependent or water-related uses.
- B. The construction of new, or the expansion of existing non-water-related or non-water dependent industrial uses shall obtain a shoreline conditional use permit. Any setback area may be used for additional public access or shoreline restoration.
- C. Cooperative use of docking, parking, cargo handling and storage facilities on industrial properties shall be provided where feasible.
- D. Design port facilities to permit viewing of harbor areas from viewpoints, waterfront restaurants, and similar public facilities which would not interfere with port operations or endanger public health or safety.
- E. Industrial use or development shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.
- F. Industrial use or development shall include the capability to contain and clean-up spills, leaks, discharges, or pollutants, and shall be responsible for any water or sediment pollution they cause.

- G. Any shoreline permit application for industrial uses shall include the following information:
1. Evidence of water orientation;
 2. Cooperative use of service facilities by multiple users, where possible;
 3. Information on transportation and utility service corridors, traffic circulation, access to the facility, and the impacts of the proposed project on transportation, circulation and navigation in the area;
 4. The design and location of public access if possible;
 5. Methods for treatment, control, and disposal of waste including any proposed storm or sanitary sewer outfalls;
 6. The location and method of storing chemicals or other hazardous materials;
 7. Analysis of the impact of the proposed project upon groundwater, hydrology, drainage patterns and soil erosion;
 8. Analysis of air quality, noise levels, and light pollution impacts;
 9. Analysis of impacts to shoreline ecological functions and processes; and
 10. Mitigation plan to address any unavoidable adverse impacts to the shoreline environment.
- H. Water storage and handling of logs shall be limited to the marine shoreline and shall be subject to the following standards:
1. Permits shall contain provisions for the cleanup of log dumping and rafting areas, and disposal of solid wastes;
 2. Bark and wood debris controls, together with collection and disposal facilities, must be employed at log dumps, raft building areas, and mill handling areas; and
 3. Permits for 'free-fall' dumping of logs shall not be issued unless the applicant can demonstrate that this method will create fewer adverse impacts than the 'gradual' method. The use of log bundling and other devices shall be used to reduce adverse impacts.
- I. Dry-land storage of logs shall be limited to the marine shoreline and shall be subject to the following standards:
1. Unpaved storage areas underlain by permeable soils shall have at least a four (4) foot separation between the ground surface and the winter water table; and
 2. Dikes, drains, vegetative buffer strips or other means shall be used to ensure that surface runoff is collected and discharged in a manner least detrimental to water quality from the storage area. The applicant shall demonstrate that water quality standards or criteria will not be violated by such runoff discharge under any conditions of flow in nearby water sources.
- J. Sites for the storage and/or distribution of natural resource materials (e.g., rock, sand, and gravel) shall be located, designed and operated in accordance with the provisions of Olympia's Shoreline Program. Loading areas at the water's edge shall be the minimum necessary and shall include measures to reduce erosion of the shoreline, damage to vegetation, and impacts to water quality.

- K. The construction of new, or the expansion of existing, overwater industrial buildings is prohibited.

3.53 18.34.680 - Recreation

- A. Water-oriented recreation uses and development are preferred shoreline uses and shall be allowed when the applicant demonstrates that they:
 - 1. Will not cause a net loss of shoreline ecological functions or processes; and
 - 2. Will not have significant adverse impacts on other shoreline uses, resources and/or values such as navigation and public access.
- B. Park and recreation facilities may be used for events and temporary uses that the proposed use will not damage the shoreline. Structures associated with such uses shall be located as far landward as feasible and shall be removed immediately after the event is over. Shoreline areas shall be returned to pre-event conditions.
- C. Recreational use and development shall include appropriate mitigation to minimize light and noise impacts on adjoining properties. Such measures shall include but not be limited to, fencing, vegetative screening, increased setbacks, limited hours of operation, and other appropriate measures. Where lighting is used, the illumination levels shall be the minimum needed for the intended use. Lighting must be shielded to avoid light and glare on the water and to prevent spillover off-site.
- D. Except where providing direct access to the water, water enjoyment recreation including viewing platforms, wildlife blinds, interpretive areas, trails and shared use paths shall be setback at least 10 feet from the OHWM in the Urban Intensity Environment and at least 25 feet in all other locations.

3.54 18.34.690 - Residential Use and Development

- A. New residential development, including additions to existing structures, shall meet the development standards set forth on Table 6.2 particularly and this title in general.
- B. Residential development shall be designed to:
 - 1. Maintain or improve ecological functions and processes;
 - 2. Preserve and enhance native shoreline vegetation; or if vegetation is degraded or none is present, restore or enhance in accordance with the provisions of OMC 18.34.492;
 - 3. Control erosion and impacts to slope stability;
 - 4. Avoid the use of shoreline armoring at the time of construction and in the future;
 - 5. Preserve shoreline aesthetic character; and
 - 6. Minimize structural obstructions to normal public use and views of the shoreline and the water.

- C. A small waterfront deck or patio can be placed along the shoreline provided:
1. The waterfront deck or patio and associated access path, covers less than 25 percent of the shoreline frontage (width of lot measured along the shoreline) and native vegetation covers a minimum of 75 percent of the shoreline frontage;
 2. Within 25 feet of the shoreline, for every one square foot of waterfront deck or patio, three square feet of vegetation area shall be provided along the shoreline;
 3. The total area of the waterfront deck or patio shall not exceed 400 square feet;
 4. Pervious materials are used;
 5. The deck or patio is setback a minimum of five feet from the ordinary high water mark; and
 6. The upper surface of the deck or patio is no more than two feet above grade and is not covered.
- D. Overwater residential development shall be prohibited. This provision shall not apply to live-aboard vessels expressly approved as part of a marina.
- E. New residential development of more than four lots or units shall provide public access for use by residents of the development and the general public. Public access shall be located, designed and managed in accordance with the provisions of OMC 18.34.450.
- F. To preserve views of the water, fences shall not be allowed within vegetation conservation areas. Fences within the shoreline setback area are permitted provided they do not exceed 48 inches in height.
- G. When two or more undeveloped single-family legal building sites are contiguous within shorelines, only a single joint-use dock with a common access easement is permitted for use by those two or more residential units.
- H. For new multi-unit residential developments, only one single joint-use dock shall be allowed for the entire development.

