NOTE: Proposed changes to the flood ordinance are shown in underline/strikeout in blue to distinguish the proposed changes from the version embedded in the locally approved SMP.

CHAPTER 6 SPECIFIC SHORELINE USE REGULATIONS

6.1 General Provisions

6.2 Shoreline Use, Modification, and Standards Table

6.3 Use-specific Development Regulations

6.3.1 Agriculture

6.3.2 Aquaculture

6.3.3 Boating Uses

6.3.3.1 General Requirements

1. All boating uses, development and facilities shall protect the rights of navigation.

2. Boating uses, developments, and facilities shall locate on stable shorelines in areas where:
   a. There is adequate water mixing and flushing;
   b. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard;
   c. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities; and
   d. Water depths are adequate to prevent the structure from grounding out at the lowest low water.

3. Boating uses, developments and facilities shall not be located:
   a. Along braided or meandering river channels where the channel is subject to change in alignment;
   b. On point bars or other accretion beaches; or
   c. Where new or maintenance dredging will be required;
   d. In areas with important bank margin habitat for all life stages of aquatic species; or
e. Where wave action caused by boating use would increase bank erosion rates.

4. **Marinas shall be designed to:**
   a. Provide thorough flushing of all enclosed water areas;
   b. Allow the free movement of aquatic life in shallow water areas; and
   c. Avoid and minimize any interference with geo-hydraulic processes and disruption of existing shore forms.
   d. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner or lessee.

4.5. Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet DNR requirements and other state guidance if located in or over state-owned aquatic lands. On the Columbia River, boating facilities shall be sited waterward of -15 feet CRD to protect shallow water habitat unless shallow water habitat will be created as mitigation.

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

6.7. Boating uses and facilities shall be located far enough from public swimming beaches, fishing, and aquaculture harvest areas, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns and potential use conflicts.

7.8. Accessory uses at boating facilities shall be:
   a. Limited to water-oriented uses, including uses that provide physical or visual shoreline access for substantial numbers of the general public; and
   b. Located as far landward as possible while still serving their intended purposes.

8.9. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.

9. **Community moorages with ten (10) or more berths are regulated under this section as marinas, Section 6.3.3.3. Moorage facilities with less than ten (10) berths are regulated under this section as a moorage facility, Section 6.3.3.4**

10. All marinas and public launch facilities shall provide restrooms/hand-sanitizing facilities for boaters' use that are designed, constructed and maintained to be clean, well lighted, safe and convenient for public use. One restroom and hand
sanitizing facility shall be provided for every seventy-five (75) marina moorage
sites slips or twenty (20) boat launch parking spaces.

11. Installation of boat waste discharge and disposal facilities such as pump-outs and
portable dump stations shall be required at all marinas and public moorage
facilities, and shall be provided at public boat launches to the extent possible.
Such facilities shall include oil containment barriers when required by the US
Coast Guard under provisions of the Clean Water Act. The locations of such
facilities shall be considered on an individual basis in consultation with the
Washington Departments of Health, Ecology, Natural Resources, Parks, and Fish
and Wildlife, as necessary.

12. All utilities shall be placed at or below the dock surface, or below ground, as
appropriate.

13. All signage shall adhere to the standards for signs in this chapter, VMC 20.960,
and VMC 20.450, except that a marina or boat launch may have one advertising
sign oriented towards the water that does not exceed twenty four (24) square feet
in area and fifteen (15) feet in height above the OHWM.

14. Where appropriate, marinas and boat launch facilities shall install public safety
signs, to include the locations of fueling facilities, pump-out facilities, and
locations for proper waste disposal.

15. Boating facilities shall be constructed of materials that will not adversely affect
water quality or aquatic plants and animals. Materials used for submerged
portions, decking and other components that may come in contact with water shall
be approved by applicable state agencies for use in water to avoid discharge of
pollutants from wave splash, rain or runoff. Wood treated with creosote, copper
chromium, arsenic, pentachlorophenol or other similarly toxic materials is
prohibited.

16. Boats shall be restricted from extended mooring on waters of the state except as
allowed by state regulations and provided that lease or permission is obtained
from the state and impacts to navigation and public access are mitigated.

17. Only No more than one private community or joint-use boating facility (boat
launch, float, dock, pier, dock/pier combination, or mooring buoy) is allowed on a
parcel or lot when a public facility is unavailable within ½-mile upstream or
downstream of any property line and all applicable requirements are met.

6.3.3.2 Boat Launch Facilities

18.1 Launch facilities, haul-out facilities and minor accessory buildings, shall
be designed and constructed in a manner that minimizes adverse impacts on
fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

19.2. Boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

20.3. A private boat launch shall be allowed on a parcel or lot only when public boat launches are unavailable within ½-mile upstream or downstream of any property line.

21.4. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot.

22.5. Boat launch and haul-out facilities, such as ramps, marine travel lifts and marine railways, and minor accessory buildings shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

23.6. Boat-launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

6.3.3.3 Marinas

1. Marinas shall be designed to:
   a. Provide thorough flushing of all enclosed water areas;
   b. Allow the free movement of aquatic life in shallow water areas; and
   c. Avoid and minimize any interference with geo-hydraulic processes and disruption of existing shore forms.

