7. Shoreline Use and Modification Regulations

The regulations in this Chapter apply to specific uses and modifications within shoreline jurisdiction. In many circumstances, more than one Section of use or modification regulations will apply to a specific proposal. Guiding policies for uses and modifications are located in Chapter 4, Shoreline Master Program Goals and Policies.

7.1 Shoreline Use, Modification, and Standards Tables

A. Table 7-1 Shoreline Use, Modification, Setbacks, and Heights, shall be used to determine which uses may be permitted, approved with a conditional use permit, or prohibited in each SED.

B. All new uses and development activities proposed for jurisdictional shoreline areas must comply with all provisions of the Woodland Municipal Code, as determined by the City.

C. Any new uses or modifications not defined in Table 7-1 shall be reviewed through a Shoreline Conditional Use Permit (SCUP).

D. Setbacks shall be measured on a horizontal plane landward from the required feature described in Table 7-1 below.

Table 7-1. Shoreline Use, Modification, Setbacks, and Heights

Table Key: P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable	Shoreline Environment Designations				
	High-Intensity	Residential	Urban Conservancy	Recreation	Aquatic
Uses (See Section 7.2, Shoreline Use Regulations for specific use regulations)					
Agriculture	X	X	X	X	X
Aquaculture[2]	P	P	P	P	P
Boating Facilities					
Boat launches	P	X	P	P	P
Other Moorage	P	X	P	P	P
Commercial					
Water-dependent	P	P	X[9]	X[9]	SCUP
Water-related	P	P	X[9]	X[9]	X
Water-enjoyment	P	P	P	P	SCUP[9]
Non-water-oriented	P	X	X	X	X
Forest Practices	X	X	X	X	X

Table Key: P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable	Shoreline Environment Designations				
	High-Intensity	Residential	Urban Conservancy	Recreation	Aquatic
Industrial					
Water-dependent	P	X	X	X	P
Other water-oriented	P	X	X	X	X
Non-water-oriented	P	X	X	X	X
Institutional	P	X	X	X	X
Mining	X	X	X	X	SCUP
Recreation					
Water-dependent	P	P	P	P	P
Other water-oriented	P	P	P	P	SCUP
Non-water-oriented	P	SCUP	X	SCUP	X
Residential					
Single-family	P[1]	P	P	P[1]	X
Multi-family	P	P	X	X	X
New floating residence	X	X	X	X	X
In-stream Structures	P	P	P	P	P
Transportation					
Roads and railroads	P	P	P	P	SCUP
Bridges	P[3]	P[3]	P[3]	P[3]	P[3]
Non-motorized facilities	P	P	P	P	SCUP
Parking as an accessory to a permitted use	P[4]	P[4]	P[4]	P[4]	X
Utilities	P	P[5]	P[5]	P[5]	SCUP
Uses not Specified	SCUP	SCUP	SCUP	SCUP	SCUP
Modifications (See Section 7.3, Shoreline Modification Regulations for specific modification regulations)					
Flood Control Works (see Section 6.4)					
Modification of Existing Flood Control Works (including relocation further landward)	P	P	SCUP	SCUP	SCUP
New Flood Control Works	P	P	SCUP	SCUP	X
Residential Moorage Facilities					
Buoys	N/A	N/A	N/A	N/A	P
Docks	X	P	X	X	P
Marine Railways	X	P	P	X	P
Shoreline Stabilization					
New soft structural stabilization	P	P	P	P	P
Replacement soft structural stabilization	P	P	P	P	P

Table Key: P = May be permitted through SSDP or SLE SCUP = May be permitted through SCUP X = Prohibited N/A = Not Applicable	Shoreline Environment Designations				
	High-Intensity	Residential	Urban Conservancy	Recreation	Aquatic
New hard structural stabilization	SCUP	SCUP	SCUP	SCUP	SCUP
Replacement hard structural	P	P	P	P	P
Breakwaters, Jetties, Rock Weirs, and Groins[10]	SCUP	SCUP	SCUP	SCUP	SCUP
Fill / Excavation	P[6]	P[6]	P[6]	P[6]	SCUP
Dredge and Dredge Material Disposal					
Dredging	N/A	N/A	N/A	N/A	P
Dredge disposal	P	SCUP	SCUP	SCUP[8]	SCUP
Shoreline Habitat and Ecological Enhancement	P	P	P	P	P
Dimensional Standards					
Buffer[11]	See Table B-4 in Subsection 9.4.D of Appendix B				
Building setback from Buffer in Table B-4[11]	10'	10'	10'	10'	N/A
Maximum Height	35'[7]	35'	35'	35'	35'
Minimum River Frontage	N/A	60'	N/A	N/A	N/A

Table Notes:

