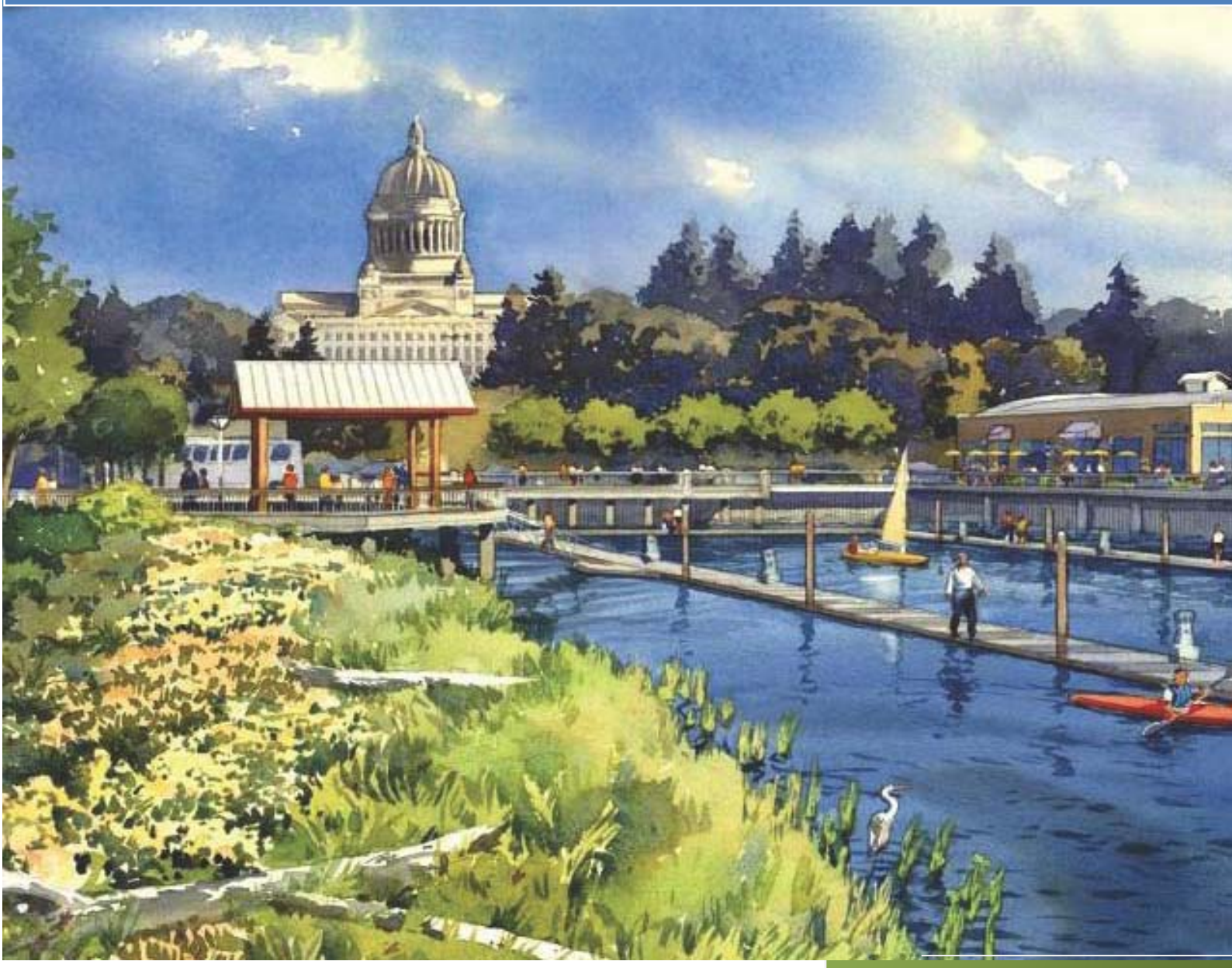
City of Olympia
Draft Shoreline Master Program



Planning Commission Recommendation

June 12, 2012

City of Olympia

ACKNOWLEDGEMENTS

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Squaxin Island Tribe
Thurston Regional Planning Council
Washington State Department of Ecology

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NOTE TO READER

This draft represents the recommendations of the Planning Commission and Shoreline Subcommittee. Revisions noted in "track changes" are the most recent changes that did not receive final action by the Planning Commission prior to March 28, 2012.

Chapter 1 General Provisions

1.1. Purpose and Intent

The purpose of the 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 Governing Principles

The goals, policies and regulations of this 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.

A. In implementing the objective of RCW 90.58.020 for shorelines of statewide significance, the City will base decisions in preparing and administering this Shoreline Program on the following principles, in order of priority:

1. Recognize and protect the state-wide interest over local interest;
2. Preserve the natural character of the shoreline;

3. ~~Support actions that result~~ Result in long-term ~~benefits~~ over short-term benefit~~s~~;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shoreline~~s~~;
6. Increase recreational opportunities for the public ~~on~~ in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 as deemed appropriate or necessary.

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

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

D. 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. These include, but are not limited to civil rights guaranteed by the U.S. and State constitutions, recent federal and state case law, and state statutes, such as RCW 34.05.328, 43.21C.060 and 82.02.

E. Regulatory or administrative actions contained herein 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.

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

G. The policies and regulations established by this Shoreline Program must be integrated and coordinated with those goals, policies and rules of the Olympia Comprehensive Plan and development regulations adopted under the Growth Management Act (GMA).

H. The policies and regulations of this 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 regulations and regulatory incentives to restore shoreline ecological functions where such functions have been degraded by past actions.

1.3 Title

This document shall be known as the Olympia Shoreline Master Program ("Shoreline Program").

1.4 Adoption Authority

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

1.5 Applicability

A. All proposed uses and development occurring within shoreline jurisdiction shall comply with this Shoreline Program and RCW 90.58, Shoreline Management Act (Act). This 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. This 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 Chapter 4, Shoreline Jurisdiction).

C. This 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 this Shoreline Program apply to nonfederal activities undertaken on lands subject to non-federal ownership, lease or easement; 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.

1.6 Relationship to Other Plans and Regulations

A. Uses, developments and activities regulated by this Shoreline Program may also be subject to the provisions of the City of Olympia Comprehensive Plan, the Olympia Municipal Code (OMC), 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. Where this Shoreline Master Program makes reference to any RCW, WAC, or other state or federal law or regulations, the most recent amendment or current edition shall apply.

D. In the event this Shoreline Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the more restrictive provisions shall prevail.

1.7 Critical Area Regulations Adopted by Reference

A. The City of Olympia Critical Areas regulations contained in the Olympia Municipal Code (OMC), Chapter 18.32, are integral and applicable to this Master Program, and are hereby adopted by reference, except that:

1. Nonconforming structures and uses within critical areas shall be subject to the provisions of this Shoreline Program (supersedes OMC 18.37.060).

2. The reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants shall apply for a shoreline variance when seeking relief from critical area regulations.

1.8 Liberal Construction

As provided for in RCW 90.58.900, the Act is exempt from the rule of strict construction. The Act and this Shoreline Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Shoreline Program were enacted and adopted, respectively.

1.9 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.

1.10 Effective Date

This Shoreline Program and all amendments thereto shall become effective immediately upon final approval and adoption by the Washington State Department of Ecology.

CHAPTER 2 Definitions

2.1 General Provisions

A. For the purposed of this Chapter, the following terms shall have the meaning ascribed to them below. Terms not defined in this Chapter shall be defined as set forth on OMC 18.02.

B. When the definitions in the Chapter conflict with the definitions set forth in OMC 18.02, the definitions herein shall govern.

Note: Terms in italics below are intended to supplement or replace existing definitions in OMC 18.02 and thus to apply generally to OMC Title 18 and not be a part of the City's Shoreline Master Program. Those not in italics will apply only to this Chapter and will be a part of the City's Shoreline Master Program. Further, any terms defined below that do not ultimately appear in the final version of Shoreline Master Program regulations ~~we~~ be deleted prior to adoption.

2.2 Definitions

Act or SMA: The Shoreline Management Act of 1971 (RCW Chapter 90.58 as amended).

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

Agricultural Activities: Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which is it plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment.

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, dredging, clearing (vegetation), draining, constructing structures, compaction, or any other activity that changes the character of a site.

Anadromous Fish: *Fish species that spend part of their life cycle in salt water, but return to freshwater to reproduce.*

Appurtenance, normal: A structure or development that is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and

the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred and fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark (WAC 173-27-040(2)(g)).

Aquacultural Practices: The hatching, cultivating, planting, feeding, raising, harvesting and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings and growing areas. Methods of aquaculture include but are not limited to fish hatcheries, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams, goeduck, and oysters on tidelands and subtidal areas.

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 Enhancement: *The alteration of terrestrial and tidal shorelines along with submerged shorelines for the purpose of stabilization, recreational enhancement and aquatic habitat creation or restoration using native or similar material.*

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

Bedlands: *Those submerged lands below the line of extreme low tide in marine waters and below the line of navigability of navigable lakes and rivers.*

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

Bioengineering: *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.*

Boardwalk: *An overwater structure generally parallel to the shoreline for public pedestrian access.*

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 moorage, and marine travel lifts. Boating facility standards do not apply to 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.*

Buffer: *An area or distance adjacent to a critical area or other protected or sensitive feature required or necessary for the continued maintenance, functioning, structural stability and/or ecological functions of that area, or to minimize risk or harm to the area, those functions, or the public resulting from existing, proposed, or potential nearby land uses or development.*

Bulkhead: A wall usually constructed parallel to the shoreline 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.

Channel Migration Zone (CMZ): *The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.*

Channelization: The straightening, deepening or lining of stream channels, and/or prevention of natural meander progression of stream ways, through artificial means such as relocation of channels, dredging, and/or placement of continuous levees or bank revetments along significant portions of the stream Dredging of sediment or debris alone is excluded.

Conditional Use: A use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

Covered Moorage: ~~*A roofed structure for the wet or dry storage of one or more boats*~~ *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. Boathouses 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. See WAC 173-26-221(2)(c)(iii) and (iv), respectively, regarding saltwater and freshwater habitat.

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).*

Development: A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulk-heading; driving of pilings; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any state of water level.

Development Regulations: The controls placed on development or land uses in the City of Olympia, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Dike: *An embankment to prevent flooding by a stream or other water body, often referred to as a levee.*

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.*

Drift Cell, Drift Sector, or Littoral Cell: *A particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.*

Dry Land: All areas above the elevation of the ordinary high water mark.

Ecological Functions or Shoreline Functions: *The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(2)(c) and WAC 173-26-201(3)(d).*

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.

Ecosystem-Wide Processes: *The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.*

Emergency: An unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow full compliance with WAC Chapter 173-27. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the

administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed and any permits which would have been required by this Chapter or the Shoreline Management Act, absent an emergency, must be obtained. Generally, flooding or other seasonal events that can be anticipated and may occur but are not imminent are not an emergency.

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 indigenous plant or animal species.*

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

Exempt Development: Developments set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local Shoreline Program.

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.

Feasible: An action, such as a development project, mitigation, or preservation requirement that meets all of the following conditions:

A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

B. The action provides a reasonable likelihood of achieving its intended purpose;

C. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this Program requires certain actions, unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short and long-term time frames.

Feeder Bluff: *A reach of shoreline that contains both an eroding beach and a feeding upland as identified on the Coastal Drift maps of the Coastal Zone Atlas of Washington or similar source.*

Fill or Filling: *The deposition or stockpiling of earth materials such as soil, sand, rock, gravel, sediment, earth retaining structure, or other material by artificial means.*

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.

Flood Plain: *Synonymous with one hundred-year flood hazard area and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act. See OMC 16.70.*

Flood Plain Management: *A long-term local government program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works and monitoring and warning systems.*

Floodway: *The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See OMC 16.70.*

Forest Practices*: Activities associated with the raising and harvesting of trees as a crop as defined by WAC 222-16, as amended.*

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.*

Geologically Hazardous Areas: *Areas, that because of their susceptibility to erosion, sliding, earthquake, or other geologic events, are not suitable for structures or intense activities or uses due to the inherent threat to public health and safety.*

Geotechnical Report or Geotechnical Analysis: *A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.*

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. In the case of structures to be built over water, average grade level is the elevation of the adjacent

ordinary high water mark. 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. Reference "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.

Guidelines: Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC 173-26) to implement the policy of RCW 90.58 for regulation of use of the shorelines of the state prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs.

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.*

Hazard Tree: *A tree with a combination of structural defect and/or, disease, (which makes it subject to a high probability of failure), and a proximity to persons or property which makes it an imminent threat.*

Hearings Board: The State Shorelines Hearing Board established by RCW 90.58.170.

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.

Houseboat: *A vessel principally used as an over-water residence. Houseboats are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a vessel. A registered water-going vessel where the owner lives aboard is not a "houseboat."*

In-Stream Structure: *A structure placed within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures include but are not limited to those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, and fish habitat enhancement; but do not include beaver dams and similar structures placed by wildlife.*

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 docks, piers, floats and similar structures by more than one contiguous waterfront property owner or by a homeowner's association or similar group.