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

3.2. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.

4.3. To the maximum extent possible, marinas and accessory uses shall share parking facilities and those facilities shall be located landward of critical area buffers to the extent practicable.
5.4. New marina development shall provide public access amenities such as viewpoints, interpretive displays, and public access to accessory water-enjoyment uses such as restaurants.

6.5. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage, and the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.

7.6. Live-aboards are restricted to marinas that provide potable water, waste handling, and other sanitary services. Live-aboards may occupy up to twenty (20) percent of the slips in such a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Live-aboards are not allowed at joint-use or community moorages.

8.7. The marina operator shall be responsible for the collection and dumping proper disposal of sewage, solid waste, and petroleum waste.

9.8. No commercial or sport fish-processing discharge or discarding of unused bait, scrap fish, or viscera shall be permitted within any marina.

9. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.

10. Covered moorage shall be limited to the number of covered moorage slips legally established prior to January 1, 2011 and to the amount of water surface area covered.

11. The restrictions in 6.3.3.3(10) shall not apply to over-water structures housing water-dependent emergency response equipment for public agency use to protect people, property, and the environment in and adjacent shoreline jurisdiction. However, such new, remodeled, rebuilt, or relocated structures shall be constructed to allow 60% light penetration over 60% of the structure whether enclosed or not.

12. Commercial covered moorage facilities may be permitted only where boat construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water, including a demonstration that adequate landside sites are not feasible. When permitted, commercial covered moorage facilities must be constructed to allow 60% light penetration over 60% of the structure, whether enclosed or not.

13. Marina development must also meet the standards of 6.3.3.4(10)(a-k).
6.3.3.4 Joint Use and Community Moorage Facilities

6.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys

1. Mooring buoys shall be used instead of docks and piers whenever feasible.

2. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner or lessee.

3. Docks and piers for water-dependent commercial and industrial uses shall be allowed to the outer harbor line or combined U.S. Pierhead/Bulkhead line but no more than that required for the draft of the largest vessel expected to moor at the facility. These provisions are also applicable to multiple-use facilities where the majority use is water-dependent and public access can safely be provided.

4. Commercial covered moorage facilities may be permitted only where boat construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water, including a demonstration that adequate landside sites are not feasible. When permitted, commercial covered moorage facilities must be constructed to allow 60% light penetration over 60% of the structure, whether enclosed or not.

1. Community and joint use moorage facilities are defined (Chapter 8) and regulated as marinas (Section 6.3.3.3; defined in Chapter 8) if:

a. They provide commercial goods or services;

b. They have ten (10) or more slips;

c. Moorage is proposed to be leased to upland property owners; or

d. The proposal includes a boat launching facility other than a ramp.

2. Live-aboards are not allowed at joint-use or community moorages.

5. Covered moorage facilities associated with any residential development shall be prohibited.

6. Residential moorage facilities shall be allowed as follows:

7.4. Existing, legally-established, private recreational docks, piers, and floats for individual single-family developments are considered non-conforming uses and structures. If such dock or float is abandoned, becomes hazardous, or is removed for any reason, it may be replaced with only one joint-use or community facility that complies with the policies and regulations of this Program. All
required permits and approvals shall be obtained prior to commencing construction.

b.5. A new private dock or pier serving an individual lot is prohibited.

e.6. New joint-use docks and piers serving two or more lots each with water frontage are allowed if no marina or public boat launch is located within ½-mile upstream or downstream of any property line and all applicable requirements of this Program are met.

d. Fixed piers shall not be permitted for residential use on rivers. Floating docks shall be required in rivers and streams unless it can be demonstrated that fixed docks will result in substantially less impact on geohydraulic processes and flood hazards can be minimized or mitigated. A fixed pier, landward of a floating dock, which connects to the shore at one end and to the floating dock by a gangway at the other is allowed.

e.7. New residential land divisions with shoreline frontage shall provide for community docks if there is an appropriate location for future construction of a dock. Proposed docks and piers shall include no more than one mooring space per dwelling unit. Where a new moorage facility is proposed within a residential waterfront development, only one community moorage facility may be allowed, but only after demonstrating that such use is appropriate for the waterbody and that no public moorage facility is available to residents within ½-mile of the perimeter of the development. All conditions of approval related to required access easements and dedications shall be identified on the face of the plat. In addition, the community dock easement shall be recorded with the County Auditor.

8. Applicants for community or joint-use residential docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties. The applicant shall file a legally enforceable joint use agreement or other legal instrument prior to the issuance of any building permits. The documents shall at minimum address the following:

a. Apportionment of construction and maintenance expenses;

b. Easements and liability agreements; and

c. Use restrictions.

