

TITLE 15 - SHORELINE MANAGEMENT CODE

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15-01 General Provisions

15-01.010 Title

Title 15 shall be known as the City of Dayton's Shoreline Management Code, hereafter referred to as the Shoreline Code or SMC.

15-01.020 Authority

The Shorelines Code is adopted in accordance with the Shoreline Management Act (SMA)(chapter 90.58 RCW), the State Shoreline Guidelines (chapter 173-26 WAC), and Growth Management Act (chapter 36.70A RCW).

15-01.030 Purpose and Relation to the SMP.

A. The purpose of this Title is to:

1. Promote the public health, safety, and general welfare of the community;
2. Manage shorelines in a positive, effective, and equitable manner;
3. Achieve no net loss of the ecological functions of the City of Dayton's shorelines;
4. Assume and carry out the responsibilities established by the Shoreline Management Act (SMA);
5. Implement policies contained in chapter 90.58 of the Revised Code of Washington (RCW), the State SMA, for shorelines of the State, and Shorelines Master Program (SMP) as an element of the Dayton Comprehensive Plan; and
6. Assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

B. The goals, objectives and policies contained in the City of Dayton Shoreline Master Program as an Element of the Comprehensive Plan adopted on May 8, 2017 are hereby adopted and included by reference.

15-01.050 Director

A. The Planning Director, or designee, is the Shoreline Director, hereinafter known as the Director, and is vested with authority to:

1. Administer the Shoreline Management Code (SMC) and Shoreline Master Program (SMP);
2. Approve, approve with conditions, or deny shoreline permits;
3. Grant written exemptions from substantial development permits;
4. Determine compliance with chapter 43.21C RCW, the State Environmental Policy Act; and
5. Adopt rules that support and enforce the provisions of this title.

- B. The Director's duties and responsibilities include:
1. Making administrative decisions and interpretations of the policies and regulations of the Shoreline Code, SMP and the SMA;
 2. Developing and proposing amendments to this Shoreline Code and SMP to more effectively and equitably achieve its goals and policies;
 3. Seeking remedies for violations of this Shoreline Code, the provisions of the SMA, or the conditions of substantial development permits, conditional use permits, and variances issued by the City; and
 4. Forwarding shoreline permits to federal and Washington State Departments, including the Washington State Department of Ecology (Ecology), the Washington State Department of Fish and Wildlife (WDFW), and the USACE for action.

15-01.060 Applicability

- A. The regulations of this title apply to the land area beneath the Touchet River, associated wetlands, and lands that extend 200 feet landward in a perpendicular direction from either shore. This area shall be known as the Shoreline Management Area.
- B. Nothing in this Shoreline Code shall constitute authority for requiring the removal of any structures, improvements, fills, or developments placed in managed waters prior to the adoption of the Shoreline Code and maintained in conformance with this title, SMP and the SMA.
- C. All proposed uses and development, as defined in this title, occurring within the Shoreline Management Area shall comply with this Shoreline Code, SMP and chapter 90.58 RCW.
- D. Uses and development regulated by this Shoreline Code are subject to applicable provisions of the Dayton Municipal Code (DMC), the City of Dayton's Comprehensive Plan, SMP, the SMA (chapter 90.58 RCW), the Washington State Growth Management Act (chapter 36.70A RCW), the Washington State Environmental Policy Act (chapter 43.21C RCW and chapter 197-11 WAC) and other local, state, and federal laws. Project proponents shall be responsible for complying with all applicable laws prior to commencing any use, development, or activity.
- E. The Shoreline Code regulations shall apply in addition to other City regulations. Where the regulations of the Shoreline Code conflict with other regulations, the regulations that provide more shoreland and shoreline protection shall apply.
- F. Nonconforming uses and improvements within the Shoreline Management Area shall be subject to this Shoreline Code and DMC 11-09. Where provisions of this Shoreline Code conflict with other laws, ordinances, or plans, the most restrictive shall apply.

- G. Once the SMP with the Shoreline Code regulations is adopted by Ecology and the City, the provisions of DMC Title 17 Critical Areas Ordinance (CAO) shall apply to any use, alteration, or development outside the Shoreline Management Area and any portion of a buffer or other critical area protection measure for critical area within shoreline jurisdiction that extends beyond the Shoreline Management Area. The regulations to protect critical aquifer recharge areas and potential slide hazard areas in DMC Title 17 shall continue to apply within the Shoreline Management Area.
- H. Uses and developments within the Shoreline Management Area that meet the Reasonable Use Exception provisions of DMC 17-01.094 require a variance in accordance with this title.
- I. The exemptions and partial exemptions listed in sections DMC 17-05.040 shall not apply within the Shoreline Management Area. Such activities may require a substantial development permit, variance, or conditional use permit unless the Shoreline Code and RCW 90.58.030(3)(e) specifically indicate the activity is exempt from the substantial development permit requirements.

15-01.070 Enforcement

The Director is authorized to enforce the provisions of this title and any rules and regulations promulgated hereunder pursuant to the enforcement and penalty provisions of chapter 173-27 WAC.

15-02 Definitions

15-02.010 Shoreline Code Definitions

The Shoreline Code shall be implemented according to the definitions contained in title 15 DMC, chapter 90.58 RCW, and WAC 173-26-020. Where definitions contained in title 15 DMC conflict or differ from definitions contained in the SMA, the definitions in chapter 90.58 RCW and WAC 173-26-020 shall prevail.

15-02.020 Definitions A through E

Accretion: Accretion may be either natural or artificial. Natural accretion is the buildup of land, solely by the action of the forces of nature, on a beach by deposition of water or airborne material. Artificial accretion is a similar buildup of land due to an act of man, such as the accretion formed by a groin, breakwater, or beach fill deposited by mechanical means.

Act: Chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended.

Activity: An occurrence associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include, but are not limited to, fishing, swimming, boating, dredging, fish spawning, or wildlife nesting.

Adjacent Lands: Lands adjacent to the lands within the Shoreline Management Area. The SMA directs local governments to develop land use controls (i.e., zoning, comprehensive planning) for such lands consistent with the policies of the SMA, related rules, and the local shoreline master program and shoreline code (Refer to RCW 90.58.340)

Agricultural Uses:

- A. **"Agricultural activities"** means agricultural uses and practices including, but not limited to, producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.
- B. **"Agricultural products"** includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within 20 years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.
- C. **"Agricultural equipment"** and "agricultural facilities" includes, but is not limited to,
 - 1. The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
 - 2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
 - 3. Farm residences and associated equipment, lands, and facilities; and
 - 4. Roadside stands and on-farm markets for marketing fruit or vegetables.
- D. **"Agricultural land"** means those specific land areas on which agriculture activities are conducted as of the date of adoption of a local SMP and SMC pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date, land converted to agricultural use is subject to compliance with the requirements of the Shoreline Code.

Anadromous fish: Fish born in fresh water, which spend most of their lives in the sea and return to fresh water to spawn. Salmon, smelt, shad, striped bass, and sturgeon are common examples.

Archaeology: The systematic, scientific study of the human past through material remains.

Archaeological Object: An object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, graves, skeletal remains, and technological by-products.

Archaeological Resource Site: A geographic locality in Washington, including, but not limited to, submerged and submersible lands and the bed of the waters within the state's jurisdiction, that contains archaeological objects.

Associated Wetlands: Those wetlands that are in proximity to and either influence, or are influenced by, tidal waters or a lake or stream subject to the SMA. Refer to WAC 173-22-030(1).

Aquaculture: The farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater areas, which may include development such as structures or rafts, as well as use of natural spawning and rearing areas.

Aquaculture Activity: Actions directly pertaining to growing, handling, or harvesting of aquaculture produce, including, but not limited to, propagation, stocking, feeding, disease treatment, waste disposal, water use, and development of habitat and structures. Excluded from this definition are related upland commercial or industrial uses such as wholesale and retail sales, sorting, staging, hatcheries, tank farms, and final processing and freezing.

Backfill: The placement of earth material or other approved material behind a retaining wall or structure.

Boat Launch or Ramp: Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Bulkheads: A vertical or nearly vertical structure placed parallel to the shoreline at or near the ordinary high water mark (OHWM) for the purpose of armoring the shoreline and protecting structures from the effects of erosion caused by wind or waves. Bulkheads generally consist of concrete, timber, steel, rock, or other material resistant to erosion. Bulkheads are used to protect banks by retaining soil at the toe of the slope or by protecting the toe of the bank from erosion and undercutting.

Buffers, in Critical Areas: An area which provides the margin of safety through protection of slope stability, attenuation of surface water flows, or landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters. A Buffer may also be an area that is an integral part of a stream, wetland, or other sensitive area's natural ecosystem; it may provide shading, input of organic debris and coarse sediments, room for variation in stream flow paths, and/or habitat for wildlife. Buffers are generally maintained through regulations to prevent harmful intrusions that would diminish the ecological functions or level of safety provided to the public by the natural resource they are buffering. See also definition for Native Conservation Area.

Commercial Development: Development of structures and landscaped areas dedicated to commercial activities, including, but not limited to, stand-alone and home-based facilities dedicated to the sale of goods or services.

Conditional Use: A use that may be permitted in a particular shoreline designation, but because of the type or nature of the use, conditions for its establishment and operation may be necessary to ensure compatibility with adjacent land uses. In addition, a conditional use is any use, development, or substantial development that is classified as a conditional use or is not classified within the applicable Shoreline Code under DMC 15-06.050.

Creation: Creation of a new resource to improve or increase natural characteristics and processes without degrading other existing functions. Creation of natural riparian shorelands is the preferred mitigation for impacts to riparian vegetation when avoidance is not possible.

Department: The Washington State Department of Ecology.

Development, Shoreline: Development within the Shoreline Management Area means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this title at any state of water level. Refer to RCW 90.58.030(3)(d).

Director: City Planning Director, or designee, for the City of Dayton.

Dredging: The removal or displacement of earth, such as gravel, sand, mud, or silt, from lands covered by water. Lands covered by water include stream beds and wetlands. Dredging is normally done for specific purposes or uses such as maintaining navigation channels, constructing bridge footings, or laying submarine pipelines or cable.

Dredge Spoil: The material removed by dredging.

Dredge Spoil Disposal: The depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands or for disposing of the material in an acceptable manner.

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

Enhancement: Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Exemption: Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. Exempt development must otherwise comply with applicable provisions of the act and the Shoreline Code.

15-02.030 Definitions F through M

Fair Market Value: Fair market value of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. Fair market value would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

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

- A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results.
- B. The action provides a reasonable likelihood of achieving its intended purpose.
- C. The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Flood Control: Any undertaking made for the conveyance, control, and dispersal of floodwaters caused by abnormally high direct precipitation or stream overflow.

Forest Practices: An activity related to the growing, protecting, harvesting, or processing of forest tree species.

Forest Tree Species: Groupings of individual trees that possess common characteristics and are capable of producing fertile progeny.

Gabions: Cages, cylinders, or boxes filled with soil or sand that are used in civil engineering, road building, and military applications, primarily for erosion control and building dams and retaining walls.

Geohydrology: A science that deals with the character, source, and mode of occurrence of underground water.

Geotechnical Report: Geotechnical report or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology; the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes; conclusions and recommendations regarding the effect of the proposed development on geologic conditions; the adequacy of the site to be developed; the impacts of the proposed development; alternative approaches to the proposed development; and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to

adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Guidelines: Refers to the administrative rule adopted by Department of Ecology, WAC 173-26, State master program approval/amendment procedures, and master program guidelines.

Grading: The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material made on a site in a manner that alters the natural contour of the land.

Groundwater Recharge: A hydrologic process where water moves downward from surface water to groundwater. Recharge occurs both naturally (through the water cycle) and anthropologically (i.e., "artificial groundwater recharge"), where rainwater and or reclaimed water is routed to the subsurface.

Height: Height is measured from average grade level to the highest point of a structure. Television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable Shoreline Code specifically requires that such appurtenances be included. Temporary construction equipment is excluded from this calculation.

Historic Preservation Professional: Those individuals who hold a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

- A. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- B. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Historic Site: Those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places, or any locally developed historic registry formally adopted by the Dayton City Council.

