

NEW/REVISED LANGUAGE

SHORELINE MASTER PROGRAM FOR THE THURSTON REGION

March 3, 1989

NEW/REVISED MASTER PROGRAM LANGUAGE

**II. PERMITS (Pages 1-2)**

**A. Substantial Development Permit**

"...Substantial development is defined as any development of which the total cost or fair market value exceeds ~~one thousand dollars (\$1,000)~~ two thousand five hundred dollars (\$2,500), or any development which materially interferes with the normal public use of the water or shorelines of the state. The law provides a limited number of exceptions to this permit requirement (refer to RCW 90.58.030(3)(e))."

This change adopted by state several years ago.

**D. Letter of Exemption from Substantial Development Permit Process**

All developments that are not defined as substantial developments are exempted from the requirement to obtain a Shoreline Substantial Development Permit. However, these developments must still comply with the standards of the Shoreline Master Program. In addition, these developments may still need a Shoreline Conditional Use Permit or a Shoreline Variance.

The Master Program has an introductory section that explains Substantial Development permits, Conditional Use Permits, and Variances. This new section adds an explanation of Letters of Exemption and discusses the process.

A project proponent must obtain the approval of the local government where the development will occur. That jurisdiction will ensure that it conforms to the Shoreline Master Program and to state law. If it complies, a letter of exemption states that there are no further Shoreline permits to obtain, and may contain conditions which the proponent must meet.

**E. Nonconforming Uses, Lots and Structures (pages 8-9)**

**6. Development of Nonconforming Lot.** When lot size precludes would prevent development of a nonconforming lot consistent with the applicable setback requirements,--of--the--environment,--the development may nonetheless be authorized--provided--the--proposed development is located as far as possible from the ordinary high-water mark. The administrator's written decision should be based upon a written request and be on file in that jurisdiction. The administrator's decision shall be final unless a Shoreline Variance permit is filed. the administrator may authorize development under the following conditions:

This section allows the Shoreline Administrator to administratively authorize development on lots that are too small or oddly-shaped to meet setback requirements. The section has been revised to give more guidance and add criteria on when to authorize such development.

- a. A written request is received from the project proponent.
- b. The development will be located as far landward as possible from the ordinary high-water mark.
- c. The decision of the administrator is based upon the criteria found in WAC 173-14-150 (Review Criteria for Variance Permits), as adopted and hereafter amended.

Upon receiving a written request, the administrator shall mail notice of the request to all property owners within 300 feet. At a minimum, the notice shall state the following:

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- (a) The decision on the request will be made within ten days from the date that the notice was mailed; and
- (b) Interested citizens may contact the shoreline administrator for further information and to learn the administrator's decision.

Appeal of the administrator's decision shall be made in accordance with the procedures of appeal established in the affected jurisdiction's land use regulations.

F. Amendments (page 10)

- 6. The following process is recommended when substantial revisions to the Master Program are desired by one or more of the jurisdictions using the program. It is initiated by one or more jurisdictions proposing to Thurston Regional Planning Council (TRPC) that a review be undertaken. If TRPC agrees, the following process will begin:

- a. TRPC will appoint an advisory committee to review the areas of concern and develop recommendations. The advisory committee will consist of voting and non-voting members. The voting members, who represent the public and various interest groups are:

- (1) One representative from the planning commission of each local government using the Shoreline Master Program;
    - (2) One representative from each affected Indian Tribe;
    - (3) One representative from the Port of Olympia;
    - (4) Eight members of the general public chosen to represent a variety of interest groups.
    - (5) Other representatives as deemed appropriate by TRPC.

The nonvoting members, who provide technical expertise and advice to the voting members, are:

- (1) One staff planner from each local government using the Shoreline Master Program;
    - (2) One staff member from the Thurston County Economic Development Council;
    - (3) One staff member from the Port of Olympia;
    - (4) One staff member each from the Washington Departments of Fisheries, Wildlife, and Ecology;
    - (5) Other representatives as deemed appropriate by TRPC.

- b. The draft recommendations from the advisory committee should be submitted to each local government using the Master Program prior to the final meeting of the committee. This is intended to provide an opportunity to resolve any problems at the advisory committee level.
  - c. The draft recommendations from the advisory committee shall be submitted to the Department of Ecology for informal review and approval. This should be done on an on-going basis as the advisory committee develops its recommendations and/or prior to the final meeting of the committee.

The Master Program defines the process for minor amendments. However, there is no process outlined for major amendments. The process is "re-invented" each time major amendments are prepared. This subsection adds the same process that was used this time.

- d. The recommendations of the advisory committee are submitted to TRPC for review and approval.
- e. TRPC forwards the changes as approved to the affected local jurisdictions for review and approval.
- f. The adopted changes are submitted to the Department of Ecology for final adoption.

7. Special Area Management Plans are encouraged for specific geographic areas, such as for river corridors. A Special Area Management Plan may include policies, use regulations, and changes to existing environmental designations.

This is intended to encourage preparation of special plans, such as the Percival Creek Corridor Plan.

SECTION TWO - GENERAL GOALS AND POLICIES

V. REGIONAL CRITERIA (page 12)

C. Future water-dependent or water-related industrial uses shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.

This addition reflects the view that water-related uses are closely connected to water-dependent uses and should be addressed similarly.

VII. SHORELINE ENVIRONMENTS (page 15)

D. SUBURBAN ENVIRONMENT

Purpose. The purpose of the Suburban environment is to allow residential development at urban densities and recreational development. It is not intended to be applied to existing industrial and commercial areas.

Definition. The "Suburban" environment designates shorelines which are developed with residential uses at an urban density and/or recreational uses that improve the public's ability to use the shoreline. This environment can only be applied to lands within the urban growth area as defined by the Urban Growth Management Planning Area document, signed by Thurston County, Lacey, Olympia, and Tumwater on June 20, 1988, or as hereafter revised. This environment is characterized by moderate-intensity land use and moderate to intensive water use. Visual impact is variable with a moderate to high number of permanent structures. Recreational activities and public access to the shoreline are encouraged to the extent compatible with other uses and activities designated for this environment.

This is a statement of the purpose, definition and goals of the new "Suburban" environmental designation.

Goal Statements

1. Economic Development. Available resources should be utilized consistent with the purpose and definition of this environment.
2. Public Access. The goal is to plan for and, where appropriate, acquire visual and physical access to the water.
3. Circulation. The goal is to provide facilities that are necessary only for approved uses. Trail systems for safe nonmotorized traffic are to be encouraged. Major planned circulation systems for motorized vehicles should be located away from shoreline areas where possible.
4. Recreation. The goal is to assure diverse, convenient and adequate water-related recreational opportunities along the shorelines.
5. Shoreline Use. Shoreline uses are to be distributed in such a manner as to minimize transportation costs, conflicts between adjacent uses, and to avoid uses having adverse effects on fragile natural systems.

6. Conservation. The goal is to have sound management in the conservation of all human and natural resources within the Suburban environment.
7. Historic and Cultural Values. This goal shall be to promote, protect and preserve historical, cultural, scientific or educational values on shoreline where these values are acknowledged.
8. Restoration. This goal is to restore to a useful or original condition those areas (including waters) which are blighted by present uses, discontinued uses and dilapidated or abandoned structures.