1. Caretaker residence only.
2. Only free standing informational, educational, and navigation signs are permitted in the Aquatic environment designation.
3. Expansion of a bridge by 50% or more may be reviewed through an SCUP, rather than an SSDP Permit, at the discretion of the City.
4. Parking must support an allowed primary use. Parking as a primary use is prohibited.
5. Gas or oil transmission lines greater than 6 inches in diameter, electrical transmission lines greater than 50kv, and structural utility buildings, such as pump stations, electrical substations, dams or other facilities, require a SCUP.
6. All fill below the OHWM, except that required for ecological restoration, requires a SCUP.
7. Additional height may be approved in accordance with Section 7.2.6.H.
8. Dredge disposal allowed through an SSDP on lands already covered by legally deposited dredge spoils.
9. Commercial uses that are accessory to a public access or recreation use (such as kayak rental or concession stand) are allowed through an SSDP.
10. Structures that support fish habitat enhancement are allowed in all environments through an SSDP.
11. Water-dependent uses and developments may locate within the buffers shown in Table B-4, Appendix B and within the setbacks shown in Table 7-1. These uses must meet mitigation sequencing requirements to avoid, minimize, and mitigate for adverse impacts, in accordance with Section 6.1 of this SMP.

7.2 Shoreline Use Regulations

7.2.1 Agriculture

A. In accordance with RCW 90.58.065, this Program shall not restrict existing or ongoing agricultural activities occurring on agricultural lands. The applicable regulations in this Program apply to:

   1. Conversion of agricultural lands to other uses, and

   2. Other development on agricultural land that does not meet the definition of agricultural activities.

B. All new or expanded agricultural uses are prohibited.

C. Preparatory work associated with the conversion of land to non-agriculture uses and/or developments shall be consistent with the policies and regulations for the proposed non-agriculture use and the general provisions of this Program, including vegetation conservation.

7.2.2 Aquaculture

A. New aquaculture uses may be permitted only in association with the non-commercial restoration of native fish species in the Lewis River.

B. Non-commercial aquaculture undertaken for conservation or habitat restoration purposes is a preferred use within the City of Woodland's shorelines.

7.2.3 Boating Facilities

A. General Requirements:

   New and modified boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions and shall meet Washington Department of Natural Resources requirements and other state guidance if located in or over state-owned aquatic lands.

   Boating facilities shall locate in areas where:

   a. There is adequate water mixing and flushing;

   b. The structure shall not block or obstruct lawfully existing or planned public shoreline access;

   c. Such facilities shall not adversely affect flood channel capacity or otherwise create a flood hazard;

d. Water depths are adequate to minimize new or maintenance dredging and other channel maintenance activities;

e. The structure shall minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris;

f. New shoreline stabilization shall not be needed. Where the need for stabilization is unavoidable, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft may be allowed; and

g. Water depths are adequate to prevent floating structures from grounding out at the lowest low water or else stoppers are installed to prevent grounding out.

Boating facilities shall not be located:

Along braided or meandering river channels where the channel is subject to change in alignment;

On point bars or other accretion beaches; or

Where existing in-water navigation uses would be impaired or obstructed.

Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come into contact with water shall be approved by applicable state agencies for use in water.

Boating uses and facilities shall be located far enough from public swimming beaches, and fishing and aquaculture areas within the City or County to avoid adverse impacts, safety concerns, and potential use conflicts.

Accessory uses at boating facilities shall be:

Limited to water-oriented uses, including uses that provide physical or visual shoreline access for the general public.

Located outside of the buffer and floodway and as far landward as possible while still serving their intended purposes.

Parking and storage areas shall be located outside of shoreline jurisdiction whenever feasible and shall be setback from the shoreline as far feasible. Parking and storage facilities shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

Lighting associated with overwater structures shall be beamed, hooded, or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.

Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not obstructed.

New uses, developments and activities accessory to boating facilities should be located outside any applicable shoreline buffer unless proximity to the water-dependent project elements is critical to the successful implementation of the facility's purpose, and the elements are supportive of the water-dependent use and have no other utility (e.g., a road to a boat launch facility).

In these circumstances, uses and modifications accessory to water-dependent boating facilities must be designed and located to minimize intrusion into the buffer, and any adverse impacts to ecological functions shall be mitigated.

B. Boat Launches

1. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available with consideration for site-specific conditions and the particular needs of that use.

2. There is no maximum length or width for boat launches; however, the proponent must demonstrate that the size proposed is the minimum necessary to allow the use proposed.

3. Non-motorized boat launches shall use gravel or other permeable material.

4. Additional standards for public boat launches are as follows:

   a. Public boat launches shall include adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.

   b. When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access and/or where such facilities will substantially increase public opportunities for water access.

   c. Public boat launches shall be located and designed to prevent traffic hazards and to minimize traffic impacts on nearby access streets.

   d. Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand.

C. Covered moorage is only permitted a necessary component of a water-dependent industrial or commercial use. Covered moorage shall be designed and located to be the minimum size necessary and minimize adverse impacts caused by shading the water and blocking views.