Log Storage: 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.

Log Booming: 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. "Log booming" does not include the temporary holding of logs to be taken directly into a vessel.

Levee: *A natural or man-made embankment near a body of water for the purpose of keeping floodwaters from inundating adjacent land, including any associated revetments.*

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."*

Marine: *Pertaining to tidally influenced waters, including oceans, sounds, straits, marine channels, and estuaries, including the Pacific Ocean, Puget Sound, Straits of Georgia and Juan de Fuca, and the bays, estuaries and inlets associated therewith.*

May: The action is acceptable, provided it conforms to the provisions of this Program.

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:

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

B. Minimizing impacts by limiting the degree or magnitude of an action and its implementation;

C. Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;

D. Reducing or eliminating an impact over time by preservation and maintenance operation during the life of the action;

E. Compensating for an impact by replacing or providing substitute resources or environments; and

F. Monitoring the mitigation and taking remedial action when necessary.

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

Must: *is a mandate; the action is required.*

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.*

Nonconforming Building or Structure: *A building or structure or portion thereof, whether lawfully or unlawfully erected, altered or maintained, which does not conform to the requirements of this Program.*

Nonconforming Use: An activity in a structure or on a tract of land which because of the application of this Program no longer conforms with the provisions of this Program.

Nonwater-Oriented Uses: Uses that are not water-dependent, water-related, or water-enjoyment. Nonwater-oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act except single family residences. Any use that does not meet the definition of water-dependent, water-related or water-enjoyment is classified as nonwater-oriented.

Normal Maintenance: To prevent a decline, lapse, or cessation from a lawfully established condition.

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

Ordinary High Water Mark (OHWM): The mark on all lakes, streams and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. Also see WAC 173-22-030 for criteria clarifying the OHWM on tidal waters, lakes, and streams.

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

Party of Record: The City, any applicant and all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified the Department of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

Permit or Approval: *Any written or documented form of permission ordinarily to be provided or required prior to a party commencing or continuing a particular activity or development including substantial shoreline development permits, variance permits, conditional use permits, permit revisions, and shoreline exemptions.*

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: A center for water-borne commerce and traffic; except in the context of the Shoreline Master Program, it shall refer to that government agency known as the Port of Olympia.

Priority Habitat: *A habitat type with unique or significant value to one or more species as defined in WAC 173-26-020.*

Priority Species: *Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels based on the criteria in WAC 173-26-020.*

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 citizen 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, canoeing, photography, fishing, boat ramps, playgrounds and parks.*

Restore, Restoration or Ecological Restoration: 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.

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.*

Shall: *A mandate; the action must be done.*

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 contiguous floodplain areas; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.*

Shorelines*: All of the water areas of the state, including reservoirs, and their associated shorelands, as defined herein and in RCW 90.58.030, together with the lands underlying them. Provided, however, that shorelines do not include segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; nor lakes less than twenty acres in size and wetlands associated with such small lakes.*

Shorelines of Statewide Significance: *In Olympia, those waters of Budd Inlet lying seaward of extreme low tide.*

Shorelines of the State: *The total of all shorelines and shorelines of statewide significance.*

Shoreline Ecological Functions: *The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. Also see WAC 173-26-201.*

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 RCW 90.58.020.*

Shoreline Modifications: Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Protection: *Action taken to reduce adverse impacts caused by current, flood, wake or wave action including all structural and nonstructural means to reduce these impacts due to flooding, erosion and accretion, such as bulkheads, dikes, levees, riprap, sea walls, shoreline berms, beach feeding and breakwaters.*

Shoreline Setback: The horizontal distance required between a structure or improvement and the ordinary high water mark; usually measured in feet.

Shoreline Stabilization: Protection of shoreline upland areas and shoreline uses from the effects of shoreline wave action, flooding or erosion; including non-structural and structural methods. Structural methods include but are not limited to bulkheads, revetments, and levees. Nonstructural methods include but are not limited to building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

Should: Denotes that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and these regulations, against taking the action.

Sign, Off-Premise: *Any sign used to advertise goods or services not generally available on the premises on which the sign is located.*

Sign, On-Premise: *Any sign identifying the premises on which located or the occupant(s) thereof, or relating to goods or services manufactured, produced or available on the premise.*

Sign, Way-finding: *A type of street sign which provides directions to local attractions and sites.*

Significant Vegetation Removal: *The removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of hazard trees, invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping where it does not affect ecological functions, does not constitute significant vegetation removal.*

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: *A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, but not including vehicles and vessels.*

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.*

Substantial Development: Any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. (Note: The dollar threshold above is adjusted for inflation by the Washington Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period.) See RCW 90.58.030.

Substantially Degrade: *To cause significant ecological impacts.*

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.*

Trail or Shared Use Path: A facility physically separated from motorized vehicular traffic to accommodate pedestrians, bicyclists and other non-motorized vehicles. Such trails may be used for commuting and recreational purposes and may connect neighborhoods and other destinations.

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

Utilities: Refer to the definitions in OMC 18.02.

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: Includes 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 management provisions apply equally to those shorelines and uses that are exempt from a permit requirement.

Vegetation Conservation Area: That area within which vegetation conservation actions take place, as required by this Program.

Vegetation, Native: Plants commonly found in Thurston County prior to European settlement; generally comprised of three vegetative levels including an overstory of trees, an understory of shrubs, and a floor of herbaceous species.

Vessel: Ships, boats, barges or any other floating craft that is designed and used for navigation and does not interfere with the normal public use of the water.

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: *A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.*

Water-dependent uses include, but are not limited to:

A. Aquaculture,

B. Boat ramp/launch facilities,

C. Ferry terminals,

D. Hydroelectric power plants,

E. Marinas,

F. Marine construction, dismantling and repair,

G. Marine and limnological research and education,

H. Private and public docks for public moorage,

I. Terminal and transfer facilities for marine commerce and industry,

J. Water intakes and outfalls,

K. Log booming, and

L. Tug and barge facilities.

Water-enjoyment Use: *A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.*

Water-enjoyment uses include but are not limited to:

A. Aquarium, with direct water intake,

B. Restaurants,

C. Public golf courses,

D. Museums,

E. Shared use paths and trails,

F. Boardwalks, and

G. Viewing towers.

Water-oriented Use: *A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.*

Water-related Use: *A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:*

A. *The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or*

B. *The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.*

Water-related uses include, but are not limited to:

A. *Warehousing or storage facilities,*

B. *Support services for fish hatcheries,*

C. *Seafood processing plants,*

D. *Wood products manufacturing,*

E. *Log storage,*

F. *Watercraft sales, and*

G. *Boating supplies.*

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

Chapter 3 Administration

3.1 General Provisions

A. To be authorized, all uses and development shall be carried out in a manner that is consistent with this Shoreline 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 shorelines regulated under this Shoreline Program by any person without first obtaining ~~a permit.~~

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 permits shall be processed in accordance with the rules and procedures set forth in OMC Titles 14, 16, 17 and 18 and WAC 173-27.

3.2 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.

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;
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 those bulk and dimensional standards that have been modified by approval of a shoreline variance; and

3. All policies of this Shoreline Program appropriate to the shoreline environment designation and the type of use or development activity proposed shall be considered and compliance demonstrated.

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.

3.3 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 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 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 Corp 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.

3.4 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.

B. Uses which are classified in this Shoreline Program 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 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 Shoreline Program shall not be authorized.

3.5 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 Shoreline Program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of this 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. Variance permits for development and/or uses that will be located landward of the ordinary high water mark and/or landward of 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, 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 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 Master 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.1-6 above; and
3. That the public rights of navigation and use of the shoreline will not be adversely affected.

G. In the granting of all shoreline variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if 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.

3.6 Unclassified Uses

A. Other uses not specifically classified or set forth in this Shoreline Program, 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 Shoreline Program; and
3. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with the regulations of this Shoreline Program.

B. Uses that are specifically prohibited in this Shoreline Program cannot be authorized by a shoreline conditional use permit.

3.7 Nonconforming Development

3.7.1 General Provisions

A. Uses, lots or structures within the shoreline jurisdiction that do not meet the specific standards of this Shoreline Program shall be regulated pursuant to OMC 18.37, Nonconforming and Conforming Buildings and Uses and the provisions of this section.

3.7.2 Continuance

A. Subject to the provisions of this Shoreline Program a use, lot, or structure lawfully existing prior to the effective date of this program or any amendment thereto, which is rendered nonconforming by adoption of the Program or an amendment, may continue in the manner and to the extent that it existed upon the effective date of the program or amendment, respectively.

3.7.3 Nonconforming Development Regulations

A. Nonconforming uses, buildings and lots shall be regulated in accordance with OMC 18.37 and the following provisions:

1. Actions shall not result in a net loss to shoreline ecological functions and processes;
2. Vegetation conservation areas are provided pursuant to Section 5.9 of this Shoreline Program;
3. Alteration of a nonconforming use or structure that results in an increased development footprint within the required shoreline setback shall be prohibited except as provided in Section 3.5, Shoreline Variances. Vertical alterations such as a second story addition are permitted subject to the height and view regulations of this Shoreline Program;
4. For uses or structures located partially within the shoreline setback, alterations shall be limited to the area outside of the shoreline setback (see Figure 3.1);
5. For uses or structures located entirely within the shoreline setback, alterations shall be permitted only on the upland side of the structure (see Figure 3.1);
6. A nonconforming use may not be converted to a prohibited use;
7. The applicant shall obtain required shoreline permits or approvals prior to construction; and
8. The provisions of OMC 18.37.070.B and C, *Nonconforming Structures and Uses Within Critical Area Buffers*, shall not be applied where critical area buffers are located within the shoreline jurisdiction. The uses and activities noted therein shall be subject to all provisions of OMC 18.32, Critical Area Regulations and this Shoreline Program.

B. Existing non-conforming covered moorage may be maintained, repaired, or replaced in accordance with WAC 173-27-040 and the requirements of the Department of Natural Resources.

3.7.4 Procedure for Development of a Nonconforming Lot

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 Section 3.5.E.

3.7. 5 Notification for Development of a Nonconforming Lot

A. 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 a minimum, the notice shall state the following:

1. The decision on the request will be made within ten days from the date that the notice was mailed; and
2. Interested citizens may contact the Administrator for further information.

B. Appeal of the Administrator's decision shall be made in accordance with appeal procedures set forth in OMC 18.75.

3.7.6 Administrative Variances for Nonconforming Structures

A. 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 and zoning setbacks, 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 the application of the shoreline and zoning setback requirements set forth in this Master Program and Title 18 precludes or significantly interferes with reasonable use of the property;
2. That the hardship described in (1) is specifically related to damage caused by fire, explosion, act of God, or act of public enemy wherein the structure is damaged 50 percent or more as determined by the Building Official;
3. That the design of the project is compatible with other authorized buildings and uses within the area and with buildings and uses planned for the area under the Comprehensive Plan and Shoreline Master Program, and complies with applicable design standards in OMC Title 18.
4. That the applicant demonstrates that the project will not result in a net loss to ~~adverse impacts~~ shoreline ecological functions and processes;
5. That the project meets vegetation conservation requirements set forth in Section 5.9 where alterations are made to the development footprint;
6. That the administrative variance is used only for purposes of restoration of the damaged structure and not for expansion that would otherwise be prohibited; and
7. That the public interest will suffer no substantial detrimental effect.

B. 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.

C. Structures or buildings approved under an administrative variance do not become conforming.

D. 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.

E. 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 ~~the provisions of~~ OMC 18.37.060.F.

3.8 Submittal Requirements

A. All development proposals under the jurisdiction of this Shoreline Program shall satisfy the application submittal requirements set forth in OMC Titles 17 and 18.

B. In addition to the submittal requirements in A above, development proposals on shoreline parcels that are located within critical areas and/or their buffers shall submit critical area reports and plans as required in OMC 18.32.

3.9 Inspections

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

3.10 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 this 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.

CHAPTER 4 Shoreline Jurisdiction and Designations

4.1 Shoreline Jurisdiction

A. The provisions of the Shoreline Program shall apply to all shorelines of the state, all shorelines of statewide significance and shorelands as defined in RCW 90.58.030. These areas are collectively referred to herein as 'shorelines'.

B. The City of Olympia shall have authority over those shorelines within its municipal boundaries that meet the criteria of RCW 90.58.030 for 'shorelines of the state':

1. Marine Waters
    a. Budd Inlet
2. Lakes
    a. Capitol Lake
    b. Chambers Lake
    c. Grass Lake
    d. Ken Lake
    e. Ward Lake
3. Streams
    a. Black Lake Ditch
    b. Percival Creek
4. Shorelines of Statewide Significance
    a. Those waters of Budd Inlet lying seaward of extreme low tide.

4.2 Official Shoreline Map

A. Shoreline Environment Designations have been established and are delineated on the "City of Olympia Shoreline Map" (Shoreline Map) hereby incorporated as a part of this Shoreline Program. The official copy of this map shall reside with the Washington State Department of

Ecology. Additional copies are available at the City of Olympia Community Planning and Development Department for public use.