## SECTION THREE--POLICIES AND REGULATIONS FOR USE ACTIVITIES

### I. AGRICULTURAL ACTIVITIES (page 20)

#### D. Environmental Designations and Regulations

1. Urban, Suburban, Rural, and Conservancy environments. All types of agriculture are allowed provided the activities are consistent with the policies and general regulations of this program.

This adds the new Suburban environment and defines the agricultural uses allowed.

### II. AQUACULTURAL ACTIVITIES (Page 21)

#### A. Scope and Definition

Aquaculture involves the culture and farming of food fish, shellfish, and other aquatic plants and animals in lakes, streams, inlets, bays and estuaries. Aquacultural practices include 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. Method of aquaculture include, but are not limited to fish hatcheries, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas.

The addition of "fish hatcheries" to the Scope and Definition section makes it clear that these are considered a form of aquaculture. This is of particular interest to Thurston County because there are several freshwater hatcheries in south Thurston County, and the potential exists for more.

#### D. Environmental Designations and Regulations

1. Urban, Suburban, Rural, Conservancy and Natural-Aquatic Environments. All types of aquaculture are allowed, provided the operation is consistent with the policies and regulations of this program and chapter.

This adds the new Suburban environment and defines the aquacultural uses allowed.

### III. ARCHAEOLOGICAL AREAS AND HISTORIC SITES

#### A. Scope and Definition

These may include ancient villages, military forts, old settlers' homes, ghost towns, trails and scenic sites, abandoned cemeteries and other establishments, archaeological diggings, monuments, Native American sites and sites of former pioneer buildings.

This section was in the 1975 Master Program, but was inadvertently left out of the 1984 revision. It is largely unchanged except for clarifications and updates of state agencies responsible for archaeology and historic preservation.

#### B. Policies

1. Because archaeological areas and historic sites are nonrenewable educational tools and links with the past, they should be preserved regardless of the environment in which they are located.

2. Areas proposed for development, and specifically identified by the Washington Office of Archaeology and Historic Preservation, County Certified Local Governments, concerned tribes or similar agencies, as being of historic or archaeological interest should not have permits granted until all these agencies have an opportunity to comment on the particular project.
3. New sites uncovered during excavation or development should be reported by the developer to the local shorelines agency to enable other appropriate agencies to investigate the find. Local government should coordinate with these agencies to preserve important sites.
4. The National Historic Preservation Act of 1966, and the Revised Code of Washington (Chapter 43.51), provide for the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures and objects significant in American and Washington pre-history, history, architecture, archaeology or culture. The state legislature has named the Director of the Washington State Historic Preservation Officer as the person responsible for this program. Prehistoric sites discovered during development should be reported under this program for possible preservation, restoration, and the necessary financing.
5. Prehistoric and historic areas and structures located in waterfront areas should be preserved. If parking or vehicular access required by this or other codes would adversely affect these historic areas or structures, alternatives such as allowing a reduction in required parking should be reconsidered.

**C. General Regulations**

1. If artifacts and items of historical and archaeological interest are discovered during the excavation or development along shorelines, the excavation or development must immediately be stopped, and the find must be reported to the local shorelines agency. The local government shall notify appropriate agencies of the find. These agencies may include the Washington Office of Archaeology and Historic Preservation, the Washington Archaeological Research Center, the State Historical Museum, Certified Local Governments, concerned tribes and local historical societies.
2. The local shorelines agency shall arrange for inspection of the site within seven calendar days by one or more professional archaeologists or historians. These individuals shall make recommendations as to site restoration, site protection, or removal of artifacts, or loss of the site to development, so that the site may be used as intended, or compensation may be made as may be feasible at the time. The local shorelines agency shall review the recommendations and decide on the course of action within seven calendar days of receiving the recommendations.
3. Conditions may be attached to Shoreline Permits to protect historic sites or artifacts as long as normal permit procedures are followed.

4. Where known sites (as recorded by the Washington Archaeological Research Center or the Washington State Office of Archaeology and Historic Preservation) are proposed for development, the local shorelines agency shall consult these agencies for their recommendations, and may deny the Shoreline Permit where the historic or archaeological value of the site outweighs the development value.
5. A Conditional Use Permit may be required for development of single-family residences where protection of historic and archaeological sites is a factor.

#### IV. BOATING FACILITIES (Page 24)

##### A. Scope and Definition

Boating facilities include marinas, boat ramps, piers, docks, boathouses, mooring buoys, recreational floats and marine railways. "Boat ramps" are constructed of concrete or other material which extends onto the water and tidelands for boat launching. A "marina" is a water-dependent facility that provides wet and/or dry moorage for over ten (10) boats and other related sales and maintenance services. "Piers and docks" are structures generally built from the shore extending out over the water to provide moorage for commercial and/or private recreation water craft or float planes or for water oriented recreational use. When a pier or dock is to serve ten (10) or more boats, it is considered a marina and must comply with the marina regulations and not the regulations for piers and docks. They may either be anchored to and floating or permanently fixed to piling. A "mooring buoy" is an anchored floating device for the purpose of securing a watercraft. "Recreational floats" are anchored platforms detached from the shoreline for water-dependent recreational activities such as swimming and diving. "Marine railways" are a pair of sloping tracks used to launch watercraft. "Covered moorage" is a roofed structure for the wet or dry storage of one or more boats. "Boathouses" are a type of covered moorage which have walls and are usually for the storage of one (1) boat.

A reference to "water-oriented" has been deleted. Other slight clarifications have been made.

##### B. Policies

###### Marinas and Launching Ramps:

2. Shallow water embayments with poor flushing action should not be utilized for marinas or boat launching facilities.
3. Marinas and launching ramps should be located to minimize the need for continual dredging, filling, beach feeding, and other river, lake, harbor, and channel maintenance activities.
4. Full handling and storage procedures that minimize accidental spillage and provide satisfactory means for handling those spills that do occur should be required.

This policy was denied by DOE in 1984 because it had no associated regulation. It has been reinstated, along with regulation #2 below.

This policy was denied by DOE in 1984 because it had no associated regulation. It has been reinstated with slight modifications, along with regulation #3 below.

This policy was denied by DOE in 1984 because it had no associated regulation. It has been reinstated along with regulation #4 below.

5. Solid and liquid wastes and untreated effluents should not be allowed to enter any bodies of water or to be discharged onto the land.
6. Where wet moorage is offered, pump-out and holding or treatment facilities should be provided by marinas for sewage contained on boats to protect water quality.
7. In locating marinas, the adverse effects of construction and operation of the facility upon fish and shellfish should be minimized.

C. Regulations

Marinas and Launching Ramps

2. 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.
3. Marinas and launch ramps shall be located on stable shorelines where water depths are adequate to 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.
4. All boating facilities, including marinas and boat yards, shall utilize effective measures to prevent the release of oil, chemicals, or other hazardous materials onto or into the water. Such measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains, and planted buffers.
5. For marinas offering wet moorage, pump-out and holding or treatment facilities shall be provided to handle sewage contained on boats.
6. Marinas and their accessory facilities shall be located, designed, constructed and operated to minimize adverse effects on fish and shellfish.
7. In sensitive areas, such as near certified shellfish beds, the applicant shall be required to demonstrate that the maximum protection of shore features, water quality, and existing uses will be provided.

Piers and Docks

16. Docks and piers shall be setback ten (10) feet on freshwater and twenty (20) feet on tidal water from the side property line. These setbacks may be waived if two single-family property owners wish to construct a joint pier on the common property line under the following conditions:
  - a. Both property owners must record a non-exclusive easement granting each other the right to use the pier.