D. Docks

1. New piers and docks shall be allowed only for water-dependent uses or public access.

2. New dock construction, excluding docks accessory to single-family residences (regulated under Subsection E if this Section), shall be permitted only when the applicant has demonstrated that a specific need exists to support the intended primary water-dependent use. The applicant shall demonstrate need by providing a needs analysis or comprehensive master plan projecting future needs for dock or moorage space for approval. If approved by staff, the document may serve as the necessary justification for design, size, and construction to the extent that the plans are consistent with this Program.

3. Extended moorage on waters of the state requires a lease or permission from the Washington State Department of Natural Resources.

E. This Section applies to docks and buoys that are accessory to four (4) or fewer single-family residences. A dock associated with a single-family residence is considered a water-dependent use if it is designed and intended for access to watercraft and complies with the requirements of this Program.

1. A new moorage structure (dock or buoy) to serve a single-family residence may be allowed only when the lot does not have access to a shared structure and there is no homeowners association or other corporate entity capable of developing shared structure.

2. Prior to approving a new residential dock, an applicant shall demonstrate that a mooring buoy is not feasible to provide moorage.

3. When feasible, new residential development of two or more dwellings with new accessory docks shall provide joint use or community dock facilities to reduce ecological impacts of new overwater facilities.

4. Docks shall meet the following standards:

a. Docks shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. The length of docks accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. The maximum length for residential docks shall be limited to either sixty (60) feet as measured horizontally from

the OHWM or the length necessary to provide a minimum of six (6) feet of water depth. The maximum width for residential docks shall be limited to six (6) feet. The dimensional standards may be adjusted as required by state and federal agencies if the decision maker finds that such adjustment will better preserve ecological functions.

b. New or expanded covered moorage is prohibited.

c. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking, and other components that may come into contact with water shall be approved by applicable state agencies for use in water.

d. Floats shall be constructed and attached so that they do not ground out on the substrate. Float stops, tubs, or similar structures may be used. A minimum of one (1) foot of elevation above the substrate is required.

e. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.

f. Piling diameter shall be sized to use the minimum possible while meeting the structural requirements of expected loads.

g. Grating, or clear translucent material, shall cover the entire surface area of the pier and ramp and all portions of float(s) not underlain by float tubs or other material that provides buoyancy. The open area of grating shall have a minimum of sixty (60) percent open space, or as otherwise required by state or federal agencies during permit review, unless determined to be infeasible due to specific site or project considerations. Clear translucent material shall have greater than ninety (90) percent light transmittance as rated by the manufacturer.

h. Docks shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the county auditor and a copy filed with the shoreline permit application.

5. Unavoidable impacts from new or expanded private boat moorage or launch construction pursuant to this Section shall be minimized and mitigated consistent with the requirements of this Program.

6. Private boat ramps are prohibited.

7. Moorage or launch structures shall not be allowed in critical freshwater aquatic habitats, unless it can be demonstrated that the structure, including auxiliary impacts and established mitigation measures, will not be detrimental to the natural habitat or species of concern, and will not result in loss of ecological function.

7.2.4 Commercial

A. Water-dependent commercial uses are preferred over non-water-dependent commercial uses. Water-related and Water enjoyment use are preferred over non-water-oriented uses.

B. Non-water-dependent commercial uses shall not be allowed if they displace existing viable water-dependent uses or if they are proposed to occupy space designated for water-dependent uses identified in a previously approved SSDP or other approval.

C. Non-water-oriented commercial uses may be permitted only:

1. As part of a mixed-use development that has a formally approved master plan that complies with this Program; and

2. Includes water-dependent uses; and

3. Provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or

4. When the site is physically separated from the shoreline by another property or public right-of-way.

D. Water-dependent and water-related commercial uses shall consider public access and/or ecological restoration as potential mitigation for impacts to shoreline resources and values unless such improvements are demonstrated to be infeasible or inappropriate, and shall avoid impacts to existing navigation, recreation and public access uses.

E. An applicant for a new commercial use or development shall comply with the mitigation sequencing provisions of this Program.

F. Accessory development or use that does not require a shoreline location, such as parking, service buildings or areas, access roads, utilities, signs, and storage of materials, shall be located outside of the shoreline jurisdiction unless demonstrated to be infeasible.

G. Overwater structures, or other structures waterward of the OHWM, are allowed only for those portions of water-dependent commercial uses that require overwater facilities as an essential feature of their function or for public access facilities. Design

of overwater structures or structures beyond the OHWM shall demonstrate that they will not interfere with normal stream geomorphic processes, require additional future shoreline stabilization, and interfere with navigation or normal public use of the water.

H. Where commercial developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

I. Only water-dependent elements for commercial use of a proposal may encroach on required vegetated buffers of this Program (see Section 9.4.D of Appendix B, Critical Areas Regulations).

7.2.5 Forest Practices

A. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222) as administered by the Department of Natural Resources.

