

**Shoreline Master Program (SMP)
Revisions
September 17, 2013**

On August 27, 2013 City Council provided direction to staff to amend the July 9, 2013 Draft of the SMP to reflect the revisions included in this document. At the start of the August 27, 2013 meeting, City Council established a list of significant policy issues for further deliberations -- these issues are listed in the table below. Highlighted text indicates a change made following the August 27, 2013 meeting in response to direction from Council.

SMP City Council Deliberations 08/27/2013 Significant Policy Issues			
Page of Revisions Document/ Page of 9/17/2013 SMP Draft	SMP Section	Issue	Clarification - the following amendments were approved by City Council.
Page 4/1	1.1	Introduction	Provides an expanded introduction for the plan. Added language about the Restoration Plan.
Page 8/4	1.2	Other Policy and Regulatory Tools	Provides clarification of the regulatory tools that affect the shoreline including the SMP. Added West Bay Drive Master Plan to list of plans and added statement of intent.
Page 10/9	2.4 D. & E.	Add Sea Level Rise Policy	Provides policy direction for future work on sea level rise
Page 10/9	2.4 F.-M.	Shoreline Use and Development Policies	Provides additional policies regarding the intent to collaborate, innovative stormwater management, address Percival Landing, vegetation preservation, shoreline softening and pedestrian amenities. Clarified intent to collaborate.
Page 10/12	2.8	Waterfront Recreation	Provides clarification of Waterfront Recreation SED policy objectives.
Page 11/12	2.9	Marine Recreation Management Policies	Provides clarification of Marine Recreation SED policy objectives and provides for the creation of a stabilization and restoration plan in cooperation with the Port as well as the potential for a future amendment to the SMP to

			implement the plan. Clarified inclusion of Urban Intensity portion of 6A 2.9 H and added a limited amendment to 2.9 H 2.
Page 12/14	2.11 B. - J.	Urban Intensity Management Policies	Clarifies the Purpose and Intent of the Urban Intensity Shoreline Designation and provides other policy clarification for this SED.
Page 13/17	2.19	View Protection	Adds language about iconic views and provides clarity around project design intent.
Page 13/19	2.24 A.	Commercial Use Policies non-water oriented setbacks	Clarifies policy intent regarding commercial setbacks for non-water oriented uses. Table 6.1 was amended by vote of council to allow nonwater oriented commercial uses subject to a CUP.
Page 13/19	2.24 B.	Commercial Use Policies non-water oriented setbacks	Clarifies policy intent regarding commercial setbacks for non-water oriented uses.
Page 13/19	2.25 B.	Industrial Use Policies non-water oriented setbacks	Clarifies that non-water oriented uses not permitted within the shoreline jurisdiction.
Page 15/26	18.34.120 C.	Definitions	Numerous amendments and additions to definitions. Added definitions of Feasible, Limited Master Program Amendment, Must, Shall, and Should consistent with the WAC. Note that 18.02 170 A. 6. Referenced in this section provides the following regarding definitions: "Where terms are not specifically defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copyright 1986, shall be considered in determining ordinarily accepted meanings".
Page 17/43	18.34.410 E. & H.	No Net Loss and Mitigation	Added language to clarify section to include "or to demonstrate that avoidance is not feasible".

			Added “as determined through the mitigation sequence process”.
Page 19/45	18.34.410 K.	Mitigation effect on OHWM	Clarifies that mitigation efforts that alter the OHWM do not create nonconforming buildings.
Page 19/50	18.34.492	General Vegetation Conservation Regulations proposed amendments	Numerous amendments proposed to clarify the use of VCAs.
Page 20/51	18.34.495	VCA Standards	Amendments to buffer averaging and inclusion of minimum width.
Page 21/52	18.34.496	Vegetation Management Plan	Added, “In addition to A - D above all required vegetation installation shall conform to the requirements of Section 18.34.410 F. & G.
Page 21/57	18.34.620 E. 4.	Trail Width	Clarifies E. 4. that the trail width must be an unobstructed 12 feet.
Page 21/56	18.34.620 D. & E.	Use and Development Standards Tables	Council selected Option 3 that clarifies that offsite restoration must comply with the mitigation sequence process and numerous other revisions to the associated language including the elimination of paragraph D pertaining to height incentives.
Page 24/59	Table 6.1	Uses and Activities	Numerous changes were approved to Table 6.1 One outstanding issue to be resolved.
Page 26/61	Table 6.2	Development Standards (Heights)	Eliminates height bonus and relies on existing development regulations to regulate height along West Bay Drive.
Page 27/62	Table 6.3	Setbacks and Incentives	Numerous revisions approved by Council.
Page 30/67	18.34.654	Marinas	Setbacks per Table 6.3.
Page 30/68	18.34.658 (B)	Covered Moorage	Clarifying language included.
Page 30/71	18.34.680	Recreation	Amended to add flexibility and recognize the need to achieve no net loss of ecological function.
Page 35/89	18.34.900	Existing Buildings and Structures	Numerous amendments approved to provide clarification regarding the SMP’s impact on nonconforming structures.
Page 37/92	18.34.920	Existing Shoreline Uses.	Numerous amendments approved to provide clarification regarding the SMP’s impact on nonconforming uses.
Page 38/41	Map	Shoreline Environmental Designation	Amend the map to establish a parallel designation along West Bay

			Drive in Reach 3B with Waterfront Recreation applying to that area east of West Bay Drive and the area west of West Bay Drive being designated as Urban Intensity.
--	--	--	--

Council requested that flow charts and applications be added to the appendix.

N.A.	18.34.260	Submittal Requirements	Add appendix, process flow chart
------	-----------	------------------------	----------------------------------

These items will be added to the final draft on October 1st or prior to transmittal.

N.A.	18.34.280	Shoreline Substantial Development, Conditional Use and Variance Permits	may be decided by the Site Plan Review Committee if a public hearing is not requested by <u>an interested party</u> .
------	-----------	---	---

Staff recommends that the language of Section 18.34.280 not be amended to replace an ~~interested party~~ with anyone. This would be inconsistent with other references an interested party included in other regulations.

Page 21/55	18.34.510 B.	Water Quality -- not previously considered by Council.	<u>Amend language to require all redevelopment and new development within Reaches 4 and 5A to conform to the stormwater manual.</u>
------------	--------------	--	---

Staff recommends that this section of the SMP not be amended.

The following revisions relate to specific sections of the SMP as noted herein as strikethrough or underlined text and are deemed to have been approved by City Council either through consensus or through vote. In addition to the issues noted above, there is one outstanding issue highlighted in Table 6.1 (page 24) that will require final Council action related to whether Water Dependent uses should be a Permitted or Condition use in the Waterfront Recreation SED.

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

- 1.1 Introduction
- 1.2 Other Policy and Regulatory Tools
- 1.3 Purpose and Intent
- 1.4 Title
- 1.5 Adoption Authority
- 1.6 Critical Areas Adopted by Reference
- 1.7 Severability
- 1.8 Effective Date

1.1. Introduction

The shorelines of Olympia have great social, ecological, recreational, cultural, economic and aesthetic value. Grass Lake, Capitol Lake, Ward Lake, Ken Lake, Percival Creek, and Olympia's marine shoreline areas provide citizens and the community with clean water; a deepwater port and industrial sites; habitat for a variety of fish and wildlife including salmon, shellfish, forage fish, and waterfowl; archaeological and historical sites; open space; and areas for boating, fishing, and other forms of recreation. However, Olympia's shoreline resources are limited and irreplaceable. Use and development of shoreline areas must be carefully planned and regulated to ensure that these values are maintained over time.

The City of Olympia Shoreline Master Program (SMP or the Program) is a result of Washington State legislation requiring all jurisdictions to adequately manage and protect shorelines of the state.