3.55 18.34.700 - Transportation Facilities

- A. The following provisions apply to road expansions: The improvements are located as far landward as possible;
1. The construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction;
 2. The proposed width is the minimum necessary for the proposed improvements;
 3. The project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment;
 4. That streams or natural drainage ways within the road corridor will be protected, and fish passage will not be impaired;

5. All debris, overburden and other waste materials from construction will be disposed of to prevent their entry into the adjoining water body;
 6. The location and design of new roadways will not compromise existing and planned shoreline public access and existing, or compromise existing and planned habitat restoration or enhancement projects; and
 7. The project will not result in the net loss of shoreline ecological functions or processes.
- B. Transportation facilities shall be designed to cross shoreline areas by the shortest, most direct route feasible.
- C. Access roads and/or drive lanes serving shoreline parcels shall be the minimum width necessary.
- D. Bridges may be permitted within sensitive fish and wildlife habitat only if the following conditions are met:
1. An alternative alignment is not feasible;
 2. The project is located or designed to minimize its impacts on the environment;
 3. Adverse impacts are mitigated to achieve no net loss of shoreline ecological functions and system-wide processes;
 4. Open-piling and piers required to construct the bridge may be placed waterward of the ordinary high water mark if no alternative method is feasible; and
 5. All other applicable provisions of this Chapter and Chapter 18.32, Critical Areas, are met.
- E. Trails and shared use paths are considered transportation facilities and are allowed within the shoreline setback, vegetation buffer, and overwater. As such, they are subject to the provisions herein, except that they may be located closer to the shoreline for recreation opportunities and public access. New trails and shared use paths should use abandoned rail corridors to minimize disturbance of the shoreline.

3.56 18.34.710 - Utilities

- A. Utility facilities and lines shall be designed and located to avoid net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with existing and planned land and shoreline uses.
- B. New public or private utilities, including both lines and associated facilities, shall be located as far landward of the ordinary high water mark as possible, preferably outside of the shoreline jurisdiction, and be located at least 30 feet landward of the OHWM, unless:
1. The utility requires a location adjacent to the water, such as a stormwater outfall; or
 2. Alternative locations are infeasible; or
 3. Utilities are serving uses and activities permitted by this Chapter.

- C. On-site utilities serving a primary use, such as a water, sewer, communication, electric, or gas line to a residence, are accessory utilities and shall be considered part of the primary use.
- D. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenches, is the preferred method of utility water crossings.
- E. Where no other options exist, in-water utility corridors may be allowed provided the corridor is located and designed to minimize impacts to shoreline ecology and processes, and adverse impacts are mitigated.
- F. When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new parallel corridors in all shoreline areas.
- G. Utility facilities shall be constructed using techniques that minimize the need for shoreline fill.
- H. New utility installations shall be planned, designed and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.
- I. Vegetation clearing during utility installation and maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion.
- J. Pipes that outfall directly into the water shall be designed and located to minimize adverse impacts on shoreline ecological functions and processes.
- K. Utility corridors shall be located and designed to protect scenic views. Where feasible, utilities shall be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.
- L. Stormwater facilities are prohibited where alternatives are feasible. Any stormwater facility located within a minimum width vegetation conservation area shall be landscaped consistent with 'VCA' requirements.
- M. To the greatest extent feasible, new utility systems shall be co-located with other existing or planned utilities, roadways and/or railways and/or placed within already-disturbed corridors whenever possible.

3.57 18.34.800 - Shoreline Modifications – General Provisions

- A. Shoreline modifications are structures or actions that permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modifications include, but are not limited to structures such as dikes, breakwaters, piers, docks, weirs, dredge basins, fill, bulkheads, or other actions such as clearing, grading, application of chemicals, or vegetation removal. Generally, shoreline modifications are undertaken to prepare for a shoreline use, support an upland use, or to provide stabilization or defense from erosion.

- B. Proposals for shoreline modifications are to be reviewed for compliance with the applicable use policies and regulations in OMC 18.34.600 through 18.34.710 and the applicable shoreline modification regulations of this Chapter. Deviations from the minimum development standards may be approved under a shoreline variance unless specifically stated otherwise. Shoreline modifications listed as prohibited are not eligible for consideration as a shoreline variance.
- C. Shoreline modifications that do not support a lawful principal shoreline use are prohibited, unless it can be demonstrated to the satisfaction of the Administrator that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.
- D. Shoreline modifications shall not result in the loss of shoreline ecological functions or ecosystem wide processes. All proposals for shoreline modifications shall take measures to avoid or reduce ecological impacts in accordance with the mitigation sequencing priorities set forth in OMC 18.34.410(B).
- E. Shoreline modifications individually and cumulatively shall not result in a net loss of shoreline ecological functions and ecosystem-wide processes. This shall be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impact resulting from said modifications.
- F. Shoreline modifications shall comply with critical area and vegetation conservation standards in this Chapter.

3.58 18.34.810 - Permitted Shoreline Modifications

Shoreline modifications may be allowed by shoreline environment designation as listed in Table 7.1. Aquatic environment provisions are based on the adjacent environment designation, including permitted with a shoreline substantial development permit (P), shoreline conditional use permit (C), or prohibited outright (X). This table shall be used in conjunction with the written provisions for each use. Column notes provide additional clarification and identify other applicable city regulations.

Table 7.1 – Shoreline Modifications

P – Permitted C – Conditional Use X – Prohibited X/C – Allowed by conditional use only in specific cases.	Natural	All other Shoreline Environments	Aquatic (Same as adjacent shoreline environment designation)	Notes & Applicable Regulations
Dredging	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.34.850
Fill	C (Only for Ecological Restoration/ Enhancement Projects)	P	←	See OMC 18.34.850
Piers, Docks, Floats and Buoys	X	P	←	See OMC 18.34.840 through 18.34.848
Ecological Restoration and Enhancement (including instream structures)	C	P	←	See OMC 18.34.840 through 18.34.848
Shoreline Stabilization Hard Armoring	X	X/C See OMC 18.34.875	←	See OMC 18.34.860 through 18.34.875
Shoreline Stabilization Soft Armoring	C	C	←	See OMC 18.34.860 through 18.34.875
Breakwaters, Jetties, Groins, and Weirs	X	X/C See OMC 18.34.805	←	See OMC 18.34.800
Stair Towers	X	X	←	Prohibited