Hydric Soil: Soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper soil horizon(s).

Industrial Development: Development of structures and landscaped areas dedicated to industrial activities: including, but not limited to, workshop and factory facilities.

Institutional Development: Development of structures and landscaped areas dedicated to community service activities: including, but not limited to, educational and group home facilities.

Land Disturbing Activities: Any activity resulting in a movement of earth, or a change in the existing soil cover, both vegetative and non-vegetative, or the existing topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, excavation, or

addition of new or the replacement of impervious surface. Compaction, excluding hot asphalt mix, which is associated with stabilization of structures and road construction, shall also be considered a land disturbing activity.

Landfilling: The placement of soil, rock, existing sediment, or other approved material (excluding solid waste) to create new land, tideland, or bottom land area along the shoreline below the OHWM, or on wetland or upland areas in order to raise the elevation.

Levee: A structure, normally of earth or stone, built generally parallel to a river to protect land from flooding. A levee is a complete unit, designed and intended for flood control. A levee (excluding a ring levee) is always tied to high ground at both ends.

Linear Corridor: A parcel of land, linear in nature, without fixed limits or boundaries that is used as the location for one or more transportation or utility rights-of-way.

Low-Impact Development: A term used in Canada and the United States to describe a land planning and engineering design approach to managing stormwater runoff. Low-Impact Development emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

May: An acceptable action provided it conforms to the provisions of the Shorelines Master Program and Shoreline Code.

15-02.040 Definitions N through Z

Native Conservation Area (NCA): Area landward of the OHWM where native vegetation shall be conserved to maintain net shoreline ecological functions or planted and maintained to restore said functions, where necessary. The distance landward may differ depending on the Shoreline Environmental Designation in effect.

Native Vegetation: Vegetation composed of plant species, other than noxious weeds, indigenous to riparian regions of the Inland Northwest that reasonably could have been expected to naturally occur on the site.

NCA Vegetation Plan: Drawing indicating the location and approximate sizes of existing and proposed vegetation. Plan will accompany site development plans when said development impacts native vegetation on-site and/or planting of new vegetation is proposed.

Nonconforming Use and Development: A shoreline use or development that was lawfully constructed or established prior to the effective date of the act or the applicable Shoreline Code, or amendments thereto, but that does not conform to present regulations or standards of the plan.

Nonwater-oriented Uses: Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal Maintenance, Structures: Normal maintenance includes interior and exterior repairs and incidental alterations. Normal maintenance and repair may include, but is not limited to, painting, roof repair and replacement, plumbing, wiring and electrical systems, mechanical equipment replacement and weatherization. Incidental alterations may include construction of nonbearing walls or partitions. In regard to bulkheads, and particularly the exemption described in DMC 15-03.030, repairs also include increasing the overall height of an existing wall for the purpose of preventing wave over topping and undermining of the existing structure, provided that the added height does not extend waterward of the existing footing and a qualified professional has issued a determination that a deflector is necessary and of the minimal size to be effective.

Normal Maintenance, Non-Structures: Normal maintenance consists of repairs and modifications necessary to keep an item in good working order. It does not include modifications that increase or decrease the original use of the item.

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

Permit: A permit is a document or certificate giving permission to do something or a license or warrant authorized under chapter 90.58 RCW.

Professional Archaeologist: A person with qualifications meeting the federal Secretary of the Interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal.

Public Access: Public access is the ability of the general public to reach, see, 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. Refer to WAC 173-26-221(4).

Public Facilities: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Qualified Biologist: The holder of a B.S. or B.A. or equivalent degree in biology, environmental studies, fisheries, geomorphology, or related field, from an accredited university, with at least two years of field and/or laboratory experience in evaluation of land use impacts on fish and wildlife species and their habitats, with evidence of peer-reviewed publications or other related professional literature.

Qualified Professional: A holder of a degree or certification in a specialty necessary for making decisions on the status of current and future conditions.

Qualified Wetland Specialist: A holder of a Society of Wetland Scientists certification or has the equivalent in academic qualifications and field experience for making competent wetland delineations, reports, and recommendations necessary to implement the provisions of this ordinance.

Resource Agency: A federal, state, or interstate agency with responsibilities in the areas of flood control, navigation, irrigation, recreation, fish or wildlife, water resource management, or cultural or other relevant resources of the state in which a project is or will be located.

Restoration: The reestablishment or upgrading of impaired ecological processes or functions. Restoration may be accomplished through measures, including, but not limited to, revegetation, removal of intrusive structures, toxic materials, or invasive or non-native plants. Restoration does not imply a requirement for returning the area to pre-European settlement conditions.

Revetment: A sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes away from the water and has a rough or jagged face. These features differentiate it from a bulkhead, which is a vertical structure. The principal features of a revetment are

- A. Heavy armor layer,
- B. Filter layer, and
- C. Toe protection.

The flood control levees on the Touchet River are a type of revetment.

Riparian: The characteristic of relating to or living or located on the bank of a natural watercourse (as a river) or sometimes of a lake or a tidewater.

Riparian Habitat Area: The area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.

Sediment: The fine-grained material deposited by water or wind.

Shall: “Shall” in a policy means that it is mandatory for the city to carry out the policy, even if a timeframe is not included. “Shall” is imperative and nondiscretionary—the city must make decisions based on what the policy says to do.

Shorelands or Shoreland Areas or Shoreline Management Area: Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the OHWM; contiguous floodplain areas landward 200 feet; and all wetlands and deltas associated with the streams that are subject to the provisions of this title.

Shoreline Environmental Designation: Shoreline Environmental Designations are classifications of shoreline areas that reflect local shoreline conditions, including ecological functions and shoreline development. Per WAC 173-26-191(1)(d), environment designations provide “the framework for implementing shoreline policies and regulatory measures specific to the environment designation.”

Shoreline Habitat and Natural Systems Enhancement Projects: Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing wildlife and fisheries habitat in shorelines. Projects may include shoreline modifications such as revegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

Shoreline Master Program or SMP: The comprehensive plan for the use of a described area and the regulations for use of the area including maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for the City of Dayton approved under chapter 90.58 RCW shall be considered an element of the city's comprehensive plan. All other portions of the Shoreline Master Program for the City of Dayton adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the city's Shorelines Management Code (SMC), Title 15.

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

Shorelines: All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except

- A. Shorelines of statewide significance; and
- B. Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

Shorelines of Statewide Significance: Shorelines of the State that meet the criteria for “Shorelines of Statewide Significance” contained in RCW 90.58.030(2)(f). As it applies to the City of Dayton, shorelines of statewide significance include all of the shoreline of the Touchet River that lies within the City limits (>200 cubic feet per second [cfs] flow).

Shorelines of the State: This term includes both Shorelines and Shorelines of Statewide Significance.

Should: "Should" in a policy means noncompulsory guidance, in which cost, availability of funding, and public benefit associated with the policy's purpose are considered as part of the implementation decision; establishes that the county has discretion in making decisions.

Significant: That quality in American history, architecture, engineering, and culture that is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in our past; or
- C. That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.

Substantial Development: Any development with a total cost or fair market value of six thousand four hundred and sixteen dollars (\$6,416.00 [2012 figure]) or more that requires a substantial development permit. The threshold total cost or fair market value of \$6,416.00 is set by the Washington State Office of Financial Management and may be adjusted in the future pursuant to the SMA requirements, as defined in RCW 90.58.030(3)(e), as now or hereafter amended.

Variance: A means to grant relief from the specific bulk, dimensional, or performance standards set forth in the applicable Shoreline Code and not a means to vary a use of a shoreline.

Water-dependent Use: A use or portion of a use that cannot exist in a location that is not adjacent to the water, but is dependent on the water because of the intrinsic nature of its operations.

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

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

Water Quality: The physical characteristics of water within shoreline jurisdiction. Characteristics may include water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this title, the term "water quantity" refers only to development and uses regulated under this title and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this title, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

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

- A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- B. The use provides a necessary service supportive of the water-dependent uses, and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Wetland or Wetlands: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include artificial wetlands used for project mitigation.

15-03 Shoreline Permit and Review Procedures

15-03.010 Permit Requirements – General

- A. A permit, or an exemption declared by the Director, is required for any development within the Shoreline Management Area.
- B. Based on the provisions of this Shoreline Code, the Director shall determine if a written statement of exemption, a substantial development permit, a conditional use permit and/or a variance is required.
- C. A permit is required for substantial development, as defined in RCW 90.58.030(3)(e), within the Shoreline Management Area.
- D. A substantial development permit is not required for exempt development. Exempt development requires a written statement of exemption pursuant to DMC 15-03.030(A) and may require a variance from Shoreline Code provisions and/or a conditional use permit.
- E. All uses and development shall be carried out in a manner consistent with the DMC and the SMP regardless of whether a substantial development permit, written statement of exemption, variance, or conditional use permit is required.
- F. When a development is proposed that does not comply with the bulk, dimensional, and/or performance standards of this Shoreline Code, such development may only be authorized by approval of a variance, even if the development or use does not require a substantial development permit.

- G. Any uses not specifically addressed in this document may be permitted with a conditional use permit.
- H. Issuance of a written statement of exemption, substantial development permit, variance, or conditional use permit does not constitute approval of any other city, state, or federal laws or regulations.
- I. All permits or written statements of exemption issued for development or use within the Shoreline Management Area shall include written findings prepared by the Director documenting compliance with bulk and dimensional policies and regulations of the SMP. The Director may attach conditions to the approval as necessary to assure consistency with the SMP, SMC and Chapter 90.58 RCW. The conditions may include a requirement to post a performance financial guarantee assuring compliance with permit requirements, terms and conditions.

15-03.020 Substantial Development Permit

- A. Substantial development as defined by RCW 90.58.030 and the Shoreline Code shall not be undertaken by any person on Shorelines of the State without first obtaining a substantial development permit from the Director, unless the use or development is specifically allowed with a letter of exemption.
- B. A substantial development permit shall only be granted by the Director when the development proposed is consistent with the policies and procedures of chapter 90.58 RCW, the provisions of chapter 173-27 WAC, SMP and the Shoreline Code.
- C. An exemption from the substantial development permit requirements does not constitute an exemption from the policies and use regulations of the SMA, the provisions of the SMP, Shoreline Code, or other applicable city, state, or federal requirements. A formal written statement of exemption is required pursuant to WAC 173-27-050.

15-03.030 Exemption

The Director is hereby authorized to approve or deny requests for written statements of exemption from the substantial development permit requirement for uses and developments within the Shoreline Management Area that are specifically listed in RCW 90.58.030(3)(e) and WAC 173-27-040. The written statement shall indicate the specific exemption of WAC 173-27-040 that is being applied to the development and shall provide a statement of the consistency of the project with this Shoreline Code, SMP and the SMA. The statement shall include any conditions required to assure compliance with the SMA, SMP or this Shoreline Code. When filing for a written statement of exemption, only forms provided by the City can be used.

If any part of a proposed development is not eligible for a Letter of Exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the Shoreline Substantial Development Permit.

- A. A complete list of exemptions is provided in WAC 173-27-040.
- B. When a development meets the exemption criteria as listed in this section and WAC 173-27-040 and is subject to a USACE Section 10 or Section 404 permit, a copy of the written exemption shall be sent to the Department.
- C. Before issuing an exemption, the Director shall review the Shoreline Code to determine if the proposed development requires a variance and/or a conditional use permit.

15-03.040 Variance

- A. The Hearings Examiner is authorized to approve a variance from the performance standards of this Shoreline Code only when all of the criteria enumerated in WAC 173-27-170 are met.
- B. A variance should be granted in circumstances where denial of the permit would prevent accomplishment of the policies enumerated in RCW 90.58.020.
- C. In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest will not suffer substantial detrimental effect.
- D. Prior to approval of any variance, the Hearing Examiner shall consider the cumulative environmental impacts of previous, existing, and possible future requests for like actions in the area. The total effects of approved variances should remain consistent with the policies of RCW 90.58.020 and shall not produce significant adverse effects to the shoreline ecological functions, processes, or other users.
- E. Before making a determination to approve a variance, the Hearings Examiner shall consider issues related to the conservation of valuable natural resources and the protection of views from public lands.

