Pacific County
Ecology Grant # G1400525

PACIFIC COUNTY SHORELINE MASTER PROGRAM

~~*Draft*~~*Planning Commission Hearing Draft*

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1 INTRODUCTION

References to the source of SMP provisions are included for context (e.g., WAC, RCW, former Pacific County SMP, Shoreline Planning Committee). These references will ultimately be removed prior to adoption.

1.1 Title

This Master Program shall be known and may be cited as the Pacific County Shoreline Master Program (referred to in this document as the Master Program or SMP).

1.2 Applicability

A. The provisions of this Master Program, chapter 90.58 RCW, and the Shoreline Management Act shall apply to all proposed uses and development occurring within the shoreline jurisdiction of Pacific County.

B. Nothing in this Master Program shall affect any rights established by treaty to which the United States is a party.

1.3 Authority

The primary authority for the passage and enforcement of this Master Program is the Shoreline Management Act, RCW 90.58. Further authority is based on applicable provisions of Chapter 36.70 RCW, Chapter 36.70A RCW and Chapter 36.70B RCW.

1.4 Purpose

The purpose of this Master Program is to meet local responsibilities for the implementation of the policy of the state as given under provisions RCW 90.58.020 of the Act and in state regulations adopted pursuant to Chapter 90.58 RCW, insofar as a regulatory program can accomplish such purpose. These responsibilities are as generally defined under provision RCW 90.58.050.

1.5 Goals

A. The County's goal in adopting this Master Program is to recognize and protect the functions and values of the shoreline environment of statewide and local significance. [current SMP Section 1.E]

B. For shorelines of the state, protection and management priorities are to:

1. Sustain, protect, and restore the native ecology;
2. Protect and preserve existing sustainable uses, including aquaculture, agriculture, fishing, and wildlife;
3. Anticipate and plan to minimize hazards created by erosion and natural disasters;
4. Manage public access through education to protect private property rights;
5. Effectively administer the Master Program with the appropriate level of oversight and enforcement;

6. Maximize the Master Program's jurisdictional scope in the Pacific Ocean;

7. Guide future development in a balanced manner that emphasizes protecting and supporting shoreline natural resources that support the county's economic and water-dependent employment base.

8. Encourage shoreline development that complements, and does not damage, natural shoreline ecological functions.

9. Preserve the county's shoreline heritage by acknowledging the historical context and preserving those structures and uses that created it.

C. For shorelines of statewide significance (SSWS), protection and management priorities are to: [current SMP Section 1.E]

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

2. Preserve the natural character of the shoreline;

3. Provide long-term over short-term benefit;

4. Protect the resources and ecology of the shorelines;

5. Increase public access to publicly owned areas of shorelines; and

6. Increase recreational opportunities for the public in shoreline areas.

1.6 Severability

If any provision of this Master Program or its application to any person or legal entity or circumstances is held invalid, the remainder of the Master Program, or the application of the provision to other persons or legal entities or circumstances, shall not be affected. [current SMP Section 28.E Severability]

1.7 Relationship to Other Codes and Regulations

A. Compliance with this Master Program does not constitute compliance with other federal, state, and local regulations and permit requirements that may apply. The applicant is responsible for complying with all other applicable requirements.

B. Where this Master Program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply.

C. When any provision of this Master Program or any other federal, state, or local provision conflicts with this Master Program, the provision that is most protective of shoreline resources shall prevail, except when constrained by federal or state law, or where specifically provided otherwise in this Master Program.

D. Relationship to Critical Areas Regulations.

1. For protection of critical areas where they occur in shoreline jurisdiction, this Master Program adopts by reference the County's Critical Areas Regulations, which are incorporated into this Master Program with specific exclusions and modifications in Subsection 4.2.B.2.

2. All references to the Critical Areas Regulations are for the version adopted [Month DD, YYYY, as Ordinance No. ##].

Commented [TB1]: Does County want to extend shoreline jurisdiction to include the full 100 year floodplain and CAO buffers as well?