This is a new policy that is also implemented by regulation #4 below.

This policy was denied by DOE in 1984 because it had no associated regulation. It has been reinstated along with regulation #5 below.

The Puget Sound Water Quality Management Plan requires DOE to develop standards for siting marinas near shellfish beds. Although the new standards are not due until 1991, this policy and regulations 6 and 7 can serve as interim standards.

This regulation allows a trade-off: Waiver of side setbacks for fewer piers on a water body.

b. The easement must acknowledge that each property owner is giving up the right to construct a separate single-family pier.

D. Environmental Designations and Regulations (page 28)

2. Suburban and Rural environments. Marinas, boat ramps, piers, docks, boathouses, mooring buoys, recreational floats and marine railways are permitted subject to the Policies and General Regulations.

This adds the new Suburban environment and defines the boating facilities allowed.

V. COMMERCIAL DEVELOPMENT

B. Policies

1. Commercial developments which are particularly water-dependent upon their location and/or use of the shorelines of the state are permitted or water-related are encouraged.
2. Commercial development that will provide opportunities for the public to enjoy the shorelines of the state will be considered.
3. New commercial developments on shorelines should be encouraged to locate in those areas with existing commercial uses.
4. Commercial developments that are water-dependent on-shoreline locations or water-related are encouraged to provide public access.
5. Properties within the shoreline jurisdiction but separated from the water by an arterial or state highway are exempt from the use and public access requirements of this section, if consistent with the following:
  - a. The proposed development is consistent with the use requirements of the local zoning ordinance.
  - b. The proposed development is consistent with the general Policies and General Regulations of this Program, and the regulations of the specific Environment Designation.
6. Commercial developments should be aesthetically compatible with the surrounding area. Structures should not significantly impact views from upland properties, public roadways and from the water.
7. Parking facilities should be placed inland, away from the immediate water's edge and recreational beaches.
8. Commercial development should be discouraged within the 100-year flood plain.

This reflects a more direct link to the revised definitions of water-dependent and water-related.

See above comment.

9. Commercial developments which impair upstream or downstream land uses, wildlife or stream hydrology are prohibited.
10. Buildings over the water for commercial uses should not be allowed except for those that are may be allowed for water dependent, or for uses that provide significant public access to the water water-enjoyment uses.
11. Buildings should only be allowed over-the-water if an urban waterfront plan addressing the relevant issues is approved.
12. Water-enjoyment uses should not be located in areas needed for water-dependent and water-related uses.
13. Construction of over-the-water buildings should consider impacts on marine habitat.
14. Over-the-water buildings should only be allowed on marine waters characterized by urban development.

C. General Regulations

1. Buildings over thirty-five (35) feet will be allowed if they do not obstruct the view of substantial numbers of residences or upland properties.
2. Home occupations are businesses conducted within a dwelling which is the bonafide residence of the principal practitioner. They are not considered as commercial uses in this program provided a zoning permit is obtained from the jurisdiction and no alteration is made to the exterior of the structure.
3. Home-based industries are small scale commercial or industrial activities on residential parcels performed in a structure other than the residence. The principal practitioner must reside on the property. Home-based Industries are allowed provided it does not alter the appearance of the site as a residential parcel and retail trade at the site is minimal.
4. Commercial uses that are water-dependent uses-and-uses associated with water-dependent activities must or water-related shall provide public access when feasible.
5. Over-the-water buildings are allowed only on marine shorelines.

Policies 10-14 provide guidance for allowing buildings to be constructed over-the-water. Policy 10 was originally denied by DOE because there were no associated regulations, and they believed the trade-off of over-the-water construction for public access was not justification enough. Policy 12 discusses the new category of water enjoyment uses (see new definition) and establishes a lower priority for them (lower than water-dependent).

This has been revised to conform to the revised definitions of water-dependent and water-related (formerly "water-oriented").

6. Water-dependent and water-enjoyment buildings will only be allowed over-the-water after an urban waterfront plan is approved by the affected jurisdiction responsible for processing the required Shorelines Conditional Use Permit. This plan must include the following:

- a. There must be adequate provision for water-dependent and water-related uses.
- b. The Plan must consider view preservation, public access, traffic impacts, parking, and other upland site development requirements.
- c. The Plan must consider the potential impacts to habitat posed by over-the-water construction.

7. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:

- a. The location proposed is mapped as "Unstable" or "Intermediate Stability" in the Washington Coastal Zone atlas prepared by the State Department of Ecology.
- b. All stair towers 24 feet in height or taller.
- c. Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.

8. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.

D. Environmental Designations and Regulations.

1. Urban Environment. The following commercial activities are allowed in the Urban Environment.

- a. Water-dependent commercial uses.
- b. Retail uses associated with water-dependent activities such as boat sales, bait shops and fishing supplies stores.
- c. The following over-the-water buildings may be allowed by Conditional Use Permit:

(1) Water-dependent buildings subject to the following criteria:

- (a) The applicant must evaluate potential impacts to habitat posed by the development and suggest measures to avoid, minimize or mitigate any identified impacts.
- (b) They must be in conformance with the overall urban waterfront plan as discussed in general regulation #6 above.

This regulation states that no over-the-water buildings are allowed until an overall urban waterfront plan is completed, and lists the criteria for the plan.

In high bank areas, large structures commonly known as stair towers are increasingly being used to provide access to the shoreline. This new regulation (and the following one) adds standards for stair towers. In addition, definitions of "stair tower," "stairs," and "stairway" have been added to the Definition Section.

This regulation establishes the criteria for over-the-water buildings, and establishes that it is by Conditional Use Permit.

(2) Water-enjoyment buildings subject to the following criteria:

- (a) They must be in conformance with the overall urban waterfront plan as discussed in general regulation #6 above.
- (b) Existing public access must not be adversely affected.
- (c) There must be no significant view blockage from upland areas by water-enjoyment buildings.
- d. Public access must be provided for significant numbers of people to enjoy the shoreline.
- e. They must be designed to take advantage of the amenities, such as views, afforded by such locations.
- f. The applicant must evaluate potential impacts to habitat posed by the development and suggest measures to avoid, minimize or mitigate any identified impacts.

d. Uses other than those listed above may be allowed provided the following showings are made:

- (1) The site is designed in a manner to allow substantial numbers of people access to and enjoyment of the shoreline.
- (2) The use does not discourage public enjoyment of the shoreline due to impacts such as traffic, noise and other emissions.

2. Suburban Environment. The following commercial activities are allowed in the suburban environment:

- a. Commercial activities, including boat rentals and concessions, that are directly related to the recreational uses allowed in this environment.

3. Rural Environment. The following commercial activities are permitted in the Rural Environment:

- a. Water-dependent commercial uses.
- b. Uses other than those listed above may be allowed provided the following showings are made:
  - (1) The site is designed in a manner to allow substantial numbers of people access to and enjoyment of the shoreline.
  - (2) The use does not discourage public enjoyment of the shoreline due to impacts such as traffic, noise and other emissions.
  - (3) Structures must be set back fifty (50) feet from the ordinary high-water mark.

This adds the new Suburban environment and defines the commercial activities allowed.

(4) Commercial structures shall not exceed thirty-five (35) feet in height.