B. When timberland is to be converted to another use, such conversion shall be clearly indicated on the forest practices application. Vegetated buffers found in Appendix B shall be maintained along shorelines. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent a conversion proposals for a period of six (6) years from the date of the forest practices application approval per RCW 76.09.060(3)(d), (e), and (f); RCW 76.09.460; and RCW 76.09.470 subject to the provisions of Sections 40.260.080(A)(4)(a)(2) and (C).

C. With respect to timber situated within two hundred (200) feet landward of the OHWM within SSWS, Ecology or the City shall allow only selective commercial timber cutting so that no more than thirty (30) percent of the merchantable trees may be harvested in any ten (10) year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this Program may be permitted. Exceptions to this standard shall be by SCUP only.

D. Forestry practices for preparatory work associated with the conversion of land to non-forestry uses and/or developments shall be consistent with the policies and regulations for the proposed non-forestry use and the general provisions of this Program, including vegetation conservation.

7.2.6 Industrial

A. Water-dependent industrial uses are preferred over non-water-dependent industrial uses.

B. Water-related and non-water oriented industrial uses shall not be allowed if they displace existing viable water-dependent uses or if they are proposed to occupy space designated for water-dependent uses identified in a previously approved SSDP or SLE.

C. New or expanded non-water-oriented industrial development may be allowed only when:

1. It is part of a mixed-use project including water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or

2. Navigability is severely limited at the site and the development provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration; or

3. The site is physically separated from the shoreline by another property or public right-of-way.

D. Industrial development and redevelopment is encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

E. Proposed developments shall maximize the use of existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial and port developments shall demonstrate the need for expansion into an undeveloped area.

F. Only water-dependent elements of a proposal for industrial use may encroach on required vegetated buffers of this Program (see Section 9.4.D of Appendix B, Critical Areas Regulations).

G. Siting of accessory development or use within shoreline jurisdiction shall be limited to facilities required to serve approved water-oriented uses.

H. Water-oriented structures may be allowed to exceed a height of thirty-five (35) feet. Such structures may include, but are not limited to facilities which must be of a greater height in order to function, such as cranes or other facilities designed to move or place products, fixed loading facilities that must provide clearance over vessels, storage facilities such as grain elevators, as well as accessory features such as lighting required for operations. The applicant must demonstrate compliance with the following criteria:

1. The public interest will be served by accommodating the increased height.

2. The view of a substantial number of residences in areas adjoining such shorelines will not be obstructed.

3. Increased height will not substantially interfere with views from a designated public place, vista, or feature specifically identified in an adopted local, state, or federal plan or policy.

I. Where industrial developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

7.2.7 Institutional

A. Water-oriented institutional uses and developments are preferred.

B. Non-water-oriented institutional uses must provide public benefit with respect to the Shoreline Management Act's objectives, such as public access and ecological restoration.

C. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible, but shall in no case be waterward of the structure.

D. Where non-water oriented institutional uses are allowed, the following must be demonstrated:

1. A water-dependent use is not reasonably expected to be located on the proposed site due to topography, surrounding land uses, physical features of the site, or the site is physically separated from the shoreline by another property or public right-of-way; and

2. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and

3. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, and/or access to the shoreline consistent with protection of shoreline ecological function.

7.2.8 In-Stream Structures

A. In-stream structural uses include, but are not limited to, hydroelectric power generation, irrigation, water transmission, flood control, transportation, utilities, and fish habitat enhancement projects.

B. Operation, maintenance, and repair of legally existing in-stream structures may be permitted when:

1. The proposed activity will not increase the permanent footprint of the structure; and,

2. Areas impacted by temporary construction or stockpiling of materials is limited to the minimum area feasible, and all disturbed areas will be returned to their pre-project or improved ecological condition.

C. Applications for new or expanded in-stream structural uses shall include the following information prior to final approval, unless the City determines that the issues are adequately addressed via another regulatory review process:

1. A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.

2. A habitat management plan prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources, provisions for protecting in-stream resources during construction and operation, and measures to compensate for impacts to resources that cannot be avoided.

3. A description of sites proposed for the depositing of debris, overburden, and other waste materials generated during construction.

4. The proposed location and design of powerhouses, penstocks, accessory structures, and access and service roads for hydropower facilities.

5. Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features.

7.2.9 Mining

Mining in Washington is controlled by the Surface Mining Act of 1970 (RCW 78.44) and is administered by the Washington Department of Natural Resources. The provisions of this legislation shall be followed in all cases.

A. An applicant for mining and associated activities within the shoreline jurisdiction shall demonstrate that the proposed activities are dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a).

B. Mining and associated activities shall be designed and operated to result in no net loss of shoreline ecological functions and processes, set forth in Section 6.1. To be approved, the applicant must demonstrate that there will be no:

   1. Adverse impact on the structural integrity of the shoreline that would change existing aquatic habitat or aquatic flow characteristics; and

   2. Changes in hydraulic processes to or from adjacent waterbodies that would damage aquatic habitat, shoreline habitat, or groundwater.