15-03.050 Conditional Use Permit

The Hearings Examiner is authorized to issue conditional use permits only when all the criteria enumerated in WAC 173-27-160 are met.

- A. Uses that are classified or set forth in the Shoreline Code as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - 1. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;
 - 2. That the proposed use will not interfere with the normal public use of public shorelines;
 - 3. That the proposed use of the site and design of the project are compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Shoreline Code;
 - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - 5. That the public interest suffers no substantial detrimental effect.

- B. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- C. Other uses that are not classified or set forth in the applicable Shoreline Code may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the Shoreline Code.
- D. Uses that are specifically prohibited by the Shoreline Code may not be authorized pursuant to either Section A or B above.

15-03.060 Unclassified Uses and Activities

All uses and activities proposed in the Shoreline Management Area that are not classified by provisions in this SMC shall require a conditional use permit.

15-03.070 General Permit Procedures

- A. Permits required under this title shall be processed consistent with the provisions of and the criteria in this title.
- B. No permit shall be approved unless the proposed development is consistent with the provisions of this SMC, the SMP, the SMA, and the rules and regulations adopted by the Washington State Department of Ecology.

15-03.080 Application Review

- A. A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, the following information:
 - 1. The name, address, and phone number of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
 - 2. The name, address, and phone number of the applicant's representative if other than the applicant.
 - 3. The name, address, and phone number of the property owner, if other than the applicant.
 - 4. Location of the property. This shall include, at a minimum, the property address and identification of the section, township, and range to the nearest quarter section, or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a latitude and longitude location.
 - 5. Label the associated shoreline (water body) as "Touchet River."

6. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
7. A general description of the property as it now exists including its physical characteristics, improvements, and structures.
8. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development, and physical characteristics.
9. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information (generally 1 inch = 60 feet), photographs, and text which shall include the following:
 - a. The boundary of the parcel(s) of land upon which the development is proposed.
 - b. The OHWM of all water bodies located adjacent to or within the boundary of the project. For any development where a determination of consistency with the applicable regulations requires a precise location of the OHWM, the mark shall be located precisely by a qualified professional. The physical, biological, and hydrological basis for the location shall be included in the development application narrative and shown on the development site plan. Where the proposed development appears to be over ten (10) feet beyond a development setback, the City's estimate of the OHWM shall suffice for the purpose of application review.
 - c. Existing and proposed land contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
 - d. A delineation of all Critical Areas and associated buffers, including wetlands and wetland buffers within the parcel, as applicable.
 - e. The location of trees and shrubs and a general indication of the character of herbaceous vegetation found on the site. Where vegetation removal is proposed as part of the development, the species and diameter at breast height of trees to be removed shall be indicated on the plan.
 - f. The dimensions and locations of all existing and proposed structures and improvements, including, but not limited to, buildings, paved or graveled areas, roads, utilities, septic tanks and drain fields, material stockpiles or surcharge, and stormwater management facilities.
 - g. Where applicable, per Section 15.16.200, a separate NCA Vegetation Plan for the project.
 - h. Where applicable, separate plans for the development of mitigation areas on or off the site as compensation for impacts associated with the proposed project shall be

included and contain information consistent with the requirements of this section and the Critical Areas section (15.14.100).

- i. Quantity, source, and composition of any fill material that is placed on the site whether temporary or permanent.
 - j. Quantity, composition, and destination of any excavated or dredged material.
 - k. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments, and uses on adjacent properties.
 - l. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.
 - m. On all variance applications, the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.
- J. It is the applicant's responsibility to provide proof that the proposed development is consistent with the permit criteria requirements.
- K. The Director may approve, or approve with conditions, substantial development applications and written exemptions from substantial development as long as they comply with criteria imposed by the Shoreline Code, SMP and the SMA.
- L. The Director may attach to a permit any suitable and reasonable terms or conditions necessary to ensure the purpose and objectives of this Shoreline Code, SMP and the SMA.
- M. The Director shall deny any application that does not comply with and cannot be conditioned to comply with, the criteria, policies, or requirements of the Shoreline Code, SMP or the SMA.
- N. The Director may require a financial guarantee to assure full compliance with the terms and conditions of any substantial development permit, variance, or conditional use permit. The guarantee shall be in an amount to reasonably assure the City that permitted improvements will be completed within the time stipulated.
- O. The Director will schedule periodic reviews evaluating the cumulative effects of all shoreline projects.

15-03.090 Permit Process Requirements

- A. Application submittal. Per DMC 10-01.030, complete applications for a substantial development permits are Type II actions. Variances and a conditional use permits are Type III actions. The applications will be processed pursuant to the procedures identified in this section.

- B. Notice. For all submitted applications, the following notice procedures, per WAC 173-27-110, shall be followed:
1. Notification of the public, the Department, and other agencies with jurisdiction shall be provided for substantial development, conditional use, and variance permits.
 2. Notice of application shall be provided within fourteen (14) days after the determination of completeness.
 3. An open record pre-decision hearing is required for conditional use permits and variance permits. The notice of application shall be provided at least fifteen (15) days prior to the hearing.
 4. Mailed Notice. Per DMC 10-03.010C, Public Notice of Application, notice shall be mailed to the latest recorded real property owners within three hundred (300) feet of the property upon which the development is proposed, plus individuals and organizations that have requested such notification, and agencies with jurisdiction.
 5. Posted Notice. Posting of the property for site-specific proposals is required by the applicant and shall consist of one or more notice boards per DMC 10-03.010A, Public Notice of Application.
 6. Published Notice. Notice shall be published in the city's official newspaper or in a newspaper of general circulation and shall contain the project name, location, description, type of permit(s) required, comment period dates, and where the application may be viewed.
- C. Public Hearing. Pre-decision public hearings shall be held before a Hearings Examiner.
- D. Decision. For all submitted applications, the Director shall provide a Notice of Final Decision per chapter 10-01 DMC. Pursuant to RCW 90.58.140(6), the Director shall send the final decision, including findings and conclusions to the following State agencies:
1. Washington State Department of Ecology
 2. Washington State Attorney General
- E. Department of Ecology Review of Permits:
1. After the Hearings Examiner has approved a variance or conditional use permit, the Director, per WAC 173-27-200, shall file the permit with the Department for its approval, approval with conditions, or denial.
 2. When a shoreline permit is required for a development, the local government's ruling on the permit shall be filed simultaneously with the Department.
 3. The Department will issue its decision on a shoreline permit within thirty (30) days of filing.
 4. Upon receipt of the Department's decision, the Director shall notify those interested parties having requested notification of such decision. The appeal period for Department decisions shall last twenty-one (21) days from receipt of their filing letter.

15-03.100 Appeals to State Shoreline Hearings Board

- A. Appeals of the final decision of the City with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.
- B. Any person with standing aggrieved by the granting, denying, or rescinding of a permit on Shorelines of the State, pursuant to RCW 90.58.140, may seek review from the Shorelines Hearings Board by filing a petition for review within twenty-one (21) days of the date of filing of the decision.
- C. Within seven (7) days of the filing of any petition for review with the Board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the Department, the office of the Washington State Attorney General, and the local government. The Department and the Washington State Attorney General may intervene to protect the public interest and ensure that the provisions of this title are complied with at any time within fifteen (15) days from the date of the receipt by the Department or the Washington State Attorney General of a copy of the petition of review filed pursuant to this section. The Shorelines Hearings Board shall schedule review proceedings on the petition for review without regard as to whether the period for the Department or the Washington State Attorney General to intervene has or has not expired.
- D. A decision of the Shorelines Hearings Board on the validity of a rule, regulation, or guideline shall be subject to review in Superior Court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the Shorelines Hearings Board on a rule, regulation, or guideline shall be filed within thirty (30) days after the date of final decision by the Shoreline Hearings Board.

15-03.110 Initiation of Development

- A. Development pursuant to a substantial development permit shall not be authorized until twenty-one (21) days after the "date of filing" of the Director's decision with the Department, provided no appeals are filed with the state.
- B. Development for which a variance or conditional use permit is required shall not begin and shall not be authorized until twenty-one (21) days after the "date of filing" of the Department's decision with the Director.
- C. Development pursuant to a Letter of Shorelines Exemption shall not be authorized until all appeal proceedings with the City have terminated.
- E. Development shall not be authorized until all appeal proceedings before the Shoreline Hearings Board have terminated.

15-03.120 Expiration of Permits

The City may specify the length of time a shoreline permit will be effective based on the specific requirements of the development proposal. If a permit does not specify an expiration date, the following requirements apply, consistent with WAC 173-14-060:

- A. Construction, or substantial progress toward completion, must begin within two (2) years after approval of the permits.
- B. The City may, at its discretion, with prior notice to parties of record and the Department, extend the two (2) year time period for the substantial progress for a reasonable time up to one (1) year based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.
- C. If construction or construction activities have not been completed within five (5) years of approval by the City, the City will review the permit and, upon showing of good cause, either extend the permit for one (1) year or terminate the permit.
- D. Prior to the City authorizing any permit extensions, it shall notify any parties of record and the Department. Only one (1) extension is permitted.

15-03.130 Revision to Permits

- A. A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this Shoreline Code, SMP, or the SMA. Changes that are not substantive in effect do not require a permit revision.
- B. An application for a revision to a shoreline permit shall be submitted to the Director. The application shall include detailed plans and text describing the proposed changes. The City shall review and process the request in accordance with the requirements of WAC 173-27-100.

15-03.140 Rescission of Permits

- A. A permit may be rescinded or modified upon a finding by the City Council that the permittee has not complied with the conditions of the permit. The City Council may initiate rescission and modification proceedings by serving written notice of noncompliance on the permittee.
- B. Before a permit can be rescinded or modified, a public hearing shall be held by the City Council no sooner than ten (10) days following the service of notice upon the permittee. The City Council shall have the power to prescribe rules and regulations for the conduct of such hearings, and may choose to have the hearing examiner to conduct the public hearing on behalf of the City Council.

15-03.150 Nonconforming Use and Development

A. Nonconforming Structures

1. After adoption of this title, structures that now exist within the Shoreline Management Area that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards, area, bulk, height, or density may be maintained and repaired, and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Such normal appurtenances are by definition located landward of the OHWM.
2. A structure for which a variance has been issued shall be considered a legal nonconforming structure, and the requirements of this section shall apply as they apply to preexisting nonconformities.
3. A structure that is or has been utilized for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that
 - a. No reasonable alternative conforming use is practical;
 - b. The proposed use will be at least as consistent with the policies and provisions of the Act, SMP, Shoreline Code, and as compatible with the uses in the underlying zone as the preexisting use; and
 - c. Conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Shoreline Code, SMP and the Act, and to ensure that the use will not become a nuisance or a hazard.
4. Any structure nonconforming as to height or setback standards that becomes damaged may be repaired or reconstructed, provided that
 - a. The extent of the previously existing nonconformance is not increased; and
 - b. The building permit application for repair or reconstruction is submitted within twelve (12) months of the occurrence of damage or destruction.

B. Nonconforming Uses

1. Uses that were legally established prior to the adoption of the Shoreline Code and are nonconforming with regard to the use regulations of the Shoreline Code may continue as legal nonconforming uses after adoption.
2. If the nonconformity is due to encroachment into the Native Conservation Area, such uses shall not be enlarged or expanded waterward. They may be enlarged or expanded landward of the setback line in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g) upon approval of a substantial development permit or a written exemption.

3. A use which is listed as a conditional use but that existed prior to adoption of the Shoreline Code or any relevant amendment, and for which a conditional use permit has not been obtained, shall be considered a legal nonconforming use.
4. A use which is listed as a conditional use but existed prior to the applicability of the Shoreline Code to the site, and for which a conditional use permit has not been obtained, shall be considered a legal nonconforming use for the duration of such use.
5. A legal nonconforming use that remains unoccupied or unused for a continuous period of one (1) year shall be considered abandoned and shall not thereafter be occupied or used except by a use that conforms to the regulations of the district in which the use is located.
6. A legal nonconforming use that remains unoccupied or unused for a continuous period of less than one (1) year may be reoccupied only by the same nonconforming use or by a conforming use.