4. Conservancy Environment. Water-dependent commercial recreation activities are permitted in the Conservancy Environment provided:

- a. Water-dependent The development must be of low intensity and will not substantially alter the existing character of the area, and
- b. Commercial-recreation-may-be-allowed-provided-the The following showings findings are made:
  - (1) The site is designed in a manner to allow substantial numbers of people access to an enjoyment of the shoreline.
  - (2) The use does not discourage public enjoyment of the shoreline due to impacts such as traffic, noise and other emissions.
  - (3) Structures must be set back one hundred (100) feet from the ordinary high-water mark.
  - (4) Structures shall not exceed thirty-five (35) feet in height above the average grade.

5. Natural and Natural-Aquatic Environments. Commercial development is prohibited in the Natural and Natural-Aquatic Environments.

These revisions are primarily grammatical and clarify the intent.

## VI. DREDGING

### D. Environmental Designations and Regulations (Page 34)

1. Urban, Suburban, Rural and Conservancy Environments. The following dredging activities are allowed.

- a. Dredging to deeper navigational channels
- b. Dredging to improve water quality
- c. Dredging to bury public utilities
- d. Dredging to increase recreation benefits
- e. Dredging to maintain water flow
- f. Dredging which is required to allow an activity permitted by this Master Program

This adds the new Suburban Environment and defines the dredging activities allowed.

## VII. FOREST MANAGEMENT

### D. Environmental Designations and Regulations (page 36)

1. Urban, Suburban, and Rural Environments. All forest management activities are allowed in the Urban, Suburban, and Rural Environments subject to the General Regulations.

This adds the new Suburban Environment and defines the forest management activities allowed.

## VIII. INDUSTRIAL DEVELOPMENT

### A. Scope and Definition

An industrial development means the fabrication, assembly, manufacturing, processing or storage of goods. This category also includes the facilities for the transfer of cargo and/or passengers from water-borne craft.

### B. Policies

1. Future marine water-dependent or water-related industrial uses should be located in shoreline areas already devoted to or zoned for industrial use. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry unless the property is already zoned for industrial use by the local jurisdiction.

2. Priority for industrial development along fresh water shorelines should be given to water-dependent uses; however, both water-oriented and other industrial uses may be allowed if a future higher-priority use cannot be reasonably expected or if such use will be of public benefit by increasing public use, enjoyment or access to the shoreline. Priority for industrial development along fresh water shorelines should be given to industrial uses in the following order of priority:

a. Water-dependent uses;

b. Water-related uses; and

c. Other industrial uses.

The lower-priority uses should be allowed if the higher-priority uses cannot be reasonably expected in the future, or if lower-priority uses will be of public benefit by increasing public use, enjoyment or access to the shoreline.

3. The cooperative use of docking, parking, cargo handling and storage facilities should be strongly encouraged in waterfront industrial areas.

4. New facilities should not substantially increase levels of air, noise, or water pollution.

5. Open-pile or floating construction is favored in the expansion of facilities into water areas.

6. The length and width of industrial docks and piers should be the minimum necessary.

7. Buildings should only be allowed over-the-water if an urban waterfront plan addressing the relevant issues is approved.

This addition reflects the view that water-related uses are closely connected to water-dependent uses and should be addressed similarly.

This policy establishes a priority for industrial uses on fresh water shorelines, and has been reworded to clarify its intent.

Policies 7 - 9 provide guidance for allowing buildings to be constructed over-the-water.

8. Construction of over-the-water buildings should consider impacts on marine habitat.
9. Over-the-water buildings should only be allowed on marine waters characterized by urban development.

C. General Regulations

1. The project application shall incorporate the following:
  - a. Evidence of water dependency.
  - b. Cooperative use of service facilities by multiple concerns where possible.
  - c. Information on transportation and utility service corridors, traffic circulation, access to facility and effect of the proposed project on transportation and circulation in the vicinity.
  - d. Analysis of the impact upon and alteration to natural landform patterns.
  - e. Methods for treatment and control of waste disposal including any storm or sanitary sewer outfalls proposed.
  - f. Analysis of the impact upon ground water, hydrology, drainage patterns and soil erosion.
  - g. Analysis of air quality and noise level impacts.
2. Issuance of a permit for the development, expansion or alteration of an industrial area shall be contingent upon the existence of emergency capabilities for controlling and eliminating potential water pollution impacts resulting from spills, leaks or operational failures.
3. Water storage and handling of logs is subject to the following standards:
  - a. Permits shall contain provisions for the clean up of log dumping and rafting areas, and disposal of wastes.
  - b. Bark and wood debris controls, together with collection and disposal facilities, must be employed at log dumps, raft building areas, and mill handling areas.
  - c. Logs shall not be dumped, stored or rafted where grounding will occur except in the Urban Environment of Budd Inlet.
  - d. Permits for free-fall dumping of logs are not allowed unless the applicant can demonstrate said procedures will not produce more adverse impacts than the easy let-down method. The use of log bundling and other devices should be encouraged.
4. Dry land storage of logs is subject to the following standards:
  - a. Unpaved storage areas underlain by permeable soils shall have at least a four (4) foot separation between ground surface and the winter water table.
  - b. 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. It shall be demonstrated that state water quality standards or criteria will not be violated by such runoff

Slight revision to correspond with new definitions, which refer to a range of dependency.

discharge under any conditions of flow in nearby water courses. If such demonstration is not possible, runoff shall be treated to meet state and federal standards.

5. Over-the-water buildings are allowed only on marine shorelines.
6. Water-dependent uses will only be allowed over-the-water after an urban waterfront plan is approved by the affected jurisdiction responsible for Shoreline Conditional Use Permits. This plan must include consideration of the following:
  - a. Adequate provision for water-dependent and water-related uses.
  - b. View preservation, public access, traffic impacts, parking, and other upland site development requirements.
  - c. Potential impacts to habitat posed by over-the-water construction.
7. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:
  - a. The location proposed is mapped as "unstable or "Intermediate Stability" in the Washington Coastal Zone Atlas prepared by the state Department of Ecology.
  - b. All stair towers 24 feet in height or taller.
  - c. Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.
8. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.

**D. Environmental Designations and Regulations**

1. **Urban Environment.** The following industrial activities are allowed in the Urban Environment:
  - a. Water-dependent and water-related port and industrial uses on marine waters.
  - b. Water-oriented-port-and-industrial-uses.
  - c. Expansion of existing industrial uses provided it does not adversely affect the flood carrying capacity of the floodplain.
  - d. Nonwater-dependent-use Water related and other industrial uses on fresh water, provided a water-dependent use cannot be reasonably expected.

This limits over-the water buildings to only marine shorelines.

This describes what the overall urban waterfront plan must include. The plan is required prior to allowing any buildings for water-dependent uses to be constructed over-the-water.

In high bank areas, large structures commonly known as stair towers are increasingly being used to provide access to the shoreline. This new regulation (and the following one) adds standards for stair towers. In addition, definitions of "stair tower," "stairs," and "stairway" have been added to the Definition Section.

Clarification.

- e. Water-dependent over-the-water buildings may be allowed by Conditional Use Permit.
- 2. Suburban, Rural and Conservancy Environments. Industrial and port uses are prohibited in the Suburban, Rural and Conservancy Environments, including upland storage of logs. Expansion and maintenance of existing log storage and handling facilities is allowed.
- 3. Natural and Natural-Aquatic Environments.
  - a. Industrial developments are prohibited.
  - b. Storage of logs is prohibited in the Natural Environment.
  - e. Log storage is allowed in the Natural-Aquatic Environment.

