



CITY OF COLFAX

SHORELINE MASTER PROGRAM

Locally Adopted via Ordinance 15-17

October 5, 2015

City of Colfax, The Watershed Company, BERK Consulting



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1. Introduction

1.1 TITLE

This document shall be known and may be cited as the City of Colfax Shoreline Master Program (the “Program”, “Master Program” or “SMP”).

1.2 ADOPTION AUTHORITY

This Program is adopted under the authority granted by the Shoreline Management Act (Act) of 1971, Revised Code of Washington (RCW) Chapter 90.58, and Washington Administrative Code (WAC) Chapter 173-26 as amended.

1.3 PURPOSE AND INTENT

Washington’s Shoreline Management Act (SMA; RCW 90.58) was passed by the State Legislature in 1971 and adopted by the public in a referendum. The SMA was created in response to a growing concern among residents of the state that serious and permanent damage was being done to shorelines by unplanned and uncoordinated development. The goal of the SMA was “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” While protecting shoreline resources by regulating development, the SMA is also intended to provide for appropriate shoreline use by encouraging land uses that enhance and conserve shoreline functions and values. The SMA has three broad policies:

- A. Encourage water-dependent and water-oriented uses: “uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shorelines....”
- B. Promote public access: “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.”
- C. Protect shoreline natural resources, including “...the land and its vegetation and wildlife, and the water of the state and their aquatic life....”

The intent of the City of Colfax Shoreline Master Program is to ensure comprehensive planning for the City’s shorelines and to ensure the adoption and implementation of use regulations, together with maps, diagrams, charts, or other description material and text, a statement of desired goals, and standards developed in accordance with the policies adopted by the State.

1.4 PURPOSE AND RELATIONSHIP TO STATE PLANNING AND SHORELINE LAWS

Washington State’s citizens voted to approve the Shoreline Management Act (SMA) of 1971 in November 1972. In accordance with the SMA, Whitman County and incorporated cities and towns developed and adopted their first Shoreline Master Program (SMP) in 1974.

The SMA and implementing SMP Guidelines require all towns, cities, and counties across the state to comprehensively update their SMPs. The SMP update allows preparations of a locally tailored program that represents the visions and interests of our citizens and meets the needs of our rural communities.

The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in WAC 173-26. Consistent with RCW 36.70A.480, the goals and policies of this SMP that are approved under RCW 90.58 shall be considered an element of the City’s comprehensive planning, and all regulatory elements of this SMP shall be considered a part of the City’s development regulations.

After the City's local development and adoptions process is complete, the SMP is reviewed by the Washington State Department of Ecology (Ecology) to ensure compliance with the SMP Guidelines. The SMP does not become effective until it has been adopted by the City and approved by Ecology.

1.5 APPLICABILITY

- A. Unless specifically exempted by statute, all proposed uses and development occurring within the shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this Master Program whether or not a permit is required.
- B. Except as described in Subsection B, all proposed uses and development occurring within shoreline jurisdiction must conform to the intent and requirements of the laws and rules cited in Section 1.2 (Adoption Authority).
- C. This SMP does not apply to the following activities:
 - 1. Consistent with Appendix A (Definitions) of this SMP, WAC 173-26-020 (Definitions), and WAC 173-26-241(3)(a), as amended, agricultural activities on agricultural lands as of the date of adoption of the SMP;
 - 2. Interior building improvements that do not change the use or occupancy;
 - 3. Exterior structure maintenance activities, including painting and roofing, as long as it does not expand the existing footprint of the structure;
 - 4. Routine landscape maintenance of established, ornamental landscaping, such as lawn mowing, pruning and weeding; and
 - 5. As of the effective date of the SMP, legal pre-existing residential uses and structures where no change or new activity is proposed.
- D. Activities that are exempt from the permit system in Subsection 7.6(B) (Exemptions) shall comply with this SMP whether or not a permit or other form of authorization is required.
- E. The shoreline permit procedures, policies and regulations established in this SMP shall apply City-wide to all nonfederal uses, activities, and development.
- F. This SMP applies to lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.
- G. This SMP does not apply to annexed areas unless the requirements of WAC 173-26-150 and 160 are complied with. The City has predesignated shorelines in its urban growth area. Until annexed, development in these areas shall be regulated by the Whitman County Shoreline Master Program. Once annexed, those properties shall be regulated by the City of Colfax Shoreline Master Program.
- H. A proposed project or plan shall become vested to this Shoreline Master Program on the date a determination of completeness is made on a shoreline permit or exemption application. Thereafter, the application shall be reviewed under the shoreline regulations in effect on the date of vesting; provided, in the event an applicant substantially changes the proposal after a

determination of completeness, as determined by the SMP Administrator, the application shall not be considered vested until a new determination of completeness on the changes is made.

1.6 LIBERAL CONSTRUCTION

As provided for in RCW 90.58.900 (Liberal Construction) the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.7 SEVERABILITY

The Act and this Program adopted pursuant thereto comprise the basic State and City law regulating use of shorelines in the City of Colfax. In the event provisions of this Program conflict with other applicable City policies or regulations, the more restrictive shall prevail.

1.8 EFFECTIVE DATE

The SMP is hereby adopted on the October 5, 2015. This SMP and all amendments thereto shall become effective 14 days from the date of the Washington State Department of Ecology's written notice of final approval.

2. Shoreline Vision and Goals

2.1 SHORELINE VISION

It shall be the ultimate goal of the City of Colfax SMP to provide plans, policies and regulations consistent with the SMA (RCW 90.58) and with the SMP Guidelines (WAC 173-26), which will reflect the desires of the citizens of the City of Colfax regarding the balanced use of the City's shorelines.

The following statements of goals and policies are directed to address individual elements as outlined in the SMA and SMP Guidelines.

2.2 SHORELINE GOALS

A. Shoreline Use

1. Promote the best use of City shorelines through encouraging shoreline development and modifications that are placed wisely, consistent with the physical limitations of the area; serve the needs and desires of the local citizens; and protect the functions and values of the shorelines.
2. Assure a distribution and pattern of land use along the shoreline that balances protection of the existing character of the City as well as the shoreline environments, habitat, and ecological systems.
3. Consider agriculture as a water-related use and key economic factor in the City of Colfax. Other shoreline uses should not compromise agricultural production on designated agricultural lands.

B. Economic Development

1. Promote local economic opportunities and encourage development along shorelines that is compatible with existing environmental conditions and the desired land use character of the City's shorelines. Shoreline economic growth and prosperity should take into account the existing character of the City.

2. Permit those commercial, industrial, recreational, and other developments that require a location along the shoreline and which may contribute to the economic well-being of the City while achieving no net loss of ecological function.
 3. Promote new water-dependent, water-related, and water-enjoyment economic development, with preference given to water-dependent uses, then water-related uses and water-enjoyment uses.
- C. Public Access
1. Preserve and protect opportunities for the public to enjoy the physical and aesthetic qualities of the City's shorelines.
 2. Ensure an adequate supply of safe public access to the City's shorelines.
 3. Encourage that alteration to the natural conditions of the shorelines, in those limited instances when authorized, shall be given priority for development that provides opportunity for substantial numbers of people to enjoy the shorelines of the state, while maintaining no net loss of ecological function.
- D. Recreation
1. Protect and expand opportunities for recreation in the City's shoreline areas, including but not limited to parks and other recreational areas.
 2. Encourage water-oriented recreational opportunities along the shoreline where appropriate.
- E. Conservation
1. Encourage sound management of renewable shoreline resources and protection of non-renewable shoreline resources.
 2. Achieve sustainability of resource functions and values and no-net-loss of ecological functions by allowing shoreline development and modifications when impacts are minimized through mitigation sequencing and by encouraging and incentivizing restoration of ecological functions where they have been impaired.
 3. Promote and protect the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.
- F. Transportation and Circulation
1. Address the location of existing and proposed transportation routes, terminals, and other public utilities and facilities used for the movement of people, vehicles, and goods and services in the City's shorelines.
 2. Maintain adequate safety, environmental, and aesthetic standards for existing and new transportation systems within shoreline jurisdiction.
 3. Minimize conflicts between systems of circulation and shoreline uses when considering additions or modifications.
- G. Restoration
1. Upgrade shoreline ecological functions and aesthetics to a level commensurate with their importance to the community and to achievement of regional goals for water quality and

habitat recovery, such as through the projects, programs and plans established within the SMP Shoreline Restoration Plan.

2. Facilitate the permitting for restoration projects, and coordinate with agencies, tribes, and non-profit groups to achieve effective restoration of shoreline ecological functions and maximize public funding.

H. Archaeological, Historical, and Cultural Resources

Identify, preserve, protect and restore buildings, sites, or areas of the shoreline that have historic, cultural, archeological, scientific, or educational value.

I. Flood Hazard Management

Protect the City from losses and damage created by flooding along the shoreline.

3. Shoreline Jurisdiction and Environment Designations

3.1 SHORELINE JURISDICTION AND USE PREFERENCES

A. Definition

1. As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the State plus their associated “shorelands.” The waterbodies designated as shorelines of the State are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. In the City of Colfax, shorelines are the North and South Forks of the Palouse River.

2. Shorelands, as adopted by the City of Colfax and indicated on the Official Shoreline Map available for review at City Hall, are defined as:

“those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter....” (RCW 90.58.030)

The City will not extend shoreline jurisdiction to encompass critical area buffers that otherwise extend outside of the minimum shoreline jurisdiction.

3. The extent of shoreline jurisdiction is indicated on the Official Shoreline Maps available for review at City Hall. The purpose of the Official Shoreline Maps is to identify Environment Designations (Subsection 3.3 below). The maps only approximately identify or depict the lateral extent of shoreline jurisdiction. The actual lateral extent of the shoreline jurisdiction shall be determined on a site-specific basis based on the location of the ordinary high water mark (OHWM), floodway, floodplain, and presence of associated wetlands.
4. In circumstances where shoreline jurisdiction does not include an entire parcel, only that portion of the parcel within shoreline jurisdiction and any use, activity or development proposed within shoreline jurisdiction on that portion of the parcel is subject to this Shoreline Master Program.

B. General Shoreline Use Preferences

1. This SMP adopts the following policy provided in RCW 90.58.020, and fully implements it to the extent of its authority under this SMP:

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

In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.”

2. When determining allowable uses and resolving use conflicts on shorelines within jurisdiction consistent with the above policy, the following preferences and priorities as listed in WAC 173-26-201(2)(d) shall be applied in the order presented below:
 - a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
 - b. Reserve shoreline areas for water-dependent and associated water-related uses ... Local governments may prepare master program provisions to allow mixed-use developments

that include and support water-dependent uses and address specific conditions that affect water-dependent uses.

- c. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
- d. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
- e. Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.

3.2 SHORELINES OF STATEWIDE SIGNIFICANCE

A. Designation of Shorelines of Statewide Significance.

1. Certain shoreline waterbodies and their associated shorelands have elevated status under the SMA if they are streams and rivers in Eastern Washington that are "...downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer" (RCW 90.58.030(2)(e)(v)(B)). These waterbodies are considered to be "shorelines of statewide significance," and have unique supplemental provisions outlined in Subsections 3.2(B) and (C) below.
2. In the City, the Mainstem and North Fork of the Palouse River are Shorelines of Statewide Significance.

B. Use Preferences

1. In accordance with RCW 90.58.020, the following management and administrative policies are hereby adopted for all Shorelines of Statewide Significance in the City, as defined in RCW 90.58.030(2)(e). Consistent with the policy contained in RCW 90.58.020, preference shall be given to the uses in the following order that are consistent with the statewide interest in the City's shorelines. These are uses that:
 - a. Recognize and protect the statewide interest over local interest;
 - b. Preserve the natural character of the shoreline;
 - c. Result in long term over short term benefit;
 - d. Protect the resources and ecology of the shoreline;
 - e. Increase public access to publicly owned areas of the shorelines;
 - f. Increase recreational opportunities for the public in the shoreline;
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary. (WAC 173-26-251(2))
2. Uses that are not consistent with these preferences should not be permitted on Shorelines of Statewide Significance.

C. Policies. Consistent with the use preferences for Shorelines of Statewide Significance contained in RCW 90.58.020 and identified in Subsection 3.2(B) of this Section, the City will base decisions administering this SMP on the following policies in order of decreasing priority:

1. Recognize and protect the state-wide interest over local interest.

- a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating amendments to this Master Program, and any proposed amendments affecting Shorelines of Statewide Significance, to state agencies, affected Tribes, adjacent local governments', citizen's advisory committees and local officials, and state-wide interest groups.
 - b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
 - c. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of human intrusions on shorelines.
 - b. Restore, enhance, and/or redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.
 - c. Protect and restore existing diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.
 - d. Protect and restore habitats for State-listed "priority species."
 3. Support actions that result in long-term benefits over short-term benefits.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 - b. Preserve resources and values of Shorelines of Statewide Significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
 - c. Ensure the long-term protection of ecological resources of statewide importance.
 4. Protect the resources and ecology of the shoreline.
 - a. All shoreline development should be located, designed, constructed and managed consistent with mitigation sequencing provisions outlined in Section 4.3 (Environmental Protection) of this SMP to minimize adverse impacts to regionally important wildlife resources, including spawning, nesting, rearing and habitat areas, and migratory routes and result in no net loss of shoreline ecosystems and ecosystem-wide processes.
 - b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
 5. Increase public access to publicly owned areas of the shoreline.
 - a. Give priority to developing paths and trails to shoreline areas and linear access along the shorelines, especially those trail corridors that would be a regional recreational and transportation resource.
 - b. Locate development landward of the OHWM so that access is enhanced and opportunities for access are not precluded.
 - c. Increase public access opportunities for those with disabilities consistent with the Americans with Disabilities Act.
 - d. Provide incentives to landowners that provide shoreline public access, such as development incentives, tax reductions, or other measures.
 6. Increase recreational opportunities for the public on the shoreline.