C. Nonconforming Lots

An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that was established in accordance with chapter 11-09 DMC and State subdivision requirements prior to the effective date of the Act or the applicable Shoreline Code that does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government, as long as such development conforms to all requirements and processes of the Shoreline Code and the Act.

15-04 Shoreline Management Areas and Map

15-04.010 Shoreline Environmental Designations

The Shoreline Management Area for the City of Dayton includes the area as defined in DMC 15-01.060 A.

The Shoreline management area is separated into six environmental designations.

A. Aquatic Environment (AE)

The "aquatic" environment (AE) is designed to protect, restore, and manage the unique characteristics and resources of the areas waterward of the OHWM.

B. High Intensity Environment (HIE)

The "high-intensity" environment (HIE) is designed to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

C. Natural Environment (NE)

The "natural" environment (NE) is designed to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration or degraded shorelines within this environment.

D. Shoreline Commercial Environment (SCE)

The "shoreline commercial" environment (SCE) is designed to accommodate existing and future commercial development and accessory structures. Commercial parcels west of Main Street, extending to Commercial Street on the north bank of the Touchet River and from Commercial Street to Willow Street on the south bank, are placed within the SCE environment.

E. Shoreline Residential Environment (SRE)

The "shoreline residential" environment (SRE) is designed to accommodate existing, small-lot residential development and accessory structures. Residential development north of the Touchet River and west of Commercial Street to the western City limit, plus a portion of development south of the Touchet River immediately west of the Commercial district, is placed within the SRE environment. The confluence of Patit Creek and the Touchet River is included within the SRE environment.

F. Urban Conservancy Environment (UCE)

The "urban conservancy" environment (UCE) is designed to provide for public access, either physical or view, while maintaining or improving the ecological functions of the shoreline. The purpose of the UCE is to protect and restore ecological functions of open space, floodplain, and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

15-04.020 Native Conservation Areas of the Environmental Designations

The Native Conservation Area (NCA) for each Environmental Designation is established to preserve the ecological condition the Touchet River and its shorelines:

Environmental Designation	Native Conservation Area Width
Aquatic	N/A
High Intensity	50 ft Shoreward from OHWM
Natural	200 ft Shoreward from OHWM
Shoreline Commercial	75 ft shoreward from OHWM ⁽¹⁾
Shoreline Residential	100 ft shoreward from OHWM ⁽¹⁾
Urban Conservancy	125 ft shoreward from OHWM ⁽¹⁾

⁽¹⁾ Mitigation required for any development within the NCA

15-04.030 Official Shorelines Map

The Environmental Designations and NCAs referenced in Section 15-04.020 have been mapped and adopted under Ordinance 1910, Exhibit 6, Appendix A. This map shall be known as the Official Shoreline Environmental Designation Map or the “Shoreline Map”. Copies of the Shorelines Map are available on the city website and at Dayton City Hall.

15-05 General Shoreline Regulations

15-05.010 General Regulations

The General Regulations apply to all uses and activities that may occur within the City's Shoreline Management Area regardless of the Shoreline Environmental Designation.

- A. Applicability. RCW 90.58.030. applies to local governments preparing shoreline master programs that include Shorelines of Statewide Significance.
- B. Principles. Chapter 90.58 RCW raises the status of shorelines of statewide significance in two ways.
 - a. First, the Act sets specific preferences for uses of Shorelines of Statewide Significance.
 - b. Second, the Act calls for a higher level of effort when implementing the Act's objectives on Shorelines of Statewide Significance.

15-05.020 Environmental Regulations

A. General Environmental Regulations

1. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that prevents, in so far as practicable, adverse impacts to the environment. The preferred mitigation sequence (avoid, minimize, mitigate, compensate) shall follow that listed in WAC 173-26-201(2)(e). Efforts to avoid and minimize impacts must be documented in a manner acceptable to the City prior to the approval of mitigation and/or compensation actions.
2. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that ensures no net loss of ecological function.
3. All shoreline development shall be located, designed, constructed, and managed to protect the functions and values of critical areas consistent with the City of Dayton Critical Area Regulations as described in DMC 15-05.030.
4. All shoreline development shall be located and designed to avoid or minimize the need for shoreline stabilization measures and flood protection works, such as bulkheads, revetments, dikes, levees, or substantial site re-grading and dredging. Where measures and works are demonstrated to be necessary, biostabilization techniques shall be the preferred design option unless demonstrated to be infeasible, or when other alternatives would have less impact on the shoreline environment.
5. All shoreline development and activity shall be located, designed, constructed, operated, and managed to minimize interference with beneficial natural shoreline processes, such as water circulation, sand and gravel movement, erosion, and accretion to ensure no net loss of shoreline ecological function.

6. In approving shoreline developments, the City shall ensure that the development will maintain, enhance, or restore desirable shoreline features, as well as ensure no net loss of local ecological functions. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, and mitigation as deemed appropriate. Mitigation shall be required of developments that would otherwise result in net loss of ecological functions.
7. In approving shoreline developments, the City shall consider short- and long-term adverse environmental impacts. In addition, the City may consider the cumulative adverse impacts of unique development, particularly the precedence effect of allowing one development, which could generate or attract additional development. Identified significant short-term, long-term, and cumulative adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.
8. When compensatory mitigation is proposed as part of a development application, mitigation plans shall include at a minimum:
 - a. Inventory of the existing shoreline condition within the affected parcels, including the physical and biological conditions and an assessment of associated ecological conditions;
 - b. An assessment of the project's impacts and their short- and long-term effects on the ecological functions, generally in terms of fish and wildlife habitat, water quality, and water quantity;
 - c. An assessment of any federal, state, or local special management recommendations that have been developed for wetlands, species, or habitats located on the site;
 - d. An assessment of habitat recommendations proposed by Resource Agencies and applicable watershed and fish recovery plans, and their applicability to the proposal;
 - e. A discussion of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity;
 - f. A discussion of proposed measures that mitigate the impacts of the project and an evaluation of the anticipated effectiveness of those measures;
 - g. Proposed success criteria for the mitigation measures;
 - h. A discussion of proposed management practices that will protect fish and wildlife habitat after the project site has been fully developed, including proposed monitoring and maintenance programs and contingency plans;
 - i. A monitoring plan and schedule, including methods that are based upon the proposed success criteria, which will be used to demonstrate success or failure of the project; and
 - j. Any additional information necessary to determine the impacts of a proposal and appropriate mitigation.

9. As a condition of approval, the City may require periodic monitoring for up to ten (10) years from the date of completed development to ensure the success of required mitigation. Any costs incurred would be borne by the property owner or applicant, if different.
10. Shoreline development shall not be permitted if it will result in a net loss of the natural character of the shoreline, natural resources, or public recreational use of the shoreline.
11. Where provisions of this Shoreline Code conflict with each other, or with other laws, ordinances, or programs, the most restrictive provisions shall apply.

B. Water

1. Pesticides, herbicides, and fertilizers that have been identified by Columbia County, the State of Washington, or federal agencies as harmful to humans, wildlife, or fish shall not be used on City-owned property within the Shoreline Management Area or for development or uses approved under a substantial development permit, conditional use permit, or variance, except as allowed by the Director for the following circumstances:
 - a. When use of pesticides, herbicides and fertilizers are consistent with the Best Management Practices (BMPs) for the project or use proposed;
 - b. When the Director determines that an emergency situation exists where there is a serious threat to public safety, health, or the environment and that an otherwise prohibited application must be used as a last resort; and/or
 - c. Where chemical fertilizer, herbicide, or pesticide use is necessary to protect existing natural vegetation or establish new vegetation as part of an erosion control or mitigation plan, the use of time-release fertilizer and herbicides shall be preferred over liquid or concentrate application, except as used in targeted hand applications.
2. The release of oil, chemical, or hazardous materials onto or into the water is prohibited. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected. During construction, vehicle refueling and vehicle maintenance shall occur outside of regulated shoreline areas.
3. The bulk storage of oil, fuel, chemical, or hazardous materials, on either a temporary or a permanent basis, is prohibited, except for uses allowed by the zoning classification. For the purpose of this section, heating oil, yard maintenance equipment fuel, propane, sewage sumps, and similar items common to single family residential uses are not included in this definition.

C. Plants and Animals

1. Mitigation shall be required of the applicant for the loss of fish and wildlife resources and natural systems, including riparian vegetation, associated wetlands, and sensitive areas. The mitigation required shall be commensurate to the value and type of resource or system impacted by development and activity on the shoreline. On-site compensatory mitigation shall be the preferred mitigation option, except where off-site mitigation can be demonstrated to be more beneficial to fish and wildlife resources and natural systems, including riparian vegetation, wetlands, and sensitive areas. If on-site compensatory mitigation is not feasible or if off-site mitigation is demonstrated to be more beneficial to the shoreline environment, the applicant shall provide funding for a restoration or enhancement program within the Shoreline Management Area elsewhere in the City or upstream of the City in coordination with ongoing salmon recovery or water quality plan implementation efforts.
2. Enhancement, restoration, and/or creation of natural riparian shorelands shall be the preferred mitigation for impacts to riparian vegetation when avoidance is not possible. Preference will be based on site-specific recommendation provided by qualified professionals, including resource agency staff. Alterations to wetlands and fish and wildlife habitat conservation areas, excepting habitat enhancements, should be avoided. If they cannot be avoided, mitigation is required, and a habitat mitigation plan shall be prepared as required in DMC 15-05.020(A).
3. Habitat mitigation plans may be forwarded by the Director to the appropriate State and/or federal resource agencies for review and comment.
4. Based on the habitat mitigation plan and comments from other agencies, the Director may require mitigating measures to reduce the impacts of the proposal on the wildlife habitat conservation areas. Mitigating measures may include, but are not limited to
 - a. Native plantings in strategic locations to enhance the vegetation corridor or shade the river;
 - b. In-water fish habitat enhancements;
 - c. Levee setbacks or perforations to allow fish access to off-channel habitat;
 - d. Increased or enhanced buffers elsewhere on the property;
 - e. Setbacks for permanent and temporary structures;
 - f. Reduced project scope;
 - g. Limitations on construction hours;
 - h. Limitations on hours of operation; and/or
 - i. Relocation of access.

5. Mitigation activities shall be monitored to determine effectiveness of the habitat mitigation plan. Monitoring may be accomplished by a third party, subject to the approval by the Director, and shall have the concurrence of the WDFW, and where applicable, the Department. Monitoring may occur for up to ten (10) years following implementation of the plan. Any costs incurred will be borne by the property owner or applicant, if different.
6. If proposed mitigation is found to be inadequate, or if adequate mitigation is determined to be impossible, the application shall be denied.
7. Timing of in-water construction, development, or activity shall be determined by the WDFW.

D. Noise

1. Any noise emanating from a shoreline use or activity shall be muffled so as to not interfere with the designated use of adjoining properties. This determination shall take into consideration ambient noise levels, intermittent beat, frequency, and shrillness.
2. Ambient noise levels shall be a factor in evaluating a shoreline permit application. Shoreline developments that would increase noise levels to the extent that the designated use of the shoreline would be disrupted shall be prohibited. Specific maximum environment noise levels can be found in WAC 173-60-040.

E. Public Health

Development shall be designed to conform to the Public Health codes and ordinances adopted by the City.

F. Land Use

Development within the designated Shoreline Management Area shall comply with the development and use standards for the underlying zone.

G. Aesthetics

1. Development shall be designed to comply with the codes and ordinances adopted by the City for the underlying zone.
2. If the zoning and use require landscaping, or if planting is required for mitigation by the Director, the property owner shall provide a landscape plan that provides suitable screening. Native vegetation shall be used for screening within the Shoreline Management Area.
3. Development shall be constructed as far landward as possible to avoid interference with views.
4. Lighting shall be properly directed and shielded to avoid off-site glare and impacts to fish.
5. Structure height shall not exceed the standards found in Title 11 DMC.

H. Historical/Cultural

1. All applications for a shoreline development permit, a building permit, a clearing and grading permit, a demolition permit, or a statement of exemption for shoreline development within the Shoreline Management Area shall be reviewed for a determination of whether the site(s) in question:
 - a. Is on property within 500 feet of a site known to contain historic, cultural, or archaeological resource(s); or
 - b. Is in an area mapped as having the potential for the presence of archaeological, historic, or cultural resources to be present.