Washington's Shoreline Management Act (SMA or Act) (Revised Code of Washington [RCW] 90.48) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm of uncoordinated and piecemeal development of the state's shorelines." The Act specifically states:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

The City of Olympia prepared this SMP to meet the requirements of the Washington State SMA. This SMP provides goals, policies, and regulations for shoreline use and protection and establishes a permit system for administering the Program. The goals, policies, and regulations contained herein are tailored to the specific geographic, economic, and environmental needs of the City of Olympia and its varied shorelines.

The Shoreline Management Act and its implementing legislation (Washington Administrative Code [WAC] 173-26 or Shoreline Guidelines) establish a broad policy giving preference to shoreline uses that:

- Depend on proximity to the shoreline ("water-dependent uses"),
- Protect biological and ecological resources, water quality and the natural environment, and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The overall goal of this SMP is to:

Develop the full potential of Olympia's shoreline in accord with the unusual opportunities presented by its relation to the City and surrounding area, its natural resource values, and its unique aesthetic qualities offered by water, topography, views, and maritime character; and to develop a physical environment which is both ordered and diversified and which integrates water, shipping activities, and other shoreline uses with the structure of the City while achieving a net gain of ecological function.

In implementing this Program, the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the State shall be preserved to the greatest extent feasible. Implementing the SMP must protect the ecological functions of shorelines and, at a minimum, achieve 'no net loss' of ecological functions. Single-family residences; ports; shoreline recreational uses (including but not limited to parks, marinas, piers, and other improvements); water-dependent industrial and commercial developments; and other developments that depend on a shoreline location shall be given priority. Permitted shoreline uses shall be designed and conducted to minimize damage to the ecology of the shoreline and/or interference with the public's use of the water and, where consistent with public access planning, provide opportunities for the general public to have access to the shorelines.

The City of Olympia last updated its SMP in 1994. Since that time, there have been substantial changes in the way shorelines are regulated. New scientific data and research methods have improved our understanding of shoreline ecological functions and their value in terms of fish and wildlife, water quality and human health. This information also helps us understand how development in these sensitive areas impacts these functions and values. The new Shoreline Guidelines, upon which this SMP is based, reflect this improved understanding and place a priority on protection and restoration of shoreline ecological functions.

In order to protect the public interest in the preservation and reasonable use of the shorelines of the state, the Shoreline Management Act establishes a planning program coordinated between the state and local jurisdictions to address the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

The City of Olympia's Role in Implementing the Shoreline Management Act

- A. Development of an inventory of the natural characteristics and land use patterns along "shorelines of the state" within the City's territorial limits. This inventory

provides the foundation for development of a system that classifies the shoreline into distinct “environments”. These environments provide the framework for implementing shoreline policies and regulatory measures.

B. Preparation of a “Shoreline Master Program” to determine the future of the shorelines. This future is defined through the goals developed for the following land and water use elements: economic development, public access, circulation, recreation, shoreline use, conservation, historical/cultural protection, and floodplain management. Local government is encouraged to adopt goals for any other elements, which, because of present uses or future needs, are deemed appropriate and necessary to implement the intent of the Shoreline Management Act. In addition, policy statements are developed to provide a bridge between the goals of the Master Program and the use activity regulations developed to address different types of development along the shoreline.

C. Development of a permit system to further the goals and policies of both the Act and the local Master Program.

Local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements. The City of Olympia Shoreline Master Program must be consistent with the policies and requirements of the Shoreline Management Act and the State Shoreline Guidelines. The role of the Department of Ecology is to provide support and review of the Shoreline Master Program and subsequent shoreline development permits and approvals.

The Shoreline Management Act defines a Master Program as a “comprehensive use plan for a described area.” The shoreline planning process differs from the more traditional planning process in that the emphasis is on protecting the shoreline environment through management of uses. The purposes of this Master Program are:

How to Use This Document

The City of Olympia SMP includes goals, policies and regulations. The SMP is a comprehensive plan for how shorelines should be used and developed over time. Goals, policies and regulations provide direction for shoreline users and developers on issues such as use compatibility, setbacks, public access, building height, parking locations, mitigation, and the like.

The following summary provides an overview of the Olympia Shoreline Master Program (SMP or Program) contents with a brief explanation of its general format and procedures.

SMP Section 1 introduces the purposes and intent of the Program, explains the City’s authority to regulate shorelines and explain the Program’s relationship to other ordinances and laws. Chapter 1 also explains the types of development the Program has jurisdiction over.

Section 2 provides goals and policies for the SMP. These goals and policies will become part of the City of Olympia’s Comprehensive Plan.

Section 3 provides general policies and regulations that apply throughout the shoreline, in all shoreline districts and environment designations. Some of the key provisions of this section

address shoreline use, site planning, building heights and setbacks, marine shoreline and critical areas protection, public access, vegetation conservation, views and aesthetics, water quality and the effect of the SMP on existing uses and structures.

The SMP also includes a Restoration Plan as Appendix A. The Restoration Plan is intended to identify shoreline, or areas upland that impact shorelines, that need to be restored to a healthy and functioning condition. The Plan is for the purpose of identifying potential projects and programs that would contribute or achieve restoration for those degraded areas, and can serve as a resource for those who need or want to identify potential restoration projects.

If you intend to develop or use lands adjacent to a shoreline, consult first with the City of Olympia’s Community Planning and Development Department to determine if you need a shoreline permit; they will also tell you about other necessary government approvals.

Initial Procedures

Although your proposal may be permitted by Program regulations or even exempt from specific permit requirements, all proposals must comply with all relevant policies and regulations of the entire Program as well as the general purpose and intent of the SMP.

For development and uses allowed under this Program, the City must find that the proposal is generally consistent with the applicable policies and regulations, unless a variance is to be granted. When your proposal requires a Letter of exemption, submit the proper application to the City’s Community Planning and Development Department.

1.2 Other Regulations

The SMP is one of many regulatory tools that the City of Olympia uses to manage development along its shoreline. While not explicitly part of the SMP, it is the City’s intent to employ these regulatory tools to work in concert with these regulations work in concert with the SMP to form the City’s policy and regulatory framework for the shoreline and the rest of the city thereby achieving the purpose and intent of the various policies and incentives established in this program. The table below provides a list of these regulations and a summary of some of the key issues they address. In addition to the policy and regulatory tools noted below the City also has a series of master plans such as the Parks, Arts and Recreation Plan, the Utility Plan and the West Bay Master Plan that help to shape policy and regulations.

Struck this sentence out.

<u>Summary of Regulatory and Policy Tools that Impact Development Along the Shoreline and Throughout the City</u>										
<u>Issue</u>	<u>SMP</u>	<u>Comp Plan</u>	<u>Zoning Code</u>	<u>EDDS</u>	<u>Storm Water Manual</u>	<u>CAO</u>	<u>Flood Plain</u>	<u>SEPA</u>	<u>CFP</u>	<u>Bldg. Codes</u>

<u>Shoreline Uses</u>	<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u> ¹			
<u>Setbacks</u>	<u>X</u>		<u>X</u>						
<u>Heights</u>	<u>X</u>	<u>X</u>	<u>X</u>						
<u>View Protection</u>	<u>X</u>	<u>X</u>	<u>X</u>				<u>X</u>		
<u>Sea Level Rise</u>		<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>
<u>No Net Loss</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>X</u>		<u>X</u>	
<u>Vegetation Preservation</u>	<u>X</u>	<u>X</u>	<u>X</u> ²			<u>X</u>			
<u>Liquefaction</u>									<u>X</u>
<u>Development Review Process</u>	<u>X</u>		<u>X</u>					<u>X</u>	
<u>Nonconformities</u>	<u>X</u>		<u>X</u>						
<u>Vision</u>	<u>X</u>	<u>X</u>							
<u>Public Access</u>	<u>X</u>	<u>X</u>	<u>X</u>					<u>X</u>	
<u>Trails</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>					

SMP = Shoreline Master Program
EDDS = Engineering Development & Design Standards
CAO = Critical Areas Ordinance
SEPA = State Environmental Policy Act
CFP = City's Capital Facilities Plan
X = Primary Function

See table below for additional information on Shoreline Issues and other regulatory approaches to addressing those issues.