- a. Plan for and encourage development of facilities for public recreational use of the shoreline, including facilities for boating, swimming, fishing, and other water-oriented activities.
- b. Reserve areas for lodging and related facilities on uplands with provisions for appropriate public access to the shoreline.

3.3 SHORELINE ENVIRONMENT DESIGNATIONS

A. Urban Conservancy

1. Purpose: The Urban Conservancy environment is intended 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.
2. Designation Criteria: Specific criteria for designation of the Urban Conservancy environment include areas or properties that:
 - a. Lie in the City limits,
 - b. Are planned for development that is compatible with the principals of maintaining or restoring the ecological functions of the area,
 - c. Are suitable for water-enjoyment uses,
 - d. Are open space or floodplains, or
 - e. Are areas that retain important ecological functions which should not be more intensively developed.
3. Management Policies:
 - a. Allowed uses for the Urban Conservancy environment generally include uses which preserve the natural character of the area, and promote the preservation of open space, floodplains or sensitive lands. Low-density single-family residential uses are one of the appropriate uses in the Urban Conservancy environment (Section 4.10).
 - b. Water-oriented uses should be given priority over nonwater-oriented uses.
 - c. Development in the Urban Conservancy environment should only be allowed if it would not result in a net loss of shoreline ecological functions, and if significant ecological impacts can be mitigated.
 - d. Public access and recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

B. Shoreline Residential

1. Purpose: The purpose of the Shoreline Residential environment is to accommodate residential development and appurtenant structures that are consistent with the SMP. An additional purpose is to provide appropriate public access and recreational uses.
2. Designation Criteria: Assign a Shoreline Residential environment designation to areas that are predominantly single-family or multi-family residential development or are planned and platted for residential development.
3. Management Policies:
 - a. Shoreline development standards should ensure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

- b. Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities.
- c. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
- d. Commercial development should be limited to water-oriented uses and allowed only when the underlying zoning permits such uses.

C. Shoreline Parks

1. Purpose: The purpose of the Shoreline Parks environment is to:
 - a. protect ecological functions of open space, floodplain and other sensitive public or protected lands and conserve existing natural resources and valuable historic and cultural areas while allowing a variety of compatible uses; and
 - b. Ensure appropriate management and development of existing and future public parks and recreation areas.
2. Designation Criteria: Assign a Shoreline Parks environment designation if any of the following characteristics apply:
 - a. They are within existing or planned public parks or public lands intended to accommodate public access and recreational developments;
 - b. They are suitable for water-related or water-enjoyment uses;
 - c. They are open space, floodplain or other sensitive areas that should not be more intensively developed;
 - d. They have potential for ecological restoration;
 - e. They retain important ecological functions, even though partially developed; or
 - f. They have the potential for development that is compatible with ecological restoration.
3. Management Policies:
 - a. Uses in the Shoreline Parks environment should be limited to those which sustain the shoreline area's physical and biological resources and uses of a non-permanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.
 - b. Except in support of agriculture, aquaculture, and recreation uses, commercial and industrial uses should not be allowed.
 - c. Water-oriented uses should be given priority over nonwater-oriented uses. Water-dependent and water-enjoyment recreation facilities and uses that do not deplete the resource over time, such as boating facilities, fishing, hunting, wildlife viewing trails, swimming beaches, and scientific, historical, cultural, and educational research uses, are preferred, provided adverse impacts to the shoreline are mitigated.
 - d. Shoreline development standards should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
 - e. Existing uses and development, including roadways and railroads, may be maintained and expanded consistent with provisions of this SMP.
 - f. Public access and public recreation objectives on public lands should be implemented when appropriate and when adverse ecological impacts can be mitigated.
 - g. Construction of new structural shoreline stabilization and flood control works should only be allowed where there is a documented need to protect an existing structure or ecological functions, and only when mitigation is applied.

D. Flume

1. Purpose: The purpose of the Flume environment designation is to accommodate a mix of water-oriented and nonwater-oriented uses in an intensively developed environment.
2. Designation Criteria: Assign a Flume environment designation to the concrete-lined channel of the Palouse River and shoreline areas extending 200 feet upland of the ordinary high water mark.
3. Management Policies:
 - a. In regulating uses in the Flume environment, recognize that the existing concrete-lined and fenced condition precludes accommodation of water-dependent and water-related development. Water-enjoyment uses, primarily visual, and nonwater-oriented uses should be allowed.
 - b. Manage the Flume environment to maximize flood control for protection of adjacent uses and developments.

E. High Intensity

1. Purpose: The purpose of the High Intensity environment is 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.
2. Designation Criteria: Assign a High Intensity environment designation to shoreline areas within incorporated municipalities and urban growth areas if they currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses.
3. Management Policies
 - a. Water-oriented commercial, industrial, and recreation uses should be given high priority in the High Intensity environment. First priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should not be allowed except as part of mixed-use developments. Nonwater-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Public benefits such as ecological restoration or public access may be required in association with nonwater-oriented development.
 - b. When considering shoreline environment designation amendment proposals, full utilization of existing high intensity areas should be achieved before further expansion of intensive development is allowed.
 - c. New development in the High Intensity designation should assure no net loss of shoreline ecological functions. Where applicable, new development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
 - d. Where feasible, visual and physical public access should be required as part of development in the High Intensity designation unless it already exists to serve the development or other safety, security, or fragile environmental conditions apply.
 - e. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative separation.

F. Aquatic

1. Purpose: The purpose of the Aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.
2. Designation Criteria: Assign an Aquatic environment designation to lands waterward of the ordinary high-water mark.
3. Management Policies:
 - a. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
 - b. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
 - c. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
 - d. All developments and uses should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
 - e. Shoreline uses and modifications should be designed and managed to prevent adverse impacts to ecological functions and ecosystem-wide processes, including degradation of water quality and alteration of natural hydrographic conditions. Adverse impacts should not be allowed except where necessary to achieve the objectives of the Shoreline Management Act, and then only when mitigated as necessary to assure no net loss of ecological functions.

G. Environment Designation Interpretation

1. If disagreement develops as to the exact location of an environment designation boundary line, the Official Shoreline Maps shall prevail consistent with the following rules:
 - a. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
 - b. In cases where boundary line adjustments or subdivisions occur, the designation applied to the parent parcel prior to the boundary line adjustment or subdivision shall not change as a result. The shoreline designation can be redesignated through an SMP amendment.
 - c. Boundaries indicated as approximately following roads and railroads shall be respectively construed to follow the nearest right-of-way edge.
 - d. Boundaries indicated as approximately parallel to or extensions of features indicated in (a), (b), or (c) above shall be so construed.
2. In the event of an environment designation mapping error where the SMP update or amendment record, including the public hearing process, is clear in terms of the correct environment designation to apply to a property, the SMP Administrator shall apply the environment designation approved through the SMP Update or Amendment process and correct the map. Appeals of such interpretations may be filed pursuant to Chapter 7 (Administration and Permitting) of this SMP and the City's appeal procedures in CMC 17.24 (Board of Adjustment). If the environment designation criteria were misapplied, but the map does not show an unintentional error (e.g. the SMP hearing and adoption record does not indicate another designation was intended), a SMP amendment may be obtained consistent with WAC 173-26-100 and Section 7.9 (Amendment of Shoreline Master Program) of this SMP.

3. All shoreline areas waterward of the OHWM shall be designated Aquatic.
 4. All shoreline areas upland of the OHWM shall be designated Urban Conservancy, Shoreline Residential, Shoreline Parks, Flume, or High Intensity.
 5. Only one environment designation shall apply to a given shoreland area. In the case of parallel designations, designations shall be divided along an identified linear feature and the boundary shall be clearly noted on the map.
- H. Official Shoreline Maps and Unmapped or Undesignated Shorelines
1. The Official Shoreline Maps at the time of SMP adoption, which illustrate the delineation of shoreline jurisdiction and environment designations in the City, are available for review at City Hall. The Official Shoreline Maps shall include the following language: "We hereby certify that this map constitutes the Official Shoreline Map as approved by Ordinance 15-17 of the City Council and signed by its chair dated this October 5, 2015." The Official Shoreline Maps may be updated administratively or through an SMP amendment as indicated in Subsections (H)(2-4) below. The Department of Ecology will be provided with electronic files of the Official Shoreline Maps when any updates are made. Minor mapping errors corrected administratively shall not be greater than 1.0 acre in size. If greater than 1.0 acre in size, a SMP amendment shall be completed within three years of finding the mapping error.
 2. Any areas within shoreline jurisdiction that are not mapped and/or designated due to minor mapping inaccuracies in the lateral extent of shoreline jurisdiction from the shoreline waterbody related to site-specific surveys of OHWM, floodway, and/or floodplain are automatically assigned the category of the contiguous waterward shoreline environment designation. Where the mapping inaccuracy results in inclusion of an unmapped associated wetland, that wetland shall be assigned an Urban Conservancy designation. Correction of these minor mapping inaccuracies may be made and incorporated into the Official Shoreline Maps without an SMP amendment.
 3. All other areas of shoreline jurisdiction that were neither mapped as jurisdiction nor assigned an environment designation shall be assigned an Urban Conservancy designation until the shoreline can be redesignated through an SMP amendment process conducted consistent with WAC 173-26-100 and Section 7.9 (Amendment of Shoreline Master Program).
 4. The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Wetland boundary and OHWM determinations are valid for five years from the date the determination is made. Floodplain and floodway boundaries should be assessed using FEMA maps or the most current technical information available.
 5. In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the OHWM or floodway, is no longer in floodplain as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this SMP. Revisions to the Official Shoreline Maps may be made as outlined in this Subsection (H)(5) without an SMP amendment.

4. General Policies and Regulations

4.1 INTRODUCTION

General policies and regulations are applicable to all uses and activities that occur within all Shoreline Environment Designations. The policies and regulations found in this chapter are intended to be used in conjunction with the more specific use and activity regulations found in the following chapters. These policies apply to all uses within the jurisdiction, whether or not a separate shoreline permit is required. These policies may be used to condition any required permit, statement or letter of exemption.

4.2 SHORELINE USE AND DEVELOPMENT REGULATIONS

A. Policies

1. Give preference along the shoreline to water-oriented uses, while controlling pollution and preventing damage to the natural environment.
1. Nonwater-oriented accessory development or use that does not require a shoreline location should be located landward of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments.
2. Encourage uses and development that enhance or increase public access to the shoreline or provide some public benefit.
3. The design, density and location of all allowed uses and developments should reflect physical and natural features of the shoreline and should assure no net loss of ecological functions by avoiding and minimizing adverse effects on shoreline ecology.
4. Site plans and structural designs for shoreline development should acknowledge the water's proximity and value as an ecological and scenic resource. Development and uses should be designed in a manner that directs land alteration to the least sensitive portions of the site.
5. Protect current agricultural uses on agricultural land and provide for new agricultural uses where appropriate so that they are located and designed to ensure no net loss of ecological functions and do not have a significant adverse impact on other shoreline resources and values.

B. Regulations

1. All uses in the shoreline shall comply with the City's development code and this Program.
2. The shoreline use and modification table (Table 4.10-1) defines those uses that are permitted, conditional, or prohibited. All uses and modifications that are not specifically listed in the table are "unclassified." Unclassified uses shall be considered conditional uses and shall be governed by the policies in WAC 173-26.
3. All structures in the shoreline shall be designed and constructed consistent with the underlying zoning and shall not exceed 35 feet above average grade level, consistent with RCW 90.58.
4. To the extent feasible, shoreline developments shall locate the water-oriented portion of their development along the shoreline and place all other facilities landward, or outside the shoreline jurisdiction in compliance with use preferences stated in RCW 90.58.020, WAC 173-26-241(2)(a)(iii) and 173-26-211(3)(b).

5. In compliance with WAC 173-26-221(4)(d)(iv), where proposed development creates a conflict between water-dependent uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority.
6. The design, construction, and operation of permitted uses in the shorelines shall minimize interference with the public's use of the water.

4.3 ENVIRONMENTAL PROTECTION

A. Policies

1. Protect all shorelines of the state in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property so that there is no net loss of ecological functions from both individual permitted or exempt development.
2. Protect and, where necessary, apply planning and land use measures to improve the quality and productivity of the City's environmental resources (air, ground and surface waters, and indigenous biology).
3. Sustain a diverse, productive, and high quality natural environment for the use, health and enjoyment of City residents.