3. Within shoreline jurisdiction, the Critical Areas Regulations shall be liberally construed together with this Master Program to give full effect to the objectives and purposes of the provisions of this Master Program and Chapter 90.58 RCW.
4. Ocean uses and activities conducted within Pacific County's and the State of Washington's jurisdiction shall comply with Chapter 43.143 (Ocean Resources Management Act) and WAC 173-26-360 (Ocean Management). Nothing in this subsection is intended to expand or modify the applicability of Chapter 43.143 RCW, WAC 173-26-360, or any subsections thereof, to ocean uses and activities not otherwise governed by those laws, administrative rules, or their subsections.

1.8 Effective Date

This Master Program and all amendments thereto shall take effect fourteen (14) days after written notice of final action from the Department of Ecology (Ecology) and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.

2 DEFINITIONS

As used in this Master Program, unless the context otherwise requires, the following terms shall have the given meanings. The meanings are not intended to conflict with, supplant or revise identical terms in the Act or regulations adopted pursuant to it, but are intended to supplement or clarify such words or phrases. Terms not defined are to be interpreted in light of the definitions, intent and other provisions of the Act and this Master Program.

ACCRETION - The process of growing or increasing by the gradual accumulation of additional layers, such as layers of sediment.

ACT - The Washington State Shorelines Management Act of 1971, RCW 90.58.

ADMINISTRATOR - The Director of the Pacific County Department of Community Development or his or her designee(s).

ADVERSE IMPACT - An impact that can be measured or is tangible and has a reasonable likelihood of causing moderate or greater harm to ecological functions or processes or other elements of the shoreline environment.

AGRICULTURE OR AGRICULTURAL ACTIVITY - Agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

~~**AGRICULTURAL ACTIVITIES, EXISTING AND ONGOING** - Those activities involved in the production of crops and livestock, including but not limited to operation, maintenance and conservation measures of farm and stock ponds, irrigation systems, any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system; changes between agricultural activities; and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. New activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conversation program. Forest practices are not included in this definition.~~

Commented [TB2]: County will need to include ag definitions verbatim from RCW.

AGRICULTURAL EQUIPMENT AND AGRICULTURAL FACILITIES - Includes, but is not limited to:

1. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;

2. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
3. Farm residences and associated equipment, lands, and facilities; and
4. Roadside stands and on-farm markets for marketing fruit or vegetables.

AGRICULTURAL LAND - Those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to these guidelines as evidenced by aerial photography or other documentation. After the effective date of this Master Program, land converted to agricultural use is subject to compliance with the requirements of this Master Program.

AGRICULTURAL PRODUCTS - Includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.

ALTERATION - Any human-induced change in an existing condition. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), draining, construction, compaction, excavation, or any other activity that changes the character of the area.

AMENDMENT - A revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.

ANADROMOUS FISH - Fish species that spend most of their life cycle in salt water, but return to fresh water to reproduce.

ANCHOR – A device used to secure a vessel.

APPURTENANCE – Structures and development necessarily connected to the use of a single family residence, and located within contiguous ownership of the primary residential use including: garage, decks, fences, driveway, utilities, septic tanks and drain-fields, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Appurtenances do not include bulkheads and other shoreline modifications or over-water structures, including tower stairs with landings at or below the ordinary high water line.

AQUACULTURE OR AQUACULTURE PRACTICES - The culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield or for subsistence, processing of aquatic plants and animals, ocean horticulture, and restoration and enhancement of existing native fish, shellfish, or other aquatic plants and animals. Methods of aquaculture include but are not limited to fish pens, shellfish rafts, racks and longlines, seaweed floats, and the culture of clams and oysters on tidelands and subtidal areas. Aquacultural practices include, but are not limited to: producing, breeding, or increasing aquacultural products; rotating and changing aquacultural crops; allowing land used for aquacultural activities to lie fallow; allowing land used for aquacultural activities to lie dormant as a result of adverse aquacultural market conditions; allowing land used for aquacultural activities to lie dormant because the land is subject to a conservation easement; conducting aquacultural operations; maintaining, repairing, and

replacing aquacultural equipment; maintaining, repairing, and replacing aquacultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining aquacultural lands under production or cultivation.