1.3 Purpose and Intent

The purpose of Olympia's Shoreline Master Program is:

- A. To guide the future development of shorelines in the City of Olympia in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Act) as amended (RCW 90.58);
- B. To promote the public health, safety, and general welfare of the community by providing long-range, comprehensive policies and effective, reasonable regulations for development and use of Olympia's shorelines; and
- C. To ensure, at a minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state.

1.4 Title

¹ CAO applies to the shoreline and is a separate regulatory document, however, following adoption of the SMP the CAO will be incorporated into the SMP by reference.

² Technically the Tree Code

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

1.6 Critical Areas Regulations Adopted by Reference

The Critical Areas regulations adopted on October 1, 2013 contained in the Olympia Municipal Code (OMC) Chapter 18.32 ~~on January 1, 2013~~, are integral and applicable to this Shoreline Program, and are hereby adopted by reference; provided that the reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines.

Section 2 Goals and Policies

2.3 I.

- I. The City should encourage innovative ~~restoration~~ mitigation strategies to provide for comprehensive and coordinated approaches to mitigating cumulative impacts and restoration rather than piecemeal mitigation.

2.4 Shoreline Use and Development Policies

- D. The City should continue to develop information about the impacts of sea level rise on the shoreline and **other affected properties** the surrounding properties; the City should develop plans to address the impacts of sea level rise in collaboration with impacted property owners, the community and the Department of Ecology. These plans should include at minimum flood prevention approaches, shoreline environment impact considerations and financing approaches. The City should amend the Shoreline Master Program and **other policy and regulatory tools** in the future as necessary to implement these plans.
- E. The City should consider the impacts of sea level rise as it plans for the rebuild of Percival Landing and other shoreline improvements and it should be designed to provide for a reasonable amount of sea level rise consistent with the best available science and the life cycle of the improvements.
- F. The City should collaborate with private property owners, business owners and citizens in the implementation of the Shoreline Master Program to explore creative ways to reduce ecological impacts when new development or redevelopment is proposed. This objective may best be accomplished by developing flexible approaches to shoreline development where the total environmental benefit is enhanced through such measures. **Opportunities for collaboration may include:**
 1. Provision of advanced stormwater management and treatment within the shoreline.
 2. The restoration, repair and replacement of Percival Landing where appropriate.

3. Provision of direct physical access to the water where appropriate.
4. Provision of a shoreline trail where feasible and consistent with applicable laws.
5. Provision of native vegetation preservation and restoration where appropriate.
6. Bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures water-ward of OHWM where appropriate.
7. Provision of water related recreation, active playgrounds, and significant art installations, performance space, or interpretive features where appropriate.

2.8 Waterfront Recreation Management Policies

- A. The *Waterfront Recreation* environment designation should be assigned to shoreline areas that are or are planned to be used for recreation, or where the most appropriate use is for recreation, or **associated** open space or habitat conservation and the City seeks ~~preservation of open space or gradual conversion of such lands to recreation and open space.~~
- B. Development standards should take into account existing improvements and character of park areas, allow for development of low-intensity recreational uses, and restoration of shorelines. Low intensity recreation should be non-motorized and not significantly alter the landscape, such as running and walking, bicycling, wildlife viewing, picnicking, nature study, and quiet contemplation and relaxation. Associated facilities might include trails, open fields and lawn areas, picnic shelters, public art, interpretive exhibits and supporting parking and restrooms.
- C. Trails, water access, interpretive sites, viewing platforms and passive recreation areas should be allowed within setbacks and vegetation buffers when significant ecological impacts can be mitigated.
- D. Preferred uses include trails, water related recreation, active playgrounds, and significant art installations, performance space, interpretive features, open lawn areas, play equipment, shelters, picnic areas, launch ramps, viewing platforms and accessory uses. Special events may take place.
- E. Shoreline restoration should be a priority. All development should ensure no net loss of shoreline ecological functions.

2.9 Marine Recreation Management Policies

- A. The *Marine Recreation* environment designation should be assigned to areas on the Port Peninsula that are used or planned to be used for boating facilities, water-oriented recreation and commercial uses.
- B. Preferred uses include:
 1. Boating facilities including marinas, launch ramps, boat moorage, maintenance and repair, and upland boat storage; together with offices and other associated facilities;
 2. Water-oriented recreation such as trails and viewing areas, water access, water related recreation, active playgrounds, and significant art installations, performance space, or interpretive features; and
 3. Water-oriented commercial uses.

- C. Operation and management of the *Marine Recreation* environment should be directed towards maintaining and enhancing water-oriented services, while ensuring that existing and future activity does not degrade ecological functions.
- D. All development should ensure no net loss of shoreline ecological functions.
- E. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.
- F. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures water-ward of OHWM.
- G. The City recognizes the Port’s responsibility to operate its marine facilities and to plan for this area’s future use through the development and implementation of its Comprehensive Scheme of Harbor Improvements.
- H. The City recognizes that the Marine Recreation shoreline (Reach 5C) and the adjoining Urban Conservancy/**Urban Intensity** shoreline in Reach 6A provide a variety of benefits to the community including, boat moorage, utility transmission, transportation, public access, water enjoyment, recreation, wildlife habitat and opportunities for economic development. These benefits are put at risk by continued shoreline erosion. The City recognizes that there exists a need to develop a detailed plan for shoreline restoration and stabilization for Reaches 5C and 6A and encourages the Port to partner in this effort.
 - 1. This plan may include:
 - i. Measures to enhance shoreline stabilization through the introduction of bioengineered solutions.
 - ii. Measures to incorporate habitat restoration waterward of the OHWM.
 - iii. Measures to incorporate public access and use through trails, public art, parks and other pedestrian amenities.
 - iv. Measures to incorporate sea level rise protection.
 - v. Setbacks, building heights and building design considerations.
 - 2. Upon completion of a jointly developed shoreline restoration and stabilization plan for Reaches 5C and 6A the City will initiate **a limited amendment** to the SMP to implement this plan.

2.10 Shoreline Residential Management Policies

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

- E. Water-oriented recreational uses should be allowed.
- F. Encourage restoration of degraded shorelines in residential areas and preservation of existing vegetation.
- G. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures water-ward of OHWM.

2.11 Urban Intensity Management Policies

- A. The *Urban Intensity* environment should be assigned to shoreline areas if they currently support high intensity uses related to commerce, industry, transportation or navigation, and high-density housing; or are suitable and planned for high-intensity water-oriented uses.
- B. Olympia's shoreline is characterized by a wide variety of "urban" uses and activities, including commercial, industrial, marine, residential, and recreational uses. Together, these uses and activities create a vibrant shoreline that is a key component of Olympia's character and quality of life. These types of uses should be allowed within the *Urban Intensity* environment, with preference given to ~~water-oriented uses~~ Water Dependent and Water Enjoyment uses. Shorelines in this SED are highly altered and restoration opportunities are limited. The City's own Percival Landing is a good example of how the immediate shoreline in the Urban Intensity SED should be redeveloped with a focus on public access and enjoyment, sea level rise protection and restoration of shoreline environmental function where feasible.
- C. Nonwater-oriented uses may be allowed where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline.
- D. Water-oriented recreation such as trails and viewing areas, water access, water related recreation, active playgrounds, and significant art installations, performance space, or interpretive features; and
- E. Provide for the restoration, repair and replacement of Percival Landing including consideration of sea level rise protection; and
- F. Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
- G. Where feasible visual and physical public access should be required as provided for in WAC 173-26-221(4)(d) and this shoreline program.
- H. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and vegetation conservation measures.
- I. Innovative approaches to restoration and mitigation should be encouraged, including incentive and alternative mitigation programs such as Advance Mitigation and Fee In-lieu.
- J. Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures water-ward of OHWM.