B. Regulations

1. Ecological Functions. Uses and developments on City shorelines must be designed, located, sized, constructed and maintained to achieve no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. New uses and developments must not have an unmitigated adverse impact on other shoreline functions fostered by this SMP.
2. Protection of Critical Areas and Buffers. Critical areas, critical areas buffers, and shoreline buffers must be protected in accordance with the provisions of Appendix B (Shoreline Critical Areas Policies and Regulations).
3. Mitigation Requirement. If a proposed shoreline use or development is entirely addressed by specific, objective standards (such as setback distances, pier dimensions, or materials requirements) contained in this SMP, then the mitigation sequencing analysis described in Subsection 4.3(B)(4) of this Section is not required. In the following circumstances, the applicant must provide a mitigation sequencing analysis as described in Subsection 4.3(B)(4):
 - a. If a proposed shoreline use or development is addressed in any part by discretionary standards (such as standards requiring a particular action "if feasible" or requiring the minimization of development size) contained in this Chapter, then the mitigation sequencing analysis is required for the discretionary standard(s); or
 - b. When an action requires a Shoreline Conditional Use Permit or Shoreline Variance; or
 - c. When specifically required by regulations contained in this SMP.
4. Mitigation Sequence. In order to ensure that development activities contribute to meeting the no net loss provisions by avoiding, minimizing, and mitigating for adverse impacts to ecological functions or ecosystem-wide processes, an applicant required to complete a mitigation analysis pursuant to Subsection 4.3(B)(3) must describe how the proposal will follow the sequence of mitigation as defined below:

- a. Avoid the impact altogether by not taking a certain action or parts of an action;
 - b. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity;
 - d. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action;
 - e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitor the impact and the compensation projects and take appropriate corrective measures.
5. Adverse Impacts. Example of common actions that may result in adverse ecological impacts include, but are not limited to, the following:
- a. Removal of native plant communities in shoreline jurisdiction,
 - b. Removal of native or non-native trees that overhang the water,
 - c. Removal of native or non-native vegetation on slopes if that vegetation supports maintenance of slope stability and prevents surface erosion,
 - d. Removal or alteration of priority habitats or habitat for priority species,
 - e. Construction of new or expanded in- and over-water structures,
 - f. Construction of new or expanded shoreline stabilizations,
 - g. New discharges of water into shoreline waters that may introduce pollutants,
 - h. Construction of new impervious surfaces whose discharges are not infiltrated and thus may alter hydrologic conditions of shoreline waterbodies, and/or
 - i. Changes in grading or fill that reduce floodplain capacity.
6. Mitigation Plan. All proposed alterations to shoreline jurisdiction that may have adverse effects on ecological functions require mitigation sufficient to provide for and maintain the functions and values of the shoreline area or to prevent risk from a critical areas hazard. The applicant must develop and implement a mitigation plan prepared by a qualified professional. Mitigation in excess of that necessary to ensure that development will result in no net loss of ecological functions will not be required by the City of Colfax, but may be voluntarily performed by an applicant. In addition to any requirements found in Appendix B (Shoreline Critical Areas Policies and Regulations) a mitigation plan must include:
- a. An inventory and assessment of the existing shoreline environment including relevant physical, chemical and biological elements;
 - b. A discussion of any federal, state, or local management recommendations which have been developed for critical areas or other species or habitats located on the site;
 - c. A discussion of proposed measures which mitigate the adverse impacts of the project to ensure no net loss of shoreline ecological functions;
 - d. A discussion of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed;
 - e. Scaled drawings of existing and proposed conditions, materials specifications, and a minimum three-year maintenance and monitoring plan, including performance standards;
 - f. A contingency plan if mitigation fails to meet established success criteria; and

5. Where vegetation removal conducted consistent with this Section results in adverse impacts to shoreline ecological function, new developments or site alterations are required to develop and implement a supplemental mitigation plan. Examples of actions that may result in adverse impacts include:
 - a. Removal of native trees, shrubs or groundcovers;
 - b. Removal of non-native trees or shrubs that overhang aquatic areas or stabilize slopes; or
 - c. Removal of native or non-native trees or shrubs that disrupts an existing vegetation corridor connecting the property to other critical areas or buffers.

Mitigation plans must be prepared by a qualified professional or under the supervision of a government agency or the Palouse Conservation District, and must contain information required in Subsection 4.3(B)(6) of this SMP. All mitigation plantings shall be preferentially placed in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas. Mitigation measures must be maintained over the life of the use or development.

6. Where a tree poses a safety hazard, it may be removed or converted to a wildlife snag if the hazard cannot be eliminated by pruning, crown thinning, or other technique that maintains some habitat function.
7. Selective pruning of trees for views is allowed. Selective pruning of trees for views does not include removal of understory vegetation, and must not compromise the health of the tree.
8. Invasive species control.
 - a. Hand removal or spot-spraying of invasive species or noxious weeds included on the Washington State Noxious Weed List as a Class A, B or C weed on shorelands outside of steep or unstable slope areas is permitted.
 - b. Mechanical removal or large-scale (greater than 200 square feet) chemical treatment of invasive species.
 - i. Mechanical removal or large-scale chemical treatment of invasive species or noxious weeds included on the Washington State Noxious Weed List as a Class A, B or C weed on shorelands outside of steep or unstable slope areas is permitted.
 - ii. Coordination with the Palouse Conservation District is encouraged prior to undertaking invasive or noxious weed removal projects to ensure that the control and disposal technique is appropriate.
 - iii. Where noxious weeds and invasive species removal results in bare soils that may be subject to erosion or recolonization by invasive or noxious species, the area must be stabilized using best management practices and replanted with native plants (in or outside of shoreline or critical area buffers) or suitable non-native plants (outside of shoreline or critical area buffers). The replanted vegetation must be similar in size and structure at maturity to the removed vegetation.
 - iv. Invasive species removal efforts that exceed one-quarter acre should be phased if feasible to minimize potential erosion and sedimentation impacts.
 - c. Aquatic weed control must only be permitted where the presence of aquatic weeds will adversely affect native plant communities, fish and wildlife habitats, or an existing water-dependent recreational use. Aquatic weed control efforts must comply with all applicable laws and standards.

4.5 WATER QUALITY, STORMWATER, AND NONPOINT POLLUTION

A. Policies

1. Maintain and improve the water quality and quantity of the City's shorelines, and preserve surface and groundwater for the beneficial use of the City's citizens and wildlife over the long term.
2. Prevent impacts to water quality and surface water quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities or recreational opportunities.
3. Encourage effective erosion and sedimentation controls for construction in shoreline areas.

B. Regulations

1. Do not degrade ecological functions. Design, construction and operation of shoreline uses and developments shall incorporate all known, available, and reasonable methods of preventing, controlling, and treating stormwater to protect and maintain surface and ground water quantity and quality so that there is no net loss of ecological functions.
2. Do not degrade views and recreation opportunities. Design, construction and operation of shoreline uses and developments shall incorporate measures to protect and maintain surface and groundwater quantity and quality in accordance with all applicable laws, so that significant impacts to aesthetic qualities (e.g., water color) or recreational opportunities (e.g., safe swimming and fishing) do not occur.
3. Requirements for new development.
 - a. New development and re-development shall manage short-term and long-term stormwater runoff to avoid and minimize potential adverse effects on shoreline ecological functions through compliance with the City's storm water drainage requirements (Chapter 15.56 CMC) and the use of best management practices. .
 - b. Deviations from City standards may be approved where it can be demonstrated that off-site facilities would provide better treatment, or where common retention, detention and/or water quality facilities meeting such standards have been approved as part of a comprehensive stormwater management plan.
4. Sewage management. New developments or failing septic systems shall connect to an existing municipal sewer service system if feasible, or install a system or make system corrections approved by Whitman County Public Health Department.
5. Materials requirements. All materials that may come in contact with water shall be untreated or approved treated wood, concrete, approved plastic composites, or steel that will not adversely affect water quality or aquatic plants or animals.
6. Storage. The bulk storage of oil, fuel, chemicals, or hazardous materials, on either a temporary or a permanent basis, shall not occur in shoreline jurisdiction without adequate secondary containment and an emergency spill response plan in place.

4.6 FLOOD HAZARD MANAGEMENT

A. Policies

1. Recognize and protect improvements that have been made to portions of the North and South Forks of the Palouse River for flood-control purposes, including concrete walls,

drains, riprap levees, fences, access roads and other parts and components of said flood-control improvements.

2. Recognize and protect the hydrologic functions of floodplains in areas of the City not already modified for flood control by limiting the use of structural flood hazard reduction measures, except where they are necessary to protect existing development and where non-structural flood hazard reduction measures are infeasible.
3. Ensure developments subject to damage or that could result in loss of life do not locate in areas of known flood hazards unless it can be demonstrated by the project proponent that the development is sited, designed and engineered for long-term structural integrity, and that life and property on and off-site are not subject to increased hazards as a result of the development.
4. Limit new development or uses in shoreline jurisdiction, including subdivision of land, that would likely require structural flood hazard reduction measures.

B. Regulations

1. Development in floodplains shall avoid significantly or cumulatively increasing flood hazards. Development shall be consistent with this SMP, including Section 6 (Frequently Flooded Areas) of Appendix B, as well as applicable guidelines of the Federal Emergency Management Agency and an approved flood hazard management plan.
2. The channel migration zone (CMZ) is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b). The Channel Migration Zone Maps are available for review at City Hall. Applicants for shoreline development or modification may submit a site-specific CMZ study if they believe these conditions do not exist on the subject property and the map is in error. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The CMZ study must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.
3. The following uses and activities may be authorized within the CMZ or floodway, provided they are also consistent with Section 6 (Frequently Flooded Areas) of Appendix B:
 - a. Actions that protect or restore the ecosystem-wide processes or ecological functions or development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.
 - b. New development or redevelopment landward of existing legal structures, such as levees, that prevent active channel movement and flooding.
 - c. Existing and ongoing agricultural activities provided that no new restrictions to channel movement are proposed.
 - d. Development of new or expansion or redevelopment of existing bridges, utility lines, public stormwater facilities and outfalls, and other public utility and transportation structures, including trails, where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs¹. Where such structures are

¹ For the purposes of this Section “unreasonable and disproportionate” means that locations outside of the floodway or CMZ would add more than 20% to the total project cost. Other methods to determine

- allowed, mitigation shall address adversely impacted functions and processes in the affected shoreline.
- e. New or redeveloped measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measures do not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measures include appropriate mitigation of adverse impacts on ecological functions associated with the river or stream.
 - f. Water-dependent installations which by their very nature must be in the floodway.
 - g. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the modified or expanded development includes appropriate protection of ecological functions.
 - h. Repair and maintenance of existing legally established use and developments, provided that channel migration is not further limited, flood hazards to other uses are not increased, and significant adverse ecological impacts are avoided.
 - i. Uses and developments allowed in the floodway under Section 6 (Frequently Flooded Areas) of Appendix B, provided they are otherwise consistent with all provisions of this SMP.
4. New flood hazard reduction measures shall not result in channelization of normal stream flows, interfere with natural hydraulic processes such as channel migration, or undermine existing structures or downstream banks.
 5. New development in shoreline jurisdiction, including the subdivision of land, shall not be permitted if it is reasonably foreseeable that the development or use would require new structural flood hazard reduction measures within the channel migration zone or floodway.
 6. New public and private structural flood hazard reduction measures:
 - a. Shall not be approved, unless a scientific and engineering analysis demonstrates the following:
 - i. That they are necessary to protect existing development;
 - ii. That nonstructural measures, such as buffers and setbacks, land use controls, wetland restoration, dike removal, use or structure removal or relocation, biotechnical measures, and stormwater management programs are not feasible;
 - iii. That adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;
 - iv. That the ability of natural drainage ways to adequately drain floodwaters after a flooding event is not impaired;
 - v. That the proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented; and,
 - vi. That adverse impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.

unreasonable and disproportionate cost may be used on a case-by-case basis with approval of the SMP Administrator. [20% has been used as a threshold by WSDOT and the Federal Department of Justice for ADA standards]

- b. Shall be consistent with an approved comprehensive flood hazard management plan.
 - c. Shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration, or when no other alternative location to reduce flood hazard to existing development is feasible as determined by the SMP Administrator.
7. New public structural flood hazard reduction measures, such as levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant adverse ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.
 8. Vegetation on flood hazard reduction measures. In those instances where management of vegetation as required by this SMP conflicts with vegetation provisions included in state, federal or other flood hazard agency documents governing City-authorized, legal flood hazard reduction measures, the vegetation requirements of this SMP will not apply.
 - a. Along levees and other flood control works subject to the U.S. Army Corps of Engineers standards, the levee prism plus 15 feet from the levee toe or to the property boundary, whichever is less, is required to be free from shrubs, brush and trees larger than two inches in diameter.
 - b. In other circumstances, the applicant shall submit documentation of these conflicting provisions with any shoreline permit applications.
 9. The removal of gravel or other riverbed material for flood management purposes shall be consistent with Section 6.3 (Dredging and Dredge Material Disposal) of this SMP and be allowed only after a biological and geo-morphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.

4.7 ARCHAEOLOGICAL, HISTORICAL, AND CULTURAL RESOURCES

A. Policies

1. Regulate archaeological, historic, and cultural resources.
2. Due to the limited and irreplaceable nature, destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes and the Washington State Department of Archaeology and Historic Preservation, should be prevented.

B. Regulations

1. Permits issued in areas known to have, or suspected of having, archaeological artifacts or resources shall consult the Statewide Predictive Model and determine the appropriate action as follows:
 - a. If any of the following are met, the project will be exempt from taking action:
 - i. Prior negative archaeological survey is on file
 - ii. No ground disturbance will occur
 - iii. The project is in 100 percent culturally-sterile fill
 - b. If no known cultural resources are present, the Department of Archaeology and Historic Preservation Predictive Model shall be applied and the survey recommendations shall be followed according to the associated risk identified.

- c. If cultural resources are present and ground-disturbance is proposed, then a site inspection or evaluation by a professional archaeologist is required in coordination with affected Tribes prior to initiating disturbance. The resource shall be avoided or a mitigation strategy shall be determined. Cost of the evaluation and inspection is the responsibility of the permit applicant.
2. In accordance with state law:
 - a. In the event that human remains, burials, funerary items, sacred objects, or objects of cultural patrimony are found during project implementation, all provisions of RCW 68.50.645 must be adhered to.
 - b. In the event that prehistoric artifacts or historic-period artifacts or features are found during project implementation, all work shall cease immediately within 200 feet of the find, Washington State DAHP shall be contacted, and all provisions of RCW 27.53.060 shall be adhered to.