AQUACULTURAL ACTIVITIES, EXISTING AND ONGOING - Those activities involved in the production of aquacultural products, conducted on lands designated as aquacultural lands, or those lands where upland aquacultural activities occur in support of marine based aquaculture farm activities. New activities which bring an area into aquacultural use are not part of an ongoing activity. ~~An operation ceases to be ongoing when the area in which it was conducted is proposed for conversion to a nonaquacultural use or has lain idle for a period of longer than five years.~~

Commented [TB3]: Same approach as for agriculture definitions.

AQUACULTURAL ACTIVITIES, NEW– Those activities that are proposed to occur on lands not before used for the purpose of aquaculture; the culture of a new species that may have potentially significant adverse environmental impacts; or the use of new aquaculture techniques which may have potentially significant adverse environmental impacts.

AQUACULTURAL EQUIPMENT AND AQUACULTURAL FACILITIES - Includes, but is not limited to:

1. The following used in aquacultural operations: Equipment; machinery; vessels, barges, constructed shelters, buildings, shell/gravel storage and ponds; fences; upland shellfish rearing facilities; ,water withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
2. Corridors and facilities for transporting personnel, shellfish and equipment to, from, and within aquacultural lands;
3. Farm residences and associated equipment, lands, and facilities; and
4. Roadside stands and on-farm markets for marketing shellfish grown on the collective shellfish farm lands which may or may not be contiguous with the upland portion of the farm operation.

AQUACULTURAL LAND - Those specific land areas on which aquacultural activities are conducted that are included as Bush and Callow lands, are recognized as shellfish lands on the August 1936 "Gibbs" map, are documented as part of the Aquatic Farm Registration program under WDFW/WSDA, have been licensed under the WDOH license program, or are in some other way documented to have been used for commercial shellfish aquaculture purposes. A hard copy of the map is maintained by the County.

AQUACULTURAL PRODUCTS - Cultured aquatic products propagated, farmed, or cultivated on aquatic farms under the supervision and management of an aquatic farmer, or such products naturally set on lands under the active supervision and management of an aquatic farmer [WAC 220-77-020]. Aquacultural products include, but are not limited to Pacific oysters, native oysters, kumamoto oysters, eastern oysters, native littlenecks, manila clams, eastern softshell clams, cockles, horse clams, shells, or cultivated vegetation.

AQUATIC AREAS - Aquatic areas include the tidal waters and wetlands of the Pacific Ocean and estuaries, and non-tidal sloughs, streams, lakes and associated wetlands, and their associated beds waterward of the ordinary high water mark.

AQUATIC LANDS - The bed-lands (submerged at all times) and tidelands (submerged lands and beaches that are exposed and submerged with the ebb and flow of the tides) beneath the waters of lakes, rivers and marine waters and along their shores.

ARMORING - The addition of structures or material along the shoreline to decrease the impact of waves and currents or to prevent the erosion of banks or bluffs.

ASSOCIATED WETLANDS - Wetlands that are in proximity to and either influence or are influenced by a shoreline stream, lake, or tidal water. This influence includes, but is not limited to, one or more of the following: periodic inundation, location within a floodplain, or hydraulic continuity.

BANK - The terrain alongside the bed of a river, creek, or stream.

BEACH - Zone of unconsolidated material extending landward from the low water line to the seaward edge of shoreland vegetation.

BENTHIC – The ecological region at the lowest level of a body of water such as an ocean or a lake, including the sediment surface and some sub-surface layers.

BEST MANAGEMENT PRACTICES - Those practices determined to be the most efficient, practical and cost-effective measures identified to reduce or control impacts to water bodies from a particular activity, most commonly by reducing the loading of pollutants from such sources into ~~stormwater and~~ water bodies.