C. Mining waterward of the OHWM may be permitted only when the applicant demonstrates that:

   1. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect natural gravel transport or other stream processes for the system as a whole.

   2. The proposed mining and associated activities will not have significant adverse impacts on habitat for priority species and will not cause a net loss of shoreline ecological functions.

   3. Determinations required by 1 and 2 above must be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a).

   4. In considering renewal, extension, or reauthorization of other mining operations waterward of the OHWM in locations where they have previously been conducted, compliance with this Subsection to the extent that no such review has previously been conducted must be demonstrated. Where there has been prior review, the City must review previous determinations comparable to the requirements of this Section to assure compliance with this Subsection under current site conditions.

D. Disposal of overburden or other mining spoils or nonorganic solid wastes shall comply with fill policies and regulations of this Program.

E. To ensure future use and visibility of the shoreline areas after completion of mining activities, the following provisions for land reclamation shall be met and shall be demonstrated in a reclamation plan approved by the Washington Department of Natural Resources that complies with the format and standards of RCW 78.44 and WAC 332-18:

1. All reclamation shall be completed within two (2) years after discontinuance of mining operations.

2. All equipment, machinery, buildings, and structures shall be removed from the site upon discontinuance or abandonment of mining operations.

3. Backfill material used in site reclamation shall be composed of natural materials. Combustible, flammable, noxious, toxic, or solid waste materials are not permitted as backfill or for on-site disposal.

4. Reclamation shall prevent future erosion and sedimentation. Topography of the site shall be restored to contours compatible with the surrounding land and shoreline area.

5. Final topography of the site shall not cause standing water to collect and remain on the site except as part of a sedimentation collection and removal system.

6. All exposed areas shall be revegetated utilizing native, self-sustaining plants suitable to the immediate shoreline environment.

F. The provisions of this Section do not apply to dredging of authorized navigation channels or management, placement, or beneficial reuse of dredged materials when conducted in accordance with Section 7.3.4 of this Program.

7.2.10 Recreational

A. Shoreline recreational development that provides access to and enjoyment of the water and shorelines of the state are a preferred use. Recreation areas or facilities on the shoreline shall provide physical or visual access to the shoreline.

B. Recreational uses and developments may be permitted when they do not displace water-dependent uses, are consistent with existing water-related and water-enjoyment uses, and meet all other requirements of this Program.

C. Only water-dependent or water-enjoyment elements of a recreational proposal may encroach on required vegetated buffers of this Program (see Table B-4 in Appendix B) when they are demonstrated to be necessary. All encroachments into the buffer must be fully mitigated in accordance with this program.

D. Provisions shall be made for adequate vehicular parking and safe pedestrian crossings. Design of parking areas shall ensure that surface runoff does not discharge to adjacent waters. Parking areas shall be located upland, away from the immediate shoreline.

E. All permanent, substantial recreational structures and facilities shall be located outside officially mapped floodways. Minor accessory uses may be allowed in the floodway when it can be demonstrated by the applicant that there will be no net loss of ecological functions as set forth in Section 6.1, and all flood hazard criteria of this Program and the City's flood protection code in WMC 14.40, Flood Damage Prevention (1996), are met.

F. New overwater structures for a recreational use shall be allowed only when:

   1. They accommodate a water-dependent recreation use or facilities; or

   2. They provide access for the public to enjoy the shorelines of the state.

G. Recreational facilities shall provide adequate facilities for potable water supply, sewage disposal, and/or garbage collection where practicable.

7.2.11 Residential

A. Single-family residential uses shall be permitted on all shorelines except the Aquatic environment, and shall be located, designed, and used in accordance with applicable policies and regulations of this Program and the SMA.

B. New residential development shall comply with the shoreline buffer provisions established in Section 9.4 of Appendix B.

C. Redevelopment or expansion of existing residential structures shall also conform to the provisions in Section 3.3 of this SMP.

D. All new residential uses and development, including subdivisions, short-plats, accessory uses and structures:

   1. Shall be designed such that no shoreline stabilization measures are necessary.

   2. Shall be located and designed to minimize view obstructions to and from the shoreline from other properties.

   3. Shall be prohibited in, over, or floating on the water.

   4. Shall be prohibited in floodways and channel migration zones.

E. New residential lots shall be configured such that structural flood hazard reduction and shoreline stabilization measures are not now and will not be required during the life of the development or use.

F. New residential lots shall be configured such that siting and construction are feasible while achieving no net loss of ecological functions.

G. Where housing developments are proposed in locations that would interrupt existing shoreline views, primary structures shall provide for reasonable view corridors. The City may adjust the project dimensions and/or prescribe development operation and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.

7.2.12 Transportation and Parking

A. Roads, Railroads and Bridges

1. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside of the shoreline jurisdiction wherever possible unless location outside of shoreline jurisdiction is demonstrated to be infeasible.