4.8 PUBLIC ACCESS

A. Policies

1. Promote and enhance the public interest with regard to rights to access waters held in public trust by the state while protecting private property rights and public safety by recognizing that public access does not include the right to enter upon or cross private property, except on dedicated public rights of way or easements or where development is specifically designed to accommodate public access. .
2. Recognize that the portions of the waterway that have been modified with concrete walls are closed to human access unless specifically authorized by City Council, the City Administrator, the Mayor, or the Director of Public Works for the safety of the people of the City of Colfax.
3. Recognize that improvements have been made to the waterway within the City of Colfax for flood-control purposes, including concrete walls, drains, riprap levees, fences, access roads, and other parts and components of said flood-control improvements, and that it is unlawful for non-authorized personnel to modify or interfere with these improvements.
4. Consistent with the overall best interest of the state and the people of the City of Colfax, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including water views regulating the design, construction, and operation of permitted uses in the City's shoreline jurisdiction.
5. Identify opportunities to improve and diversify public access along the shorelines that could expand public access and contribute to long-term planning goals identified in any County or City parks, recreation, and/or open space plans.

B. Regulations

1. Where feasible, new development and uses shall be designed and operated to avoid and minimize blocking, reducing, or adversely interfering with the public's physical or visual access to the water and shorelines.
2. In compliance with RCW 36.87.130, public access provided by shoreline street ends, public utilities, and rights of way shall not be diminished.
3. Existing public access shall not be eliminated unless the applicant shows that there is no feasible alternative and replaces the public access with access of comparable functions

and value at another location. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.

4. Shoreline substantial developments and shoreline conditional uses shall provide for safe and convenient public access to and along the shoreline where any of the following conditions are present:
 - a. The development is proposed or funded by a public entity or is on public lands;
 - b. The nature of the proposed use, activity or development will likely result in an increased demand for public access to shoreline;
 - c. The proposed use, activity or development is not a water-oriented or other preferred shoreline use, activity or development under the Act, such as a nonwater-oriented commercial or industrial use; or
 - d. The proposed use, activity or development will interfere with the public use, activity and enjoyment of shoreline areas or waterbodies subject to the Public Trust Doctrine.
 - e. The proposed use is a multiunit residential development or a subdivision of land for more than four parcels.
5. An applicant shall not be required to provide public access where the City determines that one or more of the following conditions apply:
 - a. Proposed use, activity or development only involves the construction of four or fewer single-family or multifamily dwellings;
 - b. The proposed use, activity or development only involves agricultural activities;
 - c. The nature of the use, activity or development or the characteristics of the site make public access requirements inappropriate due to health, safety or environmental hazards. The proponent shall carry the burden to demonstrate by substantial evidence the existence of unavoidable or unmitigable threats or hazards to public health, safety, or the environment that would be created or exacerbated by public access upon the site;
 - d. The proposed uses, activity or development has security requirements that are not feasible to address through the application of alternative design features or other measures;
 - e. The economic cost of providing for public access upon the site is unreasonably disproportionate to the total long-term economic value of the proposed use, activity, or development.
 - f. Significant unmitigable harm to the shoreline environment would be likely to result from an increase, expansion or extension of public access upon the site;
 - g. Public access has reasonable potential to threaten or harm the natural functions and native characteristics of the shoreline;
6. Public access locations shall be clearly marked and available to the public.
7. The City may condition public access proposals to ensure compatibility with existing public access or transportation facilities, address environmental conditions or environmental impacts, and/or address compatibility with adjacent properties. Public access facilities shall be made compatible with adjacent private properties through the use of techniques to define the separation between public and private space, including but not limited to, fencing, vegetation, and elevation separations.
8. Requirements and conditions for public access shall be consistent with all relevant constitutional and other legal limitations set on regulation of private property.
9. The City shall pursue public access to publicly owned lands and develop a coordinated system of linked public access wherever possible.

10. Where public access is provided, it shall be designed and located to achieve no net loss of existing shoreline ecological function.

4.9 UNCLASSIFIED USES

Uses that are not classified or set forth herein may only be authorized as conditional uses provided the applicant can demonstrate that the criteria set forth in Subsection 7.6(G) (Shoreline Conditional Use Permit) of the SMP are met. Unclassified uses approved as conditional uses should also remain consistent with the policies of this Program and RCW 90.58.020.

4.10 SHORELINE USE AND MODIFICATION TABLE

All uses and developments in the City’s shoreline jurisdiction shall be allowed or prohibited consistent with the Use and Modification Table below. Refer to the text section of this Program for all applicable provisions related to specific uses and modification standards.

Table 4.10-1 Shoreline Use and Modification Table

Shoreline Use or Modification	Urban Conservancy	Shoreline Residential	Shoreline Parks	Flume	High Intensity	Aquatic
Key:						
P = Permitted use (Substantial Development Permit or Exemption) subject to policies and regulations of this SMP ¹						
C = Shoreline Conditional Use Permit subject to policies and regulations of this SMP						
X = Prohibited Use						
N/A = Not Applicable						
Agriculture (See Section 5.1)						
Existing Agricultural Activities	Not regulated under this SMP					
New Agricultural Activities	P	P	P	P	X	N/A
Agricultural Related Activities	C	C	X	P	P	N/A
Aquaculture (See Section 5.2)						
Commercial	X	X	X	X	X	X
Non-commercial	C	X	C	P	P	P
Boating Facilities						
Over and In-Water Structures	X	X	X	X	X	X
Soft Launch Areas	P	X	P	X	P	See adjacent upland designation
Breakwaters, Jetties, Weirs and Groins (See Section 6.2)						
To protect or restore ecological functions	P	P	P	P	P	P
All other purposes	X	C	C	C	C	See adjacent upland designation
Commercial Development (See Section 5.4)						
Visitor-serving uses	C	C	C	P	P	N/A
Recreation concessions	P	P	P	P	P	N/A
Other nonwater oriented retail, trade or service						
General	X	C	C	P	C	C

Shoreline Use or Modification	Urban Conservancy	Shoreline Residential	Shoreline Parks	Flume	High Intensity	Aquatic
Key:						
P = Permitted use (Substantial Development Permit or Exemption) subject to policies and regulations of this SMP ¹						
C = Shoreline Conditional Use Permit subject to policies and regulations of this SMP						
X = Prohibited Use						
N/A = Not Applicable						
Separated from Shoreline ²	P	C	P	P	P	N/A
Mixed-use project that includes a Water-Dependent Use	P	C	P	P	P	P
Dredging and Dredge Material Disposal (See Section 6.3)						
Dredging	N/A	N/A	N/A	P ⁴	N/A	P
Dredge Material Disposal ³	C	C	P	P	P	X
Fill and Excavation (See Section 6.4)						
Waterward of the OHWM - restoration	N/A	N/A	N/A	P	N/A	P
Waterward of the OHWM - other	N/A	N/A	N/A	C	N/A	C
Upland of the OHWM	C	P	P	P	P	N/A
Flood Hazard Management (See Section 4.6)						
Modification of Existing Flood Hazard Facilities	P	P	P	P	P	P
New Facilities	C	C	C	P	P	See adjacent upland designation
Industrial Development (See Section 5.5)						
Water-Oriented	X	X	X	P	P	C
Nonwater-Oriented						
General	X	X	X	P	P	X
Separated from Shoreline ²	X	X	X	P	P	N/A
Mixed-use project that includes a Water-Dependent Use	X	X	X	P	P	C
In-Stream Structures (See Section 5.6)						
To protect public facilities; protect, restore, or monitor ecological functions or processes; protect water-dependent uses; or support agriculture	P	P	P	P	P	P
Other	X	C	C	P	P	See adjacent upland designation
Recreational Development (See Section 5.7)						
Water-Oriented	P	P	P	P	P	P
Nonwater-Oriented						
General	X	C	C	P	C	X

Shoreline Use or Modification	Urban Conservancy	Shoreline Residential	Shoreline Parks	Flume	High Intensity	Aquatic
Key:						
P = Permitted use (Substantial Development Permit or Exemption) subject to policies and regulations of this SMP ¹						
C = Shoreline Conditional Use Permit subject to policies and regulations of this SMP						
X = Prohibited Use						
N/A = Not Applicable						
Separated from shoreline ²	P	P	P	P	P	N/A
Special Events/Temporary Activities	P	P	P	P	P	C
Redevelopment, Repair, and Maintenance (See Section 5.11)						
Redevelopment, Repair, and Maintenance Projects	P	P	P	P	P	P
Residential Development (See Section 5.8)						
Single-Family Dwelling	P	P	X	C	X	X
Multi-Family Dwelling	C	C	X	P	P	X
Shoreline Restoration and Enhancement (See Section 6.5)						
Shoreline Restoration and Enhancement Projects	P	P	P	P	P	P
Shoreline Stabilization (See Section 6.5)						
New Stabilization	P	P	P	P	P	P
Transportation and Parking (See Section 5.9)						
Expansion of Existing Facilities						
Expansion of Existing Overwater Transportation Facilities for Parking	N/A	N/A	N/A	C ⁵	N/A	C ⁵
Expansion of Existing Upland Transportation and Parking Facilities	P	P	P	N/A	P	N/A
Access Roads Serving Permitted Uses	P	P	P	P	P	N/A
Highways, Freeways, Arterials & Collectors	C	C	C	P	P	N/A
Bridges	C	C	C	P	P	C
Railways	C	C	C	P	P	C
Airstrips	X	X	X	X	X	N/A
Trails	P	P	P	P	P	N/A
Parking to Support Authorized Use	P	P	P	P	P	N/A
Utilities (See Section 5.10)						
Expansion of Existing Utilities	P	P	P	P	P	C
Utility Services Accessory to Individual Shoreline Projects	P	P	P	P	P	C
Utility Services to Projects outside Shoreline Jurisdiction	C	C	C	P	P	C
Power Generating Facilities	C	C	C	P	P	C
Utility Transmission Lines	P	P	P	P	P	C

Shoreline Use or Modification	Urban Conservancy	Shoreline Residential	Shoreline Parks	Flume	High Intensity	Aquatic
Key: P = Permitted use (Substantial Development Permit or Exemption) subject to policies and regulations of this SMP¹ C = Shoreline Conditional Use Permit subject to policies and regulations of this SMP X = Prohibited Use N/A = Not Applicable						
Utility Services, General	P	P	P	P	P	C
Wastewater Treatment Facility	C	C	C	C	C	C

¹The determination of whether a permitted use requires a Shoreline Substantial Development Permit or is exempt from a permit depends on whether the specific proposal meets the criteria for a shoreline exemption as identified in Subsection 7.6(C) and WAC 173-27-040. This determination is made by the Shoreline Administrator as outlined in Subsection 7.2(A).

²Sites “separated from shoreline” are those sites physically separated from the shoreline by another property or public right of way.

³Any disposal of dredge material within a channel migration zone requires a Shoreline Conditional Use Permit. A SCUP is not required for discharges of dredge material into the flowing current of a river or in deep water within the channel where it does not substantially affect the geo-hydrologic character of the channel migration zone.

⁴See Subsection 6.3(B)(4)(f).

⁵See Subsection 5.9(B)(6).

4.11 SHORELINE DEVELOPMENT STANDARDS

- A. Shoreline developments shall comply with all dimensional requirements of the Colfax Municipal Code.
- B. When a development or use is proposed that does not comply with the dimensional performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.
- C. There shall be a 35-foot maximum building height for all structures, except that utility facilities and bridges are not required to meet this standard. To exceed 35 feet, an applicant must comply with the following criteria:
 - 1. Demonstrate overriding considerations of the public interest will be served; and
 - 2. Demonstrate that the proposal will not obstruct the view of a substantial number of residences on areas adjoining such shorelines or impair views from public lands or impair scenic vistas.

Water-oriented structures shall be allowed to exceed a height of thirty-five (35) feet without a Shoreline Variance when the need for the increased height of the proposed structure is demonstrated and is limited to the minimum height necessary to serve the intended purpose. Such structures may include, but are not limited to, cranes or other facilities designed to move or place products, storage facilities such as grain elevators, as well as accessory features such as lighting required for operations. All other structures must apply for a Shoreline Variance, and also meet standard Shoreline Variance criteria (Subsection 7.6(H)).

- D. Shoreline buffers: See Appendix B (Shoreline Critical Areas Policies and Regulations), Section 5.E.

5. Shoreline Use Policies and Regulations

5.1 AGRICULTURE

A. Policies

1. Promote and maintain productive agricultural lands in shoreline jurisdiction where appropriate.
2. Encourage erosion control measures in accordance with the United States Department of Agriculture Natural Resources Conservation Service agency guidelines.
3. Control irrigation runoff to minimize discharge of chemicals, fertilizer, sediment, and organic materials in aquatic areas in accordance with federal and state water quality standards.
4. Allow diversion of water for agricultural purposes consistent with water rights laws and rules.
5. Encourage maintenance of vegetative zones between tilled areas and aquatic areas to reduce stormwater runoff, reduce sedimentation, and promote fish and wildlife habitat.

B. Regulations

1. Appendix A (Definitions) of this SMP, WAC 173-26-020 (Definitions) and WAC 173-26-241(3)(a) (Agriculture) shall determine the need for shoreline review for agricultural activities.
2. The provisions of this SMP do not limit or require modification of agricultural activities on agricultural lands as of the date of adoption of the SMP. In determining whether lands meet the definition of agricultural activities, the SMP Administrator shall consider laws and rules included in Subsection (1) and information regarding typical agricultural practices for the subject agricultural use, current use taxation records, conservation easements, and other relevant information. Examples of agricultural practices that could vary by the type of agriculture include but are not limited to: rotations of fields for grazing, cultivation, production, and harvests; animal breeding, feeding, or forage activities; type and frequency of maintenance, repair and replacement of agricultural facilities; and other typical practices.
3. SMP provisions shall apply in the following cases:
 - a. New agricultural activities on land not meeting the definition of agricultural land;
 - b. Expansion of agricultural activities on non-agricultural lands, or conversion of non-agricultural lands to agricultural activities;
 - c. Conversion of agricultural lands to other uses;
 - d. Other development on agricultural land that does not meet the definition of agricultural activities; and
 - e. Agricultural development and uses not specifically exempted by the SMA.
4. Feed lots and stockyards are prohibited in shoreline jurisdiction.