2.15 Public Access

2.15 G Public access should be designed to provide for public safety and comfort, and to ~~minimize~~ limit potential impacts to private property.

2.19 View Protection Policies

- A. Preserve views and vistas to and from the water, by public and private entities, to ensure that the public may continue to enjoy the physical and aesthetic qualities of the shoreline, including views of the water and views of shoreline areas from the water and the iconic views of the State Capitol and Olympic Mountains.
- 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~~ over and through the development from the water.

2.24 Commercial Policies

- A. Give preference to water-dependent commercial uses, then to water-related, and then water-enjoyment commercial uses in shoreline jurisdiction. Non-water-oriented commercial uses should be prohibited unless they are integrated into mixed use development or provide a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access or ecological restoration require a conditional use permit if located within 100 feet of the water.
- B. The preferred location for non-water-oriented commercial uses is in commercial areas as far ~~from the shoreline as feasible~~ is no closer than 30 feet from the shoreline.

2.25 Industrial Policies

- ~~2.25 B The preferred location for non-water-dependent industrial uses is in industrial areas as far from the shoreline as feasible no closer than 50 feet from the shoreline except in the Port Marine Industrial SED where no setback shall be required.~~
- B. Non water oriented industrial uses should be prohibited within the shoreline jurisdiction.

2.27 Residential Policies

2.27 C. Residential development, including the division of land and the construction of residential units, should be designed and located so that shoreline armoring and flood hazard measures will not be necessary to protect land or structures.

2.30 Shoreline Modification Policies

2.30 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) and Section 3.21 of the SMP.

2.32 Fill Policies

2.32. C. Fill should be allowed to accommodate berms or other structures to prevent flooding caused by sea level rise. Any such fill should include mitigation assuring no net loss of ecological functions and system-wide processes.

2.34 Restoration and Enhancement Policies

L. No permanent structures should be permitted within streams except for restoration and enhancement structures, and road and utility crossings as described elsewhere in this Program. All such structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources. The location and planning of in-stream structures should 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.

2.35 Shoreline Stabilization Policies

- D. The reconstruction or expansion of existing hard armoring should only be permitted where necessary to protect an existing primary 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 or public property, alternative measures that are less harmful to shoreline ecological functions should be employed.

SECTION 3 REGULATIONS

3.3 18.34.120 - Interpretations and Definitions

- C. For the purposes of this Chapter, the terms defined below shall have the meaning ascribed to them below. Terms not defined in this Chapter nor listed in subsection B above shall be interpreted as set forth on OMC 18.02. When the definitions in this Chapter conflict with the definitions set forth in OMC 18.02, the definitions herein shall govern for purposes of this Chapter.

Access, direct: Physical access that is convenient, of relatively short distance, and does not require extraordinary physical dexterity.

Access, physical: The right and facilities needed to enter upon shoreline areas, such as that access provided by a trail, float, dock, promenade, bridge or boat ramp.

Access, public: The opportunity for the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

Accessory: Customarily incidental and subordinate.

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

- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- (b) The action provides a reasonable likelihood of achieving its intended purpose; and
- (c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where the SMP requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

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

Floating home: A building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self-propulsion by wind or mechanical means.

Limited Master Program Amendment means a master program amendment that addresses specific procedural and/or substantive topics and which is not intended to meet the complete requirements of a comprehensive master program update.

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

Mitigation plan: A plan for alleviating or lessening the adverse impacts of an activity or development, including measures such as avoiding, minimizing or compensating for impacts. Mitigation plans should include a description and evaluation of existing environmental conditions, functions and values; be prepared by a qualified person; list proposed and any alternative mitigation measures including any continuing activities and long-term performance assurance; evaluate the likelihood of success of those measures; and include a proposed means of monitoring and evaluating the success of the mitigation.

Mixed use: The use of a parcel or structure with two or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Must means a mandate; the action is required.

Primary structure: The structure on a lot or parcel occupied by the principal use.

Restoration plan: A plan to reestablish or upgrade impaired ecological shoreline processes or functions. Such plan may be to restore a site or shoreline area to a specific condition, or to reestablish functional characteristic and processes which have been lost due to alterations, activities or catastrophic events. Restoration plans should identify the degraded site or area or impaired ecological function(s); establish specific restoration goals and priorities; describe the timing, elements, benchmarks, and other details of proposed restoration activities; include mechanisms or strategies to ensure successful implementation; and provide for monitoring and evaluation of the success of the restoration. Note: the term “Restoration Plan” may also refer to the shoreline Restoration Plan (Appendix A) that is a part Olympia’s Shoreline Master Program.

Shall means a mandate; the action must be done.

Should means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

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

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

And delete:

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

3.8 18.34.240 - Shoreline Variances

18.34.240 G. In the granting of any shoreline variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. In other words, if shoreline ~~conditional use permits~~ variances 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.

3.12 18.34.280 Shoreline Substantial Development, Conditional Use and Variance Permits

18.34.280 D. Pursuant to WAC [173-27-110](#), notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, at least fifteen (15) days before the hearing. In

addition, the planning department, in its discretion, may give notice in any other manner deemed appropriate.

3.13 18.34.285 Amendments

18.34.285 A. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter ~~473-19~~ 173 26 100 WAC as now or hereafter amended, and as provided below. All such amendments are required to be approved by the Department of Ecology.

18.34.285 C. The City Council shall hold the public hearing prescribed by WAC 173-19-062(1). At any time, the council may refer a proposed amendment to the planning commission for a recommendation. If the planning commission elects to hold a public hearing, a notice of the hearing shall be given in the same manner as the hearing held by the ~~board~~ Council.

3.21 18.34.410 No Net Loss and Mitigation

E. The City may require applicants to prepare special reports as necessary to address the impacts of proposed development on shoreline ecological functions or to demonstrate that avoidance is not feasible.

H. Mitigation measures shall occur in the immediate vicinity of the impact. If this is not feasible as determined through the mitigation sequence process (18.34.410 B.), mitigation may occur offsite 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.

18.34.410 I.

I. Type and Location of Mitigation:

1. The Administrator shall give preference ~~shall be given~~ to mitigation projects that are located within the City of Olympia. Prior to mitigating for impacts outside City of Olympia jurisdiction, applicants must demonstrate to the Administrator that the preferences herein cannot be met within City boundaries
2. Natural, Shoreline Residential, Urban Conservancy, Waterfront Recreation, and Aquatic Environments: Compensatory mitigation for ecological functions shall first be either in-kind and on-site, or second in-kind and within the same reach, sub-basin, or drift cell, except when all of the following apply:
 - a. It is demonstrated to the satisfaction of the Administrator that there are no reasonable onsite or in sub-basin opportunities (e.g., onsite options would require elimination of high functioning upland habitat), or onsite and in sub-basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated marine

shoreline/wetland/stream mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity); and

- b. Offsite mitigation has a greater likelihood of providing equal or improved shoreline ecological functions than the impacted ~~critical area~~ shoreline.
3. Urban Intensity, Marine Recreation and Port Marine Industrial Environments:
 - a. The preference for compensatory mitigation is for innovative approaches that would enable the concentration of mitigation into larger habitat sites in areas that will provide greater critical area or shoreline function.
 - b. The Administrator may approve innovative mitigation projects including but not limited to activities such as advance mitigation, fee in-lieu, mitigation banking and preferred environmental alternatives **subject to the mitigation sequencing process contained in Section 1834.410**. Innovative mitigation proposals must offer an equivalent or better level of protection of ~~critical area shoreline ecological~~ functions and values than would be provided by a strict application of onsite and in-kind mitigation. The Administrator shall consider the following for approval of an innovative mitigation proposal:

18.34.410 J. (Note that 1 and 2 below have been reorder per DOE recommendation.)

J. Fee In-lieu:

1. To aid in the implementation of offsite mitigation, the City may develop a formal program which prioritizes ~~wetland and/or other critical areas~~ shoreline areas included in the Restoration Plan for use as mitigation and/or allows payment in-lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:
 - a. The identification of sites within the City that are suitable for use as offsite mitigation and are consistent with the Shoreline Restoration Plan. Site suitability shall take into account ~~critical area shoreline ecological~~ functions, potential for degradation, and potential for urban growth and service expansion; and
 - b. The use of fees for mitigation on available sites that have been identified as suitable and prioritized for restoration and/or enhancement
 - c. Any offsite mitigation would have to be consistent with the goals and objectives of the Shoreline Restoration Plan.
2. If a fee in-lieu program is approved by the City then in cases where mitigation pursuant to this section is not possible, or where the maximum possible onsite mitigation will not wholly mitigate for anticipated impacts, or where an alternative location, identified in an adopted restoration plan, would provide

greater ecological function, the Administrator may approve a payment of a fee-in-lieu of mitigation. The fee shall be reserved for use in high value restoration actions identified through the Shoreline Restoration Plan.

L. Effect on Building Setbacks

No building shall be rendered nonconforming with respect to building setbacks as a result of shoreline restoration or mitigation conducted in accordance with this SMP.

3.26 18.34.460 Design of Public Access

18.34.460 B. The design and layout of public access shall conform to applicable City design standards and procedures, such as the width of public access easements or dedications for trails and share-use paths and trail classification and corresponding corridor widths set forth in the Olympia Engineering Design and Development Standards (EDDS). Any deviation shall be the minimum necessary to achieve the intended purpose of such deviation. It is not the intent of the City to authorize informal trails and the standards contained herein are not intended to address them.

3.30 18.34.492 - General Vegetation Conservation Regulations

- A. Vegetation conservation provisions apply to all shoreline ~~uses and~~ developments as required in Table 6.3. All vegetation conservation in these areas shall conform to the regulations and standards below.
- B. Parcels fronting on lakes, marine waters, streams or wetlands shall preserve or provide native vegetation within vegetation conservation areas, also known as VCAs or buffers, upland of and adjacent to the ordinary high water mark developments as required in Table 6.3.
- C. Except as provided herein, applicants for new development, expansion, or redevelopment shall protect and preserve existing native vegetation within the vegetation conservation area.
- D. ~~If native vegetation within the vegetation conservation area did not exist, or has been destroyed or significantly degraded,~~ Mitigation in the form of restoration or creation of vegetation conservation area may be required as a condition of development approval consistent with mitigation sequencing priorities in OMC 18.34.410(B). Further, an applicant may propose such restoration for reductions in required setbacks or for encroachments into required vegetation conservation areas for ~~water-oriented~~ dependent uses as provided in Table 6.3.
- E. Where applicable, nonconforming and water dependent uses that cannot provide a vegetation conservation area due to the nature of the use or activity shall provide comparable mitigation. For example, if it is not feasible to provide vegetation on-site due to constraints such as lot size, topography, or existing site improvements, vegetation may be provided offsite in accordance with the provisions of OMC 18.34.410(H).

3.31 18.34.493 - Permitted Uses and Activities within Vegetation Conservation Areas

- A. Subject to other limitations of this Chapter and if also allowed within the applicable shoreline environment designation, the following uses and activities are permitted within vegetation conservation areas without a variance:

3.32 18.34.494 - Single Family Alterations to Existing Development

Alterations to existing ~~single-family residences~~ development, including accessory structures, decks, patios, sport courts, and walkways shall protect existing native vegetation within the vegetation conservation area. If the minimum vegetation conservation area is not present when a ~~single-family~~ site alteration is proposed, the Administrator may require establishment of such vegetation conservation area where required by Table 6.3 that is necessary to prevent adverse impacts to the shoreline ecological functions that may result from any proposed alterations.

3.33 18.34.495 Vegetation Conservation Area Standards

- C. In general, protected and restored vegetation conservation areas shall be composed of native vegetation comparable in species density and diversity to an ecologically similar undisturbed area. Such species density and diversity shall be determined by the Administrator based on best available science. Provided, however, that up to 33% (one-third) of the vegetation conservation area may be utilized for authorized uses and activities described in OMC 18.34.493 provided that impervious surfaces shall not exceed 25% of the VCA. **In no case shall the width of a required VCA be less than 10 feet.** ~~If an Encroachment of an authorized use or activity requires more than 33% of the VCA, such as transportation facilities, utilities, and public recreation trails, the applicant shall provide~~ shall require an equivalent area elsewhere on-site be set aside as a VCA and shall ensure that the proposed use or activity will not result in a net loss to shoreline ecological functions.

3.34 18.34.496 Vegetation Management Plan

- E. In addition to a. - d. above all required vegetation installation shall conform to the standards of section 18.34.410 F. and G. of this SMP.**

3.38 18.34.510 - Water Quality

- B. **Stormwater management facilities for new uses and development shall be designed, constructed, and maintained in accordance with the Olympia Drainage Manual. To the extent feasible, low impact development best management practices shall be incorporated into every project along the shoreline. All redevelopment and new development within Reaches 4 and 5A shall require compliance with the stormwater manual without consideration to the thresholds established therein.**

3.41 18.34.620 Use and Development Standards Tables

- A. Table 6.1 identifies allowed uses and activities by shoreline environment designation. Table 6.2 **establishes building heights by shoreline environment designation, Table 6.3 establishes** development standards by shoreline environment designation including

shoreline setbacks, ~~building heights~~, and vegetation conservation areas. These tables shall be used in conjunction with the written provisions for each use. Table footnotes provide additional clarification or conditions applicable to the associated uses or development regulation.

- C. Upon finding that such structures will not result in a net loss of shoreline functions and is otherwise consistent with Olympia’s Shoreline Program, the Administrator may authorize small buildings and other structures within the “building setback” area. Any such structures shall not exceed a total 800 square feet within each development, shall not be located closer than 30 feet to the ordinary high water mark or the width of the VCA whichever is greater, and shall not exceed a height of 20 feet. To ensure protection of shoreline functions, the Administrator may require appropriate measures including enhancement of any associated vegetation conservation area.
- ~~D. Upon provision of setback reduction incentives as described in E.5 and E.6 or 7, to the extent that they apply, an applicant may obtain approval of a development including an increased maximum building height (‘VCA bonus’) as set forth in Table 6.2. Incentives may be provided on the same property or offsite as described herein in Section E. 1. below.~~
- E. **Setback** reductions shall be allowed as provided in Table 6.3 and subject to the following:
1. Incentives for setback reductions noted herein are cumulative up to the maximum reduction allowed. Incentive eligible restoration projects may be completed in association with, or in addition to, required mitigation projects, however, no setback reductions shall be allowed for required mitigation projects. Prior to the Administrator approving any offsite setback reduction incentives proposed to be achieved offsite, the applicant shall demonstrate compliance with the mitigation sequencing at a site level as provided in Section 18.34.410 of the SMP. Only after the Administrator concludes that impacts have been avoided and minimized to the extent feasible and that onsite restoration mitigation is not feasible or would have significantly less ecological benefit will offsite restoration mitigation be approved. Offsite restoration mitigation areas shall be within the city limits and shall be projects included in the Restoration Plan and located within the shoreline jurisdiction. All requirements of Section 18.34.410 shall apply to offsite restoration mitigation. Should no offsite restoration mitigation project be available, onsite mitigation shall be required.
 2. Physical access shall be access to the marine shoreline from the public right- of- way via a sidewalk or paved trail on a publicly dedicated easement no less than 6 feet in width and constructed to City standards as included in the City’s Engineering Design and Development Standards. Other forms of indirect access such as viewing towers and platforms may be considered where direct access to the shoreline is deemed dangerous due to the nature of the use of the property or the conditions at the shoreline. Existing access meeting the standards described herein may be used to meet setback incentive provisions.
 3. Water Related Recreation shall be an open space accessible to the public providing direct access to the shoreline. The water related recreation area shall be no less than the area of the shoreline setback reduction and in no case shall the area be less than 1,000 square feet. Such areas shall include active playgrounds, significant art

installations, performance space or interpretive features. Existing park space meeting the requirements described herein may be used to meet setback incentive provisions.