2. When transportation facilities are demonstrated to be necessary in shoreline jurisdiction or if no other feasible location exists the applicant shall demonstrate that new or expanded facilities are designed to:

   a. Minimize impacts to critical areas and associated buffers and to minimize alterations to the natural or existing topography to the extent feasible; and

   b. Avoid or minimize the need for shoreline stabilization.

3. New transportation crossings over streams shall be avoided, but where necessary shall utilize bridges rather than culverts to the extent feasible.

4. Requirements for bridge and culvert installation crossing all streams shall be consistent with the Washington Department of Fish and Wildlife's site-specific Hydraulic Project Approval standards.

5. All excavation materials and soils exposed to erosion by all phases of road, bridge and culvert work shall be stabilized and protected by seeding, mulching or other effective means, both during and after construction.

6. Private access roads or driveways providing ingress and egress for individual single-family residences or lots shall be limited to the minimum width allowed by the fire code.

7. Bridges shall provide the maximum length of clear spans feasible with pier supports to produce the minimum amount of deflection feasible.

B. Non-Motorized Facilities

1. Non-motorized facilities, such as trails, shall comply with provisions for public access that are part of this Program.

2. New or expanded non-motorized transportation facilities shall be located outside of critical areas and their associated buffers. With demonstration that the trail cannot be located outside of the buffer, the trail can be located in the outer 25 percent of the critical area buffer. The following trail types are exceptions and may locate closer to the OHWM:

   a. Trails constructed for water access.

   b. Soft-surface trails (mulch, or dirt), not wider than three (3) feet.

      i. This exception does not apply to Critical Area buffers for Category I, II, or III Wetlands.

      ii. Trail construction and maintenance shall minimize removal of vegetation (trees, shrubs, etc.) avoid important wildlife habitat, and shall not result in a net loss of ecological functions.

      iii. This exception does not apply to trail parking, shelters, bathrooms, and any similar related structures.

      iv. All provisions of Appendix B, Critical Area Regulations must be met.

3. Elevated walkways shall be utilized where feasible to cross wetlands and streams if a trail is not feasible outside of the critical area and associated buffer.

C. Parking facilities are not a preferred use and shall be allowed only where necessary to support an authorized use. Parking facilities accessory to a permitted use shall be:

1. Set back as far as possible from the OHWM and outside shoreline jurisdiction where feasible;

2. Located outside of critical areas and associated buffers where feasible; and

3. Located on the landward side of the proposed development or use.

D. Facility lighting must be designed and operated to avoid illuminating nearby properties or public areas; prevent glare on adjacent properties, public areas, or roadways to avoid infringing on the use and enjoyment of such areas; and to prevent hazards. Methods of controlling spillover light include, but are not limited

to, limits on height of structure, limits on light levels of fixtures, light shields, setbacks, buffer areas, and screening. Lighting must be directed away from critical areas unless necessary for public health and safety.

7.2.13 Utilities

These provisions apply to services and facilities that produce, convey, store, or process power, gas, wastewater, communications, oil, waste, and similar services and functions. On-site utility features serving a primary use, such as a water, sewer, or gas line to a residence or other approved use, are accessory utilities and shall be considered a part of the primary use.

A. New or expanded non-water-dependent utilities or parts thereof may be located within shoreline jurisdiction only when the applicant demonstrates based on analysis of alternative locations and technologies that:

   1. No alternative location outside of shoreline jurisdiction is feasible;

   2. If a new corridor is proposed, utilization of existing corridors is not feasible, including expansion or replacement of existing facilities; and

   3. The proposal minimizes changes to the visual character of the shoreline environment as viewed from the water and surrounding views to the water.

   4. The above requirements do not apply to water-dependent utilities, or parts thereof, which require a shoreline location, such as stormwater or wastewater treatment plant outfalls.

B. The presence of existing utilities shall not justify more intense development. Rather, the development shall be consistent with the County Comprehensive Plan, zoning code, and this Program, and shall be supported by adequate utilities.

C. Where overhead electrical transmission lines must parallel the shoreline, they shall be outside of shoreline jurisdiction unless infeasible due to site constraints, including but not limited to topography or safety.

D. Transmission, distribution, and conveyance facilities shall be located in existing rights of way and corridors whenever feasible.

E. Utility crossings of waterbodies shall be attached to bridges where feasible. Where attachment to a bridge is not feasible, underground construction methods that avoid surface disturbance are preferred. Crossings shall be designed to cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

F. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially harmful to water quality shall be equipped with automatic shut-off valves on both sides of the waterbody crossing.

G. When allowed in shoreline jurisdiction subject to 7.2.13.A above, structural utility buildings, such as pump stations, electrical substations, or other facilities, shall be visually compatible in scale with surrounding development and landscape to provide compatibility with natural features and adjacent uses.

H. Stormwater outfalls may be placed below the OHWM to reduce scouring. New outfalls and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate.