This regulation establishes that a Conditional Use Permit (CUP) is required for all over-the-water buildings.

This adds the new Suburban Environment and establishes the Industrial uses allowed.

Clarification.

## IX. VIII. LANDFILLING

### C. General Regulations (page 14)

- 2. Landfill shall consist of clean materials including such earth materials as clay, sand, and gravel surplus-excitation-material, overburden, and also may include some-unsuitable-road-building materials, such as oyster or clam shells. In addition, concrete or asphalt may be included in fill material if it is not liable to pollute ground water and is approved by the administrator. Organic debris, such as wood and other vegetative material, or clam and oyster shells may only be used for fill material if it is approved by the Director of Public Works shall not be used as fill material.
- 6. Artificial beach maintenance may be allowed by conditional-use Substantial Development Permit, notwithstanding other regulations of this section. Provided, such maintenance shall be by "beach feeding" only, with both the quality and quantity of material to be approved by the administrator. Habitat protection is a primary concern for any beach feeding operation and must be a consideration in permit approval.
- 8. Landfill for the sole purpose of providing new land area is prohibited unless it is necessary to provide for a water-dependent use authorized by this Program.

This regulation was denied by DOE in 1984 because it allowed some questionable materials to be used as fill. The revision deletes asphalt and organic debris as allowed fill.

This changes the permit from a CUP to an Substantial Development Permit (SDP), which means that letters of exemption can be used for smaller projects (cost or value less than \$2,500). Projects cannot be exempted from the CUP requirement no matter what their cost or value.

This was denied by DOE in 1984 because they do not believe landfill should ever be allowed for the sole purpose of creating new land. It is being deleted because the whole concept is confusing; there is almost always some purpose for landfill other than the creation of new land area. The Shoreline Administrators on the committee believed it was meaningless as worded.

Grammatical change.

### D. Environmental Designation and Regulations

- 1. Urban Environment. Landfill for the purpose of developing a site for a use authorized under this program is allowed within the Urban Environment, provided, landfill associated with a dock or pier is prohibited except when needed to protect shoreside abutments subject to the following condition:
- a. Landfill associated with a dock or pier is prohibited except when needed to protect shoreside abutments.

2. Suburban, Rural and Conservancy Environments. Landfill is allowed in the Suburban, Rural and Conservancy Environments to prepare site for a use authorized by this Program, provided:

- a. The landfill is for a use authorized by this Program. Landfilling will only be permitted in a wetland area if it will not significantly alter any of the following functions.
  - (1) Wildlife habitat
  - (2) Natural drainage control
  - (3) Maintenance of water quality
  - (4) Aquifer recharge

This adds the new Suburban Environment and establishes the landfill activities allowed.

This deletion will allow jurisdictions to consider the impacts posed by landfill. It also addresses the concern raised by DOE staff regarding a gap in landfill policies.

#### IX. MINING AND DRILLING

##### D. Environmental Designations and Regulations (page 46)

1. Urban, Rural and Conservancy Environments. Mining is allowed in the Urban, Rural and Conservancy Environments subject to the General Regulations.
2. Suburban Environment. Mining is prohibited in the Suburban Environment.
3. Natural and Natural-Aquatic Environments. Mining or drilling operations are prohibited in the Natural and Natural-Aquatic Environments.

Mining is prohibited in the new Suburban Environment because it is primarily a residential designation. Mining is usually not compatible with residential development.

#### XI. OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

##### D. Environmental Designations and Regulations (page 47).

1. Urban, Suburban, Rural and Conservancy Environments. Signs are permitted in these environments, provided they are consistent with the Policies and General Regulations.

Adds the new Suburban Environment.

#### XII. PARKING AND LOADING

##### D. Environmental Designations and Regulations

1. Urban, Suburban, Rural, Conservancy and Natural Environments. Parking is permitted consistent with the Policies and General Regulations.

Adds the new Suburban Environment.

#### XIII. PORTS

##### C. General Regulations

6. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:
  - a. The location proposed is mapped as "Unstable" or "Intermediate Stability" in the Washington Coastal Zone Atlas prepared by the state Department of Ecology.
  - b. All stair towers 24 feet in height or taller.
  - c. Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.
7. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.

**D. Environmental Designations and Regulations.**

1. Urban Environment. Port facilities are allowed consistent with the Policies and General Regulations.
2. Suburban Environment. Port-related recreation facilities are allowed as a permitted use.
3. Rural, Conservancy, Natural, and Natural-Aquatic Environments, Port facilities are prohibited in these environments.

**X-14 XIV. RECREATION**

**C. General Regulations**

8. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:
  - a. The location proposed is mapped as "Unstable" or "Intermediate Stability" in the Washington Coastal Zone Atlas prepared by the state Department of Ecology.
  - b. All stair towers 24 feet in height or taller.
  - c. Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.
9. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.

**D. Environmental Designations and Regulations**

2. Suburban Environment. Low to medium intensity recreational uses shall be permitted on Urban-Residential shorelines provided:

In high bank areas, large structures commonly known as stair towers are increasingly being used to provide access to the shoreline. This new regulation (and the following one) adds standards for stair towers. In addition, definitions of "stair tower," "stairs," and "stairway" have been added to the Definition Section.

Adds the new Suburban Environment and only allows port related recreational facilities.

In high bank areas, large structures commonly known as stair towers are increasingly being used to provide access to the shoreline. This new regulation (and the following one) adds standards for stair towers. In addition, definitions of "stair tower," "stairs," and "stairway" have been added to the Definition Section.

This adds the new Suburban Environment and allows low to medium intensity recreational uses. A new definition of "medium-intensity recreation" has been added to the Definition Section.

- a. A recreational facility or structure which changes or detracts from the character of the Suburban Environment (by building design or intensity of use) shall be prohibited.
- b. Vehicular camping facilities, including restrooms, shall not be located within fifty (50) feet of the ordinary high-water mark of any shoreline. Roads and parking facilities within fifty (50) feet of the ordinary high-water mark of any shoreline are only allowed for handicapped access, for scenic viewpoints, or to provide access to boat launch facilities. Maintenance or upgrading of existing roads, parking and/or vehicle camping facilities including restrooms is permitted provided the area devoted to these facilities is not enlarged. Pedestrian and hiking trail access shall be permitted to link upland facilities with the shoreline.

#### XV. XIV. RESEARCH AND EDUCATION

##### D. Environmental Designations and Regulations.

1. Urban, Suburban and Rural Environments. The following research and education activities are allowed: In-the-Urban-and-Rural Environments
  - a. Water-dependent and water-oriented related research activities.
  - b. Construction of permanent structures for research and education activities may be allowed by a Conditional Use Permit.
2. Conservancy and Natural Environments. The following research and education activities are allowed: In-the-Conservancy-and-Natural Environments
  - a. Water-dependent and water-oriented related research activities.
  - b. Construction of permanent structures for research and education activities may be allowed by a Conditional Use Permit.

Adds the new Suburban Environment and make a minor grammatical change.

Replaces "water-oriented" with "water-related" to conform with new definitions.

Minor grammatical change.

Replaces "water-oriented" with "water-related" to conform with new definitions.