3.59 18.34.820 - Dredging

- A. New development shall be located and designed to avoid or, if avoidance is not possible, to minimize the need for new dredging and maintenance dredging. Where permitted, dredging shall be limited to the minimum necessary for the proposed use.
- B. Dredging is permitted for the following activities (see Table 7.1 for permit type):
 - 1. In conjunction with a water-dependent use;
 - 2. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
 - 3. Maintenance of irrigation reservoirs, drains, canals or ditches for agricultural and stormwater purposes;
 - 4. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses;
 - 5. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width. Dredging in Capitol Lake may be authorized upon approval of a management plan by agencies with jurisdiction;
 - 6. Restoration or enhancement of shoreline ecological processes and functions benefiting water quality and/or fish and wildlife habitat;
 - 7. Public access and public water-oriented recreational development and uses, including the construction of piers, docks, and swimming beaches for public use; or
 - 8. Trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:
 - a) Impacts to fish and wildlife habitat are avoided to the maximum extent possible;
 - b) The utility installation does not increase or decrease the natural rate, extent or opportunity of channel migration; and
 - c) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
- C. Dredging is prohibited in the *Natural* shoreline environment designation except where associated with ecological restoration projects.
- D. Dredging and dredge disposal is prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
- E. Dredging for the primary purpose of obtaining material for landfill is prohibited.
- F. The disposal of dredge spoils in open water or on upland sites within shoreline jurisdiction is prohibited unless for beneficial uses such as shoreline restoration or enhancement.

- G. Prohibit any dredging which will damage shallow water habitat used by fish species for migration corridors, rearing, feeding and refuge, unless the project proponent demonstrates that all of the following conditions are met:
1. An alternative alignment or location is not feasible;
 2. The project is designed to minimize its impact on the environment; and
 3. The facility is in the public interest.
- H. If the project creates significant unavoidable adverse impacts, the impacts shall be mitigated by creating in-kind habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required. Mitigation shall be in accordance with the mitigation priorities set forth in OMC 18.34.410(B).

3.60 18.34.830 - Fill

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands or other critical areas, or on shorelands in a manner that raises the elevation or creates land above the elevation of the ordinary high water mark. Any fill activity conducted within the shoreline jurisdiction must comply with the following provisions.

3.61 18.34.833 - Shoreland Fill

- A. Fill shall be the minimum necessary to accommodate the proposed use or development or protect it from flooding, and allowed only in conjunction with approved shoreline use and development activities that are consistent with Olympia's Shoreline Program.
- B. Fill shall be permitted only when it can be demonstrated that the proposed action will not:
1. Result in significant damage to water quality, fish, shellfish, and wildlife habitat;
 2. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities; or
 3. Alter channel migration, geomorphic, or hydrologic processes.
- C. Except for beach feeding, fill shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.
- D. Fill for the construction of transportation facilities is allowed only when there is a demonstrated purpose and need, there are no feasible alternatives, and impacts are mitigated in accordance with mitigation priorities in OMC 18.34.410(B).
- E. Fill shall not be used as a means to increase the allowable building height by increasing the natural or finished grade, except as authorized to meet the flood elevation requirements of OMC Chapter 16.70.
- F. Fill for the sole purpose of creating land area is prohibited.

- G. The excavation of beach material for fill is prohibited.
- H. Fill within critical areas and/or critical area buffers shall comply with the critical areas provisions of Chapter 18.32 (Critical Areas) and Olympia's Shoreline Program.
- I. Perimeters of fill shall be designed to eliminate the potential for erosion, be natural in appearance, and avoid the use of structural stabilization unless demonstrated to be infeasible. Perimeter slopes shall not exceed 1 foot vertical for every 3 feet horizontal unless an engineering analysis has been provided, and the Administrator determines that the landfill blends with existing topography.
- J. Fill shall consist of clean material including sand, gravel, soil, rock or similar material approved by the City. The use of contaminated material or construction debris is prohibited.
- K. Fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated to avoid erosion and sedimentation.

3.62 18.34.837 – Fill Waterward of Ordinary High Water Mark

- A. Fill waterward of the ordinary high water mark shall be permitted for the following purposes only, with due consideration given to specific site conditions and only as part of an approved use or development:
 - 1. Port development for water dependent uses where other upland alternatives or structural solutions, including pile or pier supports is infeasible;
 - 2. Expansion or alteration of transportation facilities where there are no feasible upland alternatives;
 - 3. Ecological restoration or enhancement such as beach nourishment, habitat creation, or bank restoration when consistent with approved restoration or mitigation plan;
 - 4. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise;
 - 5. Public access and water-oriented recreational uses;
 - 6. Cleanup of contaminated sites; or
 - 7. Maintenance of lawfully established development.
- B. Fill shall be the minimum necessary for the intended use or activity.

3.63 18.34.840 General Moorage (Piers, Docks, Floats, and Buoys) Provisions

- A. All new, or modified structures shall be allowed only in support of an allowed water-dependent or public access use and must comply with all applicable local, state and federal regulations.
- B. New docks, piers and floats shall be located, designed and constructed in accordance with the mitigation sequencing priorities in OMC 18.34.410(B).

- C. Moorage shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water. Docks, piers and floats are prohibited on lakes or marine water bodies where the distance to the opposite shore is 150 feet or less.
- D. The length, width and height of piers, docks and floats shall be no greater than that required for safety and practicality of the intended use. They shall be spaced and oriented in a manner that avoids shading of substrate below and do not create a 'wall' effect that would impair wave patterns, currents, littoral drift or movement of aquatic life forms.
- E. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- F. All piers, docks, floats or similar structures shall float at all times on the surface of the water or shall be of fixed pile construction. Floating structures shall at no time be grounded on the substrate.
- G. All moorage facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or promptly repaired by the owner.
- H. Docks, piers and floats shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long-term. Materials for any portions of the structure that come in contact with the water shall be approved by the appropriate state agency.
- I. Lighting associated with moorage facilities shall be beamed, hooded, or directed to avoid glare on adjacent properties or water bodies. Illumination levels shall be the minimum necessary for safety. Artificial night time lighting shall be the minimum necessary for public safety.
- J. New overwater covered moorage is prohibited. The design, construction and maintenance of piers and docks shall not restrict the public's ability to walk along the shoreline. If unavoidable, alternate means of access, such as stairs and/or upland pathways, shall be provided.