B. The Shoreline Map (Figure 4.1) identifies shoreline environment designations and the 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 at the time a shoreline development is proposed. 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. 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 Cities of Lacey, Olympia, and Tumwater and their Urban Growth Areas (June 2009)*;
2. Boundaries indicated as approximately following lot, tract, or section line;
3. Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; or
4. Boundaries indicated as approximately parallel to or extensions of features indicated in 2 or 3 above shall be so construed.

4.3 Shoreline Environment Designations

A. This section sets forth the purpose, designation criteria, and management policies for ~~the five~~ shoreline environment designations established in this 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 re-designated through a Shoreline Master Program amendment.

4.3.1 Aquatic Environment

A. Purpose – 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.

B. Designation Criteria – The *Aquatic* environment designation applies to lands waterward of the ordinary high water mark.

C. Management Policies

1. Improvements to the water quality, sediment transport, and fish and wildlife habitat within Budd Inlet should be given high priority. Such improvements should occur in conjunction with a development proposal or as part of a restoration project.

2. Allow ~~New~~ new over-water structures ~~should be prohibited except~~ only for water-dependent uses, public access, or ecological restoration.

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

4. Uses that cause significant ecological impacts to critical marine or freshwater habitats should not be allowed. Where such uses are necessary to achieve the objectives of the Act regarding preferred uses, their impacts should be mitigated.

5. The rights of navigation should be protected.

4.3.2 Natural Environment

A. Purpose – 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, local government should include planning for restoration of degraded shorelines within this environment.

B. Designation Criteria – The *Natural* environment designation ~~shall~~ 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.

~~4. Such shoreline areas include largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.~~

C. Management Policies

1. Priest Point Park is the only shoreline within the City of Olympia in the *Natural* shoreline environment. It 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.

2. Uses should be highly restricted and allowed with a conditional use permit for water-dependent and water-oriented recreational uses only.

3. ~~Structures, parking~~ Parking areas ~~and associated infrastructure~~ should be located outside of the shoreline jurisdiction.

4.3.3 Urban Conservancy Environment

A. Purpose – 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.

B. Designation Criteria – The *Urban Conservancy* environment designation ~~shall~~ 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. Are suitable for water-related or water-enjoyment uses;
2. Contain open space, flood plain or other sensitive areas that should not be more intensively developed;
3. Are used or planned for recreation;
4. Have potential for ecological restoration;
5. Retain important ecological functions, even though partially developed; or
6. Have potential for development that is compatible with ecological restoration.

C. Management Policies

1. 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 physical characteristics of~~ the setting.

~~1.~~2. Water-dependent and water-oriented recreational uses should be given preference over other uses in the *Urban Conservancy* environment.

~~2.~~3. ~~Utilize buffers, shoreline stabilization limitations, water quality measures, and vegetation conservation or enhancement measures to regulate and inform the design of the proposed use or development.~~ Establish standards 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.

~~3.~~4. Public access and public recreation should be provided whenever feasible and significant ecological impacts can be ~~avoided or~~ mitigated.

~~4. Allow a variety of uses as established by the Comprehensive Plan, Unified Development Code and this Shoreline Program, where the development of such uses is done in a manner that protects or enhances shoreline ecological functions.~~

5. 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.

6. Restoration and protection of stream openings and associated wetlands within the *Urban Conservancy* environment is a high priority.

4.3.4 Shoreline Residential Environment

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

B. Designation Criteria – The Shoreline *Residential* environment designation ~~shall~~ should be applied to shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, and incorporated municipalities~~, "rural areas of more intense development," or "master planned resorts," as described in RCW 36.70A.360,~~ if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

C. Management Policies

~~1. Land division and development should be permitted only:~~

~~a. When adequate setbacks or buffers are provided to protect shoreline ecological functions;~~

~~b. Where there is adequate access, infrastructure and public services; and~~

~~c. Where the environment can support the proposed use or development in a manner which protects, enhances, or restores ecological functions.~~

1. 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.~~2. Multi-family development and subdivisions of land into more than ~~four~~ nine parcels should provide public access.

~~D. Development (including expansion of existing structures) should be located and designed so that shoreline stabilization is not needed, either at the time of development/expansion or in the future.~~

3. ~~Vegetation conservation measures should be utilized for new development and expansions to existing structures to protect, enhance or restore shoreline areas. New development and alterations to existing development should preserve existing native vegetation or provide new native vegetation to protect and/or enhance shoreline ecological functions.~~

~~E.~~4. Commercial development should be limited to water-oriented uses and not conflict with the character in the *Shoreline Residential* environment.

5. Water-oriented recreational uses should be allowed.

~~F.~~6. Encourage restoration of degraded shorelines in residential areas.

4.3.5 Urban Intensity Environment

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

B. Designation Criteria – The *Urban Intensity* environment ~~shall~~ should be assigned to shoreline areas within incorporated municipalities and urban growth areas as described by RCW 36.70A.070 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.

C. Management Policies

1. 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.

2. ~~The redevelopment and renewal of substandard and degraded shoreline areas should be encouraged.~~ Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

~~2. Future development of these areas should include restoration and/or enhancement of degraded shorelines and the provision of public access.~~

3. ~~Existing public access should be retained.~~ Visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).

~~3.~~4. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and vegetation conservation measures.

4.3.6 Port Industrial Environment

A. Purpose – The purpose of the Port Industrial Environment is to allow the continued use and development of high-intensity water-oriented transportation, commercial and industrial uses. This area ~~shall~~ should support ~~be reserved fo~~r water-~~dependent~~ oriented marine commerce balanced with the protection of existing ecological functions and restoration of degraded areas.

B. Designation Criteria – The Port Industrial Environment shall be assigned to the shoreline area located within the Ocean Terminal and Admiral districts ~~of the jurisdictional boundary~~ of the Port of Olympia ~~and~~ that ~~currently~~ support uses related to water-oriented commerce, transportation or navigation, or are planned for such uses.

C. Management Policies

1. Highest priority shall be given to water-dependent and water-related industrial uses.
2. The preferred location for non-water-dependent industrial uses is in industrial areas as far from the shoreline as ~~possible~~ feasible.
3. Coordinate planning efforts with the ~~City~~ 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.
4. Encourage growth and re-development in areas that are already developed.
5. Industrial use and development should be located, designed, and operated to avoid ~~and~~ or minimize adverse impacts upon the shoreline and achieve no net loss of ~~on~~ shoreline ecological functions and processes.
6. Industrial uses and related development projects are encouraged to locate where environmental cleanup can be accomplished.
7. Encourage the cooperative use of docking, parking, cargo handling and storage facilities on industrial properties.

FIGURE 4.1
OLYMPIA SHORELINE MASTER PROGRAM

Proposed Shoreline Environment Designations
Planning Commission Recommendation
March 2012

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

City of OLYMPIA

thurston regional planning council

0 0.5 1
Miles

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.

Chapter 5 General Policies and Regulations

5.1 General Policies and Regulations – Intent

The purpose of this chapter is to set forth policies and regulations that apply to all uses and activities in all shoreline environments. These policies and regulations are to be used in conjunction with the policies and regulations in Chapters 6 and 7 of this Shoreline Program.

5.2 Archaeological, Historic, and Cultural Resources

5.2.1 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.

5.2.2 Regulations

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 Shoreline Program.

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.

1. 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.

2. 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.

5.3 Parking

5.3.1 Policies

A. Parking facilities or lots are 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 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. Said walkways should be located as far landward of the ordinary high water mark as feasible.

5.3.2 Regulations

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 in Section 5.9 of this Shoreline Program.

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, parking facilities or lots shall incorporate low impact development best management practices (BMPs) - into their design. The extent to which BMPS are feasible shall be based upon WAC 173-26-020.

5.4 Public Access

5.4.1 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 a demand for, or increases 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 proposed use or development. Requirements should be reasonable, effective and fair to all affected parties including but not limited to the land owner and the public.

E. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the 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 ~~restoration~~ projects.

5.4.2 Regulations

A. Public access shall be required for the following types of development except where addressed under Section 5.4.2.C:

1. Residential developments of more than nine residential lots or dwelling units;
2. Commercial or industrial developments;

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. Public access shall not be required 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 and practical means;
2. Constitutional or other legal limits ~~may~~ apply;
3. Inherent security requirements of the use cannot be satisfied through the application of alternative designs 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 plan. 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 home owners 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.

5.4.3 Regulations – 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 ~~structure~~s.
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 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 width of public access easements or dedications for trails and share-use paths shall be based on the trail classification and corresponding corridor widths set forth in Section 4E of the Olympia Engineering Design and Development Standards (EDDS). The width of the public access easement or dedication may be reduced subject to the variance provisions in Section 2.060 of the EDDS. The reduction shall be the maximum necessary to achieve the intended purpose of the reduction.

5.5 Scientific and Educational Activities

5.5.1 Policies

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

5.5.2 Regulations

A. Scientific and educational uses and activities are limited to those which will not:

1. Jeopardize existing wildlife populations or organisms;

2. Permanently alter the character of biological habitats;
3. 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. Temporary facilities used in conjunction with the scientific or educational project shall be removed at the conclusion of the project.

5.6 Signage

5.6.1 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.

5.6.2 Signage Regulations

A. Signage shall be regulated in conformance with OMC 18.42, Sign Regulations, except that the following provisions shall apply within the shoreline jurisdiction:

1. All offsite signs, except for directional signs, shall be prohibited;
2. All signs shall be located and designed to avoid interference with vistas, viewpoints, and visual access to the shoreline;
3. 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;
4. Over water signs and signs on floats or pilings, except as needed for navigational purposes, shall be prohibited; and
5. Lighted signs shall be designed to reduce glare when viewed from surrounding properties or from the water.

5.7 Shoreline Ecological Protection and Mitigation

5.7.1 Intent

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), this 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 this Shoreline Program. The policies and regulations established herein are to be applied to all uses, developments and activities that may occur within the shoreline jurisdiction.

5.7.2 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 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.

C. Preserve and protect important habitat which provides the shoreline's unique value, including but not limited to the Port Lagoon, Priest Point Park, Ellis Cove, Grass Lake, Chambers Lake, and Percival Canyon.

D. Direct and indirect cumulative impacts of proposed actions should be considered for all use and development of the shoreline.

E. 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.

F. Where a proposed use or development creates significant adverse impacts not otherwise avoided or mitigated by compliance with this Shoreline Program, mitigation measures ~~shall~~ be required to ensure no net loss of shoreline ecological functions and system-wide processes.

G. 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 this 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.

H. 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.

5.7.3 Regulations – 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. To comply with the policies in Section 5.7.2 above, applicants/proponent of new shoreline use and development shall demonstrate that all reasonable efforts have been taken to avoid significant adverse 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, the Shoreline Restoration Plan 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. The mitigation shall replace the functions as quickly as possible following the impacts to ensure no net loss;

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; and

7. The applicant shall 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.

G. 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.

H. Shoreline property owners that remove hard armoring and 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.

5.7.4 Regulations – Critical Areas

A. If there are any conflicts or unclear distinctions between this Shoreline Program and the 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.

B. All uses and development occurring within the shoreline jurisdiction shall comply with the City's critical area regulations as adopted herein.

C. Reasonable uses exceptions (OMC, Chapter 18.66) 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.

5.8 Shoreline Restoration and Enhancement

5.8.1 Policies

A. This Shoreline Program 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 should 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.

5.8.2 Regulations

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. Said plan shall be designed, constructed and maintained in accordance with the policies and regulations of this 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.

5.9 Vegetation Conservation

5.9.1 Intent

Vegetation conservation includes activities to protect and restore vegetation along or near marine or freshwater shorelines 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 policies and regulations for the prevention or restriction, native vegetation removal, grading, vegetation restoration, control of invasive weeds and non-native species, and tree maintenance.

Unless otherwise stated, vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which the City has authority. Vegetation conservation provisions apply even to those shoreline uses and developments that are exempt from the requirement to obtain a permit.

5.9. 2 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 ~~performed~~ within riparian and near shore areas, which include but are not limited to:

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 shoreline setbacks and vegetation conservation areas in order to maintain the functions and values of the shoreline environment, including protection of habitat, steep slopes and shoreline bluffs. Such alterations should be the minimum necessary to accommodate a proposed use or development.

C. Shoreline uses and development should establish native shoreline vegetation so that the composition, structure and density of the vegetation resemble 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.

5.9.3 Regulations – General

A. Parcels with frontage on lakes, marine waters, streams or wetlands shall preserve or provide native vegetation within vegetation conservation areas:

1. Within the *Urban Intensity, Port Industrial,* and *Shoreline Residential* shoreline environments, the minimum width of the vegetation conservation area shall be twenty (20) feet measured landward of the ordinary high water mark.
2. Within the *Urban Conservancy* and *Natural* shoreline environments, the minimum width of the vegetation conservation area shall be fifty (50) feet measured landward of the ordinary high water mark.
3. Where shoreline stabilization such as a bulkhead is present, the vegetation conservation area shall be measured from the landward edge of the stabilization structure.

B. Development on parcels located within critical areas and/or associated buffers must include vegetation in accordance with the provisions of OMC 18~~.~~32. Where conflicting standards are present, the more restrictive shall apply.