All applications meeting these criteria shall require a cultural resource site survey or assessment, unless this requirement is waived or modified by the DAHP. Any required site assessment shall be conducted by a professional archaeologist or historic preservation professional, as applicable, to determine the presence of historic or significant archaeological resources. Buildings or structures over 50 years in age shall be inventoried in a DAHP Historic Property Inventory Database entry and archaeological sites shall be recorded on DAHP Archaeological Site Inventory Forms. The fee for the services of the professional archaeologist or historic preservationist shall be paid by the applicant.

2. If the cultural resource site assessment identifies the presence of archaeological, historic, or cultural resources, appropriate recommendations shall be prepared by a professional archaeologist or historic preservation professional, as part of the survey or assessment. The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the applicant. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the DAHP and the affected Tribe(s). Comments received from these reviewers shall be incorporated into the conclusions and recommended conditions of the survey or assessment to the maximum extent practicable.
3. The cultural resources survey or site assessment shall be prepared in accordance with guidance for such studies approved or promulgated by the DAHP. The DAHP shall determine whether the research design or study is adequate.
4. The Director shall consult with the DAHP and affected Tribe(s) prior to approval and acceptance of the survey or assessment.
5. Based upon consultation with the DAHP and affected Tribe(s), the Director may reject or request revision of the conclusions reached in a survey or assessment when the administrator can demonstrate that the assessment is inaccurate or does not fully address the historic or archaeological resource management concerns involved.
6. In the event a Cultural Resources survey or site assessment is submitted directly to the City of Dayton, the professional archaeologist or historic preservation professional will be advised to submit the materials directly to the DAHP.

7. In granting shoreline permits or statements of exemption for such development, the City of Dayton may attach conditions of approval to require consultation with the DAHP, affected Tribe(s), and any local historic preservation authority, to assure that historic or archaeological resources are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term arrangements. Provisions for the protection and preservation of historic or archaeological sites, structures, buildings, districts, objects, or areas shall be incorporated to the maximum extent practicable.
8. Inadvertent Discovery:
 - a. Whenever historic, cultural, or archaeological sites or artifacts are discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the Director.
 - b. The Director shall then notify the DAHP, affected Tribe(s), any local historic preservation authority, and any other appropriate agencies and upon consultation with DAHP, shall require that an immediate site assessment be conducted by a professional archaeologist or historic preservation professional, as applicable. The site assessment shall be distributed to the DAHP, the affected Tribe(s), and local historic preservation authority for a 15-day review period. If the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, such stopped work may resume.
 - c. If human remains are encountered, all activity must cease and the area must be protected and the find reported to local law enforcement and the County coroner or medical examiner.

15-05.030 Environmentally Sensitive Areas within the Shoreline Management Area

A. General Regulations

1. Critical Areas Code, Title 17 DMC, effective November 26, 2013, and as amended by Ordinance 1873A, effective February 24, 2015, is hereby integrated into this SMP and will be used to regulate Fish and Wildlife Habitat Conservation Areas, Critical Aquifer Recharge Areas, Frequently Flooded Areas, Wetlands, and Geologically Hazardous Areas as they exist within shoreline jurisdiction, except as noted below.
2. Administrative sections of Title 17 DMC related to penalties (17-01.020); reasonable use exceptions (17-1.094); variances (17-01.090 and 092); public agency and utility exception (17-01.096), determination of consistency (17-01.200); enforcement (17-01.600); and wetland exemptions (17-05.040) are not applicable and are replaced by the relevant sections of this Title 15.

3. All shoreline uses and activities shall be located, designed, constructed, and managed to protect or at least not adversely affect those natural features that are valuable, fragile, or unique in the region. They shall also facilitate the appropriate intensity of human use of such features, including, but not limited to
 - a. Wetlands, including, but not limited to, marshes, bogs, and swamps;
 - b. Fish and wildlife habitats, including streams and wetlands, nesting areas and migratory routes, spawning areas, and the presence of proposed or listed species;
 - c. Natural or man-made vistas or features;
 - d. Flood hazard areas; and/or
 - e. Geologically hazardous areas, including erosion, landslide, and seismic hazard areas.
4. If there are any conflicts or unclear distinctions between the SMP and the City's Critical Areas Regulations, the most restrictive requirements apply for maintaining no net loss of shoreline ecological functionality.

B. Wetland Identification and Rating

1. Identification of wetlands and delineation of their boundaries pursuant to this Section shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within shoreline jurisdiction meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Section. Wetland delineations are valid for five years; after such date the City, in consultation with Ecology, shall determine whether a revision or additional assessment is necessary.
2. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Eastern Washington (Ecology Publication #14-06-030, or as revised and approved by Ecology), which contains the definitions and methods for determining whether the criteria below are met.
 - a. Category I wetlands are those that
 - i. Represent a unique or rare wetland type; or
 - ii. Are more sensitive to disturbance than most wetlands; or
 - iii. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
 - iv. Provide a high level of functions. Risk of any degradation to these wetlands must be avoided because their functions and values are too difficult to replace. Generally, these wetlands are not common and make up a small percentage of the wetlands in the region.
 - b. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.

- c. Category III wetlands are wetlands with a moderate level of functions and can often be adequately replaced with a well-planned mitigation project. These wetlands generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
 - d. Category IV wetlands have the lowest level of functions and are often heavily disturbed. These are wetlands that should be able to be replaced and, in some cases, improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and also need to be protected.
3. Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

15-05.040 Public Access

- A. Public access shall be required for all public shoreline development and uses, except where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable. In addition to any other requirements regarding a written determination by the Director under this title, any determination by the Director regarding public access shall specifically include written findings and conclusions regarding his/her determination of infeasibility and/or the constitutional or other legal limitations.
- B. With respect to private shoreline development and uses, the physical access requirements of this title are not intended to require property owners to increase the public's physical access to shorelines beyond the additional demand generated by any development for water-enjoyment, water-related, and non-water-dependent uses and for the subdivision of land into more than four (4) parcels. With respect to future development on private property, the fundamental principle underlying this title's public access provisions is that development on private property should not result in a net loss of the public's existing rights to visual and physical access to the shorelines.
- C. Requirement of public access to shorelines does not confer the right to enter upon or cross private property, except for dedicated and marked public easements.
- D. Subject to the limitations set forth above in 15-05.040(B)(13), new private shoreline development should provide public access except for in the following conditions:
 - 1. A single-family residence;
 - 2. Multi-family development containing four (4) dwelling units or fewer;
 - 3. Residential subdivisions of four (4) parcels or fewer; or
 - 4. Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

- E. If not excepted in subparagraphs A through C above, a private shoreline development or use that does not provide public access may be authorized provided the applicant demonstrates, and the Director determines, that all reasonable means to providing public access have been exhausted, including, but not limited to
 - 1. Regulating access by such means as limiting use to daylight hours;
 - 2. Designing separation of uses and activities with such means as fences, terracing, hedges, or landscaping; or
 - 3. Providing access that is physically separated from the proposal.
 - 4. In addition, the applicant must demonstrate, and the Director must determine, that one or more of the following apply:
 - a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any feasible means;
 - b. Security requirements cannot be satisfied through the application of alternative design features or other solutions;
 - c. The feasibility of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the benefit derived from the public access being provided; or
 - d. Unacceptable environmental harm, such as damage to fish spawning areas will result from the public access that cannot be mitigated.
- F. New public facilities shall be designed in such manner that the facility, or part of the facility, is readily accessible to and usable by individuals with disabilities; however, full compliance with this regulation is not required where it is structurally impracticable to meet the requirements due to the unique characteristics of terrain.
- G. Public access sites shall be connected directly to the nearest public street.
- H. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
- I. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat or short plat as a condition running with the land. Said recording with the Columbia County Recorder's office shall occur at the time of permit approval, prior to permit issuance, or with recording of the land division.
- J. Physical public access shall be designed to prevent significant impacts to natural systems by employing Low-Impact Development techniques and BMPs.
- K. Public access requirements on privately owned lands should be proportional with the scale and character of the development.

15-06 Specific Shoreline Use Regulations

15-06.010 General Regulations

The following regulations apply to specific types of development that may be proposed in the Shoreline Management Area of the City. A proposal can consist of more than one type of development. In addition, all specific shoreline development must be consistent with the Shoreline Environmental Designations, the Shoreline Master Program as an element of the Comprehensive Plan , and the regulations contained in this title.

15-06.020 Existing Structures

- A. If, at the time of enactment of the SMP, existing and legally established residential structures in the Shoreline Residential Environmental (SRE) designation or Urban Conservancy Environment (UCE) designation encroach into the NCA, the NCA will wrap around the existing structure to its full depth to protect shoreline vegetation and to retain the maximum amount of ecological function. A fifteen (15) foot building setback area (BSA) will surround the structure within the NCA for the purpose of allowing outdoor use next to the residence and for structure maintenance. The residence itself will be considered a conforming structure. Any existing residence located within the NCA cannot be expanded further into the NCA without a conditional use permit.
- B. If, at the time of enactment of the SMP, existing and legally established commercial structures in the Shoreline Commercial Environmental (SCE) designation encroach into the NCA, the setback will wrap around the existing structure to its full depth to protect shoreline vegetation and to retain the maximum amount of ecological function. A ten (10) foot buffer will surround the structure within the NCA for the purpose of structure maintenance. The commercial structure itself will be considered a conforming structure. Any commercial structure that encroaches into the NCA cannot be expanded further into the NCA without a conditional use permit.

15-06.030 Existing Uses

Uses that are not allowed under the new SMP but exist in relation to legally established residential or industrial structures become nonconforming uses at the time of enactment of the SMP.

15-06.040 – Reserved

15-06.050 Permitting Standards within Shoreline Environmental Designations

Permitting Standards Within Shoreline Environmental Designations						
Shoreline Permit Type Required SD: Substantial Development Permit CU: Conditional Use Permit X: Prohibited and not eligible for Variance or Conditional Use permit N/A: Not Applicable E: Written Statement of Exemption <i>Need for Variance is determined by type and extent of non-compliance with SMC</i>	Aquatic	High Intensity	Natural	Shoreline Commercial	Shoreline Residential	Urban Conservancy
Shoreline Stabilization (Armoring)						
New structure for new development or for land subdivision	X	SD or E	X	SD	SD or E	SD or E
Enlarged structure for new development or for land subdivision	CU	SD or E	CU	SD	SD	SD
New or enlarged structure to protect existing structures, projects for the restoration of ecological functions or hazardous substance remediation projects	CU	SD	CU	SD	SD	SD
Replace existing shoreline stabilization structures	SD	SD or E	SD	SD or E	SD or E	SD or E
Docks						
Single family residential dock	X	X	X	X	X	X
New dock essential to the successful operation of a permitted water-dependent use	X	X	X	X	X	X
New dock for public access	X	X	X	X	X	X

Permitting Standards Within Shoreline Environmental Designations						
Shoreline Permit Type Required SD: Substantial Development Permit CU: Conditional Use Permit X: Prohibited and not eligible for Variance or Conditional Use permit N/A: Not Applicable E: Written Statement of Exemption <i>Need for Variance is determined by type and extent of non-compliance with SMC</i>	Aquatic	High Intensity	Natural	Shoreline Commercial	Shoreline Residential	Urban Conservancy
Fill						
Waterward of the OHWM for new development	CU	N/A	N/A	N/A	N/A	N/A
Waterward of the OHWM for ecological restoration	CU	N/A	N/A	N/A	N/A	N/A
Landward of the OHWM for new development	N/A	SD ⁽¹⁾	X	SD ⁽¹⁾	SD ⁽¹⁾	SD ⁽¹⁾
As part of Shoreline Habitat and Natural Systems Enhancement Projects	CU	SD ⁽¹⁾	CU	SD ⁽¹⁾	SD ⁽¹⁾	SD ⁽¹⁾
Disposal of dredge material	X	X	X	X	X	X
Dredging						
For the primary purpose of obtaining fill material	X	N/A	N/A	N/A	N/A	N/A
For activities associated with shoreline or aquatic restoration or remediation	SD	N/A	N/A	N/A	N/A	N/A
For flood prevention or to protect existing infrastructure	SD	N/A	N/A	N/A	N/A	N/A
Disposal of dredge material	See "Fill" Above					