Commented [TB4]: Per SPC 11/4/15; "water bodies" is sufficient and appropriate for Pacific County.

BIOENGINEERING - The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

BIOTA – The plant and animal life of a region.

BOARD – The Pacific County Board of Commissioners.

BOAT LAUNCH – An area, structure, or equipment used to launch or retrieve boats.

BOATING FACILITIES - Developments and uses that support access to shoreline waters for purposes of boating, including marinas, community docks serving more than four single-family residences or multi-family units, public piers, and community or public boat launch facilities.

BONDING – Securing guaranteed funds of appropriate amounts so that ocean, marine, and aquatic construction and other activities once started are finished appropriately.

BREAKWATER - A protective structure usually built off-shore to protect beaches, bluffs, or harbor areas from wave action.

BUFFER - The area adjacent to a shoreline and/or critical area that separates and protects the area from adverse impacts associated with adjacent land uses.

BULKHEAD - A vertical wall of steel, timber, or concrete piling of solid or open pile construction.

BUOY - An anchoring device with a float used to secure a vessel.

CHANNEL MIGRATION ZONE (CMZ) - The area along a river or stream within which the channel can reasonably be expected to migrate over time as a result of normally occurring processes. It encompasses the area of current and historic lateral stream channel movement that is subject to erosion, bank destabilization, rapid stream incision, and/or channel shifting, as well as adjacent areas that are susceptible to channel erosion.

CHANNELIZATION - The straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees, for the purpose of preventing gradual, natural stream meander and progression.

CLEARING - The cutting or removal of vegetation or other organic plant materials by physical, mechanical, chemical, or any other means.

~~**COASTAL WATERS** – For the Federal Government, waters of the Pacific Ocean WashingtonState seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles. For Pacific County, coastal waters include from mean high tide seaward three miles; the waters of Willapa Bay; and, in the Columbia River, from mean higher high water waterward to the state's southern boundary~~**COMMERCIAL USE** - A use that involves wholesale or retail trade, or the provision of services.

Commented [TB5]: Definition comes from ORMA, but leaves a gap between 1) Cape Disappointment and the OR border and 2) between MHW and OHWM. Per discussion w/ECY, delete.

COMMISSION - The Pacific County Planning Commission.

COMMUNITY ACCESS - Access to the shoreline provided to a group of single-family residences in place of public access.

COMMUNITY DOCK - A single dock which serves three or more parcels subject to the jurisdiction of the Shoreline Management Act, and may have multiple slips. This term includes a dock intended to facilitate the general public's access to the water.

COMPENSATORY MITIGATION - A project for the purpose of mitigating, at an equivalent or greater level, unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented.

COMPREHENSIVE PLAN - The guiding policy document for all land use and development regulations in a defined area and for regional services throughout the area including transit, sewers, parks, trails and open space.

CONDITIONAL USE - A use, development, or substantial development which is classified as a conditional use or is not classified within this Master Program.

CONSERVATION - The prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.

CONTAMINANT - Any chemical, physical, biological, or radiological substance that does not occur naturally in groundwater, air, or soil or that occurs at concentrations greater than natural levels.

COUNTY - Pacific County, Washington.

CRITICAL AQUIFER RECHARGE AREA (CARA) - An area designated by WAC 365- 190-080(2) that is determined to have a critical recharging effect on aquifers (i.e., maintain the quality and quantity of water) used for potable water as defined by WAC 365-190-030(2).

CRITICAL AREAS - The following areas designated in RCW 36.70A.050: critical aquifer recharge areas, wetlands, geologically hazardous areas, frequently flooded areas, and fish, and wildlife habitat conservation areas.

CRITICAL FRESHWATER HABITATS - Includes those portions of streams, rivers, wetlands, lakes, and their associated channel migration zones and floodplains that provide habitat for priority species at any stage in their life cycles, and provide critical ecosystem-wide processes, as established in WAC 173-26-221(2)(c)(iv). This is distinguished from the term "Critical Habitat" as utilized in relation to the Endangered Species Act.