C. Except as provided herein, applicants for new development, expansion, or redevelopment shall protect existing native vegetation within the vegetation conservation ~~buffer.~~ If native vegetation within the vegetation conservation ~~buffer~~ has been destroyed or significantly degraded, the applicant shall mitigate by restoring or enhancing the ~~buffer~~ in accordance with the provisions of this section and mitigation sequencing priorities in Section 5.7.3.B.

D. Nonconforming and water dependent uses that cannot provide a vegetation conservation area due to the nature of the use or activity shall provide an equivalent area of vegetation elsewhere on the subject property. If it is not feasible to provide vegetation on-site due to constraints such as lot size, topography, or existing site improvements, vegetation shall be provided off-site in accordance with the provisions of Section 5.7.3.B.

5.9. 4 Regulations – Permitted Uses and Activities

A. The following uses and activities may be permitted within the vegetation conservation area if also allowed within the associated shoreline environment designation:

1. Transportation facilities and utilities only when it has been determined that alternative upland locations are not feasible;
2. 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 access viewpoints;
4. Public recreation trails when located on existing road or railroad beds, or have been identified in adopted plans.
5. Educational facilities such as viewing platforms, wildlife viewing blinds and interpretive sites;
6. 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 as follows:
    a. Designated loading areas shall be constructed;
    b. Equipment shall be maintained to avoid fuel or oil leaks; and
    c. Best management practices shall be implemented to reduce erosion and untreated storm water directly into the water.
7. Removal of noxious weeds or hazardous trees;
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. Up to 25% of the vegetation conservation area may be utilized for authorized uses and activities listed above. If an authorized use or activity requires additional area, such as transportation facilities, utilities, and public recreation trails, the applicant shall plant vegetation in 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.

5.9.5 Regulations – Single Family Provisions

Final action was not taken on this section.

A. 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 native vegetation within the vegetation conservation area has been destroyed or significantly degraded, vegetation shall be required as follows. For purposes of this section, 'development footprint' shall mean the lot coverage of structures and improvements such as the primary residence, accessory structures, decks, patios, sport courts, walkways or other similar structures.

1. Where an alteration increases the development footprint by 15% or less, a minimum of 20% of the buffer area shall be enhanced or restored;
2. Where an alteration increases the development footprint from 16 - 30%, a minimum of 40% of the buffer area shall be enhanced or restored;

3. Where an alteration increases the development footprint 31 - 40%, a minimum of 60% of the buffer area shall be enhanced or restored;

4. Where an alteration increases the development footprint between 41 - 50%, a minimum of 80% of the buffer area shall be enhanced or restored;

5. Where an alteration increases the development footprint by 51% or more, 100% of the buffer area shall be enhanced or restored.

B. Accessory structures are prohibited within the vegetation conservation area except for pedestrian access authorized in Section 5.9.3~~,~~.

C. Where a nonconforming single-family structure cannot provide the full width of the vegetation conservation area, an equivalent area of vegetation shall be provided elsewhere on the site. If it is not feasible to provide vegetation on-site due to constraints such as lot size, topography, or existing site improvements, the Administrator may waive some or all of the vegetation conservation area requirements on a case-by-case basis. The applicant shall have the burden of proving that complying with the provisions of this section is not feasible.

5.9.6 Development 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 width of a vegetation conservation area may be averaged to account for variation in site conditions and to create a more natural arrangement of plantings. The total square footage of landscaped area shall be calculated based on a 20-foot or 50-foot wide area depending on the shoreline environment. The minimum width of the averaged area shall be no less than 15 or 25 feet, respectively.

C. When restoring or enhancing shoreline vegetation, applicants shall use~~s~~ 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.

D. Where native shoreline vegetation is lacking on the remainder of the site located within the shoreline jurisdiction, and for parcels within the shoreline jurisdiction that do not front on the water, a minimum of 10% of the lot area or 500 square feet, whichever is greater, shall be planted with native vegetation.

E. Lawns shall be prohibited within the vegetation conservation ~~buffer~~, 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 shoreline setback subject to the following:

1. This provision does not allow clearing of trees or vegetation;

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 near shore functions and values including fish and wildlife habitat;
4. Trimming is not within a critical area 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 preserved through a permanent protective mechanism acceptable to the City.

5.9.7 Regulations – 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. At the time of planting, plant materials shall be consistent with the standards in OMC 18.36, Landscaping and Screening;

c. 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;

d. Planting in the fall or early spring is preferred over summer for purposes of plant establishment; and

e. 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 Section 5.7.3.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 also OMC 16.60, OMC 18.32, and OMC 18.36.

5.10 View Protection

Final action was not taken on this section.

5.10.1 Intent

Over 50 percent of Olympia's marine shoreline is publicly owned. Much of these shorelines, such as Percival Landing, West Bay Park, Priest Point Park, and the East Bay area provide opportunities for the public to enjoy the views of the Olympics, the Capitol, Budd Inlet and the Olympic Mountains. Future construction of the West Bay Trail will provide even greater opportunities for the public to enjoy the scenic qualities of the area.

The protection of public views of the shoreline is an important objective of this Shoreline Program. Protection of views 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, and requiring visual assessments where views may be impacted.

5.10.2 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.

5.10.3 Regulations

A. No permit shall be issued pursuant to this Shoreline Program 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 this Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.

B. Private uninterrupted views of the shoreline, although considered during the review process, 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.

C. All development within the shoreline jurisdiction shall comply with the view protection standards in OMC 18.110.060. ~~To the extent that overwater structures impact views protected under OMC 18.110.060, applicants of such structures shall consider the impact their proposal will have on such views.~~

D. 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.

E. 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.

F. Buildings shall incorporate architectural features that reduce scale such as increased setbacks, building modulation (vertical and horizontal), pitched roofs, angled facades, and reduced massing.

G. 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.

H. 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.

I. New development, uses and activities shall locate and screen trash and recycling receptacles, utility boxes, HVAC systems, electrical transformers, fences and other appurtenances to minimize interference with public views.

J. 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.

K. 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.

L. 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.

5.10.4 Regulations – Visual Impact Assessment

~~C.~~ The applicant of a building or structure that exceeds 35 feet to the highest point ~~in excess of the maximum height~~ above average grade level ~~(see Table 6.2)~~ 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 OMC 18.110.060. The Administrator may require additional information such as photo-simulations showing proposed buildings in relation to impacted views. ~~include an assessment of the following factors:~~

~~7. The nature, significance, and extent of *existing public shoreline views* across the property to include:~~

~~B. The number of points from which such views exist, and the size and location of each;~~
~~C. The content and quality of the particular view available from each such point, to include any territorial components that may be integral part of the view; and~~
~~D. The extent to which any views might be obscured or lost by seasonal or other changes in existing or anticipated vegetation or by like development on other property in the immediate area.~~

~~8. The nature, significance, and extent of *public shoreline view loss or gain* that would likely result from the proposed development to include:~~

~~4. The number of existing viewpoints and key views shown on Figure 5.1 which would be impacted and the extent of view loss reasonably anticipated for each;~~
~~5. Whether or not any existing views will be enhanced or new viewpoints created by the project; and~~
~~6. Whether or not it appears that there will be a net gain or net loss of public shoreline views.~~

~~9. The extent to which public shoreline views are already being preserved or enhanced by the owner's election, for whatever reason, to propose less than the full measure of development rights available to the subject.~~

~~10. The extent to which development on other properties in the immediate area has already been degraded or preserved public shoreline views.~~

~~D. In evaluating the significance of existing public shoreline views, the following shall apply:~~

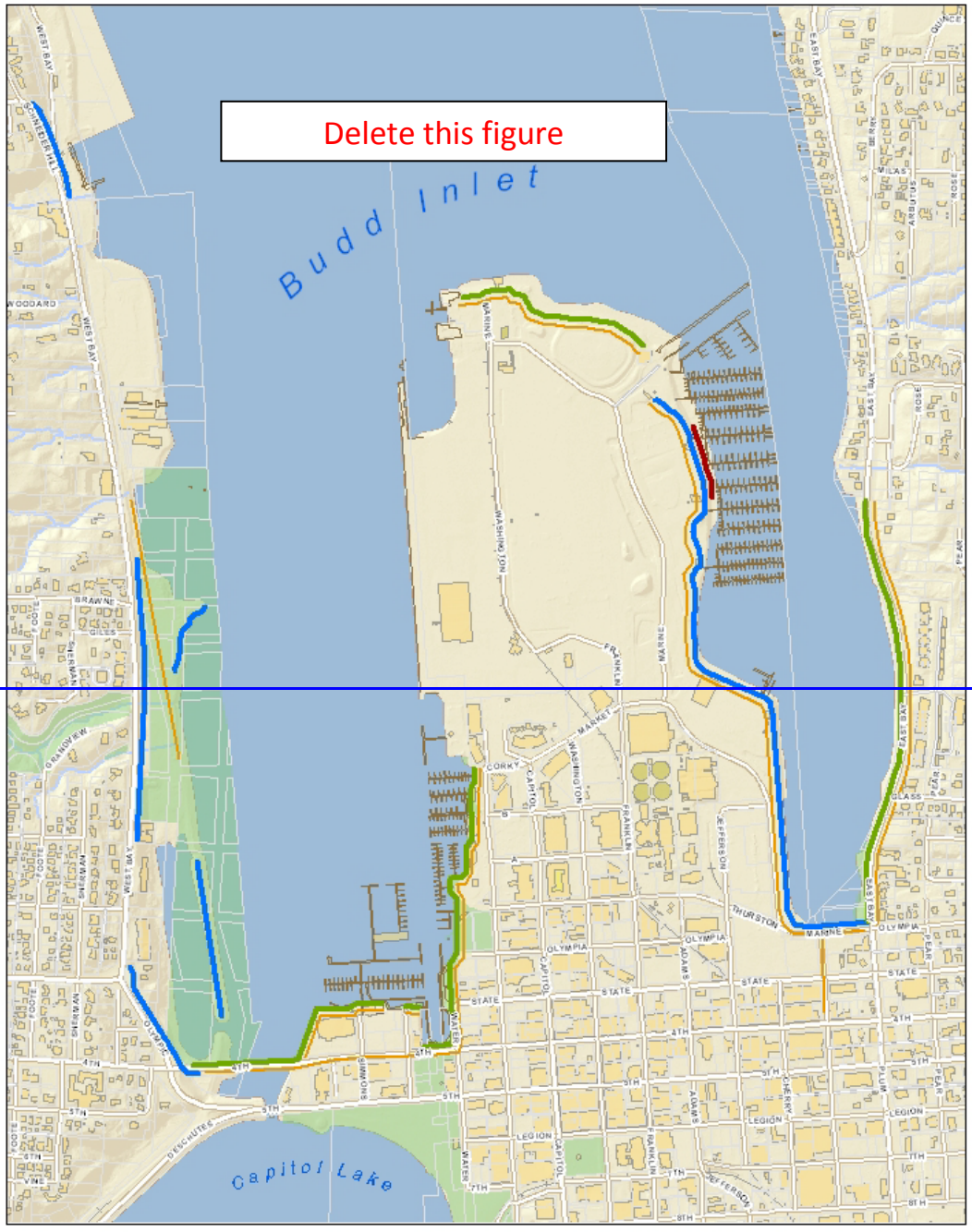
~~C. Public shoreline views from streets, sidewalks, parks or other public property shall be presumed of greater value than public shoreline views from privately owned property;~~
~~D. Public shoreline views of greater expanse shall be presumed of more value than those of significantly lesser expanse; and~~

~~E. Public shoreline views from traveled portions of streets, not including sidewalks, shall be presumed of lesser value than those from other public areas.~~

~~F. New developments that cause full loss of public views shall be required to provide publicly accessible viewpoint/platforms. Such structures shall be located, designed, constructed and maintained in accordance with Section 5.4.~~

~~A. Applicants of buildings or structures 35 feet or less in height above average grade level shall not be required to prepare a visual impact assessment.~~

~~Figure 5.1 – Key View Corridors~~



5.11 Water Quality

5.11.1 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 City Stormwater 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.

5.11.2 Regulations

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 current City Stormwater 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 is prohibited.

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. 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 state septic requirements.

F. Except for those chemicals specifically approved by the Department of Ecology for aquatic applications, uses and development that require the application of pesticides, herbicides, fertilizers and other chemicals that could adversely affect water quality are prohibited.

Chapter 6 Shoreline Use Policies and Regulations

6.1 Shoreline Use and Development – Intent

The purpose of this chapter is to set forth policies and 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 Chapter 3.6, Unclassified Uses, shall apply. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located.

6.2 General Provisions

6.2.1 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-relate uses and water-enjoyment uses.

6.2.2 Regulations

A. Developments that include a mix of water-oriented and nonwater-oriented uses shall be considered water-oriented uses if the City's Shoreline Administrator finds that the proposed development gives preference to uses that avoid impacts to shoreline ecological functions and processes, are dependent on a shoreline location, and enhance the public's ability to enjoy the shoreline.

B. All uses not explicitly permitted in this Shoreline Program shall require a conditional use permit. The Administrator and/or Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of this 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 Section 6. 3 of this chapter unless otherwise stated.