5. Vegetative buffers consistent with Subsection 5.E of Appendix B shall be maintained between the OHWM and cultivated ground for purposes of erosion control and riparian vegetation protection, and shall apply to uses and activities subject to the SMP in Subsection (B)(3).
6. Diversion of water for agricultural purposes shall be consistent with federal and state water rights laws and rules.
7. No equipment or material shall be abandoned or disposed of in shoreline jurisdiction.
8. Development in support of agricultural uses shall be consistent with the environment designation intent and management policies, located and designed to assure no net loss of ecological functions, and shall not have a significant adverse impact on other shoreline resources and values.

5.2 AQUACULTURE

A. Policies

1. Encourage aquaculture that supports the recovery of endangered or threatened fish species.
2. Restrict aquaculture in areas where it would result in a net loss of ecological functions or significantly conflict with navigation or other water-dependent uses.
3. Consider visual access and aesthetic quality of the shoreline in siting aquaculture facilities.

B. Regulations

1. Aquacultural facilities must be designed and located to avoid:
 - a. The spreading of disease, especially to native aquatic life;
 - b. Introducing new non-native species which cause significant ecological impacts;
 - c. Significantly conflicting with navigation and other water-dependent uses;
 - d. A net loss of ecological functions; or
 - e. Significantly impacting the aesthetic qualities of and visual access to the shoreline.
2. Potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, and commercial navigation. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Therefore, some latitude in the development of this use shall be given, while the potential impacts on existing uses and natural systems are recognized.

5.3 BOATING FACILITIES

A. Policies

1. Give boating facilities priority for shoreline location where appropriate.
2. Design and construct boating facilities to result in no net loss of ecological functions.
3. Give preference to boating facilities that minimize the amount of shoreline modification. In support of this, community structures are encouraged.
4. Ensure new boating facilities are located only at sites where suitable environmental conditions, shoreline configuration, access, and compatible adjacent uses are present.

Such facilities should be coordinated with applicable local, state and federal plans and, where feasible, collocated with other compatible water-dependent uses to efficiently provide recreational resources, avoid unnecessary duplication, and minimize adverse impacts to shoreline ecological functions and processes.

5. Ensure boating facilities are located, designed, constructed and maintained to avoid adverse proximity impacts such as noise, light and glare; aesthetic impacts to adjacent land uses; impacts to navigation; and impacts to public access to the shoreline.

B. Regulations

1. Soft boat launches for public or non-residential private use may be allowed consistent with this SMP; no other boating facilities (e.g., docks) are allowed in the City of Colfax.
2. New or expanded boat launch ramps may be approved only if they provide public access to waters that are not adequately served by existing access facilities or if use of existing facilities is documented to exceed the designed capacity.
3. General design standards.
 - a. Consistent with requirements for mitigation sequencing, all boat launches must be the minimum size necessary and designed to avoid and then minimize potential adverse impacts. All unavoidable adverse impacts must be mitigated, and a mitigation plan submitted.
 - b. Soft boat launches shall be constructed with materials that do not leach preservatives or other chemicals (including concrete and asphalt). Only clean, un-treated natural materials such as rock or wood may be used.
 - c. New public or commercial boat launch facilities must provide adequate restroom facilities.
4. General location regulations. New and expanded boat launches must be located to:
 - a. Minimize hazards and obstructions to public navigation rights.
 - b. Avoid blocking or obstructing lawfully existing or planned public shoreline access.
 - c. Minimize the need for new or maintenance dredging.
 - d. Eliminate the need for new shoreline stabilization, if feasible. Where the need for stabilization is unavoidable, only the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft may be allowed.
 - e. Allow for adequate water mixing and flushing and where water depths are adequate to eliminate or minimize the need for dredging or filling.
 - f. Minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris.
5. General construction regulations.
 - a. Construction shall be completed during allowed in-water work windows.
 - b. Construction impacts shall be confined to the minimum area needed to complete the project.
 - c. The boundaries of clearing limits associated with site access and construction shall be flagged to prevent ground disturbance of riparian vegetation, wetlands, and other sensitive sites. This action shall be completed before any significant alteration of the project area.
 - d. All temporary erosion controls shall be in place and appropriately installed downslope of project activities until site restoration is complete.

- e. Any large wood, native vegetation, topsoil, and/or native channel material displaced by construction shall be stockpiled for use during site restoration.
 - f. No existing habitat features (i.e., wood, substrate materials) shall be removed from the shoreland or aquatic environment without approval.
 - g. If native vegetation is moved, damaged, or destroyed, it shall be replaced with a functionally equivalent native species during site restoration.
6. Replacement of boat launches. If any of the following are proposed during a five-year period, the project is considered a new boat launch and must comply with applicable standards for new boat launches.
- a. Replacement of the entire facility.
 - b. Replacement of 75 percent or more of a boat launch, by area.
7. Modification or enlargement of boat launches.
- a. Applicants must demonstrate that there is a need for modification or enlargement due to increased or changed use or demand, safety concerns, or inadequate depth of water.
 - b. Enlarged portions of boat launches must comply with applicable standards for new facilities.
8. Repair of boat launches.
- a. Repairs to legally established boat launches are permitted consistent with all other applicable codes and regulations.
 - b. All repairs must utilize any material standards specified for new facilities.
9. Mitigation.
- a. Mitigation proposals must provide impact mitigation at a minimum one-to-one ratio, by area, using one or more of the potential mitigation measures listed below. The ratio should be increased if the measure will take more than one year to provide equivalent function or if the measure does not have a high success rate. Applicants should consult with other permit agencies, such as Washington Department of Fish and Wildlife and/or U.S. Army Corps of Engineers, for additional specific mitigation requirements.
 - b. For all new or expanded boat launches, appropriate mitigation may include one or more of the following measures. In-kind measures are preferred over out-of-kind measures when consistent with the objective of compensating for adverse impacts to ecological function. Mitigation may not include measures that are already required by regulations.
 - i. Removal of any legal existing over- or in-water structures that are not the subject of the application.
 - ii. Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of a density and composition of trees and shrubs typically found in undisturbed areas adjacent to the subject waterbody.
 - iii. Removal or ecological improvement of hardened shoreline. Improvement may consist of softening the face and toe of the hardened shoreline with soil, gravel and/or cobbles, and/or incorporating vegetation or large woody debris.
 - iv. Removal of man-made debris waterward of the OHWM.
 - v. Placement of large woody material if consistent with local, state and federal regulations.
 - vi. Participation in an approved mitigation program.
10. Submittal requirements. For all new or expanded boat launches, applicants must provide:
- a. An assessment of potential impacts to existing ecological processes, including but not limited to sediment transport, hydrologic patterns, and vegetation disturbance.

- b. A mitigation plan for unavoidable adverse impacts to ecological functions or processes, if applicable.
- c. An assessment of need and demand. At a minimum, the assessment shall include the following:
 - i. Existing approved facilities, or pending applications, within the service range of the proposed new facility and relevant characteristics of those facilities, such as level of use and condition.
 - ii. The expected service population and relevant characteristics of the population, including any characteristics that justify specific design elements of the proposed facility.
 - iii. An assessment of existing water-dependent uses in the vicinity and potential impacts to those uses, and a description of proposed mitigation measures, if applicable.

5.4 COMMERCIAL DEVELOPMENT

A. Policies

- 1. Give preference to water-dependent commercial uses over nonwater-dependent commercial uses in shoreline jurisdiction. Water-related and water-enjoyment uses should be prioritized over nonwater-oriented commercial uses.
- 2. Encourage water-oriented commercial uses to locate near the water so as to provide opportunities for substantial numbers of people to enjoy shoreline amenities. Those developments that are nonwater-oriented or over-water uses should be encouraged to locate inland from the shoreline jurisdiction.
- 3. Encourage new commercial development to locate in areas where commercial development uses already exist, and ensure that it does not significantly reduce scenic views or result in net loss of shoreline ecological function.

B. Regulations

- 1. Water-dependent, water-related, and water-enjoyment uses are permitted where allowed by zoning and this SMP.
- 2. Preference shall be given to water-dependent commercial uses over nonwater-dependent commercial uses. Water-related uses and water-enjoyment uses shall be given priority over nonwater-oriented uses.
- 3. Commercial development that is not water-dependent shall not be allowed over water except where it is located within an existing building or where they are necessary to support a water-dependent use.
- 4. Nonwater-oriented commercial development shall be prohibited unless they meet the following criteria:
 - a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to provision of public access or ecological restoration; or
 - b. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access or ecological restoration.

5. In areas of the shoreline designated for commercial uses, nonwater-oriented commercial uses may be allowed on sites physically separated from the shoreline by another property or public right-of-way.
6. New commercial developments shall provide public access to the shorelines.
7. Commercial development shall be located, designed, and constructed in a way that ensures no net loss of shoreline ecological functions and without significant adverse impacts to other preferred land uses and public access opportunities as provided for in RCW 90.58.020.

5.5 INDUSTRIAL DEVELOPMENT

A. Policies

1. Recognize the importance of industrial uses to the City of Colfax and allow water-oriented industrial uses for location in appropriate areas along the shoreline.
2. Allow for existing and new industrial uses that serve the local industries, provided they are developed and operated according to the State's Shoreline Master Program Guidelines and other State and City requirements.
3. Ensure that existing and new development of industrial facilities is consistent with all Master Program Guidelines and achieves no net loss of shoreline ecological function.

B. Regulations

1. Industrial facilities that are water-dependent or water-related are permitted where allowed by zoning and this SMP. The applicant shall demonstrate that proposed uses are water-dependent and/or water-related.
2. In compliance with WAC 173-26-241(3)(f), industrial development shall be in accordance with the following regulations:
 - a. Industrial development shall be located, designed, constructed, and operated in a manner that minimizes impacts to the shoreline, provides for no net loss of shoreline ecological function, and avoids unnecessary interference with shoreline use by adjacent property owners.
 - b. In the review of shoreline developments, the City shall give preference to water-dependent uses and then water-oriented industrial uses, in accordance with WAC 173-26-241(3)(f).
 - c. Regional and statewide needs for water-dependent and water-related industrial facilities shall be carefully considered. Lands designated for industrial development shall not include shoreline areas with severe environmental limitations, such as critical areas.
 - d. Unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, industrial development shall consider incorporating public access as mitigation.
 - e. Where industrial land is proposed for use on land in public ownership, public access shall be required unless it meets an exception in accordance with Subsection 4.8(B)(5) of this SMP.
 - f. Industrial development and redevelopment shall be encouraged to locate where environmental cleanup and restoration of the shoreline area can be incorporated.

3. Recreation facilities should be located, designed, and operated in a manner consistent with the purpose of the environment designation in which it is located and so as to assure that no net loss of shoreline ecological functions or ecosystem-wide processes results.
4. Where appropriate, provide shoreline recreation amenities at a capacity that is sufficient to the number of users and the expected future growth in users.

B. Regulations

1. Recreational development shall demonstrate achievement of no net loss of ecological functions.
2. Recreational uses and development must be compatible with existing or proposed uses in the area and must be consistent with City development standards.
3. The location, design, and operation of recreational facilities shall be consistent with the purpose of the environment designation.
4. Recreational uses and facilities located within shoreline jurisdiction shall include features that relate to access, enjoyment and use of the water and shorelines of the state. Access to recreational areas shall emphasize both consolidated park or open space areas and trail access.
5. Commercial components of the use that are not explicitly related to the recreational operation must also conform to the standards of Section 5.3 (Commercial Development) of this SMP.
6. Special Events/Temporary Activities.
 - a. Special events such as festivals, fairs, and sporting events, may be located in shoreline jurisdiction, including within applicable buffers and setbacks, provided all of the following criteria are met:
 - i. The event only places temporary structures within shoreline jurisdiction for a duration no longer than seven days. The SMP Administrator may approve an additional seven days if requested in advance of the expiration of the seven-day initial limit and if the criteria would continue to be met.
 - ii. The event does not require removal of any trees or shrubs within buffers.
 - iii. The event does not result in a loss of ecological functions or a degradation of water quality.
 - iv. In the Flume environment designation, temporary structures placed and temporary uses occurring below the OHWM shall only be conducted upland of the wetted channel.
 - b. Management Plans. In order to simplify the future review of exempt and non-exempt special events/temporary activities that may be held on an annual or other regular basis, the proponent may develop five-year management plans in support of a five-year Shoreline Substantial Development Permit or Exemption addressing operations and maintenance, use of best management practices, and other measures to assure no net loss of shoreline ecological function. The City may require applicants for special events/temporary activities that have the potential to interfere with shoreline use or adversely alter shoreline ecological conditions to prepare a management plan.
 - i. Management plans for special events/temporary activities shall minimally contain the following categories when applicable:

- a) Description of any necessary aquatic habitat or other critical area protection measures, and commitment to implement mitigation for any activity that has adverse impacts.
 - b) Description of any necessary stormwater management practices to reduce potential water quantity and water quality impacts, and commitment to implement mitigation for any activity that has adverse impacts.
 - c) Description of the kind and duration of any interference with shoreline public access, and measures to minimize interference.
- ii. Each category specified in (b)(i) above shall be comprised of one to several standards. Each standard should describe the management objective or desired outcome, specific performance requirements for each standard, and corrective actions that would be implemented if the performance requirement(s) is not met.