3.64 18.34.842 – Moorage Buoys

- A. Moorage buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state approved designs that have minimal adverse effects on aquatic ecosystems.
- B. In marine waters, moorage buoys shall not be located waterward of the outer harbor line or within designated navigation channels where established by the Washington Department of Natural Resources or the U.S. Coast Guard.
- C. Only one moorage buoy or recreational float shall be allowed per waterfront lot except that a shoreline variance may be sought for additional buoys or floats for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.
- D. In lakes, moorage buoys shall not be located farther waterward than existing buoys, or established swimming areas, and shall not interfere with navigation or use of the water.

- E. Moorage buoys must be discernible under normal daylight conditions at a minimum distance of 300 feet and must have reflectors for nighttime visibility.

3.65 18.34.844 – Residential Docks, Piers or Floats

- A. Shared residential moorage is required unless the applicant demonstrates why shared moorage is not feasible prior to approval of a residential pier, dock, or float. Considerations include but are not limited to proximity to other docks and willingness of adjoining property owners to participate in shared moorage.
- B. Where moorage is proposed for new subdivisions of more than two lots, or new multifamily development of more than two dwelling units, moorage shall be shared between lots or units. .
- C. Shared moorage proposed for lease to upland property owners shall be reviewed as a marina in accordance with the provisions of OMC 18.34.654.
- D. Where individual moorage is allowed, only one type of moorage facility shall be allowed per waterfront lot. The use of residential boat lifts is permitted.
- E. A new joint use pier, dock, or float may be permitted on a community recreation lot shared by a number of waterfront or upland lots. Individual recreational floats (not for moorage) are permitted as long as they are not located farther waterward than existing floats or established swimming areas.
- F. If moorage is anticipated after initial residential development (including plats, multifamily developments, and mixed use developments), the applicant shall identify and reserve an area for the future moorage.
- G. All docks, piers, and floats shall be painted, marked with reflectors, or otherwise identified so that they are visible during day or night.
- H. Placing fill waterward of the ordinary high water mark for purposes of constructing a dock or pier is prohibited.

3.66 18.34.846 - Marine Docks and Piers

- A. In marine waters, the maximum length of new or expanded piers or docks for private or recreational use shall not exceed 100 feet as measured from the mean higher-high water mark and not exceed a depth of -3 feet as measured from mean lower low water mark. If this is not sufficient depth to reach the desired depth for moorage, a buoy shall be used.
- B. The location, design and construction of new or repaired private or recreational piers or docks in marine waters shall comply with the following standards:
 - 1. Docks and piers shall be setback from the side property line twenty (20) feet on marine waters;

2. Only piers or ramps shall be located within the first 30 feet waterward of the ordinary high water mark;
 3. Piers shall not exceed 4 feet in width and must incorporate a minimum of 60 percent grating;
 4. Pilings shall be spaced a minimum of 20 feet apart (lengthwise parallel to the structure) unless the structure is less than 20 feet long for which pilings shall be placed only at the ends of the structure;
 5. The width of ramps connecting the pier and dock shall not exceed 4 feet in width and shall consist of a 100 percent grated surface;
 6. Docks shall not rest on the tidal substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the docks flotation is a minimum of 1 foot above the level of the beach substrate;
 7. If a dock is positioned perpendicular to the ramp, a small dock may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small dock shall not exceed 6 feet in width and 10 feet in length;
 8. New or modified residential piers and docks as well as watercraft operation and moorage shall be located to avoid physical impacts to aquatic habitat. At a minimum pier and dock proposals shall ensure that:
 - a) No overwater structures or pilings are constructed or installed within 50 feet, as measured horizontally in all directions, from macro algae beds or eelgrass.
 - b) No docks or dock supports are constructed or installed within a 4 foot depth elevation between the top of the dock stopper and the elevation of the landward most edge of the macro algae bed or eelgrass. This restriction shall apply to a zone 50 feet as measured on both sides of the dock.
 9. Construction materials shall not include wood treated with creosote, pentachlorophenol or other similarly toxic materials.
- C. There is no maximum length and width for commercial or industrial piers or docks; however, the applicant must demonstrate that the proposed size and configuration is the minimum necessary for the intended use and complies with all other provisions of Olympia's Shoreline Program.

3.67 18.34.847 - Fresh Water Docks and Piers

- A. In fresh water, the length of new or expanded piers or docks for private or recreational use shall not exceed fifty (50) feet as measured from the ordinary high water mark.
- B. The location, design, and construction of new or repaired private or recreational piers or docks in fresh waters shall comply with the following standards:
 1. Only piers or ramps can be located within the first thirty (30) feet waterward of the ordinary high water mark;

2. Fingers, platforms and ells cannot be any closer than thirty (30) feet waterward of the ordinary high water mark. The first set of pilings shall be located no closer than eighteen (18) feet from the ordinary high water mark;
 3. Pier and dock surface coverage shall not exceed the following:
 - a) 480 square feet for single use structures;
 - b) 700 square feet for two-party joint use; and
 - c) 1,000 square feet for residential pier/docks serving three or more residences.
 4. Docks and piers shall not exceed four feet in width, except an additional two (2) feet of width can be allowed without a variance for a property owner with a condition that qualifies for state disable accommodated. Sixty (60) percent of the dock/pier surface area must be grated;
 5. Docks shall not rest on the fresh water substrate at any time. Stoppers on the pilings anchoring the dock or stub pilings shall be installed so that the bottom of the docks flotation is a minimum of one foot above the level of the beach substrate;
 6. Except for docks with floats, the bottom of all structures shall be a minimum of 1-1/2 feet above the water level established by the ordinary high water mark;
 7. Docks with floats or ells shall be limited to one of the following size options:
 - a) Up to 6 feet wide by 20 feet long with a two foot strip of grating down the center;
 - b) Up to 6 feet wide by 26 feet long with grating, providing that there is a 60% open area over the entire ell or float; or
 - c) A single ell, two feet wide by 20 feet long, with 100% grating.
 8. Construction materials shall be limited to untreated wood, approved plastic composites, concrete, or steel.
- C. Docks and piers shall be setback from the side property line ten (10) feet on fresh water.
- D. The required side yard setbacks may be waived with a shared use moorage facility for two or more property owners. The applicant or proponents shall file with the Thurston County Auditor a legally enforceable joint use agreement or other legal instrument that addresses the following as a condition of permit approval:
1. Apportionment of construction and maintenance expenses;
 2. Maintenance responsibilities for the facility and associated upland area in perpetuity by identified responsible parties;
 3. Easements and liability agreements;
 4. Use restrictions; and
 5. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.