E. Forestry, mining, and solid waste disposal ~~uses and~~ activities are prohibited in all shoreline areas.

6.3 Use and Development Standards Tables

Tables 6.1 – 6.12 ~~and 6.2~~ indicate the allowable uses and development standards for permitted uses or activities. These tables shall be used in conjunction with the written provisions for each use. Footnotes provide additional clarification or conditions applicable to the associated use or shoreline environment designation.

NOTE: Where decisions were not reached during Planning Commission deliberations, they are noted in the tables below as NSR – "No Specific Recommendations".

Table 6.1– Urban Intensity: Percival Landing – BUDD 5A, East Bay – BUDD 6A, Capitol Lake – CAP 3B

Primary Use of Building or Structure	BUDD 5A			BUDD 6A			CAP 3B		
	P/C/X	Height	Setback	P/C/X	Height	Setback	P/C/X	Height	Setback
Agriculture									
Agriculture	X			X			X		
Aquaculture									
Recovery of Native Populations or Restoration Projects[1]	P	NSR	NSR	P	NSR	NSR	NSR	NSR	NSR
Boating Facilities									
Marinas	P	35’	50’	X			X		
Launch Ramps	P		0’	X			X		
Boathouses and Storage (upland)	P	25’	100’	P	25’	75’	P	25’	30’
Covered Moorage (overwater)	X								
Accessory Structures-Boating Fac.	P	20’	50’[2]	P	20’	100’[2]	X		
Commercial									
Water Dependent	P	NSR	50’	P	NSR	75’	X		
Water Related and Enjoyment	P	NSR	50’	P	NSR	75’	X		
Non-water Oriented	C[3]/P[4]	NSR	50’	C[3]/P[4]	NSR	75’	X		
Industrial									
Water Dependent	P	35’	50’[5]	X			X		
Water Related	P	35’	50’	X			X		
Nonwater Oriented	X			X			X		
Recreation									
Water Dependent	P	35’	50’	X			P	25’	30’
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	P	35’	10’	X			P	25’	15’
All Other Water Related and Enjoyment	P	35’	100’	X			P	25’	30’
Nonwater Oriented	C[3]/P[4]	35’	50’	X			X		

Table 6.1– Urban Intensity: Percival Landing – BUDD 5A, East Bay – BUDD 6A, Capitol Lake – CAP 3B

Primary Use of Building or Structure	BUDD 5A			BUDD 6A			CAP 3B		
	P/C/X	Height	Setback	P/C/X	Height	Setback	P/C/X	Height	Setback
Residential – No maximum density				Density – Based on OMC					
	P	No vote	50’	P	35’/50’[6]	75’	X		
Transportation									
Roads/Railroads[7]	C[3]/P[4]	25’	100’	C[3]/P[4]	25’	100’	C[3]/P[4]	25’	30’
Trails and Shared Use Paths[8]	C[3]/P[4]	25’	15’	C[3]/P[4]	25’	15’	P	25’	15’
Parking[9]	C[3]/P[4]	25’	50’	C[3]/P[4]	25’	100’	P	25’	30’
Utilities									
Utility Buildings and Facilities (structures)	C[3]/P[4]	25’[11]	50’	C[3]/P[4]	25’[11]	100’	C[3]/P[4]	42’	30’
Utility Lines[10] (transmission, distribution and service lines)	C[3]/P[4]	25’[11]	NSR	C[3]/P[4]	25’[11]	NSR	C[3]/P[4]	42’[11]	NSR
Other									
Accessory Structures	P	20’	50’	P	20’	100’	X		
All Other Buildings, Structures, and Uses Not Listed Above	X			C	35’	100’	C	25’	50’

P = Permitted – May require substantial development permit or shoreline exemption letter. **C** = Requires a Shoreline Conditional Use Permit. **X** = Prohibited.

Footnotes

1. Aquacultural activities are permitted if part of an approved restoration or habitat management plan.
2. Accessory structures associated with marinas such as payment kiosks or covered entry/cart storage areas have no setback requirement. Structures such as leasing offices, maintenance buildings, and restrooms are subject to the setbacks noted in the table.
3. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
4. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
5. Equipment or structures used for loading and unloading (e.g., conveyors, cranes) are allowed over water and not subject to height regulations.
6. Building heights not to exceed 35 feet within 150 feet from the OHWM; 50 feet between 150-200 feet from OHWM.
7. New roads are not allowed; existing roads may be expanded or improved within existing rights-of-way.
8. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
9. Commercial parking lots as a primary use are prohibited.
10. Utility lines allowed within the shoreline setback to connect transmission/distribution lines to service lines and to connect upland lines to in-water lines.
11. Stacks, light poles, and utility poles may exceed height regulation.

Table 6.2 – Port Industrial: Port Terminal - BUDD 5B

Primary Use of Building or Structure	BUDD 5B		
	P/C/X	Height	Setback
Agriculture			
Agriculture	X		
Aquaculture			
Recovery of Native Populations or Restoration Projects[1]	P	NSR	NSR
Boating Facilities			
Marinas	P	35’	30’
Launch Ramps	P		0’
Boathouses and Storage (upland)	P	35’	30’
Covered Moorage (overwater)	X		
Accessory Structures – Boating Facilities	P	20’	30’[2]
Commercial			
Water Dependent	P	NSR	30’
Water Related and Enjoyment	P	NSR	30’
Non-water Oriented	C[3]/P[4]	NSR	50’
Industrial			
Water Dependent	P	NSR	0’[5]
Water Related	P	NSR	15’
Nonwater Oriented	C	NSR	50’
Recreation			
Water Dependent	X		
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	X		
All Other Water Related and Enjoyment	X		
Nonwater Oriented	X		

Table 6.2 – Port Industrial: Port Terminal – BUDD-5B

Primary Use of Building or Structure	BUDD 5B		
	P/C/X	Height	Setback
Residential			
	X		
Transportation			
Roads/Railroads	C[3]/P[4]	35’	0’
Trails and Shared Use Paths[6]	P	35’	10’
Parking[7]	P	35’	50’
Utilities			
Utility Buildings and Facilities (structures)	C[3]/P[4]	25/35[8]	30’
Utility Lines[9] (transmission, distribution, and service lines)	C[3]/P[4]	25/35[8, 10]	NSR
Other			
Accessory Structures	P	20’	30’
All Other Buildings, Structures, and Uses Not Listed Above	C	NSR	50’

P = Permitted – May require substantial development permit or shoreline exemption letter.
C = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes

1. Aquacultural activities are permitted in Budd Inlet if part of an approved restoration or habitat management plan.
2. Accessory structures associated with marinas such as payment kiosks or covered entry/cart storage areas have no setback requirement. Structures such as leasing offices, maintenance buildings, and restrooms are subject to the setbacks noted in the table.
3. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
4. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
5. Equipment and structures used for loading and unloading (e.g., conveyors, cranes) allowed over water and not subject to height regulations.
6. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
7. Commercial parking lots as a primary use are prohibited.
8. Maximum height for utility buildings and facilities is 25’ within first 100 feet of the OHWM; 35’ between 100-200 feet from the OHWM.
9. Utility lines allowed within the shoreline setback to connect transmission/distribution lines to service lines and to connect upland lines to in-water lines.
10. New utility poles and light poles may exceed height regulation.

Table 6.3 – Shoreline Residential: East Bay – BUDD 6B and BUDD 7, Ward Lake – WARD 1, Ken Lake – KEN 1

Primary Use of Building or Structure	P/C/X	BUDD 6B		BUDD 7		WARD 1		KEN 1	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Agriculture									
Agriculture	X	--							
Aquaculture									
Recovery of Native Populations or Restoration Projects[1]	P	NSR	NSR	NSR	NSR	NSR	NSR	NSR	NSR
Boating Facilities									
Marinas	X	~~25'~~				C 25'	30'	25'	30'
Launch Ramps	P		0'		0'		0'		0'
Boathouses and Storage (upland)	NSR	20'	NSR	20'	NSR	20'	NSR	20'	NSR
Covered Moorage (overwater)	X								
Accessory Structures – Boating Fac.	P	20'	30'[2]	20'	30'[2]	20'	30'[2]	20'	30'[2]
Commercial									
Water Dependent	C	35'	NSR	35'	NSR	35'	30'	35'	30'
Water Related and Enjoyment	C	35'	NSR	35'	NSR	35'	30'	35'	30'
Non-water Oriented	C	35'	50'	35'	50'	35'	50'	35'	50'
Industrial									
Water Dependent	X								
Water Related	X								
Nonwater Oriented	X								
Recreation									
Water Dependent	P	25'	30'	25'	30'	25'	30'	25'	30'
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	P	25'	10'	25'	10'	25'	10'	25'	10'
All Other Water Related and Enjoyment	P	25'	30'	25'	30'	25'	30'	25'	30'
Nonwater Oriented	C[3]/P[4]	25'	50'	25'	50'	25'	50'	25'	50'

Table 6.3 – Shoreline Residential: East Bay – BUDD 6B and BUDD 7, Ward Lake – WARD 1, Ken Lake – KEN 1

Primary Use of Building or Structure	P/C/X	BUDD 6B		BUDD 7		WARD 1		KEN 1	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Residential – Maximum Density = 8 dwelling units per acre									
	P	35’	30’	35’	30’	35’	75’	35’	30’
Transportation									
Roads/Railroads[5]	C[3]/P[4]	25’	50’	25’	50’	25’	50’	25’	50’
Trails and Shared Use Paths[6]	P	25’	25’	25’	25’	25’	25’	25’	25’
Parking[7]	P	25’	50’	25’	50’	25’	50’	25’	50’
Utilities									
Utility Buildings and Facilities (structures)	C[3]/P[4]	25’	30’	25’	30’	25’	30’	25’	30’
Utility Lines[8] (transmission, distribution, and service lines)	C[3]/P[4]	25’[9]	NSR	25’[9]	NSR	25’[9]	NSR	25’[9]	NSR
Other									
Accessory Structures	P	20’	30’	20’	30’	20’	30’	20’	30’
All Other Buildings, Structures, and Uses Not Listed Above	C	35’	50’	35’	50’	35’	50’	35’	50’

P = Permitted – May require substantial development permit or shoreline exemption letter. **C** = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes

1. Aquacultural activities are permitted in Budd Inlet if part of an approved restoration or habitat management plan.
2. Accessory structures associated with marinas such as payment kiosks or covered entry/cart storage areas have no setback requirement. Structures such as leasing offices, maintenance buildings, and restrooms are subject to the setbacks noted in the table.
3. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
4. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
5. New roads are not allowed; existing roads may be expanded or improved within existing rights-of-way.
6. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
7. Commercial parking lots as a primary use are prohibited.
8. Utility lines allowed within the shoreline setback to connect transmission/distribution lines to service lines and to connect upland lines to in-water lines.
9. New utility poles and light poles may exceed height regulations.

Table 6.4 – Urban Conservancy: Grass Lake – GRASS 1, Chambers Lake – CHAM 1, Black Lake Ditch – BLDD 1, Percival Creek PERC 1B

Primary Use of Building or Structure	P/C/X	GRASS 1		CHAM 1		BLDD 1		PERC 1B	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Agriculture									
Agriculture	X								
Aquaculture									
Recovery of Native Populations or Restoration Projects	NSR	NSR	NSR	NSR	NSR	NSR	NSR	NSR	NSR
Boating Facilities									
Marinas	X								
Launch Ramps	C		0’		0’		0’		0’
Boathouses and Storage (upland)	X								
Covered Moorage (overwater)	X								
Accessory Structures – Boating Fac.	P	20’	100’[1]	20’	100’[1]	20’	100’[1]	20’	100’[1]
Commercial									
Water Dependent	X								
Water Related and Enjoyment	X								
Non-water Oriented	X								
Industrial									
Water Dependent	X								
Water Related	X								
Nonwater Oriented	X								
Recreation									
Water Dependent	P	25’	NSR	25’	NSR	25’	NSR	25’	NSR
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	P	25’	10’	25’	10’	25’	10’	25’	10’
All Other Water Related and Enjoyment	P	25’	100’	25’	100’	25’	100’	25’	100’
Nonwater Oriented	X								

Table 6.4 – Urban Conservancy: Grass Lake – GRASS 1, Chambers Lake – CHAM 1, Black Lake Ditch – BLDD 1, Percival Creek PERC 1B

Primary Use of Building or Structure	P/C/X	GRASS 1		CHAM 1		BLDD 1		PERC 1B	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Residential – Maximum Density = 1 dwelling unit per acre									
	P	35’	100’	35’	100’	35’	100’	35’	100’
Transportation									
Roads/Railroads[2]	C[3]/P[4]	25’	100’	25’	100’	25’	100’	25’	100’
Trails and Shared Use Paths[5]	C[3]/P[4]	25’	25’[7]	25’	25’	25’	25’	25’	25’
Parking	X								
Utilities									
Utility Buildings and Facilities (structures)	C[3]/P[4]	25’	100’	25’	100’	25’	100’	25’	100’
Utility Lines[6] (transmission, distribution, and service lines)	C[3]/P[4]	25’[7]	NSR	25’[7]	NSR	25’[7]	NSR	25’[7]	NSR
Other									
Accessory Structures	P	20’	100’	20’	100’	20’	100’	20’	100’
All Other Buildings, Structures, and Use Not Listed Above	X								

P = Permitted – May require substantial development permit or shoreline exemption letter. **C** = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes:

1. Accessory structures associated with marinas such as payment kiosks or covered entry/cart storage areas have no setback requirement. Structures such as leasing offices, maintenance buildings, and restrooms are subject to the setbacks noted in the table.
2. New roads are not allowed; existing roads may be expanded or improved within existing rights-of-way.
3. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
4. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
5. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
6. Utility lines are allowed within the shoreline setback to connect transmission/distribution lines to service lines and to connect upland lines to in-water lines.
7. New utility poles and light poles may exceed height regulation.