Permitting Standards Within Shoreline Environmental Designations						
Shoreline Permit Type Required SD: Substantial Development Permit CU: Conditional Use Permit X: Prohibited and not eligible for Variance or Conditional Use permit N/A: Not Applicable E: Written Statement of Exemption <i>Need for Variance is determined by type and extent of non-compliance with SMC</i>	Aquatic	High Intensity	Natural	Shoreline Commercial	Shoreline Residential	Urban Conservancy
Shoreline Habitat and Natural Systems Enhancement Projects						
Shoreline Habitat and Natural Systems Enhancement Projects	SD or E	SD or E	SD or E	SD or E	SD or E	SD or E
Removal of vegetation within Native Conservation Area	SD	SD	SD	SD	SD	SD
Boating Facilities						
Marinas	X	X	X	X	X	X
Launch ramps for small non-motorized watercraft	X	SD	X	X	X	X
Launch ramps for motorized watercraft	X	X	X	X	X	X
Forest Practices & Agricultural Uses						
Forest Practices	N/A	X	X	X	X	X
Low intensity agricultural uses	N/A	CU	CU	CU	X	CU
Commercial Development						
Water-dependent commercial uses	CU	CU	X	SD	X	X
Water-related commercial uses	CU	CU	X	SD	X	X
Non-water oriented commercial uses	X	X	X	SD	X	X

Permitting Standards Within Shoreline Environmental Designations						
Shoreline Permit Type Required SD: Substantial Development Permit CU: Conditional Use Permit X: Prohibited and not eligible for Variance or Conditional Use permit N/A: Not Applicable E: Written Statement of Exemption <i>Need for Variance is determined by type and extent of non-compliance with SMC</i>	Aquatic	High Intensity	Natural	Shoreline Commercial	Shoreline Residential	Urban Conservancy
Industrial Development						
Water-dependent industrial uses	CU	CU	X	X	X	X
Water-related industrial uses	CU	CU	X	X	X	X
Non-water oriented industrial uses	X	X	X	X	X	X
Institutional						
Water-dependent institutional uses	SD	X	X	SD	SD	SD
Water-related institutional uses	SD	X	X	SD	SD	SD
Non-water oriented institutional uses	N/A	X	X	SD	SD	SD
Mining						
Mining	X	X	X	X	X	X
Recreational Development						
Water-dependent recreation	SD	SD	SD	SD	SD	SD
Water-related recreation	CU	SD	SD	SD	SD	SD
Water-enjoyment recreation	CU	SD	SD	SD	SD	SD
Non-water oriented recreation	X	CU	CU	CU	CU	CU

Permitting Standards Within Shoreline Environmental Designations						
Shoreline Permit Type Required SD: Substantial Development Permit CU: Conditional Use Permit X: Prohibited and not eligible for Variance or Conditional Use permit N/A: Not Applicable E: Written Statement of Exemption <i>Need for Variance is determined by type and extent of non-compliance with SMC</i>	Aquatic	High Intensity	Natural	Shoreline Commercial	Shoreline Residential	Urban Conservancy
Residential Development						
Single-family or Group Home residences	N/A	CU ⁽²⁾	CU ⁽²⁾	SD or E ⁽²⁾	SD or E ⁽²⁾	SD or E ⁽²⁾
Two-family residences	N/A	CU ⁽²⁾	X	CU ⁽²⁾	CU ⁽²⁾	CU ⁽²⁾
Multi-family residences (3 or more dwelling units)	N/A	N/A	X	CU ⁽²⁾	CU ⁽²⁾	CU ⁽²⁾
Accessory dwelling units	N/A	X	X	X	SD	SD
Detached accessory structures	N/A	X	X	SD ⁽²⁾	SD ⁽²⁾	SD ⁽²⁾
Subdivisions						
All subdivisions including binding site plans	N/A	SD or E	X	SD or E	SD or E	SD or E
Signs						
On premise business signs	N/A	E ⁽³⁾	X	E ⁽³⁾	E ⁽³⁾	E ⁽³⁾
On and off premise public information signs serving parks, community, public access identification, temporary events, Directional purposes and warning signs.	SD ⁽³⁾⁽⁴⁾ or E ⁽³⁾⁽⁴⁾					
Parking						
Commercial parking or parking facility as primary use	N/A	X	X	CU ⁽²⁾	X	X
Parking, accessory to a permitted use	N/A	SD ⁽²⁾	X	SD ⁽²⁾	SD ⁽²⁾	SD ⁽²⁾

Permitting Standards Within Shoreline Environmental Designations						
Shoreline Permit Type Required SD: Substantial Development Permit CU: Conditional Use Permit X: Prohibited and not eligible for Variance or Conditional Use permit N/A: Not Applicable E: Written Statement of Exemption <i>Need for Variance is determined by type and extent of non-compliance with SMC</i>	Aquatic	High Intensity	Natural	Shoreline Commercial	Shoreline Residential	Urban Conservancy
Transportation						
New arterial streets	N/A	X	X	X	X	X
New public streets or public street expansions.	CU	SD	CU	SD	SD	SD
Pedestrian and bicycle linkages to existing or planned transportation networks, includes pedestrian bridges	CU	SD	CU	SD	SD	SD
Temporary access roads accessory to a permitted shoreline use	N/A	SD	SD	SD	SD	SD
New rail lines	N/A	CU	X	CU	X	X
Expansion of existing rail lines	N/A	X	X	CU	X	X
FOOTNOTES						
⁽¹⁾ Must be outside of the NCA ⁽²⁾ Structures shall not encroach into the NCA ⁽³⁾ Size and location conforms to other local development regulations ⁽⁴⁾ Allowed in the NCA						

15-06.060 Shoreline Stabilization (Armoring)

A. General Regulations.

1. All new development, uses, or activities within the NCA shall be located and designed to prevent or minimize the need for bank stabilization and flood protection works.
2. Unless proponents are using biotechnical techniques, shoreline stabilization proposals shall require a geotechnical analysis to demonstrate the necessity of the project.
3. All shoreline development and activity shall be located, designed, constructed, and managed in a manner that mitigates impacts to the environment. The preferred mitigation sequence (avoid, minimize, mitigate, compensate) shall follow that listed in WAC 173-26-201(2)(e).
4. New nonwater-dependent development, including single-family residences, that includes structural shoreline stabilization shall not be allowed unless all of the conditions below apply, otherwise new stabilization measures are limited to protecting only existing developments:
 - a. The need to protect the development from destruction due to erosion caused by natural processes, such as currents and waves, is demonstrated through a geotechnical/hydrogeological report prepared by a qualified professional.
 - b. The erosion is not caused by upland conditions, such as the loss of vegetation and/or drainage issues.
 - c. There will be no net loss of shoreline ecological functions or impacts to adjacent or down-current properties.
 - d. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements and soft structural solutions such as bioengineering, are not feasible or not sufficient.
 - e. The structure will not cause impacts to the functions and values of critical areas or properly functioning conditions for proposed, threatened, and endangered species.
 - f. Other mitigation/restoration measures are included in the proposal.
5. Upon project completion, all disturbed shoreline areas shall be restored to as near pre-project configuration as possible and replanted with appropriate vegetation. All losses in vegetation or wildlife habitat shall be mitigated at a ratio of one square foot of habitat lost to one square foot of habitat replaced.
6. Shoreline stabilization and flood protection works are prohibited in wetlands.
7. Developments shall not reduce the volume and storage capacity of streams and adjacent wetlands or floodplains.
8. Use of refuse for the stabilization of shorelines is prohibited.
9. Treated wood shall not be used for landscaping within the NCA.

B. Bulkheads

1. New bulkheads may be allowed only when evidence is presented that demonstrates that one of the following conditions exists:
 - a. Serious erosion threatens an established use or existing primary structure on upland property.
 - b. Bulkheads are necessary to the operation and location of water-dependent, water-related, or water-enjoyment activities consistent with this SMP, provided that all other alternative methods of shore protection have proven infeasible.
 - c. A bulkhead is necessary to retain landfilling that has been approved consistent with the provisions of this SMP.
2. Proposals for bulkheads must first demonstrate through a geotechnical analysis that use of natural materials and processes and non-structural or soft structural solutions to bank stabilization are not feasible.
3. The construction of a bulkhead for the primary purpose of retaining landfilling shall be allowed only in conjunction with
 - a. A water-dependent use
 - b. A bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
 - c. A wildlife or fish enhancement project.
4. Bulkheads shall not be located on shorelines where valuable geo-hydraulic or biological processes are sensitive to interference. Examples of such areas include wetlands and accretion landforms.
5. Bulkheads are to be permitted only where local physical conditions, such as foundation bearing materials, and surface and subsurface drainage, are suitable for such alterations.
6. If possible, bulkheads shall be located landward of the OHWM and generally parallel to the natural shoreline. In addition, the following conditions shall apply:
7. Where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the eroding bank as possible and in no case shall it be more than three (3) feet from the toe of the bank.
 - a. A bulkhead for permitted landfilling shall be located at the toe of the fill.
 - b. Where permitted, a bulkhead must tie in flush with existing bulkheads on adjoining properties, except where the adjoining bulkheads extend waterward of the base flood elevation, the requirements set forth in this section shall apply.

8. Replacement bulkheads may be located immediately waterward of the bulkhead to be replaced such that the two (2) bulkheads will share a common surface, except where the existing bulkhead has not been backfilled or has been abandoned and is in serious disrepair. In such cases, the replacement bulkhead shall not reach waterward of the OHWM or existing structure unless there is an overriding safety or environmental concern.
9. All bulkhead proposals require a geotechnical report prepared by a qualified professional. Bulkheads shall be sited and designed as recommended in approved geotechnical reports.
10. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into the bulkhead design.
11. Bulkheads shall be designed for the minimum dimensions necessary to adequately protect the development.
12. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of the bulkhead, unless they are retractable or removable.
13. Bulkheads shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil/materials.
14. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
15. Materials used in bulkhead construction shall meet the following standards:
 - a. Bulkheads shall utilize stable, non-erodible, homogeneous materials such as concrete, wood, and rock that are consistent with the preservation and protection of the ecological habitat.
 - b. Dredge spoils shall not be used for fill behind bulkheads, except clean dredge spoil from a permitted off-site dredge and fill operation.
 - c. Backfill to stabilize bulkheads is permitted.
16. Removal of a bulkhead is encouraged and requires a substantial development permit, unless exempted under WAC 173-27-040.

C. Revetment

1. The proposed revetment shall be designed by a qualified professional engineer.
2. Design of revetments shall include and provide improved access to public shorelines whenever possible.
3. When permitted, the location and design of revetments shall be determined using engineering principles, including guidelines of the United States Soil Conservation Service and the USACE.

4. Armored revetment design shall meet the following design criteria:
 - a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system.
 - b. Filter fabric must be used to aid drainage and help prevent settling.
 - c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from scouring or wave action.
 - d. Fish habitat components, such as large boulders, logs, and stumps, shall be considered in the design subject to a hydraulic project approval by the WDFW.

D. Land Disturbing Activity

1. All land disturbing activities shall only be allowed in association with a permitted shoreline development.
2. All land disturbing activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan. Clearing invasive, non-native, shoreline vegetation listed on the Columbia County/WSU Extension Office Noxious Weed List is permitted in the NCA, with an approved permit, provided BMPs are used as recommended by a qualified professional, and native vegetation is promptly reestablished in the disturbed area.
3. Tree and vegetation removal shall be discouraged in the NCA, except as necessary to restore, mitigate, or enhance the native vegetation by approved permit as required in these areas or as part of normal utility corridor maintenance or levee maintenance.
4. Stabilization of exposed surfaces subject to erosion along shorelines shall, whenever feasible, utilize soil bioengineering techniques.
5. For extensive land disturbing activities that require a permit, a plan addressing species removal, revegetation, irrigation, erosion and sedimentation control, and other methods of shoreline protection shall be required.