3.68 18.34.848 – Float Standards

- A. Single property owner recreational floats shall not exceed 64 square feet. Multiple property owner recreational floats shall not exceed 96 square feet.
- B. The standards for private recreational floats are as follows:
 - 1. Floats anchored offshore and used for residential recreational uses shall comply with the following standards:
 - a) Applicants shall contact the Washington Department of Natural Resources to inquire on the need for an aquatic lease for locating recreational floats within state aquatic areas; and
 - b) When feasible floats shall be removed seasonally and placed in an appropriate unvegetated upland location.
 - 2. Floats shall be located as close to shore as possible without interfering with natural beach processes or negatively affecting aquatic vegetation.
 - 3. Floats shall not rest on the substrate at any time. Floats shall be located (anchored) at sufficient depth to maintain a minimum of one foot of draft between the float and the beach substrate at low tide.
- C. Public recreational floats shall be the minimum size and dimensions necessary for the intended use, e.g., boat moorage, swimming area, public access.
- D. Public and private recreational floats width shall comply with the following standards:
 - 1. Floats with a width of six feet or less shall incorporate a minimum of 30% functional grating into the dock surface area;
 - 2. Floats with a width greater than six feet or more shall incorporate a minimum of 50% functional grating into the dock surface area; and
 - 3. Recreational floats shall be anchored utilizing either helical screw or “duckbill” anchor; anchor lines shall not rest on or disturb the substrate.
- E. Recreation floats must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for nighttime visibility.
- F. Only one recreational float shall be allowed per waterfront lot except that a shoreline variance may be sought for additional buoys or floats for public waterfront parks or residential subdivisions where individual lots do not front on the shoreline.

3.69 18.34.850 – Shoreline Restoration and Enhancement – Intent

Restoration is the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Enhancement includes actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species.

3.70 18.34.855 – Shoreline Restoration and Enhancement - General Provisions

- A. Restoration and enhancement shall be allowed on all shorelines, and carried out by the applicant/proponent in accordance with an approved restoration/enhancement plan. Such plans shall be designed, constructed and maintained in accordance with the policies and regulations of Olympia's Shoreline Program. Restoration and enhancement projects may be permitted in all shoreline environments provided the project's purpose is the restoration of natural character and ecological functions of the shoreline; and it is consistent with the implementation of a comprehensive restoration plan approved by the City and/or Department of Ecology, or the Administrator finds that the project provides an ecological benefit and is consistent with Olympia's Shoreline Program.
- B. The City shall coordinate with other local, state, and federal regulatory agencies, tribes, and non-government organizations to ensure that mitigation actions are likely to be successful and achieve beneficial ecological outcomes.
- C. Shoreline property owners that remove hard-armoring or otherwise restore the shoreline prior to development may apply such restoration toward any mitigation required at the time of development provided that:
 - 1. The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;
 - 2. The City can confirm via site inspection, photographs, affidavits or other evidence that the restoration actions have improved shoreline conditions;
 - 3. The work has occurred on the same site within five years of the proposed development; and
 - 4. The applicant/property owner provides assurances that the restoration area will be preserved in perpetuity. Such assurance can be in the form of a notice on title, conservation easement, or similar mechanism.
- D. Shoreline restoration and enhancement may be permitted if the applicant demonstrates that no significant change to sediment transport will result and that the restoration or enhancement will not adversely affect shoreline ecological processes, water quality, properties, or habitat.
- E. Shoreline restoration and enhancement projects shall use best available science and management practices.
- F. Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of Olympia's Shoreline Program.

- G. Restoration and enhancement projects shall be designed to minimize maintenance over time.
- H. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bioengineering shall be used rather than bulkheads or other structural stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result.
- I. Restoration and enhancement projects shall not extend waterward more than the minimum necessary to achieve the intended result and shall not result in the creation of additional upland area.
- J. Restoration and enhancement projects shall not significantly interfere with the normal use of the navigable waters of the state without appropriate mitigation.
- K. Instream structures may be permitted only when necessary for a restoration or enhancement project, to improve fish passage, or for permitted road or utility crossings and subject to the following requirements:
 - 1. Projects shall be evaluated for their potential adverse impacts upon the physical, hydrological, and biological characteristics as well as effects on instream/riparian habitat;
 - 2. Instream structures and associated facilities shall be designed, constructed and maintained in a manner that will not degrade the quality of affected waters or instream/riparian habitat value, and minimizes adverse impacts to surrounding areas;
 - 3. The location and design of instream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species;
 - 4. Instream structures shall be designed based on an analysis of the reach or reaches to avoid the need for structural shoreline armoring; and
 - 5. Instream structures and associated facilities shall provide for the protection and preservation of natural and cultural resources including but not limited to, sensitive areas such as wetlands, waterfalls, erosion/accretion shore forms, and natural scenic vistas.

3.71 18.34.860 - Shoreline Stabilization - Intent

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or structures caused by natural processes such as current, flood, tides, wind, or wave action. These include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural methods include 'hard' and 'soft' measures, defined as:

Hard structural shoreline stabilization (also referred to as 'hard' armoring) means erosion control measures using hardened structures that armor and stabilize the shoreline from further erosion. Examples of hard armoring include concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkhead, rip-rap, groins, revetments, and similar structures.

Soft structural shoreline stabilization (also referred to as 'soft' armoring) means erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Examples of soft armoring include a mix of gravel, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement.