5.8 RESIDENTIAL DEVELOPMENT

A. Policies

1. Aim for current and planned shoreline residential uses that have adequate provision of services and utilities while appropriately allowing for shoreline ecological protection.
2. Residential development in the City of Colfax should aim to control pollution and prevention of damage to the shoreline so as to ensure no net loss of ecological function.
3. Residential development should aim to minimize environmental impact through ecological restoration and other measures.
4. Recognize that single-family residences are a common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline through cumulative impacts from shoreline armoring, stormwater runoff, septic systems, introduction of pollutants, and vegetation modification and removal.
5. Prohibit new floating homes.

B. Regulations

1. Residential development shall comply with all applicable subdivision, critical area, and zoning regulations and be consistent with applicable SMP environment designations and standards.
2. Single-family residences are considered a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Single-family residences are permitted in the Urban Conservancy, Shoreline Residential, and Flume environment designations with a Shoreline Substantial Development Permit or Shoreline Exemption.
3. New residential lots created through land division shall be in accordance with the following:
 - a. Comply with all applicable subdivision and zoning regulations.
 - b. Plats and subdivisions must be designed, configured and developed in a manner that assures that no net loss of ecological functions result from the plat or subdivision at full build-out of lots.

- c. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
- 4. Residential development, including accessory uses and appurtenant structures, shall:
 - a. Meet all applicable critical area, vegetation, and water quality standards of this SMP.
 - b. Be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bulkheads and other stabilization structures, are not required to protect such structures and uses.
 - c. Be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.
- 5. New floating homes shall be prohibited.
- 6. Residential accessory uses or appurtenances shall not be located in required shoreline buffers unless specifically authorized in this SMP. Residential accessory uses shall be prohibited over the water unless clearly water-dependent for recreational or personal use.
- 7. In accordance with Subsection 4.8(B)(4)(e) of this SMP, new multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access.

5.9 TRANSPORTATION AND PARKING

A. Policies

- 1. Provide for safe, reasonable, and adequate circulation systems to, and through or over shorelines where necessary.
- 2. Allow for maintenance and improvements to existing roads, railroads and parking areas and for necessary new roads and parking areas where alternative locations outside of the shoreline jurisdiction are not feasible.
- 3. Promote trail connections that are consistent with local and regional plans.
- 4. Plan circulation systems that include pedestrian, bicycle, and public transportation where appropriate, and in support of existing proposed shoreline uses that are consistent with this SMP.

B. Regulations

- 1. Transportation and parking plans and projects shall be consistent with this SMP public access policies, public access planning, and provisions on environmental protection.
- 2. Circulation system planning shall include systems for pedestrian, bicycle, and public transportation where appropriate, and all circulation plans and projects shall support existing and proposed shoreline uses that are consistent with this SMP.
- 3. Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible and adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses.
- 4. New roads, road expansions, bridges, or railroads shall not be built within shoreline jurisdiction unless other locations are not feasible and/or costs would be disproportionate and unreasonable to the total long-term cost of the development or

infrastructure investment. When new roads, road expansions, bridges, or railroads are unavoidable, proposed transportation facilities shall be planned, located, and designed to achieve the following:

- a. Minimize possible adverse effects on unique or fragile shoreline (See Mitigation section in Appendix B(2)).
 - b. Maintain no net loss of shoreline ecological functions and implement mitigation standards of this SMP.
 - c. Set back from the OHWM of the Aquatic designation to allow for a usable shoreline area for vegetation conservation and preferred shoreline uses unless infeasible.
5. Upland parking facilities shall be allowed only as necessary to support an authorized use and are not a preferred use. Parking shall:
- a. Be sited outside of shoreline jurisdiction unless:
 - i. the proponent demonstrates that an alternate location would have fewer adverse impacts to the shoreline and critical areas, and adjacent uses;
 - ii. no other feasible location upland of the area served is possible due to topographical or other physical constraints;
 - iii. another location is not feasible due to the presence of existing transportation facilities or traffic engineering standards; and/or
 - iv. Americans with Disability Act (ADA) standards require otherwise.
 - b. Be planted or landscaped, preferably with native vegetation, to provide a visual and noise buffer for adjoining dissimilar uses or scenic areas.
 - c. Observe all regulations regarding critical areas and shoreline buffers.
 - d. Be designed to incorporate low-impact development practices, such as pervious surfaces and bioswales, to the extent feasible.
6. New over-water parking facilities, as a primary use, are prohibited per WAC 173-26-211(5)(c)(ii)(A). Over-water parking shall be allowed only in the Flume environment when all of the following conditions are met::
- a. As an expansion or redesign of an existing over-water structure, demonstrating that the minimum amount of expansion necessary to achieve the project goals and objectives was employed;
 - b. When approved by the U.S. Army Corps of Engineers, the Washington Department of Fish and Wildlife, and any other entities with authority over the Flume environment;
 - c. When it can be demonstrated that the net effect of the project, including mitigation, will be an improvement in shoreline ecological functions (see Mitigation section in Appendix B(2));
 - d. When the over-water parking is necessary to support existing legal developments and uses, and it cannot be sited in upland areas or outside of shoreline jurisdiction;
 - e. If the design and construction of the over-water parking observes all other regulations of this SMP and the City with respect to short- and long-term stormwater runoff management; and
 - f. If the design of the over-water parking incorporates a means for pedestrian access and river viewing, and incorporates design elements that minimize aesthetic and environmental impacts.
7. The provisions of Appendix B, Section 6 (Frequently Flooded Areas) of this SMP shall be addressed in the design of transportation facilities.

5.10 UTILITIES

A. Policies

1. Allow for new, expanded, and maintained utilities with criteria for location and vegetation restoration as appropriate.
2. Minimize physical and aesthetic disturbance to the shoreline when siting utilities. When feasible, utilities should be placed underground or designed to do minimal damage to aesthetic qualities of the shoreline.

B. Regulations

1. All utility facilities shall be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.
2. Utility production and processing facilities, such as sewage treatment plants, or parts of those facilities, that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available.
3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible.
4. Preference shall be given to utility systems contained within the footprint of an existing right-of-way or utility easement corridor over new locations.
5. Development of pipelines and cables and development of facilities that may require periodic maintenance which disrupt shoreline ecological functions shall be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.
6. Existing utility services routed through shoreline areas shall not be a sole justification for more intense development.

5.11 REDEVELOPMENT, REPAIR, AND MAINTENANCE

This section addresses how regulations apply to redevelopment, repair, or maintenance activities; clarifies how SMP standards proportionally apply to redevelopment activities; and provides a process for multi-year management plans for maintenance and repair.

A. Policies

1. Allow all normal redevelopment, repair, and maintenance activities in the shoreline, as defined in Appendix A (Definitions) of this SMP, unless significant alterations or impacts to the shoreline ecological function will occur as a result of this activity.

B. Regulations

1. SMP provisions shall not apply retroactively to existing uses and developments.
2. Legally established uses and developments may be maintained, repaired, and operated within shoreline jurisdiction and within shoreline and critical area buffers established in this SMP. Normal maintenance and repair is exempt from a Shoreline Substantial Development Permit, but not the standards of this SMP.

3. SMP standards shall apply to expansions or alterations of uses or developments and to new development or redevelopment of a property as follows:
 - a. The SMP Administrator shall determine the extent of compliance with SMP provisions.
 - b. The required provisions shall be related to and in proportion to the proposal. For example, if an upper story is added to a structure, requirements related to building heights and views may apply. If vegetation is removed beyond normal maintenance, vegetation conservation and shoreline buffer standards may apply.

6. Shoreline Modification Policies and Regulations

6.1 GENERAL REQUIREMENTS

A. Policies

1. Allow shoreline modifications if the use or activity is permitted under this Program or where it can be demonstrated that the proposed activities are necessary to support or protect an allowed use or development.
2. Allow shoreline modifications if the use or activity is permitted under this Program and only when adverse individual and cumulative impacts are avoided, minimized, and mitigated resulting in no net loss of shoreline ecological functions, in accordance with the mitigation sequence of this Program.

B. Regulations

1. Structural shoreline modifications are only allowed 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.
2. As much as possible, the number and extent of shoreline modifications shall be limited.
3. Shoreline modifications shall only be approved if they are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
4. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring application of mitigation sequencing. As shoreline modifications occur, all feasible measures to protect ecological shoreline functions and ecosystem-wide processes shall be incorporated.

6.2 BREAKWATERS, JETTIES, WEIRS, AND GROINS

A. Policies

1. Allow breakwaters, jetties, weirs, and groins to be located waterward of the OHWM only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
2. Consider alternative structures with less impact where physical conditions make such alternatives feasible.

B. Regulations

1. New, expanded or replacement structures shall only be allowed if it can be demonstrated that they will not result in a net loss of shoreline ecological functions and that they support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
2. Breakwaters, jetties, weirs and groins shall be limited to the minimum size necessary.
3. Breakwaters, jetties, weirs and groins must be designed to protect critical areas, and shall implement mitigation sequencing to achieve no net loss of ecological functions.
4. Proposed designs for new or expanded structures shall be designed by qualified professionals, including both an engineer and a biologist.

6.3 DREDGING AND DREDGE MATERIAL DISPOSAL

A. Policies

1. Site and design new development to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. Ensure dredging and dredge material disposal is done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
3. Discourage the disposal of dredge material on shorelands or wetlands within a channel migration zone.

B. Regulations

1. As regulated in this SMP, dredging is the removal of bed material from below the OHWM or wetlands using other than unpowered, hand-held tools for one of the allowed dredging activities listed in Section (4) below. This Section is not intended to cover other removals of bed material waterward of the OHWM or wetlands that are incidental to the construction of an otherwise authorized use or modification (e.g. shoreline crossings, bulkhead replacements). These in-water substrate modifications should be conducted pursuant to applicable general and specific use and modification regulations of this SMP.
2. New development must be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
3. Dredging and dredge material disposal must be done in a manner that avoids or minimizes significant ecological impacts. Impacts that cannot be avoided must be mitigated in a manner that assures no net loss of shoreline ecological functions.
4. Dredging may only be permitted for the following activities:
 - a. Development of water-dependent industries of economic importance to the region only when there are no feasible alternatives or other alternatives may have a greater ecological impact.
 - b. Development of essential public facilities when there are no feasible alternatives.
 - c. Maintenance of irrigation reservoirs, drains, canals, or ditches for agricultural purposes.
 - d. Restoration or enhancement of shoreline ecological functions and processes benefiting water quality and/or fish and wildlife habitat.

- e. Trenching to allow the installation of necessary underground utilities if no alternative, including boring, is feasible; impacts to fish and wildlife habitat are avoided to the maximum extent possible; and the installation does not alter the natural rate, extent, or opportunity of channel migration.
 - f. In the Flume environment designation, accumulated sediments may be removed from the concrete-lined channel as an exempt maintenance activity; to the extent feasible, work should be conducted when the excavation area is above the water line.
5. Dredging for the primary purpose of obtaining fill material is prohibited, except when the material is necessary for the restoration of ecological functions. 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 a Shoreline Conditional Use Permit, any other significant habitat enhancement project.
6. Dredge material disposal within shoreline jurisdiction is permitted under the following conditions:
- a. Shoreline ecological functions and processes will be preserved, restored or enhanced, including protection of surface and groundwater; and
 - b. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property.
7. Dredge material disposal in open waters may be approved only when authorized by applicable state and federal agencies, and when one of the following conditions apply:
- a. Land disposal is infeasible, less consistent with this SMP, or prohibited by law.
 - b. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible.
8. All applications for dredging or dredge material disposal shall include the following information, in addition to other application requirements:
- a. A description of the purpose of the proposed dredging activities.
 - b. A site plan outlining the perimeter of the area proposed to be dredged and the dredge material disposal area, if applicable.
 - c. A description of proposed dredging operations, including, but not limited to:
 - i. The method of removal.
 - i. The length of time required.
 - ii. The quantity of material to be initially removed.
 - iii. The frequency and quantity of projected maintenance dredging.
 - d. A description of proposed dredge material disposal, including, but not limited to:
 - i. Size and capacity of disposal site.
 - ii. Means of transportation to the disposal site.
 - iii. Future use of the site and conformance with land use policies and regulations, if applicable.
 - e. Plans for the protection and restoration of the shoreline environment during and after dredging operations.
 - f. An assessment of potential impacts to ecological functions or processes from the proposal.
 - g. A mitigation plan to address identified impacts, if necessary.

6.4 FILL AND EXCAVATION

A. Policies

1. Allow fill when it is demonstrated to be the minimum extent necessary to accommodate an allowed shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes.
2. Encourage fill when it is associated with restoration projects.

B. Regulations

1. All fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. Any adverse impacts to shoreline ecological functions must be mitigated.
2. Fills in wetlands, floodways, channel migration zones or waterward of the OHWM may be allowed only when necessary to support one or more of the following:
 - a. Water-dependent uses.
 - b. Public access.
 - c. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan.
 - d. Disposal of dredged material considered suitable under, and conducted in accordance with, the Dredged Material Management Program of the Department of Natural Resources and/or the Dredged Material Management Office of the U.S. Army Corps of Engineers.
 - e. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline where alternatives to fill are infeasible.
 - f. Ecological restoration or enhancement when consistent with an approved restoration plan.
 - g. Maintenance or installation of flood hazard reduction measures consistent with a comprehensive flood hazard management plan and this SMP.
 - h. Protection of cultural resources when fill is the most feasible method to avoid continued degradation, disturbance or erosion of a site. Such fills must be coordinated with any affected Indian tribes.
3. Upland fills not located within wetlands, floodways, or channel migration zones may be allowed provided they are:
 - a. Part of an allowed shoreline use or modification, or necessary to provide protection to cultural resources.
 - b. Located outside applicable buffers, unless specifically allowed in buffers.
4. All fills, except fills for the purpose of shoreline restoration, must be designed:
 - a. To be the minimum size necessary to implement the allowed use or modification.
 - b. To fit the topography so that minimum alterations of natural conditions will be necessary.
 - c. To not adversely affect hydrologic conditions or increase the risk of slope failure, if applicable.
5. Unless site characteristics dictate otherwise, fill material within surface waters or wetlands shall be sand, gravel, rock, or other clean material with a minimum potential to degrade water quality and shall be obtained from a state-authorized source.