7.3 Shoreline Modification Regulations

To be authorized, all shoreline modification activities in shoreline jurisdiction shall be planned and implemented in a manner consistent with this Program. In considering the approval of shoreline modifications, the City shall make findings that the following policies and regulations are met based on information provided by the applicant, including studies by qualified professionals when necessary.

All shoreline modifications must comply with the following general provisions:

A. Structural modifications may be permitted only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes;

B. Preference shall be given to shoreline modifications that have a lesser impact on ecological functions; and

C. Modifications shall be designed to incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

7.3.1 Shoreline Stabilization

A. Proposals for new or modified shoreline stabilization shall demonstrate that proposed structures are the minimum size necessary.

B. Compliance with the following criteria shall be documented through geotechnical analysis by a qualified professional. Geotechnical reports pursuant to this Section shall address the necessity for shoreline stabilization by estimating timeframes and rates of erosion and shall report on the urgency associated with the specific situation.

1. New lots created by subdivision shall demonstrate that new shoreline stabilization will not be necessary, for the life of the development, in order for reasonable development to occur.

2. Development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure (see Chapter 8 of Appendix B, Critical Areas Regulations).

3. Development that would require new shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas, shall not be allowed.

4. Hard armoring solutions shall be authorized only:

   a. When a report finds that a primary structure will be damaged within three (3) years from shoreline erosion without hard armoring measures;

   b. If waiting to provide erosion protection would foreclose the opportunity to use measures that avoid impacts on ecological functions; or

   c. When hard armoring is not justified based on the above criteria, a geotechnical report may be used to justify protection against erosion using soft shoreline stabilization measures.

C. Shoreline stabilization shall be designed and constructed to avoid or minimize stream channel direction modification, realignment, and straightening or to result in increased channelization of normal stream flows or impacts to sediment transport.

D. New or expanded shoreline stabilization, with the exception of modifications to flood control structures approved by the U.S. Army Corps of Engineers, shall follow this hierarchy of preference:

   1. No action (allow the shoreline to retreat naturally).

   2. Non-structural methods such as increased building setbacks, relocating structures, and/or other methods to avoid the need of stabilization.

   3. Stabilization constructed of soft structural protection and bioengineering, including, but not limited to, beach nourishment, protective berms, or vegetative stabilization.

   4. Soft structural stabilization, as described above, in combination with hard structure stabilization, as described below, constructed as a protective measure.

   5. Hard structure stabilization constructed of artificial materials such as, but not limited to, riprap or concrete.

Applicants should consult applicable shoreline stabilization guidance documents, such as the Integrated Streambank Protection Guidelines, promulgated by state or federal agencies.

E. New structural shoreline stabilization measures to protect an existing primary structure, including residences, are only allowed when there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents or waves rather than from upland conditions. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems by relocating drainage away from the shoreline edge before considering structural shoreline stabilization. Considerations shall include the feasibility of reconstruction and/or relocation of the structure if it is cost effective in relation to any new or expanded erosion control structures. All new erosion control structures shall not result in a net loss of shoreline ecological functions.

F. New shoreline structural stabilization may be permitted in support of a water-dependent development when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:

1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

2. There is a need to protect primary structures from damage due to erosion.

3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

4. The stabilization structure will not result in a net loss of shoreline ecological functions.

G. New shoreline structural stabilization may be permitted in support of a new non-water-dependent development (including single-family residences) when all of the conditions below are met as demonstrated in a geotechnical report by a qualified professional:

1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

2. There is a need to protect primary structures from damage due to erosion caused by natural processes, such as currents or waves.

3. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

4. The stabilization structure will not result in a net loss of shoreline ecological functions.

H. New shoreline structural stabilization may be permitted to protect ecological restoration or hazardous substance remediation projects when the conditions below are met as demonstrated in a geotechnical report by a qualified professional:

1. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

2. The stabilization structure will not result in a net loss of shoreline ecological functions.

I. The construction of a shoreline stabilization structure, either "soft" or "hard" for the purpose of creating dry land is prohibited.

J. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses or structures from erosion caused by current or wave action.

K. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall about the existing shoreline stabilization structure.

L. Replacement must result in no net loss of ecological functions. For purposes of this Subsection regarding standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.

M. A publicly financed or subsidized shoreline stabilization project shall provide public access subject to the provisions in Section 6.5 of this SMP. Where feasible, such structural stabilization shall incorporate ecological restoration. See Section 6.5, Public Access, for additional information.

N. Bioengineered projects shall be designed by a qualified professional in accordance with the most current, accurate, and complete scientific and technical information available, and shall incorporate a variety of native plants, unless native species are demonstrated infeasible for the particular site.

7.3.2 Breakwaters, Jetties, Weirs, and Groins

A. Breakwaters, jetties, groins and weirs located waterward of the OHWM shall be allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.

B. Breakwaters, jetties, groins, weirs, and similar structures require an SCUP, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams.

C. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.