CRITICAL HABITAT – Habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating).

Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitats and Species (PHS) program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations.

CRITICAL SALTWATER HABITATS - Include all kelp beds, native eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants, and areas with which priority species have a primary association.

CULVERT - A device used to channel water.

CUMULATIVE IMPACTS - The impacts of development within the reasonably foreseeable future. Forecasting cumulative impacts within the shoreline jurisdiction is a part of the shoreline master program update.

DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION (DAHP) - Washington State Department of Archaeology and Historic Preservation. A state agency which tracks and advocates for the preservation of Washington's irreplaceable historic and cultural resources such as significant buildings, structures, sites, objects, and districts.

DAM - A barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

DEPARTMENT - The Pacific County Department of Community Development.

DEPOSITION - The laying, placing, or accumulation of any material.

DEVELOPMENT - The construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Master Program at any state of water level.

DEVELOPMENT STANDARDS - Controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

DIKE - A structure designed and built to prevent inundation of a parcel of land by water. A dike is considered new when placed on an area which: (1) has never previously been diked; or (2) has previously been diked, but all or a substantial part of the area is subject to daily inundation and tidal marsh has been established. Maintenance and repair refer to: (1) existing serviceable dikes (including those that allow some seasonal inundation); and (2) those that have been damaged by flooding, erosion, tide gate failure, etc., but where reversion to tidal marsh has not yet occurred.

DOCK - A pier or secured float or floats for boat tie-up or other water use, often associated with a specific land use on the adjacent shoreland, such as a residence, or water-oriented commercial or industrial use.

DREDGE or DREDGING - The removal of earth, gravel, sand or other mineral substances from the bottom of a stream, river, lake, bay, or other waterbody, including wetlands.

DRIFT CELL - An independent segment of shoreline, based on analysis of sediment processes, along which littoral movements of sediments occur at noticeable rates depending on wave energy and currents. Each drift cell typically includes one or more sources of sediment, such as a feeder bluff or stream outlet that spills sediment onto a beach, a transport zone within which the sediment drifts along the shore and an accretion area; an example of an accretion area is a sand spit where the drifted sediment material is deposited.

ECOLOGICAL FUNCTIONS or SHORELINE FUNCTIONS - The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(2)(c), or any amendment hereafter. Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, groundwater recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and floodwater attenuation and flood peak desynchronization, and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

ECOLOGICAL PROCESS or ECOSYSTEM-WIDE PROCESS - The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

ECOLOGICAL RESTORATION - See RESTORATION.

ECOLOGICAL VALUE - The magnitude of a given ecological function, typically expressed as worth to society or to a species' survival.

ECOLOGICALLY INTACT - Those shoreline areas that retain the majority of their natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses. In forested areas, they generally include native vegetation with diverse plant communities, multiple canopy layers, and the presence of large woody debris available for recruitment to adjacent water bodies. Recognizing that there is a continuum of ecological conditions ranging from near natural conditions to totally degraded and contaminated sites, this term is intended to delineate those shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments which could be lost or significantly reduced by human development. Whether or not a shoreline is ecologically intact is determined on a case-by-case basis.

ECOLOGY or WDOE - Washington State Department of Ecology.

ECOSYSTEM - A biological environment consisting of all the organisms living in a particular area, including humans, as well as all the nonliving, physical components of the environment with which the organisms interact, such as air, soil, water, and sunlight.

Commented [TB6]: Per SPC, 11/4/15.

EELGRASS - A flowering plant adapted to the marine environment that roots in sand or mud in shallow waters where waves and currents are not too severe. Eelgrass beds require high ambient light levels. For the purpose of implementing this Master Program, this definition does not include non-native, invasive eelgrass species.