6. A temporary erosion and sediment control (TESC) plan, including BMPs, consistent with the City's storm water drainage regulations, shall be provided for all proposed fill activities. Disturbed areas shall be immediately protected from erosion using mulches, hydroseed, or similar methods, and revegetated, as applicable.

6.5 SHORELINE RESTORATION AND ENHANCEMENT

A. Policies

1. Promote restoration and enhancement actions that improve shoreline ecological functions and processes and target the needs of sensitive plant, fish and wildlife species as identified by Washington Department of Fish and Wildlife, Washington Department of Natural Resources, affected tribes, and/or U.S. Fish and Wildlife Service.
2. Ensure restoration and enhancement of shorelines is designed using principles of landscape and conservation ecology and restores or enhances chemical, physical, and biological watershed processes that create and sustain shoreline habitat structures and functions.
3. Seek funding to implement restoration and enhancement projects, particularly those that are identified in the Shoreline Restoration Plan of this SMP or in other pertinent plans. Funding may be sought by the City or other entities.
4. Develop application processing guidelines that will streamline the review of restoration-only projects.
5. Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife and plants.

B. Regulations

1. **Applicability.** Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring or enhancing habitat for priority species in shorelines. Such projects may include shoreline modification actions such as modification of vegetation, removal of non-native 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. This Section does not apply to mitigation.
2. Shoreline restoration and enhancement projects must be designed using the best available scientific and technical information, and implemented using best management practices.
3. All shoreline restoration and enhancement projects must protect the integrity of adjacent natural resources, including aquatic habitats and water quality.
4. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.
5. Long-term maintenance and monitoring shall be included in restoration or enhancement proposals.
6. **Relief for OHWM shifts.** Applicants seeking to perform restoration projects are advised to work with the City to assess whether and how the proposed project is allowed relief under RCW 90.58.580, in the event that the project shifts the OHWM landward.

6.6 SHORELINE STABILIZATION

A. Policies

1. Locate and design new development to avoid the need for future shoreline stabilization to the extent feasible.
2. Use structural shoreline stabilization measures only when nonstructural methods are infeasible. Nonstructural methods include building setbacks, structure relocation, groundwater management, and other measures.
3. Ensure soft structural shoreline stabilization measures are used prior to hard stabilization measures unless demonstrated to be insufficient.
4. Allow new or expanded structural shoreline stabilization only where 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 for reconfiguration of the shoreline for mitigation or enhancement purposes.
5. Ensure all proposals for structural shoreline stabilization, both individually and cumulatively, do not result in a net loss of ecological functions.

B. Regulations

1. New development must be located and designed to avoid the need for future shoreline stabilization, if feasible.
 - a. Land subdivisions must be designed based on a geotechnical report to assure that future development of the created lots will not require shore stabilization for reasonable development to occur.
 - b. New development adjacent to steep slopes or bluffs must be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated in a geotechnical report.
2. New development that would require shoreline stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited.
3. All proposals for shoreline stabilization structures, both individually and cumulatively, must not result in a net loss of ecological functions, and must be the minimum size necessary. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
4. New or enlarged structural shoreline stabilization measures shall not be allowed, except as follows
 - a. To protect an existing primary structure, including residences, when conclusive evidence, documented by a geotechnical analysis, is provided that the structure is in danger from shoreline erosion caused by currents or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis must evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering hard or soft structural shoreline stabilization.
 - b. In support of new nonwater-dependent development, including single-family residences, when all of the conditions below apply:
 - i. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

- ii. Nonstructural measures, such as placing the development farther from the shoreline, reducing the size or scope of the proposal, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents or waves.
 - c. In support of water-dependent development when all of the conditions below apply:
 - i. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
 - ii. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements, are not feasible over time or sufficient.
 - iii. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 - d. To protect projects for the restoration of ecological functions or for hazardous substance remediation projects pursuant to Chapter 70.105D RCW when nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient to adequately address erosion causes or impacts.
- 5. New hard structural shoreline stabilization measures shall not be authorized, except when a report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such hard structural shoreline stabilization measures, or where waiting until the need is immediate results in the loss of opportunity to use measures that would avoid impacts on ecological functions. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- 6. An existing shoreline stabilization structure, hard or soft, may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents or waves. While replacement of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, such activity is not exempt from the policies and regulations of this SMP.
 - a. For purposes of this Section, "replacement" means the construction of new structure to perform a shoreline stabilization function of existing structure that can no longer adequately serve its purpose. Any additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.
 - b. Replacement shall be regulated as a new shoreline stabilization measure, except for the requirement to prepare a geotechnical analysis. A geotechnical analysis is not required for replacements of existing hard or soft structural shoreline stabilization with a similar or softer measure if the applicant demonstrates need to protect principal uses or structures from erosion caused by waves or other natural processes operating at or waterward of the OHWM.
 - c. Replacement hard structural shoreline stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. All other replacement hard structural shoreline stabilization measures shall be located at or landward of the existing shoreline stabilization structure.

- d. Hard and soft shoreline stabilization measures may allow some fill waterward of the OHWM to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat and shoreline rearing habitat for salmonids.
7. Repair and maintenance of existing shoreline stabilization measures may be allowed, subject to the following standards. While repair and maintenance of shoreline stabilization structures may meet the criteria for exemption from a Shoreline Substantial Development Permit, such activity is not exempt from the policies and regulations of this SMP.
- a. Repair and maintenance includes modifications to an existing shoreline stabilization measure that are designed to ensure the continued function of the measure by preventing failure of any part. Limitations on repair and maintenance include:
 - b. If within a three-year time period, more than 50 percent of the length of an existing structure is removed, including its footing or bottom course of rock, prior to placement of new stabilization materials, such work will not be considered repair and maintenance and shall be considered replacement. Work that only involves the removal of material above the footing or bottom course of rock does not constitute replacement.
 - c. Any additions to or increases in the size of existing shoreline stabilization measures shall be considered new structures.
 - d. The placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure shall be considered a new structure, not maintenance or repair.
 - e. Areas of temporary disturbance within the shoreline buffer shall be expeditiously restored to their pre-project condition or better.
8. Structural shoreline stabilization design and construction standards:
- a. Structural shoreline stabilization measures shall not extend waterward more than the minimum amount necessary to achieve effective stabilization, except for those elements that enhance shoreline ecological functions and minimize impacts.
 - b. Stairs or other water access measures may be incorporated into shoreline stabilization measures, but shall not extend waterward of the measure or the OHWM.
 - c. All structural shoreline stabilization measures must minimize and mitigate any adverse impacts to ecological functions resulting from short-term construction activities. Techniques may include compliance with timing restrictions, use of best management practices, and stabilization of exposed soils following construction.
9. In addition to other submittal requirements, the applicant shall submit the following as part of a request to construct a new, enlarged, or replacement shoreline stabilization measure:
- a. For a new or enlarged hard or soft structural shoreline stabilization measure, a geotechnical report prepared by a qualified professional with a Washington state engineering license. The report shall include the following:
 - i. An assessment of the necessity for structural shoreline stabilization by estimating time frames and rates of erosion and reporting on the urgency associated with the specific situation.
 - ii. An assessment of the cause of erosion, looking at processes occurring both waterward and landward of the OHWM, and documentation of the OHWM field determination.
 - iii. An assessment of alternative measures to shoreline stabilization.
 - iv. Where structural shoreline stabilization is determined to be necessary, the assessment must evaluate the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.

- v. Design recommendations for minimum sizing of hard structural or soft structural shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.
- b. For replacements of existing hard structural shoreline stabilization measures with a similar measure, the applicant shall submit a written narrative providing a demonstration of need. The narrative must be prepared by a qualified professional. The demonstration of need shall consist of the following:
 - i. An assessment of the necessity for continued structural shoreline stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch or flow velocities, and location of the nearest primary structure.
 - ii. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization, and documentation of the OHWM field determination.
 - iii. An assessment of alternative measures to shoreline stabilization.
 - iv. An assessment of the feasibility of using soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.
 - v. Design recommendations for minimizing impacts of any necessary hard structural shoreline stabilization.
 - vi. The demonstration of need may be waived when an existing hard structural shoreline stabilization measure is proposed to be repaired or replaced using soft structural shoreline stabilization measures, resulting in significant restoration of shoreline ecological functions or processes.
- c. For all structural shoreline stabilization measures, including soft structural shoreline stabilization, detailed construction plans, including, but not limited to, the following:
 - i. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWMs.
 - ii. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation.

7. Administration and Permitting

7.1 GENERAL COMPLIANCE

RCW 90.58.140(3) requires the City to establish a Program, consistent with the rules adopted by the Washington Department of Ecology, for the administration and enforcement of shoreline development.

7.2 ADMINISTRATIVE AUTHORITY AND RESPONSIBILITY

A. SMP Administrator

The City shall designate an SMP Administrator, which shall be the City Administrator or his or her designee. The SMP Administrator or his/her designee is hereby vested with the authority to:

1. Administrate this SMP.
2. Grant or deny exemptions from Shoreline Substantial Development Permit requirements of this SMP.

3. To grant, grant with conditions, or deny Shoreline Substantial Development Permits and time extensions to shoreline permits and their revisions.
4. Make field inspections as needed, and prepare or require reports on shoreline permit applications.
5. Make written recommendations to the Board of Adjustment, Planning Commission and City Council as appropriate. The SMP Administrator shall make recommendations to the Board of Adjustment regarding Shoreline Variances and Shoreline Conditional Use Permits. The SMP Administrator shall recommend SMP amendments to the Planning Commission and City Council.
6. Advise interested persons and prospective applicants as to the administrative procedures and related components of this SMP.
7. Determine and collect fees for all necessary permits as provided in City ordinances or resolutions. The determination of which fees are required shall be established by resolution of the City Council.
8. Make administrative decisions and interpretations of the policies and regulations of this SMP and the SMA.

B. SEPA

The responsible SEPA official or his/her designee is authorized to conduct environmental review of all use and development activities subject to this SMP, pursuant to WAC 197-11 and RCW 43.21(C). The responsible official is designated in accordance with the Colfax Municipal Code.

C. Board of Adjustment

The Board of Adjustment is authorized to:

1. Grant or deny Shoreline Variances and Shoreline Conditional Use Permits under this SMP.
2. Decide on appeals of administrative decisions issued by the Administrator of this SMP.

D. Planning Commission

The Planning Commission is vested with the authority to review the SMP as part of regular SMP updates required by RCW 90.58.080 as a major element of the City's planning and regulatory program, and make recommendations for amendments thereof to the City Council.

E. City Council

The City Council is authorized to:

1. Initiate an amendment to this SMP according to the procedures prescribed in WAC 173-26-100.
2. Adopt all amendments to this SMP, after consideration of the recommendation of the Planning Commission. Amendments shall become effective 14 days from the date of the Washington Department of Ecology's written notice of final approval.

7.3 ADMINISTRATION

- A. This Master Program shall be administered according to the standards and criteria in RCW 90.58 and WAC 173-27. In addition to the requirements of the Act, permit review, implementation, and

enforcement procedures affecting private property must be conducted in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

- B. Shoreline Substantial Development Permits and Shoreline Conditional Use Permits shall be subject to all of the applicable requirements of the CMC 17.12 (General and Supplementary Regulations) and Section 7.6 (Shoreline Permits and Exemptions) of this SMP.
- C. Shoreline Variances shall be processed in the same manner as a variance from the City's zoning code and shall be subject to all applicable provisions of CMC 17.24.020 (Appeal for Variance) and 17.24 (Board of Adjustment) and Section 7.6 (Shoreline Permits and Exemptions) of this SMP.
- D. Appeals to the Shoreline Hearings Board of a final decision on a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, or a decision on an appeal of an administrative action, may be filed by the applicant or any aggrieved party pursuant to RCW 90.58.180 within thirty (30) days of receipt of the final decision by the City or by Ecology as provided for in RCW 90.58.140(6).
- E. The effective date of the City's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

7.4 ENFORCEMENT, VIOLATIONS, AND PENALTIES

- A. The City of Colfax is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated there pursuant to the enforcement and penalty provisions of WAC 173-27-270, 173-27-280, and 173-27-290.
- B. This Program will be enforced by the means and procedures set forth in the Colfax Municipal Code.

7.5 SHORELINE ACTIVITY TRACKING

A. Tracking

The City will track all shoreline permits and exemption activities to evaluate whether the SMP is achieving no net loss of shoreline ecological functions. Activities to be tracked include development, conservation, restoration and mitigation, such as:

1. New shoreline development
2. Shoreline variances and the nature of the variance
3. Compliance issues
4. Net changes in impervious surface areas, including associated stormwater management
5. Net changes in fill or armoring
6. Net change in linear feet of flood hazard structures
7. Net changes in vegetation (area, character)

B. No Net Loss Report

Using the information collected in Subsection (A), a no net loss report shall be prepared every eight years as part of the City's SMP evaluation. Should the no net loss report show degradation of the baseline condition documented in the Shoreline Analysis Report, changes to the SMP

and/or Shoreline Restoration Plan shall be proposed at the time of the eight-year update to prevent further degradation and address the loss in ecological functions.