3.72 18.34.862 – Shoreline Stabilization - New Development

- A. New shoreline use and development shall be located and designed to eliminate the need for concurrent or future shoreline stabilization. If this is not feasible based upon a geotechnical analysis, soft structural protection measures shall be given preference over hard structural protection measures. The use of hard structural stabilization measures will only be allowed when it is demonstrated that soft structural measures are not feasible and that they will not result in significant impacts to adjacent or down current properties.
- B. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.34.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.
- C. New development, including single family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below can be met:
 - 1. The need to protect the principal structure from damage due to erosion caused by natural or man-made processes is demonstrated through a geotechnical report. Normal erosion without such analysis is not a demonstration of need;
 - 2. The erosion is not being caused by upland conditions such as loss of vegetation and drainage;
 - 3. Nonstructural measures such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements are not feasible or sufficient;
 - 4. The structure will not result in a net loss of shoreline ecological functions or processes;
 - 5. Impacts to sediment transport shall be avoided or minimized; and
 - 6. The structure will not cause adverse impacts to adjacent or down-current properties and shoreline areas.
- D. New development on steep slopes or bluffs shall be set back so that shoreline stabilization will not be needed.

3.73 18.34.864 – New or Expanded Shoreline Stabilization Measures

- A. New or enlarged structural stabilization measures are prohibited except where necessary to protect or support existing or approved development, for human safety, for restoration or enhancement activities, or remediation of contaminated sites.
- B. Structural shoreline armoring for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be prohibited. Where hard shoreline

armoring already exists, property owners are encouraged to remove it and replace with soft armoring, or if conditions allow, return the shoreline to a natural condition.

- C. New or enlarged structural shoreline stabilization measures for an existing, legally established development or residence are prohibited unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by currents, waves, or boat wakes. In addition, all of the following provisions shall apply:
 - 1. Normal sloughing, erosion of steep bluffs, shoreline erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis that demonstrates a danger exists to an existing development or residence, is not a demonstration of need;
 - 2. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization; and
 - 3. The design of the stabilization structure shall take into consideration erosion rates, on-site drainage issues, vegetation enhancement, and low-impact development measures as a means of reducing erosion.
- D. The use of hard structural stabilization measures such as bulkheads are prohibited unless demonstrated in a geotechnical analysis that soft structural stabilization measures (vegetation) or non-structural measures (increased setbacks) are not feasible.
- E. Where structural shoreline stabilization measures are necessary, the size of the structure shall be the minimum necessary. The Administrator may require that the size and design of the structure be modified to reduce impacts upon shoreline ecology.
- F. Where adverse impacts to shoreline ecological functions cannot be avoided, mitigation shall be required in accordance with mitigation sequence priorities set forth in OMC 18.34.410(B).
- G. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including existing conditions, ecological functions and anticipated impacts, along with a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.
- H. Shoreline stabilization measures that incorporate ecological restoration or enhancement through the placement of rocks, sand or gravel, and native shoreline vegetation is strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the ordinary high water mark.
- I. Following completion of shoreline modification activities, disturbed areas shall be restored using native vegetation (see OMC 18.34.495 for specific provisions).

3.74 18.34.866 – Shoreline Stabilization - Replacement and Repair

- A. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function to replace an existing structure which no longer adequately serves its purpose. Additions to or increase in size of existing shoreline stabilization measures shall be considered new structures.

- B. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. The Administrator may waive the requirement for a geotechnical analysis if the applicant demonstrates through the use of photographs, site or grading plans, or other evidence that nonstructural measures are not feasible.
- C. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.
- D. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure.
- E. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

3.75 18.34.868 – Design of Shoreline Stabilization Measures

- A. Shoreline stabilization measures shall be designed by a Professional Engineer, registered as such in the State of Washington and shall conform to all applicable City and state policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.
- B. The size of shoreline stabilization structures shall be the minimum necessary to protect the primary use or structure.
- C. To protect their structural integrity, shoreline stabilization measures shall be designed, constructed, and maintained to allow drainage of surface or groundwater away from the structures.
- D. Shoreline stabilization structures shall be located to tie in flush with existing bulkheads on adjacent properties, except when adjoining bulkheads do not comply with the standards set forth in this Chapter.
- E. Stairs may be built as an integral component of a bulkhead but shall not extend waterward of the bulkhead unless necessary to directly access a pier or dock.
- F. Materials used for shoreline stabilization structures shall be durable, erosion resistant, and not harmful to the environment. The following materials shall be prohibited: demolition debris, derelict vehicles, tires, concrete rubble, or any other materials that contain toxic substances or create visual blight along the shoreline.
- G. The use of gabions and revetments shall be prohibited for shoreline stabilization structures.
- H. Where hard armoring is approved, materials shall be used in the following order of priority:

1. Large stones, with vegetation planted in the gaps. Stone should not be stacked any steeper than a 2:1 slope;
 2. Timbers or logs that have not been treated with toxic materials;
 3. Stacked masonry block;
 4. Cast-in-place reinforced concrete.
- I. Bioengineering is a preferred method of protecting upland property and structures or to maintain access to an authorized shoreline use.
1. Bioengineering shall be used when a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as within three years.
 2. Bioengineering projects shall incorporate all of the following:
 - a) All bioengineering projects shall use a diverse variety of native plant materials, including trees, shrubs, and grasses, unless demonstrated infeasible for the particular site;
 - b) All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that all vegetation is fully re-established within three years. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable;
 - c) A minimum five (5) foot vegetated buffer shall be provided to allow bank protection plantings to become established. The buffers shall not be disturbed for a minimum of three years.
 - d) All bioengineering projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired; and
 - e) All construction and planting activities shall be scheduled to minimize impacts to water quality, fish and wildlife, and aquatic and upland habitat and to optimize survival of new vegetation.

3.76 18.34.870 - Shoreline Stabilization Reports

- A. Geotechnical reports prepared pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.
- B. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft armoring.

3.77 18.34.875 - Shoreline Stabilization - Environment Designations

- A. Structural shoreline stabilization is prohibited in all shoreline environments, except as authorized by this Chapter. If permitted, a shoreline conditional use permit is required.
- B. Non-structural shoreline stabilization is permitted in all shoreline environments subject to a shoreline conditional use permit.