#### XVI. XV. RESIDENTIAL DEVELOPMENT

##### B. Policies

4. When subdividing land, the area under shoreline jurisdiction may be set aside as an open space tract even if the tract would be smaller than the minimum lot size requirement. In that shoreline environment, The public interest is served by maintaining shoreline property in a relatively undeveloped state, and private interests are furthered by allowing more flexibility in site design.

This gives a subdivider of land the option of setting aside all land under shorelines jurisdiction.

C. General Regulations

1. Residential development over water is not permitted.
2. Submerged lands (those lands which are inundated with water for a sufficient period to support aquatic vegetation, i.e., marshes, bogs, swamps, tidelands and lands waterward of the line of vegetation on streams and lakes) within the boundaries of any waterfront parcel shall not be used to compute required lot area, lot dimensions and/or required yards. That portion of a parcel not identified as a submerged land shall be referred to as dry land area. However, submerged lands may be included as open space.
3. Residential development proposals shall identify those areas of natural vegetation, retention and erosion control measures.
4. Residential development shall be arranged and designed to protect views, vistas, aesthetic values to protect the character of the shoreline environment and the views of neighboring property owners.
5. Residential structures shall not exceed thirty-five (35) feet above average grade unless it can be shown through the variance process that a higher structure will not interfere with visual access to the water from landward or adjacent properties.
6. Landfill for residential development which results in the creation of new dry land is prohibited.
7. Landfilling in flood hazard areas is allowed only for flood protection.
8. Storm drainage facilities shall be separate from sewage disposal facilities and include provisions, as required by the jurisdiction, to prevent direct entry of surface water runoff into receiving waters (see Utilities and Road Section).
9. Residential developers must demonstrate that ground water withdraws are consistent with state regulations.
10. New residential subdivisions have the option of setting aside in an open space tract the portion of the property being divided that is under the jurisdiction of this Master Program. The following conditions must be met:
  - a. Restrictive covenants must be filed prior to final subdivision approval prohibiting the use of the open space tract as a building site.
  - b. The open space tract must be clearly identified on the final plat map.

This revision means that wetlands may be included when calculating how many lots can be created in new subdivisions.

This is the implementing regulation for new policy #4 above.

11. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:

- The location proposed is mapped as "unstable" or "Intermediate Stability" in the Washington Coastal Zone Atlas prepared by the State Department of Ecology.
- All stair towers 24 feet in height or greater.
- Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.

12. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.

13t. Only one (1) dock or pier is permitted in a new residential development. Prior to final project approval of a residential development, a usable area shall be set aside for pier or dock; unless there is no suitable area.

142. New residential developments shall provide general public access to and along shorelines that have been historically used by the public for recreation.

150. Residential subdivision developments and planned unit developments shall provide areas sufficient to ensure usable access to and along the shoreline area for all residents of the development except where the shoreline topography does not permit the same.

163. Each shoreline environment has a setback requirement for structures, ~~including boathouses~~, from the ordinary high-water mark. Uncovered porches, decks or steps may project into the required setback provided such structures are no higher than thirty (30) inches above the average grade. The setback in each environment may be increased or decreased by the Administrator in the following way:

- Increased Setback Requirements. The setback may be increased if the building area or setback areas have a slope of greater than forty percent (40%), severe slope instability exists or a feeder bluff is present. (Refer to the Coastal Zone Atlas of Washington, Volume 8, to identify these areas on marine shorelines.)
- Decreased Setback Requirements. The setback may be relaxed provided that existing structures within three hundred (300) feet of each property line infringe on the setback. In such cases, the setback shall be determined by averaging the setback's existing structures within three hundred (300) feet along the waterfront of each property line. This shall not be construed to allow residential development over water. The setback shall be the minimum required in the environment on properties within three hundred (300) feet where residences do not exist for purposes of averaging.

In high bank areas, large structures commonly known as stair towers are increasingly being used to provide access to the shoreline. This new regulation (and the following new regulation) adds standards for stair towers. In addition, definitions of "stair tower," "stairs," and "stairway" have been added to the Definition Section.

See above comment.

This conflicts with a regulation in the Boating Facilities Section that allows boathouses to be built anywhere "... landward of the ordinary high water mark." The change shown here defers to that other regulation; boathouses will not have to meet residential setbacks.

174. Clustering of residential dwellings in all environments except Natural is allowed. The number of clustered lots or residential units encroaching into the shoreline area shall not exceed the number of units which results from multiplying the total acres (minus submerged lands) in shoreline area by the density allowed in the specific environment.

185. Proposed residential development in the vicinity of aquaculture operations shall install drainage and waste treatment facilities to prevent any adverse impacts to aquaculture operations.

196. Restrictive covenants shall be filed which will inform prospective buyers of the proximity of the Aquacultural District for residential development proposed within or adjacent to an Aquacultural District, or which may be adversely affected by the aquaculture operation. Residential development, which requires plat approval or site plan review, shall be approved subject to a requirement that notice of the proximity of the Aquacultural District be placed on the face of the plat. Another suitable mechanism shall be used to notify new residents when the project does not require plat approval.

**D. Environmental Designations and Regulations**

**1. Urban Environment**

a. Unless otherwise prohibited by local zoning ordinances, any type of residential structure or unit shall be permitted in the Urban Environment.

b. In the Urban Environment setbacks and minimum lot size of dry land area shall be as specified by the local zoning ordinance, where local zoning does not conflict with other provisions of the Shoreline Master Program. The minimum lot width shall be measured at the ordinary high-water mark and at the building setback line.

c. Land clearing and grading is permitted after obtaining a shoreline permit, an exemption from the Administrator, or a land clearing permit from the local jurisdiction for preparation of new building sites. A buffer of existing ground cover must be maintained in the area between the ordinary high-water mark and twenty (20) feet from the structure. The ground cover in the buffer may be disturbed only after approval of the Administrator where one or more of the following conditions apply:

- (1) A building site has been approved in the buffer area and an erosion control and vegetation protection plan has been approved by the Administrator.
- (2) The applicant wishes to landscape the area with other vegetation and has an erosion control plan approved by the Administrator.

The first sentence of this regulation was denied in 1984 by DOE. Current DOE staff does not see a problem with it so it is being reinstated. The second sentence is added to minimize "pipistem" lots which are narrow at the water and larger in the back (in order to obtain more waterfront lots in a subdivision).

(3) When the construction of access pathway is proposed for to the shoreline, vegetation will be removed only within the boundaries of constructed access pathway.

2. Suburban Environment

a. Residential densities in this environment shall not exceed four (4) units per acre, regardless of housing type.

b. For shoreline lots which are not clustered, the minimum lot size shall be five thousand (5,000) square feet of dry land area and the minimum lot width shall be fifty (50) feet (measured at the ordinary high water mark and at the building setback line). Lot coverage with impervious surfaces in this environment shall not exceed 30 percent (30%).

c. The basic setback for residential structures shall be fifty (50) feet from the ordinary high-water mark and/or comply with General Regulations #11.

d. Land clearing and grading is permitted after obtaining a shoreline permit, an exemption from the Administrator, or a land clearing permit from the local jurisdiction for preparation of new building sites. For existing lots, a buffer of existing ground cover must be maintained in the area between the ordinary high-water mark and twenty (20) feet from the structure. The ground cover in the buffer may be disturbed only after approval of the Administrator where one or more of the following conditions apply:

- (1) A building site has been approved in the buffer area and an erosion control and vegetation protection plan has been approved by the Administrator.
- (2) The applicant wishes to landscape the area with other vegetation and has an erosion control plan approved by the Administrator.
- (3) When the construction of access pathway is proposed for to the shoreline, vegetation will be removed only within the boundaries of constructed access pathway.

e. On rivers and streams with a flow greater than 20 cubic feet per second (cfs) a "natural area" buffer is required when land is platted or re-platted. This buffer is a strip of land beginning at the ordinary high-water mark and extending landward for one hundred (100) feet. The following conditions must be met:

- 1) The buffer must be clearly identified as "open space" on the final plat map.