EMERGENCY ACTIVITIES – Those activities that require immediate action within a time too short to allow full compliance with this Master Program due to an unanticipated and imminent threat to public health, safety, or the environment. Emergency construction does not include development of new permanent protective structures where none previously existed. All emergency construction shall be consistent with the policies of RCW 90.58 and this Master Program.

EMERGENT WETLAND - A wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

ENDANGERED - As it relates to species or habitats means listed and protected under the Endangered Species Act, indicating that the described species is in danger of extinction throughout all or a significant portion of its range.

ENHANCEMENT - Actions performed within an existing degraded shoreline, critical area and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species.

ENVIRONMENT DESIGNATION – A classification of a shoreline based on the existing land use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through the Comprehensive Plan as well as the criteria of WAC 173-26-211.

ENVIRONMENTAL LIMITATIONS - Limiting factors to new modifications or development, such as floodplains or unstable slopes.

EROSION – A process whereby wind, rain, water and other natural agents mobilize, transport, and deposit soil particles.

ESTUARY – An inlet of the sea reaching into a river or stream valley as far as the upper limit of tidal rise, usually divided into three sections, 1) a marine or lower estuary in free connection with the sea, 2) a middle estuary subject to strong salt and freshwater mixing, and 3) an upper or fluvial estuary, characterized by freshwater by subject to daily tidal action.

EXCAVATION - The mechanical removal of earthen material.

EXEMPTIONS - Uses and development that are not required to obtain a Substantial Development Permit, but which must otherwise comply with applicable provisions of the Act and this Master Program. Certain exempt developments must obtain a letter of exemption.

EXISTING LOTS - Lots, tracts, parcels, sites or other fractional part of divided land that was legally established in accordance with local and state subdivision requirements prior to the effective date of this Master Program.

EXISTING STRUCTURES - Structures that were legally constructed prior to the effective date of this Master Program in accordance with the requirements in effect at the time of construction.

EXISTING USES - Uses that were legally established prior to the effective date of this Master Program in accordance with the applicable regulations at the time established.

FEASIBLE - "Feasible" means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

FEEDER BLUFF - Also known as sea cliffs and coastal bluffs, are bluffs along the marine shoreline that are actively contributing, or feeding, sediment to beaches.

FEEDLOT - An enclosure or facility used or capable of being used for feeding all forms of livestock hay, grain, silage, or other feed, but does not include land for growing crops or vegetation for livestock feeding and/or grazing nor does it include normal livestock wintering operations.

FEMA FLOODPLAIN – All federally-designated lands along a river or stream that may be inundated by the base flood of a river or stream. See FLOODPLAIN.

FILL – The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

FISH AND WILDLIFE HABITAT CONSERVATION AREAS - Areas important for maintaining species in suitable habitats within their natural geographic distribution so that fragmented populations are not created.

FIXED STRUCTURES - Structures fixed to the seafloor, via anchor, piles, or other methods.

FLOAT - An anchored (not directly to the shore) floating platform that is free to rise and fall with water levels and is used for water-dependent recreational activities such as boat mooring, swimming, or diving. Floats may stand alone with no over-water connection to shore or may be located at the end of a pier or ramp.

FLOATING HOME - A single-family dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas due to the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD MANAGEMENT - A long-term program to reduce flood damages to life and property and to minimize public expenses due to flood through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

FLOODPLAIN – This term is synonymous with “one hundred-year floodplain” and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act. See FEMA FLOODPLAIN

FLOODWAY -The area, as identified in a master program, that either:

1. Has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) or floodway maps; or
2. Consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.

Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

FORAGE FISH - Small fish which breed prolifically and serve as food for predatory fish, such as herring or smelt.

FOREST LAND - All land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.

FOREST PRACTICES (COMMERCIAL FORESTRY) - Any activity conducted on or directly pertaining to forestland and relating to growing, harvesting or processing timber, including, but not limited to: Road and trail construction, Harvesting (final and intermediate), Pre-commercial thinning, Reforestation, Fertilization, Prevention and suppression of diseases and insects, Salvage of trees, and Brush control

FORESTED WETLAND - A wetland that supports a forested canopy over more than 30 percent of the habitat area as defined by the U.S. Fish and Wildlife Service Classification System for wetlands.