3.78 18.34.800 - Breakwaters, Jetties, Groins, and Weirs – General Provisions

- A. Jetties and breakwaters are prohibited except as an integral component of a water-dependent use such as marina or port, and only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries or habitat enhancement project, or a comprehensive beach management plan.
- B. Where permitted, floating, portable, or submerged breakwater structures, or smaller discontinuous structures shall be used only when it has been demonstrated that they will not impact shoreline ecology or processes such as littoral drift or cause erosion of down drift beaches.
- C. The location and design of breakwaters, jetties, groins, and weirs shall be subject to mitigation sequencing outlined in OMC 18.34.410(B).
- D. The design of breakwaters, jetties, groins and weirs shall conform to all applicable requirements established by the Washington Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
- E. The design of breakwaters, jetties, groins and weirs shall be certified by a registered civil engineer.
- F. Breakwaters, jetties, groins and weirs shall not intrude into critical salt water habitats or into salmon and steelhead habitats unless the following conditions are met:
 - 1. An alternative location or alignment is not feasible;
 - 2. The project is designed to minimize its impacts on critical salt water habitats and the environment;
 - 3. All adverse impacts will be mitigated;
 - 4. The project, including associated mitigation, will result in no net loss of ecological functions associated with the critical saltwater habitat;
 - 5. The facility is in the public interest and consistent with the state's interest in resource protection and species recovery, and
 - 6. If the project results in significant unavoidable adverse impacts, the impacts are mitigated by creating in-kind replacement habitat near the project. Where in-kind replacement mitigation is not feasible, rehabilitating degraded habitat may be required as a substitute.

- G. Breakwaters, jetties, groins and weirs shall be constructed of suitable materials. The use of solid waste, junk or abandoned automobiles, asphalt or any building demolition debris is prohibited.
- H. The movement of sand or beach materials shall be evaluated during permit review for breakwaters, jetties, groins and weirs. Those projects which are found to block littoral drift or cause new erosion of down-drift shoreline shall be required to establish and maintain an adequate long-term beach feeding program. This may include artificially transporting sand to the down-drift side of an inlet with jetties; or artificial beach feeding in the case of breakwaters, groins, and weirs.
- I. Breakwaters, jetties, groins and weirs shall incorporate provisions for public access when feasible.

3.79 18.34.805 – Breakwater, Jetty, Groin, Weir -- Environment Designations

Breakwaters, jetties, groins and weirs are prohibited in all shoreline environments except adjacent to the *Urban Intensity* and *Port Industrial* shoreline environments subject to a shoreline conditional use permit, and only when there is a documented need for the protection of navigation, a harbor, water dependent industrial activities, a marina, fisheries, or habitat enhancement project.

[The following new Sections 18.37.090, 18.37.092, 18.37.094, 18.37.096, and 18.37.098 shall be added to the Olympia Municipal Code.]

3.80 18.37.090 - Nonconforming and Conforming Buildings and Uses within Shorelines

- A. Subject to the provisions of this Chapter, a use, lot, or structure lawfully existing prior to the effective date of that chapter or any amendment thereto, which is rendered nonconforming may continue in the manner and to the extent that it existed upon the effective date of the relevant ordinance.
- B. All structures and uses including single-family homes, appurtenances and other accessory structures that were legally established prior to the effective date of Chapter 18.34 are considering conforming buildings and uses with respect to Chapter 18.34 and may be continued, remodeled and restored; provided that any change of use or enlargement of such structure must conform with the provisions of this Chapter (18.37) and Chapter 18.34.
- C. Any additions, expansions or reconstruction exceeding the provisions of RCW 90.58.030(3)(e) shall conform with Chapter 18.34 and all other applicable development regulations; provided that subject to the limitations of OMC 18.37.092, the Administrator is authorized to approve structural additions above or landward or both of existing structures upon finding that such addition is otherwise consistent with the Shoreline Program of the City and will not result in a net loss of shoreline function.
- D. Retention of the conforming use status described above is subject to the discontinuation of nonconforming use provisions of OMC 18.37.060(E). Further, in the event that any such conforming structure is destroyed, a building permit for restoration shall be secured within twelve (12) months from the date of destruction for the restoration of such structure.
- E. Existing roads, trails, utility lines and similar linear facilities, together with any associated facilities such as pump stations or stormwater treatment ponds, which do not conform to the provisions of

Chapter 18.34 may expand within existing easements and rights-of-ways. Modification or expansion outside of existing easements or rights-of-way which would otherwise be prohibited may be authorized by the decision maker upon finding there is no feasible alternative, the development is necessary for the public welfare, and as proposed and designed including appropriate mitigation the development is not likely to result in a net loss of shoreline ecological functions.

3.81 18.37.092 - Alteration of Shoreline Structures

A. Upland Structures – The following regulations apply to all structures located landward of the Ordinary High Water Mark:

1. Alteration of structures located landward of the ordinary high water mark within a required shoreline setback is limited to:
 - a) For structures located partially within the shoreline setback, alterations shall be limited to the area outside the shoreline setback;
 - b) For structures located entirely within the shoreline setbacks, alterations shall be allowed only above or on the upland side of the structure or both; and
 - c) The addition of upper stories is permitted subject to the building height regulations of OMC 18.34.620. Except as provided above, such additions shall not extend beyond the existing or approved building footprint.
 - d) Alterations shall comply with applicable development regulations in the Olympia Municipal Code.
2. Overwater Structures – Alteration of structures located waterward of the Ordinary High Water Mark is prohibited except:
 - a) Alterations that do not increase or expand the building footprint are permitted; and
 - b) The addition of upper stories within the existing building footprint is permitted for water-oriented uses only.
 - c) Existing covered moorage may be maintained, repaired or replaced pursuant to WAC 173-27-040.
 - d) Except for modifications required by the Washington Department of Natural Resource for light penetration, alterations to the footprint or building envelope are prohibited.

B. Other Regulations

1. Actions shall not result in a net loss of shoreline ecological functions and processes;
2. As a condition of approval, the Administrator may require establishment of Vegetation Conservation Areas pursuant to OMC 18.34.492;
3. The applicant shall obtain all required permits or approvals prior to construction;
4. Alteration of structures or uses within critical areas or critical area buffers shall comply with the provisions of OMC 18.37.070; and
5. Structures that are damaged and house a nonconforming use may be re-established in accordance with OMC 18.37.060.F.

3.82 18.37.094 - Nonconforming Shoreline Uses

Nonconforming shoreline uses shall be regulated pursuant to OMC 18.37.060.