4. Trail shall be a commuter multi-use trail on a public easement no less than 12 feet in width **and providing no less than a 12 foot wide clear travel path** width, providing continuous public access across the site and shall be placed upland of the ordinary high water mark and constructed to commuter multi-use trail standards as included in the City's Engineering Design and Development Standards. Existing trails meeting the requirements described herein may be used to meet setback incentive provisions. To receive setback reduction credit the trail must be built on the site.
5. Vegetation restoration shall be planting of native shoreline vegetation in excess of that required to achieve no net loss of environmental function and shall substantially mimic undisturbed native shorelines in the South Puget Sound in plant species, species mixture and plant density. Vegetation restoration shall be accomplished through an approved Vegetation Management Plan. Uses may encroach the required setback area as described above so long as they provide for **mitigation restoration** of the encroachment at a ratio determined to offset the impacts of the encroachment and in no case less than a 2 square feet of **mitigation restoration** for every 1 square foot of encroachment within the required setback area and demonstrate no net loss of environmental function. Such areas shall be no less than 25 feet in depth measured from the ordinary high water mark and shall be no less than one acre in area.
6. Removal of bulkhead shall be the physical removal of a vertical structure and replacement with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
7. Replacement of a hardened shoreline shall be the physical removal of rip rap or other non-vertical shoreline protection **and replacement** with a softened shoreline treatment. Measures may include use of shoreline contouring, gravels, cobbles, limited use boulders, logs, and vegetation in a manner that promotes native aquatic species and protects the shoreline from erosion.
8. In addition to items 1-7 above, Water Dependent, **Water Related, and Water Oriented** uses may encroach the required setback and vegetation conservation area as described in Table 6.3 so long as they provide **restoration in exchange** for ~~mitigation of~~ the encroachment at a ratio determined to offset the impacts of the encroachment and in no case less than a 2 square feet of mitigation for every 1 square foot of encroachment within the required vegetation conservation area and demonstrate no net loss of environmental function. Required **mitigation restoration** shall meet the ~~vegetation restoration~~ standards noted in 5 above. Reductions to less than a 20 foot setback shall only be allowed where alternative public access has been provided sufficient to mitigate the loss of direct public access to the shoreline and in no case shall public access be less than 12 feet as described in paragraph 4 above. Projects proposing setbacks less than 20 feet shall also meet the shoreline bulkhead removal or hardening replacement requirements of 6 or 7 above for each linear foot of shoreline impacted **and the applicant shall demonstrate that a reduced setback would not result in the need for future shoreline stabilization.** ~~Mitigation required may take place onsite or offsite.~~

9. No setback shall be required in the Port Marine Industrial shoreline environmental designation, however, mitigation shall be required to offset any impacts determined through the mitigation sequencing process to ensure no net loss of environmental function and to mitigate for loss of public access.

Table 6.1 Uses and Activities

See **highlighted text** in Table 6.1 for an unresolved issue requiring a City Council vote.

Table 6.1 - Uses and Activities

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

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

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

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

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

Table 6.2 Development Standards (Heights)

Table 6.2 Building Heights				
Shoreline Environment	Shoreline Segment	Maximum Standard Building Height	Maximum Building Height with 'VCA' Bonus*	
Aquatic	All	20 feet	N/A	
Natural	All	20 feet 15 feet	N/A	
Waterfront Recreation	Budd Inlet	42 feet	65 feet	
	Capitol Lake	35 feet	N/A	
Urban Conservancy	All	35 feet	N/A	
Shoreline Residential	Ward Lake	35 feet	N/A	
	Ken Lake & Budd Inlet	35 feet	N/A	
Marine Recreation	Budd Inlet	40 feet; 25 feet within 75 feet of OHWM	N/A	
Urban Intensity	BUDD-3A**, Budd 6A & Cap-3B	42 feet to 65 feet Budd 3A**, 65 feet	65 feet**	
	All others	35 feet waterward of streets; 90 feet remainder	N/A	
Port Marine Industrial	All	65 feet	N/A	

** Subject to the provisions of the West Bay Drive regulations 18.06.100 A.2.C.

Table 6.3 Setbacks and Incentives

Shoreline Environment	Setback/VCA	Setback with maximum reduction-Non-water dependent	Incentive eligible provisions - See 18.34.620.E. 1	Setback reduction	Required Standards
Aquatic	N/A	N/A	N/A	N/A	N/A
Natural	200' /200'	N/A	N/A	N/A	N/A
Urban Conservancy	100' /50'	N/A	N/A	N/A	N/A
Shoreline Residential - Ward Lake	75' /20'	N/A	N/A	N/A	N/A
Shoreline Residential - Ken Lake, Budd Inlet	30' /20'	N/A	N/A	N/A	N/A
Marine Recreation - Budd 5C	75' /30'	50'	Physical Access	28% (7')	See 18.34.620.E. 2
			Trail	28% (7')	See 18.34.620 E. 4
			Restoration of vegetation	Up to 28% (7')	See 18.34.620.E. 5
			Bulkhead Removal >50% frontage	40% (10')	See 18.34.620.E. 6
			Bulkhead Removal <50% frontage	20% (5')	See 18.34.620.E. 6
			Replacement of hardened shoreline with soft structural stabilization measures waterward of OHWM. This measure must be provided in order to receive any setback reduction and may be used in conjunction with	50% (12.5')	See 18.34.620.E. 7

Shoreline Environment	Setback/VCA	Setback with maximum reduction- Non-water dependent	Incentive eligible provisions - See 18.34.620.E. 1	Setback reduction	Required Standards
			other measures to achieve a maximum setback reduction of 25 feet.		
*Water Dependent and Water-Related Uses Reduce from 50'-0'			Water Dependent/Related Use	100% (50')	See 18.34.620.E. 8-1-8
Waterfront Recreation - Budd 3B	150' or the east side of West Bay Drive whichever is less.	150'	None N/A	None N/A	None N/A
Waterfront Recreation - Cap 6	30'/30'	30'	Restoration of vegetation N/A	50% (12.5') N/A	See 18.34.620.E. 5 N/A
Water Dependent Uses Reduce from 30'-0'			Water Dependent Use	100% (30')	See 18.34.620.E. 1-8
Urban Intensity -Budd 3A	30'/30'	30'	N/A	N/A	N/A
Water-Oriented Dependent Uses Reduce from 30'-0'			Water-Oriented Water Dependent Use	100% (30')	See 18.34.620.E. 1-8
Urban Intensity -Budd 4	50'/30'-30'/0'	30'	Trail	100% (20')	See 18.34.620.E.4
			Water-Related Recreation	Up to 50% (10')	See 18.34.620.E.3
			Physical Access	25% (5')	See 18.34.620.E.2
			Restoration of vegetation.	Up to 50% (10')	See 18.34.620.E. 5
			Bulkhead Removal >50% frontage	50% (10')	See 18.34.620.E. 6
			Bulkhead Removal <50% frontage	25% (5')	See 18.34.620.E. 6
			Replacement of hardened shoreline with soft structural	25% (5')	See 18.34.620.E. 7