Table 6.5 – Urban Conservancy: Capitol Lake North – CAP 6, CAP 7

Primary Use of Building or Structure	P/C/X	CAP 6		CAP 7	
		Height	Setback	Height	Setback
Agriculture					
Agriculture	X				
Aquaculture					
Recovery of Native Populations or Restoration Projects	NSR	NSR	NSR	NSR	NSR
Boating Facilities					
Marinas	X				
Launch Ramps	C		0’		0’
Boathouses and Storage (upland)	X				
Covered Moorage (overwater)	X				
Accessory Structures – Boating Facilities	X				
Commercial					
Water Dependent	C	NSR	100’	NSR	100’
Water Related and Enjoyment	C	NSR	100’	NSR	100’
Non-water Oriented	C	NSR	100’	NSR	100’
Industrial					
Water Dependent	X				
Water Related	X				
Nonwater Oriented	X				
Recreation					
Water Dependent	P	25’	100’	25’	100’
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	P	25’	10’	25’	10’
All Other Water Related and Enjoyment	P	25’	100’	25’	100’
Nonwater Oriented	C^1/P^2	25’	100’	25’	100’

Table 6.5 – Urban Conservancy: Capitol Lake North – CAP 6, CAP 7

Primary Use of Building or Structure	P/C/X	CAP 6		CAP 7	
		Height	Setback	Height	Setback
Residential – Maximum Density = 1 dwelling unit per acre					
Capitol Lake	P	35’	100’	35’	100’
Transportation					
Roads/Railroads[3]	C[1]/P[2]	15’	100’	15’	100’
Trails and Shared Use Paths[4]	C[1]/P[2]	15’	25’	15’	25’
Parking[5]	C[1]/P[2]	15’	100’	15’	100’
Utilities					
Utility Buildings and Facilities (structures)	C[1]/P[2]	25’	100’	25’	100’
Utility Lines[6] (transmission, distribution, and service lines)	C[1]/P[2]	25’	NSR[7]	25’	NSR[7]
Other					
Accessory Structures	P	20’	NSR	20’	NSR
All Other Buildings, Structures, and Uses Not Listed Above	X				

P = Permitted – May require substantial development permit or shoreline exemption letter.
C = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes

1. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
2. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
3. New roads are not allowed; existing roads may be expanded or improved within existing rights-of-way.
4. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
5. Commercial parking lots as a primary use are prohibited.
6. Utility lines are allowed within the shoreline setback to connect transmission/distribution lines to service lines and to connect upland lines to in-water lines.
7. New utility poles and light poles may exceed height regulation.

Table 6.6 – Urban Conservancy: Capitol Lake Middle/South – CAP 1, CAP 3A, CAP 4, CAP 5

Primary Use of Building or Structure	P/C/X	CAP 1		CAP 3A		CAP 4		CAP 5	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Agriculture									
Agriculture (new)	X								
Aquaculture									
Recovery of Native Populations or Restoration Projects	NSR	NSR	NSR	NSR	NSR	NSR	NSR	NSR	NSR
Boating Facilities									
Marinas	X								
Launch Ramps	X								
Boathouses and Storage (upland)	X								
Covered Moorage (overwater)	X								
Accessory Structures – Boating Facilities	X								
Commercial									
Water Dependent	X								
Water Related and Enjoyment	X								
Non-water Oriented	X								
Industrial									
Water Dependent	X								
Water Related	X								
Nonwater Oriented	X								
Recreation									
Water Dependent	X								
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	P	25’	10’	25’	10’	25’	10’	25’	10’
All Other Water Related and Enjoyment	P	25’	100’	25’	100’	25’	100’	25’	100’
Nonwater Oriented	X								

Table 6.6 – Urban Conservancy: Capitol Lake Middle/South – CAP 1, CAP 3A, CAP 4, CAP 5

Primary Use of Building or Structure	P/C/X	CAP 1		CAP 3A		CAP 4		CAP 5	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Residential – Maximum Density = 1 dwelling unit per acre									
Capitol Lake	P	35’	100’	35’	100’	35’	100’	35’	100’
Transportation									
Roads/Railroads[1]	C[2]/P[3]	25’	100’	25’	100’	25’	100’	25’	100’
Trails and Shared Use Paths[4]	C[2]/P[3]	25’	25’	25’	25’	25’	25’	25’	25’
Parking	X								
Utilities									
Utility Buildings and Facilities	X								
Transmission Lines	X								
Other									
Accessory Structures	P	20’	NSR	20’	NSR	P	20’	NSR	20’
All Other Buildings, Structures, and Uses Not Listed Above	X								

P = Permitted – May require substantial development permit or shoreline exemption letter.
C = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes

1. New roads are not allowed; existing roads may be expanded or improved within existing rights-of-way.
2. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
3. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
4. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.

Table 6.7 – Urban Conservancy: West Bay – BUDD 2, BUDD 3A, BUDD 3B, BUDD 3C

Primary Use of Building or Structure	P/C/X	BUDD 2		BUDD 3A		BUDD 3B		BUDD 3C	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Agriculture									
Agriculture	X								
Aquaculture									
Recovery of Native Populations or Restoration Projects[1]	P	NSR	NSR	NSR	NSR	NSR	NSR	NSR	NSR
Boating Facilities									
Marinas	C	25’	100’	25’	50’	25’	100’	25’	100’
Launch Ramps	C		0’		0’		0’		0’
Boathouses and Storage (upland)	P	20’	NSR	20’	50’	20’	NSR	20’	NSR
Covered Moorage (overwater)	X								
Accessory Structures – Boating Fac.	P	20’	50’[2]	20’	70’[2]	20’	50’[2]	20’	50’[2]
Commercial									
Water Oriented	C	25’	50’	35’	50’	25’	50’	25’	50’
Water Related and Enjoyment	C	25’	50’	35’	50’	25’	50’	25’	50’
Non-water Oriented	C	25’	100’	35’	70’	25’	100’	25’	100’
Industrial									
Water Oriented	X								
Water Related	X								
Nonwater Oriented	X								
Recreation									
Water Dependent	P	25’	30’	25’	50’	25’	30’	25’	30’
Water Enjoyment: Viewing platforms, wildlife blinds, interpretive areas	P	25’	10’	25’	10’	25’	10’	25’	10’
All Other Water Related and Enjoyment	P	25’	50’	25’	50’	25’	50’	25’	50’
Nonwater Oriented	C[3]/P[4]	25’	100’	25’	50’	25’	100’	25’	100’

Table 6.7 – Urban Conservancy: West Bay – BUDD 2, BUDD 3A, BUDD 3B, BUDD 3

Primary Use of Building or Structure	P/C/X	BUDD 2		BUDD 3A		BUDD 3B		BUDD 3C	
		Height	Setback	Height	Setback	Height	Setback	Height	Setback
Residential – Maximum Density = 1 dwelling unit per acre									
	P	35’	100’	35’	50’	35’	100’	35’	100’
Transportation									
Roads/Railroads[5]	C[3]/P[4]	25’	100’	25’	100’	25’	100’	25’	100’
Trails and Shared Use Paths[6]	C[3]/P[4]	25’	25’	25’	15’	25’	25’	25’	25’
Parking[7]	C[3]/P[4]	25’	100’	25’	50’	25’	100’	25’	100’
Utilities									
Utility Buildings and Facilities (structures)	C[3]/P[4]	25’	100’	25’	70’	25’	100’	25’	100’
Utility Lines[8] (transmission, distribution, and service lines)	C[3]/P[4]	25’[9]	NSR	25’[9]	NSR	25’[9]	NSR	25’[9]	NSR
Other									
Accessory Structures	P	20’	50’	20’	70’	20’	50’	20’	50’
All Other Buildings, Structures, and Uses Not Listed Above	C	25’	100’	25’	100’	25’	100’	25’	100’

P = Permitted – May require substantial development permit or shoreline exemption letter. **C** = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes

1. Aquacultural activities are permitted if part of an approved restoration or habitat management plan.
2. Accessory structures associated with marinas such as payment kiosks or covered entry/cart storage areas have no setback requirement. Structures such as leasing offices, maintenance buildings, and restrooms are subject to the setbacks noted in the table.
3. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
4. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
5. New roads are not allowed; existing roads may be expanded or improved within existing rights-of-way.
6. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
7. Commercial parking lots as a primary use are prohibited.
8. Utility lines are allowed within the shoreline setback to connect transmission/distribution lines to service lines and to connect upland lines to in-water lines.
9. New utility poles and light poles may exceed height regulation.

Table 6.8 –Urban Conservancy: Percival Landing and Port Peninsula – Reaches BUDD-4 and BUDD-5C

Primary Use of Building or Structure	P/C/X	BUDD 4		BUDD 5C	
		Height	Setback	Height	Setback
Agriculture					
Agriculture	X				
Aquaculture					
Recovery of Native Populations or Restoration Projects[1]	P	NSR	NSR	NSR	NSR
Boating Facilities					
Marinas	P	25’	50’	NSR	100’
Launch Ramps	P		0’		0’
Boathouses and Storage (upland)	P	20’	100’	NSR	100’
Covered Moorage (overwater)	X				
Accessory Structures – Boating Facilities	P	20’	50’[2]	NSR	100’[2]
Commercial					
Water Dependent	P	35’	50’	C NSR	100’
Water Related and Enjoyment	P	35’	50’	C NSR	100’
Non-water Oriented	C[3]/P[4]	35’	50’	C NSR	100’
Industrial					
Water Dependent	X				
Water Related	X				
Nonwater Oriented	X				
Recreation					
Water Dependent	P	35’	50’	NSR	50’
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	P	35’	10’	NSR	10’
All Other Water Related and Enjoyment	P	35’	50’	NSR	50’
Nonwater Oriented	C	35’	50’	C[3]/P[4] NSR	100’

Table 6.8 –Urban Conservancy: Percival Landing and Port Peninsula – Reaches BUDD-4 and BUDD-5C

Primary Use of Building or Structure	P/C/X	BUDD 4		BUDD 5C	
		Height	Setback	Height	Setback
Residential – Maximum Density					
Budd Inlet	P	35’	50’	NSR	100’
Transportation					
Roads/Railroads[5]	C[3]/P[4]	25’	100’	NSR	100’
Trails and Shared Use Paths[6]	P	25’	10’	NSR	25’
Parking[7]	P	25’	50’	NSR	100’
Utilities					
Utility Buildings and Facilities (structures)	C[3]/P[4]	25’	50’	NSR	100’
Utility Lines[8] (transmission, distribution, and service lines)	C[3]/P[4]	25’	NSR	NSR	NSR
Other					
Accessory Structures	P	20’	NSR	NSR	100’
All Other Buildings, Structures, and Uses Not Listed Above	X			C NSR	100’

P = Permitted – May require substantial development permit or shoreline exemption letter. **C** = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes

1. Aquacultural activities are permitted if part of an approved restoration or habitat management plan.
2. Accessory structures associated with marinas such as payment kiosks or covered entry/cart storage areas have no setback requirement. Structures such as leasing offices, maintenance buildings, and restrooms are subject to the setbacks noted in the table.
3. Uses and activities located within first 100 feet from OHWM require a shoreline conditional use permit.
4. Uses and activities located within the second 100 feet from the OHWM permitted with a shoreline substantial development permit. If any portion of such building or structure extends within the first 100 feet from the OHWM, a conditional use permit shall be required for the entire project.
5. New roads are not allowed; existing roads may be expanded or improved within existing rights-of-way.
6. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
7. Commercial parking lots as a primary use are prohibited.
8. Utility lines are allowed within the shoreline setback to connect transmission/distribution lines to service lines and to connect upland lines to in-water lines.
9. New utility poles and light poles may exceed height regulation.