This adds the Residential Development regulations for the new Suburban environmental designation.

2) Restrictive covenants must be filed prior to final subdivision approval prohibiting the use of the buffer as a building site and prohibiting the removal of native vegetation unless necessary for access pathways.

f. For new subdivisions, connection to sewers or installation of dry-line sewers is required.

32. Rural Environment

- a. Residential densities in this environment shall not exceed two dwelling units per acre, regardless of housing type.
- b. For shoreline lots which are not clustered, the minimum lot size shall be twenty thousand (20,000) square feet of dry land area and the minimum lot width shall be one hundred (100) feet (measured at the ordinary high water mark and at the building setback line). Lot coverage with impervious surfaces in this environment shall not exceed thirty percent (30%).
- c. The basic setback for residential structures shall be fifty (50) feet from the ordinary high-water mark and/or comply with General Regulation #916.
- d. Land clearing and grading is permitted after obtaining a shoreline permit, an exemption from the Administrator, or a land clearing permit from the local jurisdiction for preparation of new building sites. A buffer of existing ground cover must be maintained in the area between the ordinary high-water mark and twenty (20) feet from the structure. The ground cover in the buffer may be disturbed only after approval of the Administrator where one or more of the following conditions apply:

- (1) A building site has been approved in the buffer area and an erosion control and vegetation protection plan has been approved by the Administrator.
- (2) The applicant wishes to landscape the area with other vegetation and has an erosion control plan approved by the Administrator.
- (3) When the construction of access pathway is proposed for to the shoreline, vegetation will be removed only within the boundaries of constructed access pathway.

This addition is intended to avoid "pipistem lots" that are narrow at the water and larger in the back (in order to obtain more waterfront lots in a subdivision).

43. Conservancy Environment

- a. Residential densities shall not exceed one (1) unit per acre regardless of housing type.

- b. For shoreline lots not clustered, the minimum lot size shall be forty thousand (40,000) square feet of dry land area and the minimum lot width at-the-property-line-nearest-high-water shall be one hundred (100) feet (measured at the ordinary high water mark and at the building setback line). Lot coverage with impervious surfaces in this environment shall not exceed thirty percent (30%).
- c. The basic setback for residential structures shall be one hundred (100) feet from the ordinary high-water mark and/or comply with General Regulation #4316.
- d. Land clearing and grading is permitted after obtaining a shoreline permit, an exemption from the Administrator, or a land clearing permit from the local jurisdiction for preparation of new building sites. A buffer of existing ground cover must be maintained in the area between the ordinary high-water mark and twenty (20) feet from the structure. The ground cover in the buffer may be disturbed only after approval of the Administrator where one or more of the following conditions apply:
  - (1) A building site has been approved in the buffer area and an erosion control and vegetation protection plan has been approved by the Administrator.
  - (2) The applicant wishes to landscape the area with other vegetation and has an erosion control plan approved by the Administrator.
  - (3) When the construction of access pathway is proposed for to the shoreline, vegetation will be removed only within the boundaries of constructed access pathway.

See above comment.

54. Natural Environment

- a. Minimum lot area shall be ten (10) acres.
- b. Minimum lot width at-the-property-line-nearest-ordinary high-water shall be three hundred (300) feet (measured at the ordinary high water mark and at the building setback line).
- c. The basic setback for residential structures shall be one hundred (100) feet from the ordinary high-water mark and/or comply with General Regulation #4316.
- d. Single-family residences are permitted and multifamily residences are prohibited.
- e. The removal of trees and other vegetation shall be kept to an absolute minimum in constructing a residence in a Natural Environment. This would prohibit cutting out areas for a view, lawn or garden.

See above comment.

## XVII. XVII. ROAD AND RAILROAD DESIGN AND CONSTRUCTION

### D. Environmental Designations and Regulations

1. Urban, Suburban, Rural and Conservancy Environments. The following roads are permitted: ~~in--the--Urban,--Rural--and Conservancy--Environments--subject--to--the--General--Regulations.~~
  - a. Local public or private access roads to serve uses permitted in the Urban, Suburban, Rural and Conservancy Environments.
  - b. Transportation thoroughfares including major arterials, highways and railways.

Addition of new Suburban Environment and minor grammatical change.

## XVIII. XVIII. SHORELINE PROTECTION

### C. General Regulations

2. Vegetation shall be maintained on all streambanks except where removal is necessary for a permitted activity. If feasible, vegetation shall be re-established in areas where it has been removed for a permitted activity. In such instances, vegetation shall be re-established as soon as possible following its removal.
23. Techniques utilizing totally or in part vegetative bank stabilization procedures shall be preferred over structural means such as concrete revetments or expensive riprap. Shoreline protection methods shall to the fullest extent possible utilize vegetative bank stabilization procedures instead of structural methods (such as concrete revetments or extensive riprap) unless such procedures are technically infeasible.

Revision in response to Nisqually River Management Plan. This clarifies that vegetative bank stabilization measure are preferred over structural measures.

New regulation in response to Nisqually River Management Plan. This limits vegetation removal along streambanks. A definition of streambanks has been added to the Definitions section.

### E.D. Environmental Designations and Regulations

1. Urban, Suburban, Rural and Conservancy Environments. Shoreline protective measures are permitted subject to the Policies and General Regulations.

Adds the new Suburban Environmental designation.

## XIX. XIX. SOLID WASTE DISPOSAL

### D. Environmental Designations and Regulations

1. Urban, Suburban, Rural, Conservancy and Natural Environments. The following solid waste disposal facilities are allowed within the shoreline:
  - a. Garbage cans; and
  - b. Drop boxes.

Adds the new Suburban Environmental designation.

## XX. XIX. UTILITIES

### C. General Regulations

10. No new hydroelectric generating facilities are allowed on the Nisqually River pursuant to the recommendations of the Nisqually River Management Plan.

New regulation implements a recommendation of the Nisqually River Management Plan.

### D. Environmental Designations and Regulations

1. Urban and Rural Environments. The following utility facilities are allowed in the Urban and Rural environments:

- a. Utility lines.
- b. Control, collection or distribution facilities including, but not limited to, telephone exchanges, sewage treatment plans, water reservoirs, electrical substations and gas metering stations.
- c. Power generating facilities except on the Nisqually River and transmission lines.

Implements recommendation of Nisqually River Management Plan.

2. Suburban Environment. The following utility facilities are allowed in the Suburban environment:

- a. Utility lines.
- b. Control, collection or distribution facilities including, but not limited to, telephone exchanges, sewage treatment plans, water reservoirs, electrical substations and gas metering stations.
- c. Transmission lines.

Establishes utility activities allowed in new Suburban environment. The only difference between #2 and #1 is that power generating facilities are not allowed in the Urban-Residential environment.