Shoreline Environment	Setback/VCA	Setback with maximum reduction-Non-water dependent	Incentive eligible provisions - See 18.34.620.E. 1	Setback reduction	Required Standards
			stabilization measures waterward of OHWM.		
Water-Oriented from 50'30'-0'	<u>Dependent</u>	Uses Reduce	Water Oriented <u>Dependent Use</u>	100% (530')	See 18.34.620.E. 1-8
Urban Intensity - Budd 5A	50'/30'30'/0'	30'	Trail	100% (20')	See 18.34.620.E. 4
			Physical Access	50% (10')	See 18.34.620.E. 2
			Water-Related Recreation	Up to 25% (5')	See 18.34.620.E.3
			Restoration of vegetation.	Up to 50%	See 18.34.620.E. 5
			Bulkhead Removal >50% frontage	50% (10')	See 18.34.620.E. 6
			Bulkhead Removal <50% frontage	25% (5')	See 18.34.620.E. 6
			Replacement of hardened shoreline with soft structural stabilization measures waterward of OHWM.	50% (10')	See 18.34.620.E. 7
Water-Oriented from 530'-0'	<u>Dependent</u>	Uses Reduce	Water Oriented <u>Dependent Use</u>	100% (530')	See 18.34.620.E. 1-8
Urban Intensity -Budd 6A	100'/0'	0'	N/A	N/A	N/A
Port Marine Industrial - Budd 5B	0'	0'	Offsite mitigation	100% (0')	See 18.34.620.E. 9

3.46 18.34.654 Marinas

18.34.654 B.

11. Marina buildings shall ~~be conform to the setbacks established in Table 6.3. be setback at least 30 feet from the OHWM.~~

3.48 18.34.658 Covered Moorage/Boat Houses

- B. ~~Boat Houses/Boat Storage Buildings~~ Covered moorage ~~(boat houses/boat storage buildings)~~ above and landward of the ~~elevation of the~~ ordinary high water mark are permitted ~~for commercial purposes only~~, and must comply with all the following:

3.49 18.34.660 Commercial Use and Development - General

- A. The construction of new and the expansion of existing overwater commercial buildings is prohibited, except as otherwise provided for herein.
- B. Public access shall be provided for all commercial use and development pursuant to OMC 18.34.450.
- C. Vegetation conservation areas, as required per Table 6.3, shall be provided and planted per Table 6.2 and pursuant to the provisions in Section 18.34.492.
- D. Commercial development shall not impact the rights of navigation.
- E. Home occupations are not considered to be commercial uses.

3.53 18.34.680 Recreation

- ~~D. Except where providing direct access to the water, water enjoyment recreation including viewing platforms, wildlife blinds, interpretive areas, trails and shared use paths shall be setback at least 10 feet from the OHWM in the Urban Intensity Environment and at least 25 feet in all other locations.~~ D. The construction of new trails or the expansion of existing trails shall be subject to the mitigation sequencing process and shall be designed to minimize impacts to the ecological functions of the shoreline while providing access and waterfront enjoyment to the public.
- E. All commercial recreation facilities shall conform to this section and OMC sections 18.34.660, 18.34.663 and 18.34.667.

3.55 18.34.700 Transportation and Trail Facilities

- E. Trails and shared use paths are considered transportation facilities and are allowed within the shoreline setback, vegetation buffer, and overwater. As such, they are subject to the provisions herein including OMC 18.34.410(B), ~~except that for recreation opportunities and private and public access they may be located closer to the shoreline than roads.~~ Where feasible new public trails and shared use paths shall use abandoned rail corridors to minimize disturbance of the shoreline.

3.61. 18.34.833 Shoreland Fill

- L. Fill within the shoreline jurisdiction shall be allowed in response to increases in sea level subject to all other provisions of this section and the mitigation sequencing process.

3.62.18.34.837 Fill Waterward of Ordinary High Water Mark

18.34.837 A. 4.

- 4. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise shall be allowed in response to increases in sea level subject to all other provisions of this section and the mitigation sequencing process;

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

- L. Any expansion, alteration, or modification of any moorage structure which results in more than a 10% **any** increase in horizontal area of the facility shall conform to all requirements of this chapter.

18.34.846 Marine Docks and Piers

- D. No combination of docks and piers on any one property shall exceed 100,000 square feet.

3.72 18.34.860 - Shoreline Stabilization - Intent

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

These include structural and nonstructural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, and planning and regulatory measures to avoid the need for structural stabilization. Structural methods include 'hard' and 'soft' measures, defined as:

- A. 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, sometimes vertical, ~~or near-vertical~~ faces. These include bulkhead, rip-rap, groins, revetments, and similar structures.
- B. Soft structural shoreline stabilization (also referred to as 'soft' armoring) means erosion control ~~and restoration~~ practices that contribute to restoration, protection or

enhancement of shoreline ecological functions. Examples of soft armoring include a mix of gravel, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement.

3.73 18.34.862 - Shoreline Stabilization - New Development

- A. New shoreline use and development including new lots shall be located and designed to eliminate the need for concurrent or future shoreline stabilization. If this is not feasible based upon a geotechnical analysis, soft structural protection measures shall be given preference over hard structural protection measures. The use of hard structural stabilization measures will only be allowed when it is demonstrated that soft structural measures are not feasible and that they will not result in significant impacts to adjacent or down current properties.
- B. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.34.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.
- C. New non-water-dependent development, including single family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below can be met:
 - 1. The need to protect the ~~principal use~~ primary structure from damage due to erosion caused by natural or manmade processes is demonstrated through a geotechnical report. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself 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 erosion control structure will not result in a net loss of shoreline ecological functions or processes;
 - 5. Impacts to sediment transport shall be avoided or minimized; and
 - 6. The structure will not cause adverse impacts to adjacent or down-current properties and shoreline areas.
- D. New development on steep slopes or bluffs shall be set back so that shoreline stabilization will not be needed.

3.74 18.34.864 - New or Expanded Shoreline Stabilization Measures

- A. New or enlarged structural stabilization measures are prohibited except where necessary to protect or support legally existing primary structures or shoreline uses, 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 to protect ~~for~~ legally existing primary structures or shoreline uses ~~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 tidal action, currents, waves, or boat wakes. ~~In addition, all of the following provisions shall apply:~~ Further:
 - 1. Normal sloughing, erosion of steep bluffs, shoreline erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis that demonstrates a danger exists to an existing development or residence, is not a demonstration of need;
 - 2. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization; ~~and~~
 - 3. The design of the stabilization structure shall take into consideration erosion rates, on-site drainage issues, vegetation enhancement, and low-impact development measures as a means of reducing erosion;
 - 4. The analysis must demonstrate that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not likely to be sufficient; and
 - 5. The erosion control structure shall not result in a net loss of shoreline ecological functions.
- D. The use of hard structural stabilization measures such as bulkheads are prohibited unless demonstrated in a geotechnical analysis that soft structural stabilization measures (bioengineering) or non-structural measures (increased setbacks) are not feasible.
- E. Where structural shoreline stabilization measures are necessary, the size of the stabilization structure shall be the minimum necessary. The Administrator may require that the size and design of the structure be modified to reduce impacts to ecological functions ~~upon shoreline ecology~~.

- F. Where adverse impacts to shoreline ecological functions cannot be avoided, mitigation shall be required in accordance with mitigation sequence priorities set forth in OMC 18.34.410(B).
- G. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including documentation of 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 are ~~is~~ strongly encouraged. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the ordinary high water mark.
- I. Following completion of shoreline modification activities, disturbed areas shall be restored using native vegetation (see OMC 18.34.495 for specific provisions).
- J. Publicly financed or subsidized erosion control measures shall not restrict public access except where such access is inappropriate or infeasible, and shall incorporate public access and ecological restoration to the extent feasible.