Table 6.9 – Natural: BUDD 8A, BUDD 8B

Shoreline Uses	P/C/X	BUDD 8A		BUDD 8B	
		Height	Setback	Height	Setback
Agriculture					
New Agriculture	X				
Aquaculture					
Recovery of Native Populations or Restoration Projects[1]	P	NSR	NSR	NSR	NSR
Boating Facilities					
Marinas	X				
Launch Ramps	X				
Boathouses and Storage (upland)	X				
Covered Moorage (overwater)	X				
Accessory Structures – Boating Facilities	NSR	NSR	NSR	NSR	NSR
Commercial					
Water Dependent	X				
Water Related and Enjoyment	X				
Non-water Oriented	X				
Industrial					
Water Dependent	X				
Water Related	X				
Nonwater Oriented	X				
Recreation					
Water Dependent	C	NSR	100’	NSR	100’
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	C	NSR	10’	NSR	10’
All Other Water Related and Enjoyment	C	NSR	100’	NSR	100’
Nonwater Oriented	X				

Table 6.9 – Natural: BUDD 8A, BUDD 8B

Shoreline Uses	P/C/X	BUDD 8A		BUDD 8B	
		Height	Setback	Height	Setback
Residential					
Budd Inlet	X				
Transportation					
Roads/Railroads[2]	P	25’	100’	25’	100’
Trails and Shared Use Paths[5]	C[3]/P[4]	25’	50’	25’	50’
Parking	X				
Utilities					
Utility Buildings and Facilities	C[3]/P[4]	NSR	50’	NSR	50’
Transmission Lines[6]	C[3]/P[4]	NSR	NSR	NSR	NSR
Other					
Accessory Structures	NSR	NSR	NSR	NSR	NSR
All Other Buildings, Structures, and Uses Not Listed Above	X				

P = Permitted – May require substantial development permit or shoreline exemption letter.
C = Requires a Shoreline Conditional Use Permit.
X = Prohibited

Footnotes

1. Aquacultural activities are permitted if part of an approved restoration or habitat management plan.
2. New roads are not allowed; existing roads may be expanded or improved.
3. Uses and activities located within the first 100 feet from the ordinary high water mark require a shoreline conditional use permit.
4. Uses and activities located within the second 100 feet from the ordinary high water mark may be permitted with a shoreline substantial development permit. If any portion of such use or activity extends within the first 100 feet from the ordinary high water mark, a conditional use permit shall be required for the entire project.
5. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
6. Utilities are allowed within the shoreline setback to connect transmission/distribution lines to service lines, or to connect upland utility lines to in-water lines.

Table 6.10 – Aquatic

Primary Use of Building or Structure	Aquatic	
	P/C/X	Height
Agriculture		
	X	
Aquaculture		
Recovery of Native Populations or Restoration Projects[1]	P*	NSR
Boating Facilities		
Marinas	C*	20’
Launch Ramps	P*	
Boathouses and Storage (upland)	NSR*	20’
Covered Moorage (overwater)	X	
Accessory Structures – Boating Facilities	NSR*	20’[2]
Commercial		
Water Dependent	X	
Water Related and Enjoyment	X	
Non-water Oriented	X	
Industrial		
Water Dependent	NSR	NSR
Water related	NSR	NSR
Nonwater Oriented	X	
Recreation		
Water Dependent	C*	NSR
Water Enjoyment: • Viewing platforms, wildlife blinds, interpretive areas	C*	NSR
All Other Water Related and Enjoyment	C*	NSR
Nonwater Oriented	X	

Table 6.10 – Aquatic

Primary Use of Building or Structure	Aquatic	
	P/C/X	Height
Residential		
	X	
Transportation		
Roads/Railroads[3]	C*	20’
Trails and Shared Use Paths[4]	P*	20’
Parking	X	
Utilities		
Utility Buildings and Facilities	C*	NSR
Transmission Lines[5]	C*	NSR
Other		
Accessory Structures	NSR	NSR
All Other Buildings, Structures, and Uses Not Listed Above	NSR	NSR

P = Permitted – Permitted uses may require substantial development permit or shoreline exemption letter.
C = Requires a Shoreline Conditional Use Permit.
X = Prohibited
***** = Uses allowed in the Aquatic Shoreline Environment Designation only if permitted in the adjacent upland shoreline environment.

Footnotes

1. Aquacultural activities are permitted if part of an approved restoration or habitat management plan.
2. New roads are not allowed; existing roads may be expanded or improved.
3. Accessory structures associated with marinas such as payment kiosks or covered entry/cart storage areas have no setback requirement. Structures such as leasing offices, maintenance buildings, and restrooms are subject to the setbacks noted in the table.
4. Trails and shared use paths allowed within the shoreline setback when providing access from upland areas to the shoreline.
5. Utilities are allowed within the shoreline setback to connect transmission/distribution lines to service lines, or to connect upland utility lines to in-water lines.

6.4. Agriculture

6.4.1 Policies

A. Recognize existing agricultural uses within the City and allow them to continue operating.

B. New agricultural uses should be prohibited.

6.4.2 Regulations

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 the following:

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 Shoreline Program.
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.

6.5 Aquaculture

6.5.1 Policies

A. Aquaculture should be limited to the recovery of native populations or for restoration purposes.

6.5.2 Regulations

A. Commercial aquaculture is prohibited.

B. Aquaculture for the recovery of native populations is permitted when part of an approved restoration or habitat management plan and when it complies with the provisions of Chapter 5.7 of this Shoreline Program.

6.6 Boating Facilities

6.6.1 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 co-located 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.

6.6.2 Regulations – General

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 Chapter 5, Section 5.4.2.

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 by fully shielded and oriented to prevent spillover off-site.

6.6.3 Regulations – 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;
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 are not required.

6.6.4 Regulations – Marinas

A. New marinas are allowed only when they are consistent with this Shoreline Program and only when the proponent demonstrates to the City's satisfaction 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 ~~where~~ of intact shoreline ecological functions and processes shall be avoided;
2. Hard armoring is not used;
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;

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 Section 5.4 of this Shoreline Program. 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 discharge 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.

C. Where allowed, marinas that involve solid bulkhead, breakwater, and/or land fill construction 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.

6.6.5 Regulations – Boat Storage

A. ~~Marinas that provide dry upland storage shall use a launch mechanism that protects shoreline ecological functions and processes and minimizes the use of shoreline area unless:~~ 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.

~~B.~~C. Dry moorage and other storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual ~~and noise~~ buffer for adjoining dissimilar uses or scenic areas.

6.6.5 Regulations – Covered Moorage

A. New over-water covered moorage and the expansion of existing covered moorage is prohibited.

B. Covered moorage on dry land 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.

6.7 Commercial

6.7.1 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 ~~or provides a significant public benefit consistent with the objectives of the Act~~.

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, and 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.

H. Design ~~port facilities~~ commercial projects 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.

6.7.2 Regulations – General

A. The construction of new and the expansion of existing over-water commercial buildings are prohibited.

B. Public access shall be provided for all commercial use and development pursuant to Section 5.4 of this Shoreline Program.

C. All commercial use and development shall restore or enhance the vegetation conservation area pursuant to vegetation conservation requirements in Section 5.9 of this Shoreline Program.

D. Commercial development shall not impact the rights of navigation.

E. Commercial buildings proposed to be greater than 42 feet from average grade level shall prepare a visual impact assessment in accordance with Section 5.10 of this Shoreline Program.

F. Home occupations are not considered to be commercial uses.

6.7.3 Regulations – Water-Oriented Use and Development

A. Water-oriented commercial use and development shall be allowed when the applicant demonstrates 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 per the definitions of the Shoreline Program.

6.7.4 Regulations – Non-water-Oriented Use and Development

A. Non-water-oriented commercial uses are prohibited unless they meet the following criteria:

1. The use is part of a mixed-use project that includes water-oriented uses ~~and provides a significant public benefit in the form of public access and ecological restoration~~; or

~~2. Navigability is severely limited at the proposed site;~~

~~3.~~2. ~~and the~~ The commercial use provides a significant public benefit in the form of public access and ecological restoration.

B. Non-water-oriented commercial or mixed use projects shall be set back a minimum of ~~40~~ 50 feet from the ordinary high water mark. This area shall be used for additional public access or shoreline restoration.

C. The applicant shall demonstrate that the proposed non-water-oriented commercial or mixed use will not:

1. Result in a net loss of shoreline ecological functions or processes; or
2. Have significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation, public access, and design compatibility.

6.8 Industrial

6.8.1 Policies

A. Give preference to water-dependent industrial uses first, then to water-related industrial uses over non-water-~~dependent~~ 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.

6.8.2 Regulations

A. Water-dependent or water-related industrial development shall be permitted when the applicant demonstrates that it:

1. Will not cause a net loss of shoreline ecological functions or processes;
2. 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 per the definitions of the Shoreline Program.

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. A minimum ~~40~~ 50- foot setback from the ordinary high water mark shall be provided. This setback area shall be used for additional public access or shoreline restoration.

C. ~~Encourage the~~ Cooperative use of docking, parking, cargo handling and storage facilities on industrial properties shall be required 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. The following information shall be required at the time of shoreline ~~development~~ permit application for industrial uses:

1. Evidence of water dependency;
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. Analysis of the impact upon and alteration to land forms;
6. Methods for ~~treatment and control~~ treatment, control, and disposal of waste ~~disposal~~ including any proposed storm or sanitary sewer outfalls;
7. The location and method of storing chemicals or other hazardous materials ~~shall be located as far from the shoreline as possible;~~
8. Analysis of the impact of the proposed project upon ground water, hydrology, drainage patterns and soil erosion;
9. Analysis of air quality, noise levels, and light pollution impacts;
10. Analysis of impacts to shoreline ecological functions and processes; and
11. 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 this 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, over-water industrial buildings is prohibited.

6.9 Recreation

6.9.1 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 dependent 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 the City's Comprehensive Plan and Parks, Arts and Recreation Plan.

E. Hiking paths, sidewalks, and bicycle paths in proximity to the shoreline are encouraged.

~~E.~~F. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, sidewalks, bicycle paths, easements, and/or scenic drives.

~~F.~~G. Recreation facilities should incorporate public education and interpretive signs regarding shoreline ecological functions and processes, historic and cultural heritage.

~~G.~~H. Recreation facilities should be designed to preserve, enhance, or create scenic views and vistas.

~~H.~~I. Commercial recreation facilities should be consistent with the provisions for commercial development (see Section 6.7).

6.9.2 Regulations

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 when the applicant can demonstrate 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. ~~Cut-off fixtures shall be used to~~ Lighting must be shielded to prevent spillover ~~of light~~.

6.10 Residential

6.10.1 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. Over-water 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.

6.10.2 Regulations

A. New residential development, including additions to existing structures, shall meet the development standards set forth on Table 6.2.

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 Section 5.9 of this Shoreline Program;
3. Control erosion and impacts to slope stability;
4. Avoid the use of shoreline armoring;
5. Preserve shoreline aesthetic character; and
6. Minimize structural obstructions to normal public use and views ~~and~~ of the shoreline and the water.

C. Where hard armoring is removed, 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. Over-water residential development shall be prohibited. This provision shall not apply to live-aboard vessels.

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 Section 5.4 of this Shoreline Program.

F. When allowed under the zoning regulations, proposals for multi-story residential development greater than the maximum height allowed on Table 6.2 must include an analysis of how the proposed structure(s) would impact the views of surrounding residents or the protected views set forth in Section 5.10 of this Shoreline Program. If the proposed structure(s) would block or significantly compromise the view of a substantial number of residences in adjoining areas, the City shall limit the height to 35 feet, or require design revisions or relocation to prevent the loss of views.

G. 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.

H. 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.

I. For new multi-unit residential developments, only one single joint-use dock shall be allowed for the entire development.

6.11 Transportation

6.11.1 Policies

A. All new or expanded transportation facilities should be designed and located to minimize impacts to shoreline ecological functions including riparian and nearshore areas, stream outfalls, steep slopes and natural vegetation.

B. The location and design of new or expanded roadways should not compromise:

1. Existing and planned shoreline public access; and
2. Existing and planned habitat restoration and enhancement projects.

C. Maintenance and repair of existing roads in shoreline jurisdiction shall use all reasonable methods to minimize adverse impacts on nearby shorelines.

D. New and expanded 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.

E. 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.

F. Pedestrian trails and bicycle paths are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.

G. Piers and bridges for roads, pedestrian trails, bicycle paths, and railroads are preferred over the use of fill within the shoreline jurisdiction.

H. When transportation corridors are necessary within the shoreline jurisdiction, joint use corridors are preferred and encouraged for roads, utilities, and all forms of transportation/circulation.

6.11.2 Regulations

A. New or expanded transportation facilities shall be kept to the minimum width necessary and located as far landward as possible.

B. Proponents of new or expanded roads must demonstrate the following:

1. The need for a shoreline location and that no reasonable upland alternative exists;
2. 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;
3. The proposed width is the minimum necessary for the intended purpose;
4. The project will be planned to fit the existing topography as much as possible, thus minimizing alterations to the natural environment;
5. That streams or natural drainage ways within the road corridor will be protected, and fish passage will not be impaired;
6. All debris, overburden and other waste materials from construction will be disposed of to prevent their entry into the adjoining water body;
7. 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
8. The project will not result in the net loss of shoreline ecological functions or system-wide processes.

C. Transportation facilities shall be designed to cross shoreline areas by the shortest, most direct route feasible.

D. Access roads and/or drive lanes serving shoreline parcels shall be the minimum width necessary.

E. 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 Shoreline Program are met, including critical area regulations in OMC 18.32.

F. Shared use paths may be allowed within the required setback from the ordinary high water mark when located on abandoned rail corridors or constructed as boardwalks. Restoration and enhancement shall be required to mitigate the impacts of such uses on the shoreline.