15-06.070 Fill

- A. Landfilling activities shall only be permitted in conjunction with a specific development.
- B. Landfilling may be permitted as a Conditional Use for any of the following:
 1. In conjunction with a water-dependent use permitted under this SMP.
 2. In conjunction with a bridge, utility, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist.
 3. Where it will not result in significant damage to water quality, fish, and/or wildlife habitat.
 4. Where it will not adversely alter natural drainage and current patterns or significantly reduce floodwater capacities.

5. As part of a shoreline enhancement project in the AE.
- C. Landfilling may be permitted with a substantial development permit for any of the following:
 1. As part of an approved shoreline restoration project in the HIE, SCE, SRE and UCE.
 2. For fisheries, aquaculture, or wildlife habitat enhancement projects.
- D. Where landfilling activities are permitted, the landfilling shall be the minimum necessary to accommodate the proposed use and all fill shall be placed landward of the OWHM.
- E. Landfilling, as a result of dredging and dredge material disposal, shall be done in a manner which avoids or minimizes significant ecological impacts. Impacts that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions. Dredge spoil shall not be deposited within the Shoreline Management Area.
- F. Landfilling shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Landfilling perimeters shall be designed and constructed with silt curtains, vegetation, retaining walls, or other mechanisms to prevent material movement. In addition, the sides of the landfilling shall be appropriately sloped to prevent erosion and sedimentation, during both the landfilling activities and afterwards.
- G. Fill materials shall be clean sand, gravel, soil, rock, or similar material. Use of polluted dredge spoils and sanitary landfilling materials are prohibited. The property owner shall provide evidence that the material has been obtained from a clean source prior to fill placement.
- H. Landfilling shall be designed to allow surface water penetration into aquifers.

15-06.080 Dredging and Dredge Material Disposal

- A. Dredging and dredge spoil disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 1. Result in significant damage to water quality, fish, and other essential biological elements;
 2. Adversely alter natural drainage and circulation patterns, currents, or reduce floodwater capacities;
 3. Adversely impact properly functioning conditions for proposed, threatened, or endangered species; or
 4. Adversely alter functions and values of the shoreline and associated critical areas.
- B. Proposals for dredging and dredge spoil disposal shall include all feasible mitigating measures to protect habitats and to minimize adverse impacts such as turbidity; release of nutrients, heavy metals, sulfides, organic materials or toxic substances; depletion of oxygen; disruption of food chains; and disturbance of fish habitat and/or important localized biological communities.

- C. Dredging and dredge spoil disposal shall not occur in wetlands unless for permitted maintenance or enhancement.
- D. Dredging within the Shoreline Management Area shall require a substantial development permit.
- E. Dredging within the Shoreline Management Area shall be permitted only
 1. Within the AE;
 2. For activities associated with shoreline or aquatic restoration or remediation; and
 3. For activities associated with removal of runoff debris.
- F. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
- G. Dredging shall utilize techniques that cause minimum dispersal and broadcast of bottom material; hydraulic dredging shall be used wherever feasible in preference to agitation dredging.
- H. Dredge material disposal shall be permitted in the Shoreline Management Area only as part of an approved shoreline habitat and natural systems enhancement or fish habitat enhancement or watershed restoration project.
- I. Dredged spoil material may be disposed at approved upland sites.
- J. Dredge spoil shall not be deposited within the Shoreline Management Area.
- K. Disposal of dredge material shall be done in accordance with the Washington State Department of Natural Resources Dredge Material Management Plan. The Washington State Department of Natural Resources manages disposal sites through a Site Use Authorization (SUA); all other required permits must be provided to the Washington State Department of Natural Resources prior to them issuing a SUA for dredge disposal.
- L. The City may impose reasonable limitations on dredge spoil disposal operating periods and hours and may require buffer strips at land disposal sites.
- M. Dredging waterward of the OHWM for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of shoreline ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM.
- N. Dredging waterward of the OHWM for the purpose of removing runoff debris from bridge abutments is allowed. Material removed shall not be deposited within the NCA except when the material is necessary for the restoration of shoreline ecological functions.

15-06.090 Vegetation Management

- A. The following activity is allowed without a permit, a written Statement of Exemption, and/or Vegetation Management Plan:
 - 1. Existing Landscaping. Maintenance of existing landscaping (including paths and trails) or gardens within the Shoreline Management Area, including a regulated critical area or its buffer. Examples include mowing lawns, weeding, harvesting and replanting of garden crops, pruning, and planting of noninvasive ornamental vegetation or indigenous native species to maintain the general condition and extent of such areas.
 - 2. Hand removal of noxious and invasive weeds. If uncertain, consult an expert for proper identification of noxious and invasive species before removing any vegetation.
- B. The following activity is allowed with a written Statement of Exemption and approved Vegetation Management Plan.

View Corridors. The development or maintenance of view corridors can provide the general public and property owners of single-family residences opportunities for visual access to water bodies associated with shoreline parcels. One view corridor may be permitted per parcel within the SRE when consistent with the provisions of this Title. A mitigation and management plan must be submitted for review and approval, either with a complete building permit application for a new single-family residence or associated with an existing single family residence.

- C. The following activities are allowed with a written Statement of Exemption or permit and approved Vegetation Management Plan:
 - 1. View Corridor requests based on the applicant's/proponent's desire to enhance the view from the subject development may be granted where there are no likely detrimental effects to existing or future users, views from public lands, critical areas, other features or shoreline ecological functions and/or processes, and where reasonable alternatives of equal or greater consistency with this Plan are not available. Conditions may be attached to the permit or Letter of Exemption by the Hearings Examiner or by the Department to minimize the effects of the proposed use.
 - 2. Removal of trees and shrubs within a buffer is subject to provisions of DMC 15-06.090(E).
 - 3. Excavation, filling, and construction of new landscaping features is subject to the provisions of DMC Title 15.
- D. Vegetation Management Application and Plans:
 - 1. An applicant must submit the following materials:
 - a. Application. A signed application form by the property owner of the shoreline proposed for vegetation alterations.

- b. Plan Map. A scaled mitigation and management plan map that demonstrates a side, top, and bottom parameter for the proposal with existing vegetation and proposed alterations.
 - c. A graphic and/or site photos for the entire shoreline frontage that demonstrates that the parcel and proposed or existing home does or will not when constructed have a view corridor of the water body, taking into account site topography and the location of shoreline vegetation on the parcel.
 - d. Mitigation actions that will be taken to balance the required activity.
 - e. Monitoring actions that will measure whether the mitigation actions are successful over time.
 - f. Monitoring and reporting schedule.
 - g. Responsible party for the monitoring and reporting.
2. Applications for view corridors must also be consistent with the following standards:
- a. Removal of native vegetation shall be prohibited unless similar native vegetation is planted elsewhere on the property.
 - b. Pruning of native vegetation shall not exceed thirty percent (30%) of a tree's limbs. No tree topping shall occur. Pruning of vegetation waterward of the OHWM is prohibited. The view corridor shall be limited to twenty-five percent (25%) of the width of the lot, or twenty-five (25) feet, whichever distance is less.
 - c. Non-native vegetation within a view corridor may be removed when the mitigation and management plan can demonstrate a net gain in site functions and where impacts are mitigated at a ratio of one (1) square foot of vegetation removed to vegetation replaced.
 - d. Whenever possible, view corridors shall be located in areas dominated with non-native vegetation and invasive species.
 - e. Pruning shall be done in a manner that shall ensure the continued survival of vegetation.
 - f. The applicant shall clearly establish that fragmentation of fish and wildlife habitat will not occur and that there is not a net loss of site ecological functions.
 - g. A view corridor may be issued once for a property. No additional vegetation pruning for the view corridor is authorized except as may be permitted to maintain the approved view corridor from the re-growth of pruned limbs. Limitations and guidelines for this maintenance shall be established in the mitigation and management plan by the applicant, to be reviewed and approved by the Director.
 - h. A hardened path within the view corridor, no wider than four (4) feet, consisting of materials like pavers, rocks, untreated wood, etc. is allowed for each parcel as a path to the shoreline. Pervious materials are preferred over impervious materials.

E. Tree Retention:

To maintain the ecological functions that trees provide to the shoreline environment, trees with trunk diameters greater than six (6) inches shall be managed as follows:

1. Within the NCA, trees with trunk diameters greater than six (6) inches shall not be removed or topped for the purpose of creating views. Prohibited tree removal activities include direct or indirect actions, including, but not limited to
 - a. Clearing, damaging, or poisoning resulting in an unhealthy or dead tree;
 - b. Pruning to half or more of the live crown; or
 - c. Damage to roots or trunk that is likely to destroy the tree's structural integrity.
2. Within the NCA, native trees and shrubs shall be retained to the maximum extent possible, except where said tree or shrub is diseased or hazardous as determined by a qualified professional or where required by the USACE for levee maintenance.
3. If removal of a non-hazard tree or shrub not associated with levee maintenance is approved in the NCA, it must be replaced at a two to one (2:1) replacement ratio. The required minimum size of the replacement of tree(s) with a trunk diameter greater than six (6) inches in diameter shall be five (5) feet tall for a conifer and one and three-quarters (1 ¾) inch caliper for deciduous or broad-leaf evergreen tree.
4. For required replacement trees, a planting plan showing location, size, and species of the new trees is required. All replacement trees in the shoreline buffer must be native species. Replacement trees may be planted off-site in approved restoration areas if replacement at or near the tree removal area is impractical.

F. Tree Pruning and Removal within the Native Conservation Area:

1. Selective pruning of trees for safety is allowed if the trees pose a significant safety hazard as indicated in a written report by a certified arborist or other qualified professional. They may be removed if the hazard cannot be removed by topping or other techniques that maintain some habitat function. Stumps should be retained in the ground to provide soil stabilization unless another soil stabilization technique is utilized immediately after stump removal.
2. All other tree removal in the Shoreline Management Area landward of the NCA proposed as part of an approved use or development shall be minimized through site design and mitigated.
3. Tree replacement shall occur at a two to one (2:1) ratio, with native or non-native trees replaced with a native tree.

G Vegetation Maintenance within existing right-of-way corridors:

1. Vegetation management is allowed where it is part of a regular, ongoing maintenance program, that
 - a. Does not expand further into the Shoreline Management Area or critical area;

- b. Does not result in an expansion of the utility corridor; and
 - c. Does not directly impact endangered species.
2. Maintenance activities must use BMPs and shall, whenever possible, be confined to late summer and fall to minimize erosion concerns and disruption of native nesting birds.
 3. Hand removal of noxious and invasive weeds is allowed without a permit. If uncertain, consult an expert for proper identification of noxious and invasive species before removing any vegetation.

15-06.100 Boating Facilities

- A. Facilities in support of motorized boats are not permitted. This includes Boat Launch Ramps, Dry Boat Storage, and Marinas.
- B. Facilities supporting limited trails access points for launching and take-out of non-motorized watercraft are allowed, provided that both the launch and take-out location(s) are accessible to the public. Take-out locations must be clearly identified from the water.

15-06.110 Forest Practices

Forest practices are prohibited in all shoreline environments.

15-06.120 Industrial Development

- A. Over-water construction of industrial uses is prohibited, with the exception of those existing facilities necessary for the operation of an associated industrial use. For example, an allowed facility may include pump houses for fire protection.
- B. All industrial loading and service areas shall be located on the upland side of the industrial activity. Where necessary, paved access roads, constructed to collect stormwater and not within the NCA, may be used shoreward of industrial activity.
- C. All industrial development within the Shoreline Management Area shall assure no net loss of shoreline ecological functions.
- D. A shoreline setback is not required to be maintained for water-dependent industrial development.
- E. Water-related, industrial development shall maintain a shoreline setback equal to the NCA. If public access is provided to the shoreline, the setback may be reduced to twenty-five (25) feet from the OHWM. Where on-site public access is provided, industrial development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for the general public. Public access easements shall be a minimum of twenty-five (25) feet in width and shall comply with the public access standards contained in the Public Access sections of the SMP and Shoreline Code.
- F. Nonwater-related industrial development shall maintain a minimum setback from the OHWM consistent with the area set forth in DMC 15-06.060.