7.6 SHORELINE PERMITS AND EXEMPTIONS

A. Noticing Requirements

1. Applicants shall follow the noticing requirements of the City. At a minimum, the City shall provide notice in accordance with WAC 173-27-110, and shall be consistent with noticing requirements in the Colfax Municipal Code.
2. Per WAC 173-27-120, the City shall comply with special procedures (public notice timelines, appeal periods, etc.) for limited utility extension and bulkheads.

B. Exemptions from a Substantial Development Permit - Application and Interpretation

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the Shoreline Substantial Development Permit process.
2. An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the SMA or this SMP, or from any other regulatory requirements. To be authorized, all uses and development must be consistent with the policies, requirements and procedures of this SMP and the SMA. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.
3. The burden of proof that a development or use is exempt from the permit process is on the applicant.
4. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.
5. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the SMA and this SMP. Additionally, nothing shall interfere with the City's ability to require compliance with all other applicable laws and plans.

C. Exemptions Listed

The shoreline activities listed in WAC 173-2040, WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515, or successor laws shall be considered exempt from the requirement to obtain a Shoreline Substantial Development Permit, but shall obtain a Letter of Exemption, as provided for in Subsections (B) and (D) of this Section.

D. Letter or Statement of Exemption

1. Letters of Exemption.
 - a. A required Letter of Exemption shall be issued by the City when a development application is determined to meet the listed criteria for an exemption and the development is required to obtain a section 404 permit under the Federal Water Pollution

Control Act of 1972 (generally applying to any project which may involve discharge of dredge or fill material to any water or wetland area).

- b. The Letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the City's analysis of the consistency of the project with this SMP and the SMA. The Letter of Exemption shall be sent to the applicant and the Department of Ecology.

2. Statement of Exemption.

- a. The City may grant or deny requests for Statements of Exemption from the Shoreline Substantial Development Permit requirement. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the analysis of the consistency of the project with this Program and the Act. Statements of Exemption are encouraged to be obtained by applicants whose projects meet any of the exemptions listed in Subsection 7.6(C), and which may alter or disturb the ground or vegetation. The Statement of Exemption shall be sent to the applicant.

3. Letters and Statements of Exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.

E. Permit application submittal requirements

1. Shoreline applications are classified as follows:

- a. Shoreline Substantial Development Permit
- b. Shoreline Conditional Use Permit
- c. Shoreline Variance
- d. Shoreline Exemption

2. Applications for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, Shoreline Variances, or Shoreline Exemptions shall be in a form prescribed and supplied by the City, including a combined permit application form.

3. The contents of permit applications must be consistent with WAC 173-27-180 and Colfax Municipal Code.

4. Where this SMP requires more information than the minimum required by WAC 173-27-180, the SMP Administrator may vary or waive requirements beyond WAC 173-27-180 if the information is unnecessary to process the application.

5. The SMP Administrator may require additional specific information if required by the nature of the proposal or the presence of sensitive ecological features, to ensure compliance with other local requirements or the provisions of this SMP.

6. At the time of application, the applicant must pay the application fee.

F. Shoreline Substantial Development Permit Required

1. A Shoreline Substantial Development Permit shall be required for all development of shorelines, unless the proposal is specifically exempt per Subsection 7.6(B) (Exemptions from a Substantial Development Permit) of this Section or is not subject to the SMP per Section 1.5 (Applicability).

2. A Shoreline Substantial Development Permit shall be granted only when the development proposed is consistent with:

- a. The policies and procedures of the SMA;
 - b. The provisions of WAC 173-27; and
 - c. This SMP.
3. The City may attach conditions to the approval of permits as necessary to assure consistency of the project with the SMA and this SMP.
 4. Nothing shall interfere with the City's ability to require compliance with all other applicable plans and laws.

G. Shoreline Conditional Use Permit

A Shoreline Conditional Use Permit is intended to allow for the flexibility and the exercise of judgement in the application of regulations in a manner consistent with the policies of the Act and this Master Program. While not prohibited, these uses are an exception to the general rule.

1. Uses specifically classified or set forth in this SMP as conditional uses shall be subject to review and condition by the Board of Adjustment and by Ecology. Shoreline Conditional Use Permit applications shall be processed consistent with this SMP and CMC 17.24.060 (Conditional property uses).
2. Other uses which are not classified or listed or set forth in this SMP 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 this SMP.
3. Uses which are specifically prohibited by this SMP may not be authorized as a conditional use.
4. Uses which are classified or set forth in this SMP as conditional uses may be authorized provided that the applicant demonstrates that the criteria in WAC 173-27-160(1) have been met.
5. In the granting of all Shoreline Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

H. Shoreline Variance

1. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this SMP where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Variances from the use regulations of the SMP are prohibited. Shoreline Variance applications shall be processed consistent with this SMP and Chapter 17.24 CMC.
2. Shoreline Variance permits should be granted in circumstances where denial of the permit would conflict with the goals of the SMA as listed in RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances exist and the public interest shall suffer no substantial detrimental effect.

3. Shoreline Variance permits for development and/or uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate that the criteria in WAC 173-27-170(2) have been met.
4. Shoreline Variance permits for development and/or uses that will be located waterward of the OHWM, as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate that the criteria in WAC 173-27-170(3) have been met.
5. In the granting of all Shoreline Variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

I. Ecology Review Procedures Applicable to all Shoreline Permits

All applications for a permit or a permit revision shall be submitted by the County to Ecology upon a final decision by the County consistent with WAC 173-27-130 (Filing with department), and then processed by Ecology consistent with WAC 173-27-190 (Permits for substantial development, conditional use, or variance) and WAC 173-27-200 (Department review of conditional use and variance permits).

J. Time limits.

Construction and activities authorized by a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance are subject to the time limitations of WAC 173-27-090.

K. Revisions to Permits

All applications for a permit revision shall be submitted consistent with WAC 173-27-100 (Revisions to permits).

7.7 NON-CONFORMING USES, STRUCTURES, LOTS

A. Nonconforming uses or developments are shoreline uses or development which were lawfully constructed or established prior to the effective date of this Master Program as approved by Ecology, or amendments to this Master Program as approved by Ecology, but which do not conform to present regulations or standards of this Master Program. Such uses shall conform to all applicable City regulations.

B. Non-conforming Uses and Structures

1. Lots, structures, and uses that were legally established prior to adoption of this Master Program or that were in compliance with this Master Program at the time of initial establishment but, due to revision or amendment of this Master Program, have become noncompliant are nonconforming uses that may continue, without regard to ownership changes, so long as in compliance with this Program. A use of property that is unlawful under other local, state, or federal laws shall not be deemed a nonconforming use.

2. Any use which existed prior to adoption of this Master Program or applicability of this Master Program to the property and which is not listed as a permitted use shall be considered a nonconforming use.
3. If a nonconforming use is replaced by a conforming use for any length of time, use of the property shall not revert to the nonconforming use. The mere presence of a structure shall not constitute the continuance of a nonconforming use.
4. In accordance with CMC 17.12.010(A), when a nonconforming use is discontinued for a period of one year or more without replacement by a conforming use, legal conforming use status expires and further use of the structure or lot must be in compliance with the provisions of this Master Program.

C. Non-conforming Lots

1. Any permitted use or structure may be erected on any existing lot or parcel. This provision shall apply even though such lot fails to meet the minimum dimensional requirements of this SMP, provided that such structure is allowed within the shoreline environment and all uses of the nonconforming lot shall comply with all other provisions of this Master Program and underlying zoning requirements including setbacks, dimensional standards, and lot coverage requirements.
2. Structures and customary accessory buildings on non-conforming lots shall be set back from the OHWM to the greatest extent feasible. Development proposed inside required buffers shall go through mitigation sequencing and shall require a mitigation plan.

D. Alteration, Expansion, or Restoration of Nonconforming Uses and Structures.

1. Alteration, expansion, or restoration of nonconforming structures and uses are not allowed except as set forth in this Master Program and in Colfax Municipal Code 17.12.010.
2. In accordance with CMC 17.12.010(B), any nonconforming building which has been destroyed or damaged to the extent of sixty percent or more of its fair market value shall thereafter conform to all rules, laws and ordinances of the city and this SMP. Where more than forty percent of the fair market value of the building remains after such damage, such structure may be restored to the same nonconforming use as existed before such damage.
3. Any nonconforming structure which is moved any distance must be brought into conformance with this Master Program and the SMA.
4. 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 pre-existing nonconforming structures and uses.
5. Legally existing structures 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.
6. Alteration or expansion of a nonconforming use or structure is allowed if necessary to accommodate handicapped accessibility requirements, fire code, or other life safety related requirements mandated by local, state, or federal law.

- E. Pre-existing Legal Residential Uses. Notwithstanding Subsections (A) to (D) of this Section, the following shall apply only to pre-existing legal residential structures constructed prior to the effective date of this Chapter:
1. Residential structures and appurtenant structures that were legally established and are used for a conforming use, but that do not meet standards for the following shall be considered a conforming structure: Setback, buffers, or yards; area; bulk; height; or density.
 2. The City shall allow redevelopment, expansion, or change with the class of occupancy, of the residential structure if it is consistent with the SMP, including requirements for no net loss of shoreline ecological functions. For example, vertical, lateral or anterior expansions that do not intrude farther into a required buffer and which are consistent with the maximum height allowed by this SMP and underlying zoning may be allowed.
 3. Pre-existing legal residential structures that are damaged or destroyed may be replaced to their prior size and location subject to CMC 17.12.010(B), which allows reconstruction within two years of the date of the casualty.
 4. For purposes of this Section, “appurtenant structures” means garages, sheds, and other legally established structures. “Appurtenant structures” does not include bulkheads and other shoreline modifications or over-water structures.
 5. Nothing in this Section shall:
 - a. Restrict the ability of this Chapter to limit development, expansion, or replacement of over-water structures located in hazardous areas, such as floodplains and geologically hazardous areas; or
 - b. Affect the application of other federal, state, or City requirements to residential structures.

7.8 DEBRIS ACCUMULATION AND OBSTRUCTION

Pursuant to Chapter 7.48 RCW, Chapter 9.66 RCW, Chapter RCW 90.58, and CMC Chapter 13.12, the following activities shall be prohibited in shoreline jurisdiction:

- A. **Outside Storage.**
The outside storage within the shoreline jurisdiction of abandoned, discarded or unused objects or equipment, excluding operational farm-related equipment or material; including but not limited to tires, household furniture, stoves, refrigerators and freezers which are visible by ordinary view from an adjacent property or roadway.
- B. **Outside Accumulation.**
The outside accumulation within the shoreline jurisdiction of two or more cubic yards of waste, rubbish or trash, including but not limited to bottles, cans, glass, wire, broken crockery, broken plaster and other similar abandoned, discarded or unused material, unless kept in covered bins or receptacles or specifically authorized as a permitted use.
- C. **Vehicle and Boats.**
The presence of any unattached vehicle or boat parts or six or more abandoned or inoperable vehicles and/or boats that have remained in the same location or on the same contiguously owned property for more than sixty consecutive days, within the shoreline jurisdiction.

D. Acts or Omissions.

An act, or omitting to perform a duty, which act or omission either:

1. Annoys, injures or endangers the comfort, repose, health or safety of others;
2. Unlawfully interferes with, befoils, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or
3. In any way renders other persons insecure in life, or in the use of property.

E. Throwing Debris.

Throwing, depositing, or scattering in, about, or upon the Palouse River and the South Palouse River within the City of Colfax any material of any kind whatsoever, unless it is specifically authorized in writing by the City Council, the City Administrator, the Mayor, or the Director of Public Works.

7.9 AMENDMENT OF SHORELINE MASTER PROGRAM

A. Purpose of amendment

This SMP carries out the policies of the Shoreline Management Act for the City of Colfax. It shall be reviewed and amended as appropriate in accordance with the review periods required in the SMA and in order to:

1. Assure that this SMP complies with applicable law and guidelines in effect at the time of the review; and
2. Assure consistency of this SMP with the City's codes and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

B. Effective Date

This SMP and all amendments thereto shall become effective 14 days from the date of the Washington Department of Ecology's written notice of final approval.

C. Amendment process

1. Future amendments to this SMP may be initiated by any of the following:
 - a. City of Colfax SMP Administrator;
 - b. The City Planning Commission, upon their initiative, or at the request of the City Council by motion, or at the request of the SMP Administrator; and
 - c. The City Council.
2. Applications for SMP amendments shall specify the changes requested and any and all reasons therefore. Applications shall be made on forms specified by the City. Such applications shall contain information specified in the City's procedures for regulation amendments and information necessary to meet minimum public review procedures.
3. The City shall accomplish the amendments in accordance with the procedures of the Shoreline Management Act and implementing rules including, but not limited to, RCW 90.58.080 and WAC 173-26-100.
4. Proposals for amendment of this SMP shall be heard by the Planning Commission in a public hearing. After conducting a hearing and evaluating testimony regarding the

application, including a recommendation from the SMP Administrator, the Planning Commission shall submit its recommendation to City Council, who shall approve or deny the proposed amendment following their open record hearing.

5. Prior to approval, the City shall make a finding that the amendment would accomplish (a) or (b), and must accomplish (c):
 - a. The proposed amendment would make this Program more consistent with the SMA and/or any applicable Department of Ecology SMP Guidelines; or
 - b. The proposed amendment would make this Program more equitable in its application to persons or property due to changed conditions in an area; and
 - c. This Program and any future amendment hereto shall ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of June 2014 (the Final Shoreline Analysis Report).
6. After approval or disapproval of a SMP amendment by the Department of Ecology as provided in RCW 90.58.090, the City shall publish a notice that the SMP amendment has been approved or disapproved by Ecology.