6.12 Utilities

6.12.1 Policies

A. Utility facilities ~~shall~~ 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.

B. Expansions to 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.

6.12.2 Regulations

A. Utility facilities, ~~and~~ distribution lines, and transmission lines shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with ~~adjacent~~ existing and planned land and shoreline uses.

B. New public or private utilities shall be located as far landward of the ordinary high water mark as possible, preferably outside of the shoreline jurisdiction, unless:

1. The utility requires a location adjacent to the water; or
2. Alternative locations are infeasible; or
3. Utilities are required for uses and activities permitted in this Shoreline Program.

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. Locate stormwater facilities serving allowed uses outside of the shoreline jurisdiction unless it can be demonstrated that no other feasible alternative exists.

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. Utilities shall be located in accordance with the tariffs on file with the Washington Utilities and Transportation Commission (WUTC).

Chapter 7 Shoreline Modifications

7.1 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 Chapter 6 and the applicable modification policies and 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.

7.1.1 General 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).

7.1.2 Regulations

A. Shoreline modifications that do not support a permitted shoreline use are prohibited by the Master Program, 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.

B. 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 Section 5.7.3.B.

C. 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.

D. Shoreline modifications shall comply with critical area and vegetation conservation standards in this Shoreline Program.

7.2 Permitted Shoreline Modifications

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

Table 7.1 – Shoreline Modifications

Shoreline Environment Designation							
P – Permitted C – Conditional Use X – Prohibited	**Urban Intensity**	**Port Industrial**	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Aquatic**	**Notes/ Applicable Regulations**
Dredging							
Ecological Restoration/ Enhancement Projects	P	P	P	P	C	C	See Section 7.6
All Other Activities	P	P	P	C	X	C	
Fill							
Ecological Restoration/ Enhancement Projects	P	P	P	P	C	C	See Section 7.6
All Other Activities	P	P	P	C	X	C	
Moorage							
Piers and Docks	P	P	C[1]/P[2]	C[1]/P[2]	X	C[3]	See Section 7.5
Floats	P	P	P	P	X	C[3]	See Section 7.5
Buoys	P	P	P	P	X	C[3]	See Section 7.5
Ecological Restoration and Enhancement (including instream structures)							
	P	P	P	P	C	C	See Section 7.5
Shoreline Stabilization							
Hard Armoring	X/C[4]	X/C[4]	X/C[4]	X/C[4]	X	X/C[4]	See Section 7.7
Soft Armoring	C	C	C	C	C	C	See Section 7.7
Breakwaters, Jetties, Groins, Weirs							
	X/C[5]	X/C[5]	X/C[5]	X/C[5]	X	X/C[5]	See Section 7.8
Stair Towers							
	X	X	X	X	X	X	

Footnotes

1. Serving one property.
2. Serving two or more properties.
3. Piers, docks, floats and buoys are permitted only if associated with an allowed use on the adjacent upland.
4. Structural shoreline stabilization is prohibited except as provided in Section 7.7. Where authorized, a shoreline conditional use permit shall be required.
5. Breakwaters, jetties, groins, and weirs are prohibited except as provided in Section 7.9. If authorized, a shoreline conditional use permit shall be required.

7.3 Dredging

7.3.1 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 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.

7.3.2 Regulations

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 ~~shall only be~~ is permitted for the following activities (see Table 7.1 for permit type):

1. In conjunction with a water-dependent use ~~of water bodies or adjacent shorelands~~;
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. Minor 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.

~~C.~~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.

~~D.~~E. Dredging for the primary purpose of obtaining material for landfill is prohibited.

~~E.~~F. The disposal of dredge spoils in open water or on upland sites is prohibited unless for beneficial uses such as shoreline restoration or enhancement.

~~F.~~G. Prohibit 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.

~~G.~~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 Section 5.7.3.B

~~**7.3.3 Shoreline Environment Regulations**~~

~~A. Aquatic: Dredging may be permitted subject to a shoreline conditional use permit.~~

~~B. Natural: Dredging is prohibited, except that it may be permitted as part of an approved restoration project or restoration program with a shoreline conditional use permit.~~

~~C. Urban Conservancy: Dredging is prohibited, except that it may be permitted as part of an approved restoration project or restoration program with a shoreline conditional use permit.~~

~~D. Shoreline Residential: Dredging is prohibited, except that it may be permitted as part of an approved restoration project or restoration program with a shoreline conditional use permit.~~

~~E. Port Industrial: Dredging is prohibited, except that it may be permitted as part of an approved restoration project or restoration program with a shoreline conditional use permit.~~

~~F. Urban Intensity: Dredging is prohibited, except that it may be permitted as part of an approved restoration project or restoration program with a shoreline conditional use permit.~~

7.4 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 dry land. Any fill activity conducted within the shoreline jurisdiction must comply with the following provisions.

7.4.1 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, or other water-dependent uses that are consistent with the goals and polices of this Master 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.

7.4.2 Regulations – Shoreland Fill

A. Fill shall be the minimum necessary to accommodate the proposed use or development, and allowed only in conjunction with approved shoreline use and development activities that are consistent with the 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 Section 5.7.3.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 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 OMC 18.32 and this 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.

7.4.3 Regulations – 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.

~~7.5.4 Shoreline Environment Regulations~~

~~A. Aquatic: Fill may be permitted with a shoreline conditional use permit only if associated with a permitted use or activity in the adjacent upland environment. Fill associated with restoration and/or enhancement projects is permitted with a shoreline conditional use permit.~~

~~B. Natural: Fill is prohibited; however, fill for restoration or enhancement is permitted with a shoreline conditional use permit.~~

~~C. Urban Conservancy: Fill may be permitted with a shoreline conditional use permit only if associated with a permitted use or development in the adjacent upland environment. Fill associated with restoration and/or enhancement projects is permitted with a shoreline substantial development permit.~~

~~D. Shoreline Residential: Fill may be permitted with a shoreline substantial development permit only if associated with a permitted use or development in the adjacent upland environment.~~

~~E. Port Industrial: Fill may be permitted with a shoreline substantial development permit only if associated with a permitted use or development in the adjacent upland environment.~~

~~F. Urban Intensity: Fill may be permitted with a shoreline substantial development permit only if associated with a permitted use or development in the adjacent upland environment.~~

7.5 Moorage: Piers, Docks, Floats, and Moorage Buoys

7.5.1 Policies

A. New moorage, excluding docks accessory to single family residences, 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. Allow shared moorage for multifamily uses or as part of a mixed use development when public access is provided.

C. 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.

D. ~~The cooperative use of~~ Shared moorage for residential uses ~~facilities should be encouraged~~ is preferred over indivual moorage. ~~New residential development of two or more single family dwellings should provide joint moorage facilities.~~

E. 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.

F. 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.

G. Encourage the cooperative use of docking, parking, cargo handling and storage facilities in industrial areas over the addition of new facilities.

H. 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.

I. 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 over-water coverage moorage or boathouses should be allowed.

J. Moorage facilities should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

7.5.2 General Regulations

A. All new, reconstructed, repaired, 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 Section 5.7.3.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. 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

E. 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.

F. 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.

G. 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.

H. 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.

I. New overwater covered moorage is prohibited with the exception of boat lifts associated with residential docks.

J. 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.

7.5.3 Regulations – 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 100 yards and must have reflectors for nighttime visibility.

7.5.4 Regulations – Residential Docks, Piers or Floats

A. Shared residential moorage is required unless the applicant demonstrates why shared moorage is not feasible ~~Prior~~ prior to approval of a residential pier, dock, or float. ~~the applicant shall demonstrate why the use of a moorage buoy or shared moorage is not feasible.~~ 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 Section 6.6.4.

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 ~~subject to the requirements of this section.~~ 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. Floats shall not be located farther waterward than existing floats or established swimming areas.~~

~~H.~~G. All docks, piers, and floats shall be painted, marked with reflectors, or otherwise identified so that they are visible during day or night.

~~I.~~H. Placing fill waterward of the ordinary high water mark for purposes of constructing a dock or pier is prohibited.

7.5.5 Development Standards – Docks and Piers

7.5.5.1 Marine Waters

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.

~~1.~~2. Only piers or ramps shall be located within the first 30 feet waterward of the ordinary high water mark.

~~2.~~3. Piers shall not exceed 4 feet in width and must incorporate a minimum of 60 percent ~~functional~~ grating.

~~3.~~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.

~~4.~~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.

~~5.~~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.

~~6.~~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.

~~7.~~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.

~~8.~~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 all other provisions of the Shoreline Program can be met.

7.5.5.2 Fresh Water

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 marine 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 ~~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 ~~and~~ must be ~~fully~~ grated ~~with at least 60 percent open area~~.
5. ~~Ramps shall not exceed three feet in width and must be 100 percent grated.~~
6. 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.
7. 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.
8. 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.

9. 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 ~~and 20 feet on tidal 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 ~~which~~ 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.~~

7.5.6 Development Standards – Floats

~~A. A recreational float shall not be located farther waterward than existing floats or established swimming areas.~~

~~B.~~A. Single property owner recreational floats shall not exceed 64 square feet. Multiple property owner recreational floats shall not exceed 96 square feet.

~~C.~~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.

~~D.~~C. Public recreational floats shall be the minimum size and dimensions necessary for the intended use, e.g., boat moorage, swimming area, public access.

~~E.~~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.

~~F.~~E. Recreation floats must be discernible under normal daylight conditions at a minimum of 100 yards and must have reflectors for nighttime visibility.

~~**7.6.7 Shoreline Environment Regulations**~~

~~A. Aquatic: Docks, piers, floats, and buoys are allowed subject to a shoreline conditional use permit if they are permitted in the adjacent upland environment, and subject to the provisions of this Shoreline Program.~~

~~B. Natural: Docks, piers, floats and buoys may be allowed with a shoreline conditional use permit.~~

~~C. Urban Conservancy: Joint use docks or piers serving 2 or more residential lots or units, recreational floats, and buoys are allowed subject to the provisions of this Shoreline Program. Single use docks or piers serving 1 property owner may be allowed with a shoreline conditional use permit.~~

~~D. Shoreline Residential: Joint use docks or piers serving 2 or more residential lots or units, recreational floats and buoys are allowed subject to the provisions of this Shoreline Program. Single-use docks or piers serving 1 property owner may be allowed with a shoreline conditional use permit.~~

~~E. Port Industrial: Docks, piers, floats, and buoys are allowed subject to the provisions of this Shoreline Program.~~

~~F. Urban Intensity: Docks, piers, floats, and buoys are allowed subject to the provisions of this Shoreline Program.~~

7.6 Restoration and Enhancement

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.

7.6.1 Policies

A. The City should consider shoreline restoration and enhancement as an alternative to structural stabilization and protection measures where feasible.

B. All shoreline restoration and enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.

C. Design, construct, and maintain restoration and enhancement projects in keeping with restoration priorities and other policies and regulations set forth in Section 5.8.

D. Design restoration and enhancement projects to minimize maintenance over time.

E. Shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.

7.6.2 Regulations

A. 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.

B. Shoreline restoration and enhancement projects shall use best available science and management practices.

C. Restoration shall be carried out in accordance with an approved shoreline restoration plan and in accordance with the policies and regulations of this Shoreline Program.

D. Restoration and enhancement projects shall be designed to minimize maintenance over time.

E. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bio-engineering 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.

F. 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.

G. Restoration and enhancement projects shall not significantly interfere with the normal use of the navigable waters of the state without appropriate mitigation.

H. 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.

7.6.3 Shoreline Environment Regulations

A. Restoration and enhancement projects may be permitted in all shoreline environments provided:

1. The project's purpose is the restoration of natural character and ecological functions of the shoreline; and
2. 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 this Shoreline Program.

7.7 Shoreline Stabilization

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, businesses, or structures caused by manmade processes such as boat wakes and 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 follows:

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.

7.7.1 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, bioengineering, 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.

7.7.2 Regulations – 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 Section ~~7.5.3~~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 development 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.

7.7.3 Regulations – 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 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 Section 5.7.3.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 Section 5.9.5 for specific provisions).

7.7.4 Regulations – 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 over-riding 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.

7.7.5 Regulations – Design of Shoreline Stabilization Measures

A. Shoreline stabilization measures shall be designed by a state licensed engineer 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 the Shoreline Program.

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. ~~An undisturbed~~ A minimum five (5) foot vegetated buffer shall be ~~incorporated into the site design~~ provided to allow bank protection plantings to become established. The buffers shall not be disturbed for a minimum of three years. ~~The buffer shall exclude livestock, vehicles, and activities that could disturb the site;~~
   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.

7.7.6 Required 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.

7.7.7 Shoreline Environment Regulations

A. Structural shoreline stabilization is prohibited in all shoreline environments, except as authorized by this Shoreline Program. 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.

7.8 Breakwaters, Jetties, Groins, and Weirs

7.8.1 Policies

A. 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.

7.8.2 Regulations - General

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 Section 5.7.3.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.

7.8.3 Shoreline Environment Regulations

Breakwaters, jetties, groins and weirs are prohibited in all shoreline environments except for 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.