SECTION FOUR--DEFINITIONS

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**BULKHEAD, NORMAL PROTECTIVE.** A bulkhead protecting the base of a bluff or bank from erosion due to wave action. The bulkhead shall be the minimum distance from the base of the bluff or bank height above ordinary high-water mark to accomplish its purpose; these measurements shall be determined by the Administrator. A bulkhead that is constructed at or near the ordinary high-water mark to protect a single-family residence and is for protecting land from erosion, not for the purpose of creating new land.

Reflects change in Washington Administrative Code (WAC) definition.

**DRY LAND.** All areas above the elevation of the Ordinary High-Water Mark and outside of a wetland.

**EMERGENCY.** A sudden turn-of-events calling for immediate action prevent loss of life, limb or property. An unanticipated and imminent threat to public health, safety or the environment which requires immediate action with a time too short to allow full compliance with this Master Program.

Reflects change in Washington Administrative Code (WAC) definition.

**HEIGHT, Building.** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the grade in all other cases. This is measured from average grade level to the highest point of a structure. Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines, or the applicable master program provides otherwise. Provided further, that temporary construction equipment is excluded in this calculation.

See above comment.

**NONCONFORMING BUILDING OR STRUCTURE.** A building or structure or portion thereof which was lawfully erected, altered or maintained, but because of the application of this chapter, no longer conforms to the requirements of the Shoreline Master Program for the Thurston Region.

Added at request of DOE

**NONCONFORMING LOT.** A parcel of land legally established prior to the effective date of the Shoreline Master Program for the Thurston Region which does not conform with the lot size or area requirements of this Master Program.

Added at request of DOE

**NONCONFORMING USE.** An activity that was lawfully established prior to the effective date of the Shoreline Master Program for the Thurston Region, but no longer conforms to the use regulations of this program.

Added at request of DOE

**NORMAL MAINTENANCE.** This includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition.

Reflects change in Washington Administrative Code (WAC) definitions.

**NORMAL REPAIR.** To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment.

See above comment.

ORDINARY HIGH-WATER MARK (OHWM). This means the mark on all lakes, streams, and tidal waters ~~is that mark that~~ which will be found by examining the beds 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, or 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.

Reflects a change in the Shoreline Management Act (RCW 90.58)

OVER WATER. Location of a structure or development above the surface of the water, including placement of buildings on fill piling or floats.

Revision to clarify what is over-the-water construction.

RECREATION,--HIGH--INTENSITY. Involves uses in which parks, campgrounds, boat ramps, motor vehicles or playgrounds may be required. Providing for these facilities often requires land clearing, earth modification and construction of a variety of structures. Activities include, but are not limited to boating, water skiing, organized games and sports, and swimming. In specifically designated or developed areas such as parks and other recreational developments such as resorts, hotels and campgrounds.

Recommendation is to delete definition because it is not used anywhere in the master program.

RECREATION, MEDIUM INTENSITY: Involves uses and activities that provide for increased public enjoyment of the shorelines and adjacent areas. Uses and activities may include parks, playgrounds, athletic fields, campgrounds, and boat ramps. Medium-intensity uses may require earth modification and construction of a variety of structures.

New definition.

SINGLE-FAMILY RESIDENCE. A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

Reflects change in Washington Administrative Code (WAC) definitions.

STAIRS. A series of steps or flights of steps for passing from one level to another.

New definition to address stairtowers.

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.

See above comment.

STAIRWAY. One or more flights of stairs, usually with landings to pass from one level to another.

See above comment.

STREAMBANK. This runs along the course of a stream and rises from the ordinary high water mark (OHWM) up to the first significant break in slope. The first significant break in slope is a bench at least fifteen (15) feet wide. The streambank ends at the top of the bank where that break in slope occurs. NOTE: This definition is not intended to include the concept of a buffer for streams. It is only a definition of a physical feature associated with streams.

New definition to implement recommendation of Nisqually River Management Plan (see revisions to "Shoreline Protection" Section).

SUBSTANTIAL DEVELOPMENT. Development of which the total cost or fair market value exceeds one thousand dollars (\$1,000) two thousand five hundred dollars (\$2,500), or any development which materially interferes with the normal public use of shorelines of the state.

This change adopted by state several years ago.

WATER DEPENDENCY. The degree of dependency of any use of the land upon a shoreline location. This degree of dependency can range from water-dependent to water-related uses and is expressed as follows:

1. WATER-DEPENDENT USES. All A uses or portion of a use that cannot logically exist in any other location and requires a location is dependent on the water shoreline by reason of the intrinsic nature of its their operation. Water-dependent uses include, but are not limited to:
  - a. Aquaculture
  - b. Boat 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
  - i. Shoreline recreation including parks, bike and walking trails, beaches, etc.
  - jj. Terminal and transfer facilities for marine commerce and industry
  - kk. Water intakes and outfalls
  - kk. Log booming
  - kk. Tug and barge facilities
2. WATER-RELATED USES. A use or portion of a use which is not intrinsically dependent on a waterfront location, but whose operations cannot occur economically without a shoreline location or without close proximity to water-dependent uses. 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
  - g. Boating supplies

WATER-ENJOYMENT USES. A recreational use such as a park, pier, or other use facilitating public access as a primary character of the use; or, a use that provides for passive and active interaction of a substantial number of people with the shoreline for leisure and enjoyment as a general character of the use and which, through location, design and operation assure the public's ability to interact with the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and most if not all of the shoreline oriented space in the facility must be devoted to the specific aspects of the use that foster shoreline interaction.

Water-enjoyment uses include but are not limited to:

- a. Restaurants
- b. Museums
- c. Bicycle and Walking Trails
- d. Boardwalks

Revised definition of water-dependent to conform with Shoreline Hearing Board decisions.

New definition (change from "Water-Oriented Industrial Development") to conform with Shorelines Hearing Board decisions.

New definition. This includes uses that allow people to enjoy shoreline locations.

WATER-ORIENTED-INDUSTRIAL-DEVELOPMENT.--Those-industrial-uses-which-do-not-depend-on-a-waterfront-location-to-conduct-their-operation,-but-would-be-facilitated-economically-by-close-proximity-to-the-water.--Water-oriented-industrial-uses-include:

- 1:---Thermal-power-plants;
- 2:---Sewage-treatment-plants;
- 3:---Storage-facilities-for-water-shipped-products;-and
- 4:---Lumber-mills.

Deletion of old definition (superceded by "water-related" definition).

02:rb/588.27

SECTION EIGHT SEVEN--PERCIVAL CREEK CORRIDOR

I. CANYON REACH MANAGEMENT UNIT--OLYMPIA

C. Use Regulations

1. Allowable uses and activities within the canyon areas follows:

a. Primary Uses

(3) Research and education, temporary, water-dependent and water-oriented related research and educational facilities.

Changed to reflect new definition of water-related (Instead of water-oriented).

II. CANYON REACH MANAGEMENT UNIT--TUMWATER

C. Use Regulations

1. Allowable uses and activities within the canyon areas follows:

a. Primary Uses

(3) Research and education, temporary, water-dependent and water-oriented related research and educational facilities.

See above comment.

III. MIDDLE REACH MANAGEMENT UNIT--OLYMPIA

C. Use Regulations

1. Allowable uses and activities within the Black Lake Drainage Way, its buffer, the associated wetlands of Black Lake, and its buffer areas follow:

a. Primary Uses

(3) Temporary, water-dependent and water-oriented related research and educational facilities.

See above comment.

NA:rt/588.26