9. Only a single, community moorage facility shall be permitted in association with hotels, motels, and multi-family residences. No more than one (1) mooring slip per unit shall be allowed.
12.10. The maximum dimensions of a residential joint use or community moorage facility dock or pier, shall be no greater than necessary, and shall be
meet the development standards listed below. These dimensions may be adjusted
by the Shoreline Administrator on a case-by-case basis to protect sensitive
shoreline resources.

a. Fixed-piers shall not be permitted for residential use on rivers. Floating docks
shall be required in rivers and streams unless it can be demonstrated that fixed
docks will result in substantially less impact on geo-hydraulic processes and
flood hazards can be minimized or mitigated. A fixed pier, landward of a
floating dock, which connects to the shore at one end and to the floating dock
by a gangway at the other is allowed.

b. Piers/anchors and/or ramps shall extend waterward, perpendicular from the
ordinary high water mark (OHWM), to a point where the water depth is
sufficient to prevent damage to shallow-water habitat (-15 feet CRD on the
Columbia River).

c. The moorage facility may extend into the waterbody the minimum distance
necessary to allow for moorage of the boats anticipated but in no instance
more than 300’ beyond the OHWM.

i. The bottom of either the pier or landward edge of the ramp shall be elevated at
least 2 feet above the plane of OHWM.

j. Piers and ramps shall be no more than 8 feet in width. Floating docks and
associated finger piers shall be no more than 8 feet wide and 20-45 feet long.
Piers, ramps and docks shall be constructed to allow a minimum of 60% light
penetration over 60% of each structure.

k. Skirting shall not be placed on piers, ramps, floating docks, or floats.
Protective bumper material will be allowed along the outside edge of the float
or floating dock as long as the material does not extend below the bottom edge
of the float frame or impede light penetration.

l. Shoreline concrete anchors must be placed at least 10 feet landward from the
OHWM, and shall be sized no larger than 4-feet wide by 4-feet long, unless
otherwise approved by National Oceanic and Atmospheric Administration,
National Marine Fisheries Service (NOAA Fisheries), the US Army Corps of
Engineers (Corps), and Washington Department of Fish and Wildlife
(WDFW).

m. Overwater structures shall be located in water sufficiently deep to prevent
the structure from grounding out at the lowest low water.
i. Docks used for motor boats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.

e: All docks and floats shall include stops that serve to keep the floats off the lake bottom or river bed at low water levels. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.

j.

e. Pilings must be structurally sound and cured prior to placement in the water. Pilings employed for docks, piers, or any other structure shall have a minimum vertical clearance of one foot above extreme high water. Pile spacing shall be the maximum feasible to minimize shading and avoid a “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.

p. Docks used for motor boats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.

q. Only a single, community moorage facility shall be permitted in association with hotels, motels, and multi-family residences. No more than one (1) mooring slip per unit shall be allowed.

7. Applicants for community or joint use residential docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties. The applicant shall file a legally enforceable joint use agreement or other legal instrument prior to the issuance of any building permits. The documents shall at minimum address the following:

a. Apportionment of construction and maintenance expenses;

b. Easements and liability agreements; and

c. Use restrictions.

8. Provisions for waste discharge shall be made in all proposals for public moorage facilities, and shall include oil containment barriers when required by the U.S. Coast Guard under provisions of the Clean Water Act.

9. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.
10. Recreational floats shall be designed and constructed to meet the following standards:

a. They shall be located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas.

b. They shall be constructed so that the deck surface is a minimum of one (1) foot above the water surface and with reflectors for night-time visibility.

e. k. Floats serving the public, a subdivision, a multi-family development, a hotel, motel, or multiple property owners shall not exceed one hundred sixty (160) square feet and shall be constructed to allow a minimum of 60% light penetration over 60% of the structure.

6.3.3.5 Moorage Facilities: Docks, Piers, and Mooring Buoys

1. Mooring buoys shall be used instead of docks and piers whenever feasible.

4.2. Mooring buoys shall be placed as specified by WDFW, DNR, and the U.S. Coast Guard to balance the goals of protecting nearshore habitat and minimizing obstruction to navigation. Anchors and other design features shall meet WDFW standards.

4.3.2. Mooring buoys shall be discernible from a distance of at least one hundred (100) yards. One (1) mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the applicant and documented by the City. In cases such as those of a community park with recreational users or a residential development with lot owners both on and away from the shoreline needing moorage, community moorage facilities shall be used instead of mooring buoys.

4. Docks and piers for water-dependent commercial and industrial uses shall be allowed to the outer harbor line or combined U.S. Pierhead/Bulkhead line but no more than that required for the draft of the largest vessel expected to moor at the facility. These provisions are also applicable to multiple-use facilities where the majority use is water-dependent and public access can safely be provided.

5. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.

6. Recreational floats shall be designed and constructed to meet the following standards:

a. They shall be located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas.

b. They shall be constructed so that the deck surface is a minimum of one (1) foot above the water surface and with reflectors for night-time visibility.
c. Floats serving the public, a subdivision, a multi-family development, a hotel, motel, or multiple property owners shall not exceed one hundred sixty (160) square feet and shall be constructed to allow a minimum of 60% light penetration over 60% of the structure.