FREQUENTLY FLOODED AREAS - Lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property. Classifications of frequently flooded areas include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

GEOLOGICALLY HAZARDOUS AREAS - Areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose unacceptable risks to public health and safety and may not be suited for commercial, residential, or industrial development.

GOAL - The statements in Section 1.5(B) of this Master Program which express the aspirations that the citizens of the COUNTY have for the use and development of the shorelines of the state.

GRADING - Excavation or fill or any combination thereof, including by not limited to the establishment of a grade following the demolition of a structure or preparation of a site for construction or development. The movement or redistribution of soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

GROIN - A barrier-type structure extending waterward from the backshore across the beach to interrupt and trap sand movement.

GROUNDWATER - All the water that exists beneath the land surface or beneath the bed of any stream, lake, or reservoir, or any body of surface water.

GUIDELINES - Shoreline Management Act Guidelines for development of master programs, developed by the Department of Ecology to help local governments interpret and implement the Shoreline Management Act (Chapter 90.58 RCW), and, adopted by the Department of Ecology, and codified in Chapter 173-26 WAC, as amended.

Commented [TB7]: Reference to/context of RCW added per SPC recommendation, 11/4/15

HABITAT - The place where an organism lives; the place occupied by an entire community, such as a freshwater tidal marsh community.

HAZARDOUS AREA - Any shoreline area which is hazardous for intensive human use or structural development due to inherent and/or predictable physical conditions such as, but not limited to, geologically hazardous areas, frequently flooded areas, and coastal high hazard areas.

HAZARDOUS MATERIALS - Any substance containing such elements or compounds which, when discharged in any quantity in shoreline areas, present an imminent and/or substantial danger to public health or welfare; including, but not limited to, fish, shellfish, wildlife, water quality, and other shoreline features and property.

HIGH INTENSITY LAND USE - Land use that includes the following uses or activities: commercial, urban, industrial, institutional, retail sales, residential (more than one unit per acre), high-intensity agriculture, or high-intensity recreation.

HIGHEST ASTRONOMICAL TIDE (HAT) - The highest tidal water level which can be predicted to occur at a particular location under average meteorological conditions. The water elevation of the highest astronomical tide is expected to occur at a specific location. For Willapa Bay, official readings are observed at Toke Point Station over a 19-year period and reduced to mean values, then corrected to local tide stations at Nahcotta and Raymond. In the Willapa Bay Conservancy Shoreline Environment along the eastern shoreline of the Long Beach Peninsula, HAT for Nahcotta is used as a benchmark to establish setbacks and buffers for development proposals on shorelands. HAT may be landward of the ordinary high water mark within shoreline jurisdiction.

HISTORICAL RESOURCE - Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past.

HISTORIC SITE - Those sites that are eligible or listed on the Washington Heritage Register, National Register of Historic Places or any developed historic registry formally adopted by a local government.

HYDRIC SOIL – A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the approved federal wetland delineation manual and applicable regional supplement, as amended (RCW 36.70A.175).

HYDROGRAPHIC – Of or relating to the characteristic features of bodies of water, such as flow or depth.

IMPAIRMENT - Damage that compromises or reduces the strength or quality of the item. It is commonly used as a classification of water under the Clean Water Act meaning poor water quality.

IMPERVIOUS SURFACE - A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not

limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of surface and storm water runoff.

INDUSTRIAL DEVELOPMENT - Facilities for processing, manufacturing, and storing finished or partially finished goods; heavy vehicle dispatch and maintenance facilities; and similar facilities.

INSTITUTIONAL USE - Those public and/or private facilities having a primarily public-serving function, including, but not limited to, government offices, police and fire stations, libraries, activity centers, schools, health care facilities, educational and religious training centers, and water-oriented research facilities.