3.83 18.37.096 - Nonconforming Shoreline Lots

- A. When lot size would prevent development of a nonconforming lot consistent with the applicable shoreline setback the Administrator may authorize development under the following conditions:
1. A written request is received from the project proponent;
 2. The development is located as far landward as possible from the ordinary high water mark;
 3. The lot was legally created and satisfied the lot area and width requirements applicable at the time of creation; and
 4. The decision of the Administrator shall be based upon the shoreline variance criteria in OMC 18.34.240.
- B. Upon receiving a written request to develop a nonconforming lot, the Administrator shall mail notice of the request to all property owners within three hundred (300) feet. At minimum, the notice shall state:
1. The decision on the request will not be made within ten days from the date that the notice was mailed; and
 2. Interested citizens may contact the Administrator for further information.
- C. Appeal of the Administrator's decision shall be made in accordance with appeal procedures set forth in OMC 18.75.

3.84 18.37.098 - Administrative Variances for Non-Single-Family Structures

- A. The provisions of this section apply to all non-single family structures.
- B. In the event that a structure or building that does not conform to the shoreline setback is 50 percent or more destroyed by fire, explosion, act of God or act of public enemy, and the structure cannot be restored on the same footprint due to the application of shoreline or zoning setbacks or both, the property owner may seek an administrative variance to restore the portion of the legally established structure or building that encroached on the setback in the same location. Administrative variances shall be reviewed by the Shoreline Administrator and may be approved if all of the following criteria are met:
1. That any hardship is specifically related to damage caused by fire, explosion, act of God, or act of public enemy and the structure is damaged 50 percent or more as determined by the Building Official;

2. The reconstructed building is identical to the previously existing building, or the design of the new building is equally compatible with other authorized buildings and complies with other applicable standards in this Title;
 3. The applicant demonstrates that the project will not result in a net loss to shoreline ecological functions and processes;
 4. The project meets vegetation conservation requirements set forth in Section 5.9;
 5. The administrative variance is limited to restoration of the damaged structure and not for expansion that would otherwise be prohibited; and
 6. That the public interest will suffer no substantial detrimental effect.
- C. The administrative variance shall not be used to further encroach on or reduce the shoreline setback, vegetation conservation areas, or critical area buffers. In these instances, a shoreline variance shall be required.
- D. Structures or buildings approved under an administrative variance do not become conforming.
- E. Upon receiving an application of an administrative variance, the Administrator shall mail notice of the request to all property owners within 300 feet. At a minimum, the notice shall contain a description of the proposed project, the relief being sought, and that interested citizens may contact the Administrator for more information.
- F. If the structure that is destroyed 50 percent or more houses a nonconforming use, a building permit shall not be issued except in accordance with the provisions herein and if authorized by the Hearing Examiner in accordance with OMC 18.37.060.F.

[New section 18.73.020 below shall be added to the Olympia Municipal Code]

3.85 OMC 18.73.020 – Shoreline Management Act Penalties and Enforcement

- A. The Shoreline Management Act imposes significant penalties for violation of the Act, regulations and master programs. A violation constitutes a gross misdemeanor, which is punishable by fine or imprisonment (RCW 90.58.220). In addition to the criminal penalty, the Act imposes liability on any person violating the Act or conditions of a permit for all damage to public or private property arising from the violation. Furthermore, the violator may have to restore an area affected by a violation and pay the entire cost of restoration, including attorney's fees and court costs (RCW 90.58.230).
- B. Enforcement action may be taken by the City or Department of Ecology whenever a person has violated any provision of the Shoreline Management Act or the Olympia Shoreline Program or other regulation promulgated under the Act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the person subject to the enforcement action.

3.86 Proposed SMP - Related Code Amendments

[Although not a part of the Shoreline Master Program, the following amendments are being concurrently reviewed and considered with the proposed Program.]

Olympia Municipal Code 18.02.170, Interpretations of Terms, shall be amended to read, in part: “The words ‘shall’ and ‘must’ are always mandatory, while the word “should” is not mandatory, and “may” is permissive.”

Olympia Municipal Code 18.02.180, Definitions, shall be amended with regard to certain terms defined therein as follows:

~~Bioengineering: The use of plant materials to stabilize and/or revegetate eroding stream channels and banks. The practice of using natural vegetative materials and often structural components to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. Bioengineering projects often include habitat enhancement measures such as anchored logs, snags, and root wads. Bioengineering techniques may be applied to creeks, rivers, lakes, and marine waters, as well as upland areas away from the immediate shoreline.~~

~~Nonconforming Building or Structure. A building or structure or portion thereof which was lawfully erected or altered and maintained, but because of the application of this title no longer conforms to the yard, height, or area or other dimensional requirements of this title the use district in which it is located.~~

~~Nonconforming Use. An activity in a structure or on a tract of land that was legally established, but because of the application of this title no longer conforms to the use regulations of this title the district in which it is located.~~

~~Permit or Approval: Written or documented form of permission ordinarily to be provided or required prior to a party commencing or continuing a particular activity or development, such as building permits, substantial shoreline development permits, variance approvals, conditional use permits, permit modifications, and shoreline exemptions. [New definition]~~

~~Structure. An edifice or building of any kind which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, but not including vehicles and vessels.~~

~~Trail or Shared Use Path. A paved or unpaved surface for pedestrian and/or bicycle commuting or recreational use and separated from motorized vehicular traffic, which may include~~

sidewalks. Trails may be located parallel to an improved street, within a single development; or may inter-connect different areas neighborhoods and other destination by an off-street route.

Olympia Municipal Code 18.66.040, Reasonable Use Exception, shall be amended as follows:

OMC 18.66.040 Reasonable Use Exception

Before any reasonable use exception may be granted, the Hearing Examiner shall find that the following circumstances exist:

- A. The property has been in a single ownership (i.e., not held in conjunction with any adjacent lot, tract or parcel) since January 10, 1985 or, if the property was held in conjunction with any other adjacent lot, tract or parcel since January 10, 1985, the then-applicable provisions of this Chapter denied all reasonable economic use of the properties as combined;
- B. The application of this ~~Chapter~~ Title would deny all reasonable economic use of the property;
- C. No other reasonable economic use of the property would have less impact on any critical area;
- D. The use proposed is the minimum necessary to allow for reasonable economic use of the property;
- E. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Chapter;
- F. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
- G. The design maximizes protection and mitigates impacts to any critical area functions and values consistent with the best available science; ~~and~~
- H. The proposal is consistent with other applicable regulations and standards; and
- I. The reasonable use exception sought is not barred by OMC 18.34.420(C).