3.75 18.34.866 - Shoreline Stabilization - Replacement and Repair

- A. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function to replace an existing structure which no longer adequately serves its purpose. Additions to or increase in size of existing shoreline stabilization measures shall be considered new structures.
- B. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves. The Administrator may waive the requirement for a geotechnical analysis if the applicant demonstrates through the use of photographs, site or grading plans, or other evidence that nonstructural measures are not feasible.
- C. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of shoreline ecological functions.
- D. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing stabilization structure. Where a net loss of ecological functions associated with critical saltwater habitat would occur by leaving the existing structure, it must be removed as part of the replacement measure.
- E. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

- Options - Amend 3.76 18.34.868 - Design of Shoreline Stabilization Measures, as follows:
 - 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~~3:1 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. Bioengineering combines structural, biological and ecological concepts to construct living structures that stabilize the soil to control erosion using live plant materials as a main, but not only, structural component.

3.80 18.34.900 - Existing Buildings and Uses within Shorelines

- A. Subject to the provisions of this Chapter, a use, lot, or structure lawfully existing prior to the effective date of that chapter or any amendment thereto, which is rendered nonconforming may continue and may also be repaired, remodeled, and/or restored in the manner and to the extent that it existed upon the effective date of the relevant ordinance.
- B. Existing roads, trails, utility lines and similar linear facilities, together with any associated facilities such as pump stations or stormwater treatment ponds, which do not conform to the provisions of Chapter 18.34 may expand within existing easements and rights-of-ways. Modification or expansion outside of existing easements or rights-of-way which would otherwise be prohibited may be authorized by the decision maker upon finding there is no feasible alternative, the development is necessary for the public welfare, as proposed and designed including appropriate mitigation, and the development is not likely to result in a net loss of shoreline ecological functions.

3.81 18.34.910 - Alteration of Structures in the Shoreline

- A. Shoreline Structures-The following regulations apply to structures located in the shoreline:
 1. Alteration of structures located landward of the Ordinary High Water Mark within a required shoreline setback is limited to:
 - a. For structures located partially within the shoreline setback, alterations shall be limited to the addition of height and the area outside the shoreline setback.

- b. For structures located entirely within the shoreline setbacks, alterations shall be allowed for the addition of height or on the upland side of the structure or both.
 - c. Interior and exterior remodels and the addition of upper stories ~~is~~are permitted. Except as provided above, such additions shall not extend beyond the existing or approved building footprint.
 - d. Alterations shall comply with applicable development regulations in the Olympia Municipal Code.
2. Overwater Structures: Alteration of structures located waterward of the Ordinary High Water Mark is prohibited except:
- a. Alterations that do not increase or expand the building footprint are permitted; and
 - b. ~~The addition of upper stories or additional height within the existing building footprint is permitted for water-oriented uses only.~~
 - c. Existing covered moorage may be maintained, repaired or replaced pursuant to WAC 173-27-040.
 - d. Except for modifications required by the Washington Department of Natural Resources for light penetration, alternations to the footprint or building envelop are prohibited.
3. Other Regulations applicable to OMC 18.374.092910(A)(1) and (2).
- a. Actions shall not result in a net loss of shoreline ecological functions and processes;
 - b. ~~As a condition of approval, the Administrator may require planting with a Vegetation Conservation Areas pursuant to OMC 18.34.492;~~
 - eb. The applicant shall obtain all required permits or approvals prior to construction;
 - d. ~~Alteration of structures or uses within critical areas or critical area buffers shall comply with the provisions of OMC 18.37.070; and~~
 - ec. Structures that are damaged and house a nonconforming use may be re-established in accordance with OMC 18.37.092920.
- B. Unintentionally damaged or destroyed structures.
- 1. Unintentionally damaged or destroyed structures. In the event that a structure or building that does not conform to the shoreline setback is damaged or destroyed by fire, explosion, act of nature, or act of public enemy, the structure may be restored within the existing footprint.

2. In the event that a structure or building housing a nonconforming use is damaged or destroyed by fire, explosion, act of nature, or act of public enemy, such damage or destruction shall not constitute a discontinuation of the nonconforming use. In the event that a structure or building housing an existing use considered a “conditional” use is damaged or destroyed by fire, explosion, act of nature, or act of public enemy, such use may be re-established without obtaining a conditional use permit.
3. In order to take advantage of this section, a complete application for a building permit must be submitted within one year of the unintended event that caused the destruction of the structure. The applicant loses their rights under this subsection if the building permit lapses without construction of the structure proposed under the building permit.

3.82 18.34.920 - Existing Shoreline Uses

A. Conversions

1. A nonconforming use may be changed to a permitted use at any time.
2. The Hearing Examiner may grant a conditional use permit ~~permit for a period of not more than ten (10) years~~ that allows a nonconforming use to change to another nonconforming use that would not normally be allowed in the district in which it is located; provided, that the following can be clearly demonstrated by the applicant:
 - a. The structure that houses the existing nonconforming use cannot be used for any permitted uses because of its particular design; and
 - b. The proposed use will be more compatible with the permitted uses of the use district than the existing use; and
 - c. Provisions have been made to safeguard the adjoining properties against any detrimental effects that might result from allowing the proposed use.
3. Historic properties. The Hearing Examiner also may grant a conditional use permit ~~for ten years~~ to allow the following uses to change to another residential or commercial use that is not typically allowed in the district in which it is located:
 - a. An existing commercial or institutional structure in a residential zone when such structure is on the National, State or Olympia Heritage Register; or
 - b. An existing commercial or institutional structure within a National, State or Olympia Historic District, excluding the South Capital Historic Register; or
 - c. An existing commercial or institutional structure conditioned on restoration of a structure to achieve Register status; provided, that the following can clearly be demonstrated by the applicant:

- 1) The structure cannot be utilized for any of the uses normally permitted within that district; and
 - 2) The proposed use will not alter the historic features documented at the time of Register placement; and
 - 3) Provisions have been made to safeguard the adjoining properties and the neighborhood against any detrimental effects that might result from allowing the proposed use, subject to the requirements in 18.48.040, Additional Conditions.
- d. ~~A conditional use permit under OMC 18.37.094(A)(2) and (3) may be renewed by the Hearing Examiner for a period of not more than ten (10) years if it can be clearly demonstrated that:~~
- ~~1) The continued use of the premises in the manner allowed by the permit will not have any detrimental effect upon the property values of the surrounding properties;~~
 - ~~2) That such use has minimal adverse effect upon the people living or working in the vicinity of such use; and~~
 - ~~3) That it will create a hardship for the owner of the structure if the conditional use permit is not renewed.~~

B. Discontinuation

1. Except as provided by OMC 18.34.9420(A), a nonconforming use, when abandoned or discontinued, shall not be resumed. Discontinuation or abandonment occurs under any of the following:
 - a. When land used for a nonconforming use shall cease to be used for that particular use for twelve (12) consecutive months; or
 - b. When a building designed or arranged for a nonconforming use shall cease to be used for that particular use for twelve (12) consecutive months; or
 - c. When a building designed or arranged for a conforming use but used for a nonconforming use shall cease to be used for such nonconforming use for twelve (12) consecutive months.
2. The Hearing Examiner may, by conditional use permit, allow a discontinued or abandoned use to resume operations if it can be proven that all of the following conditions exist:
 - a. That discontinuation or abandonment was caused by a condition over which the owner and operator of such use had no control; and
 - b. That it is impossible for the owner to change the use of the premises to a permitted use without causing a hardship to himself; and

- c. That resumption of the nonconforming use will not have a detrimental effect on surrounding properties.

A. Figure 4.1 (Shoreline Master Program SEDs Map)

- Establish a parallel Urban Intensity designation along West Bay Drive Reach 3B with Waterfront Recreation applying to that area east of West Bay Drive and not developed and that lands west of West Bay Drive and those developed for residential and office uses east of West Bay Drive be designated as Urban Intensity.