7.3.3 Fill and Excavation

A. Fill may be placed in flood hazard areas only when otherwise allowed by the frequently flooded areas regulations in this Program (Chapter 7 in Appendix B) and where it is demonstrated in a hydrogeological report prepared by a qualified professional that adverse impacts to hydrogeologic processes will be avoided.

B. Fill below or waterward of the OHWM for any use except ecological restoration requires an SCUP. Fill may be placed below the OHWM only when it is demonstrated that the fill is necessary to:

1. Accomplish an aquatic habitat restoration plan.

2. Support a mitigation action, environmental restoration, beach nourishment or other enhancement project.

3. Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat.

4. Support a water-dependent use.

5. Serve as part of a public access proposal.

6. Support cleanup of contaminated sediments as part of an interagency environmental clean-up plan, or permitted under MTCA or CERCLA.

7. Expand or alter transportation facilities of statewide significance currently located on the shoreline only when demonstrated that alternatives to fill are not feasible.

C. Fill is restricted in wetlands or fish and wildlife habitat conservation areas in accordance with the critical areas standards in this Program and Appendix B, Chapters 5 and 6.

D. Excavation of previously deposited dredge spoils above the OHWM may be permitted if the spoils site is part of a dredge materials management plan and the spoils were not originally placed as part of a beach nourishment or other shoreline restoration project.

E. Excavation below the OHWM is considered dredging and is subject to provisions in Subsection 7.3.4, Dredging and Dredge Material Disposal.

7.3.4 Dredging and Dredge Material Disposal

A. Dredging and in-water dredge disposal must be approved by state and federal agencies with jurisdiction, with documentation provided to the City as a condition of any shoreline permit.

B. New dredging shall be permitted only:

1. When establishing, expanding, or reconfiguring navigation channels, anchorage areas, and basins in support of existing navigational uses where significant ecological impacts are minimized and mitigation is provided;

2. When implementing an approved regional dredge management plan for flood control purposes;

3. As part of an approved habitat improvement project;

4. As part of a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act project;

5. In conjunction with a new port, bridge, navigational structure, wastewater treatment facility, essential public facility, hydroelectric facility, fish hatchery, or other water-dependent use for which there is a documented public need and where other sites or methods are not feasible; or

6. When otherwise approved by state and federal agencies.

C. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

D. Maintenance dredging shall be restricted to previously authorized locations, depths, and widths.

E. Dredging waterward of the OHWM for the primary purpose of obtaining fill material is allowed only when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through an SCUP, any other significant habitat enhancement project.

F. Dredge materials exceeding Ecology criteria for toxic sediments shall be disposed of according to state and federal law. Proof of proper disposal at an upland permitted facility may be required.

G. Disposal of dredge material on shorelands or wetlands within a river's channel migration zone shall be discouraged. In the limited instances where it is allowed, such disposal shall require an SCUP. Disposal of dredge material within wetlands or within a river's channel migration zone shall be allowed only when proposed as part of an ecological restoration project demonstrated by a qualified professional to:

1. Improve wildlife habitat;

2. Correct the adverse results of past shoreline modification that have disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat; or

3. Create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit.

This provision is not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geohydrologic character of the channel migration zone.

H. When allowed, dredge material disposal must meet the following standards:

1. Dredge disposal in shoreline jurisdiction shall be permitted only where it is demonstrated by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.

2. Dredge disposal both above and below the OHWM may be approved if it is demonstrated that it complies with the provisions of Subsection 7.3.4.H.1 above and one or more of the following:

a. It benefits shoreline resources; or

b. If applicable, it utilizes the guidance from the 2007, or as amended, U.S. Army Corps of Engineers and Environmental Protection Agency publication EPA842-B-07-001, *Identifying, Planning, and Financing Beneficial Use Projects Using Dredged Material – Beneficial Use Planning Manual*; or

c. For dredging projects under U.S. Army Corps of Engineers jurisdiction, the disposal has been identified and evaluated through an approved Corps Dredge Management Material Program.

I. Upland disposal requires an SCUP unless the disposal is in an existing approved site.

J. Dredging and dredge disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities and other water-dependent uses.

7.3.5 Shoreline Habitat and Ecological Enhancement Projects

Shoreline habitat and ecological enhancement projects are those in which public and/or private parties engage to establish, restore, or enhance habitat.

A. Long-term maintenance and monitoring shall be included in restoration or enhancement projects.

B. Shoreline restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices. Applicants should consult applicable guidance documents, such as the most current version of the Washington Department of Fish and Wildlife's Stream Habitat Restoration Guidelines, promulgated by state or federal agencies.

C. Habitat creation, expansion, restoration, and enhancement projects may be permitted in all shoreline environment designations subject to required state or federal permits when the applicant has demonstrated that there will be a specific ecological improvement and the following:

1. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;

2. Water quality will not be degraded;

3. Flood storage capacity will not be degraded;

4. Streamflow will not be reduced;

5. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and

6. The project will not interfere with the normal public use of the navigable waters of the state.