15-06.130 Institutional Development

See 15-06.210 – Non-Residential Development

15-06.140 Mining

Mining is prohibited in all shoreline environments

15-06.150 Recreational Development

- A. Valuable shoreline resources and fragile or unique areas, such as wetlands and accretion shore forms, shall be used only for permitted low impact and nonstructural recreation activities.
- B. For recreation developments that require the use of fertilizers, pesticides, or other chemicals, the property owner shall submit plans demonstrating the methods to be used that prevent these chemical applications and resultant leachate from entering adjacent water bodies. The property owner shall be required to maintain a chemical-free swath equal to the NCA for their Shoreline Environmental Designation, adjacent to water bodies.
- C. No recreational buildings or structures shall be built waterward of the OHWM, except water-dependent and/or water-enjoyment structures such as bridges and viewing platforms. Such uses may be permitted as a conditional use.
- D. Proposals for recreational development shall include adequate facilities for water supply, sewage, and garbage disposal.

15-06.160 Residential Development

- A. Residential development is prohibited waterward of the OHWM and within NCAs.
- B. Residential development shall assure no net loss of shoreline ecological functions.
- C. Residential development shall not be approved if geotechnical analysis demonstrates that additional flood control or shoreline protection measures are necessary to create a residential lot or site area. Residential development shall be located and designed to avoid the need for structural shore defense and flood protection works.
- D. If wetlands or other critical areas are located on the development site, clustering of residential units shall be required in order to avoid impacts to these areas.
- E. Storm drainage facilities shall include provisions to prevent the direct entry of uncontrolled and untreated surface water runoff.
- F. Subdivisions and planned unit developments of five (5) or more than four (4) waterfront lots/units shall dedicate, improve, and provide maintenance provisions for a pedestrian easement that provides area sufficient to ensure usable access, sufficient utilities and public services to serve existing and planned future needs along the shoreline.
- G. When required, public access easements shall be a minimum of twenty (20) feet in width and shall comply with the Public Access standards in DMC 15-05.040.

15-06.170 Signs

- A. Signs within the Shoreline Management Area are subject to the requirements and standards specified in DMC 15.06.050 in addition to the following sign requirements:
1. Signs shall only be allowed in or over water for navigation purposes and at road or railroad crossings as necessary for operation, safety, and direction.
 2. Business signs shall only be allowed outside of the NCA unless related and necessary to a water-dependent use on which it is placed.
 3. Off-site commercial signs for products, services, or facilities are prohibited.
 4. Signs are subject to the Zoning Code regulations of DMC Title 11 and regulations specified in the Sign Code, DMC Title 12.
 5. Signs placed on trees or other natural features are prohibited, unless the Director finds that these signs are necessary for public safety reasons.

15-06.180 Parking

- A. Parking for specific land use activities within the City is subject to the requirements and standards set forth in DMC Title 11. In addition, the following parking requirements shall apply to all developments within Shoreline Management Areas.
1. The location of parking areas and lots shall be located outside of the NCA.
 2. Parking in the Shoreline Management Area must directly serve an approved shoreline use.
 3. Parking shall be located on the landward side of the development unless parking is contained within a permitted structure. Where there is no available land area on the landward side of the development, parking shall extend no closer to the shoreline than a permitted structure.
 4. Landscape screening is required between the parking area and all adjacent shorelines and properties.
 5. The landscape screening for parking lots located within the Shoreline Management Area shall consist of vegetation that provides adequate screening within three (3) years after planting. Adequate screening or landscaping for parking lots shall consist of one or more of the following:
 - a. A strip five (5) feet wide landscaped with trees, shrubs, and/or groundcover creating a filtered screen from the ground to a minimum of 6 feet in height
 - b. A building or enclosed structure
 - c. A strip of land not less than two (2) feet in width that is occupied by a continuous wall or fence creating a filtered screen from the ground to a minimum of 6 feet in height.

6. The requirement for screening may be waived by the Director, where screening would obstruct a significant view from public property or creates a sight distance obstruction for vehicles on a street.
7. Parking areas shall not be permitted over the water.
8. Parking as a primary use shall be prohibited within all Shoreline Management Areas.
9. Parking or storage of recreational vehicles or travel trailers as a primary use shall be prohibited in all Shoreline Management Areas.

15-06.190 Transportation

- A. Transportation facilities and services shall utilize existing transportation corridors wherever possible, provided the shoreline is not adversely impacted and the development is otherwise consistent with this SMP.
- B. Transportation and primary utilities shall jointly use rights-of-way.
- C. Landfilling activities for transportation facility development are prohibited in water bodies, wetlands, and on accretion beaches, except when all structural and upland alternatives have proven infeasible, and the transportation facilities are necessary to support uses consistent with this SMP.
- D. Major new roads and railways shall avoid being located in the Shoreline Management Area to the extent practical. These roads shall cross shoreline areas by the shortest, most direct route, unless this route would cause more damage to the environment.
- E. New transportation facilities shall be located and designed to minimize or prevent the need for shoreline modification.
- F. All bridges must be built high enough to allow the passage of debris and provide a minimum of three (3) feet of clearance above the base flood elevation.
- G. Shoreline transportation facilities shall be located and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.
- H. Bridge abutments and necessary approach fills shall be located landward of the OHWM. Bridge piers in a water body should be avoided where possible and may be permitted only as a conditional use.

15-06.200 Railroads and Rail Corridors

See DMC 15-06.190 Transportation.

15-06.210 Nonresidential Development

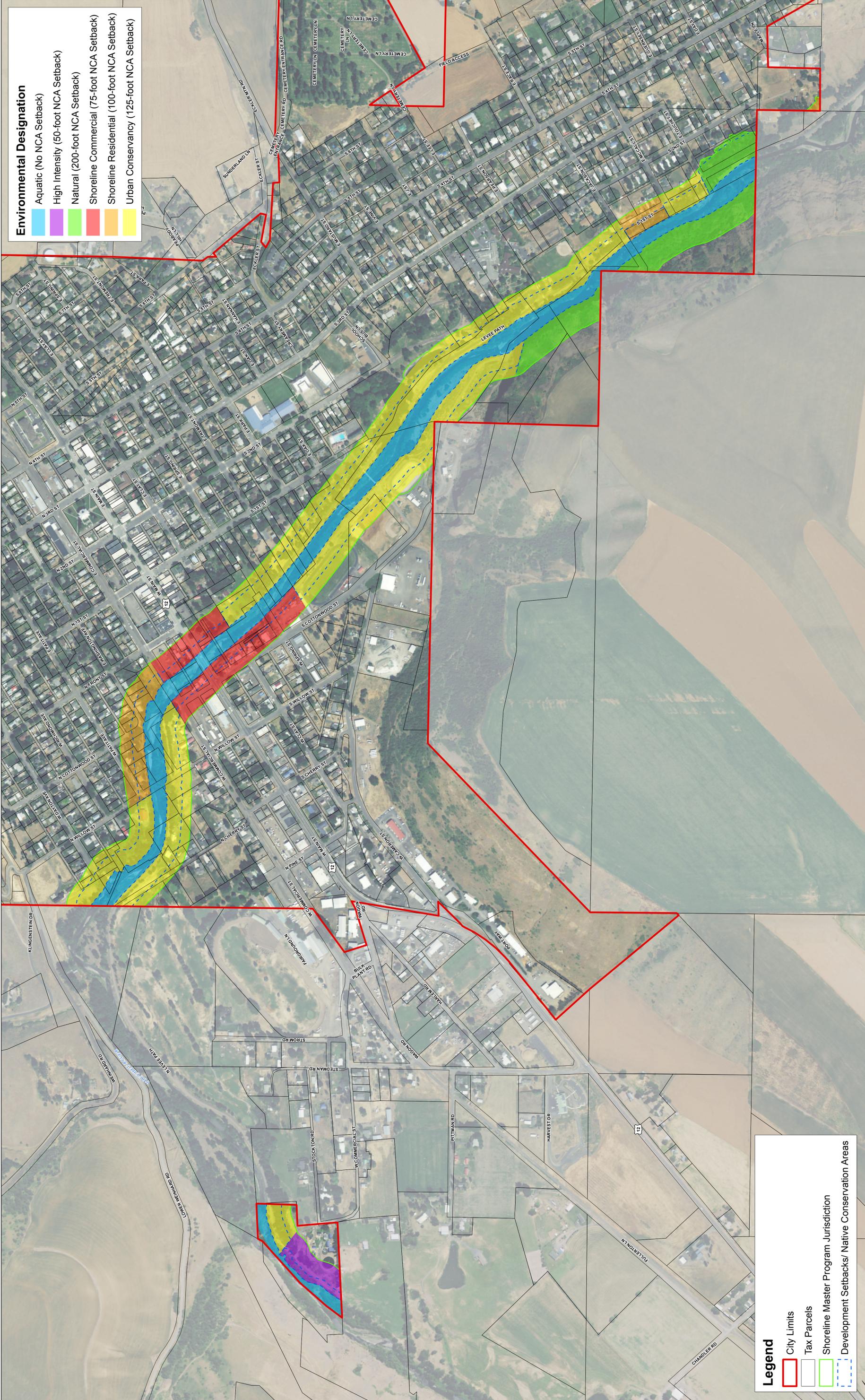
- A. Over-water construction of nonresidential uses is prohibited in all environmental designations except HIE.
- B. All nonresidential development within the Shoreline Management Area shall provide for visual and/or physical access to the shoreline by the public. Where on-site public access is feasible, nonresidential development shall dedicate, improve, and provide maintenance for a pedestrian easement that provides area sufficient to ensure usable access to and along the shoreline for the general public. Public access easements shall be a minimum of twenty (20) feet in width and shall comply with the public access standards contained in the Public Access section of this SMP.
- C. All nonresidential loading and service areas shall be located on the upland side of the nonresidential activity or provisions shall screen the loading and service areas from the shoreline.
- D. All nonresidential development within the Shoreline Management Area shall assure no net loss of shoreline ecological functions.
- E. A shoreline setback is not required for water-dependent nonresidential development.
- F. Nonwater-related nonresidential development shall maintain a minimum setback from the OHWM consistent with the area set forth in DMC 15-06.060.

15-06.220 Utilities

- A. Utility development shall provide for compatible, multiple uses of sites and rights-of-way when practical.
- B. Utility development within the NE designation shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.
- C. The following primary utilities, which are not essentially water-dependent, may be permitted as a conditional use if it can be shown that no reasonable alternative exists:
 - 1. Water system treatment plants
 - 2. Sewage system lines, interceptors, pump stations, and treatment plants
 - 3. Electrical energy generating plants, substations, lines, and cables
- D. New solid waste disposal sites and facilities are prohibited.
- E. For new utility distribution lines of less than fifty-five thousand (55,000) volts, communications, and fuel lines, in areas where no current utility corridors exist, or the substantial expansion of existing utility corridor rights-of-way, undergrounding is preferred. Existing utility corridors within the Shoreline Management Area can be used for upgrades to facilities, if the right-of-way corridors are not altered. Utility providers shall consider all factors when proposing to install underground or overhead utilities.

- F. Transmission and distribution facilities shall cross the Shoreline Management Area by the shortest most direct route feasible, unless such route would cause increased environmental damage.
- G. Utilities shall be located and designated so as to avoid the use of any structural or artificial shoreline modification.
- H. All underwater pipelines are discouraged. If no other alternative exists, a conditional use permit is required.

APPENDIX A - SHORELINE MAP



- Environmental Designation**
- Aquatic (No NCA Setback)
 - High Intensity (50-foot NCA Setback)
 - Natural (200-foot NCA Setback)
 - Shoreline Commercial (75-foot NCA Setback)
 - Shoreline Residential (100-foot NCA Setback)
 - Urban Conservancy (125-foot NCA Setback)

- Legend**
- City Limits
 - Tax Parcels
 - Shoreline Master Program Jurisdiction
 - Development Setbacks/ Native Conservation Areas

Scale: 1:4,000
 1 inch = 341 feet
 0 1,000 Feet

ORD. 1910 EXHIBIT 6 Appendix A SMC 15.04.030