~~**IN STREAM STRUCTURES** - A structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose.~~

Commented [TB8]: SMP consistently uses "in-water structures" instead of this term; removed to avoid confusion.

INTERTIDAL - Between the tides, here considered to be that area between mean lower low water and mean higher high water.

INUNDATION - Spreading of water over land that is not normally submerged.

INVASIVE SPECIES - A species that is (1) non-native (or alien) to a specific geographic area; and (2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions.

IN-WATER DISPOSAL - The disposal of dredged material in the estuary, river or ocean.

IN-WATER STRUCTURE~~S~~ – A s~~S~~tructure~~s~~, placed by humans within a stream, river, lake, estuary or ocean waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, navigation, utility service transmission, fish habitat enhancement, or other purpose.

Commented [TB9]: Added per SPC recommendation 11/4/15. Intent is to make "in-water structure" more expansive in meaning than just water "impoundment." Common use of the term regionally includes anchored objects, such as buoys, lights, and other aids to navigation.

JETTIES - The largest of all navigational structures; they are made of rock or concrete and are used to stabilize the channel and improve the scour at the mouth of the estuary. They must be able to withstand extreme wave conditions and may alter longshore sand transport for many miles along the coast.

LAKE - A body of standing water in a depression of land or expanded part of a stream, of 20 acres or greater in total area. A lake is bounded by the ordinary high water mark, or where a stream enters the lake, the extension of the lake's ordinary high water mark within the stream.

LANDSLIDE HAZARD AREA - An area that, due to a combination of site conditions like slope inclination and relative soil permeability, is susceptible to mass wasting.

LANDSLIDE - A general term covering a wide variety of mass movement landforms and processes involving the downslope transport, under gravitational influence, of soil and rock material en masse; it includes debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rockslides, and rock falls.

LARGE WOODY DEBRIS (LWD) - A term used for non-living wood large enough to provide habitat or modify water movement when deposited along shorelines or in water bodies such as streams, rivers, and lakes.

LIQUEFACTION – A phenomenon in which the strength and stiffness of a soil is reduced by earthquake shaking or other rapid loading.

LITTORAL DRIFT - The sediment transport zone, including at a minimum an area from the ordinary high water mark offshore to sixty (60) feet from the Washington-Oregon border north to the Pacific County border.

Commented [TB10]: Revised per SPC recommendation 11/4/15. Actual littoral drift is often much larger; retained existing definition as a "minimum" area, since actual area may be beyond jurisdiction of the SMP.

LIVE-ABOARD - A vessel used as a residence, meaning full-time occupancy in a single location, for an uninterrupted period exceeding sixty (60) days in any calendar year.

LOT – A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts, or parcels. Where the context so indicates, lots, tracts or parcels may refer to subdivided lands not conforming to, or in violation of, zoning, or subdivision regulations.

LOW-INTENSITY - A characterization for activities which do not adversely alter the natural ecosystem functions.

MACROALGAE - Marine algae visible to the naked eye, such as kelp or other seaweeds.

MAINTENANCE or REPAIR - Those usual activities required to prevent a decline, lapse, or cessation from a lawfully established condition or to restore the character, scope, size, or design of a serviceable area, structure, or land use to a state comparable to its previously authorized and undamaged condition. This does not include any activities that change the character, scope, or size of the original structure, facility, utility, or improved area beyond the original design.

MARINAS - Facilities which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial fishing and charter fishing vessels. They are differentiated from docks/moorages by their larger scale, the provisions of significant land side services and/or the use of a solid breakwater (rock, bulkheading, etc.).

MARINE - A general term relating to the sea or ocean or to the science of oceanography.

MARSH - A low, flat wetland area on which the vegetation consists mainly of herbaceous plants such as cattails, bulrushes, tules, sedges, skunk cabbage or other hydrophytic plants. Shallow water usually stands on a marsh, at least during part of the year.

MASTER PROGRAM or **PROGRAM** - The County program for regulation and management of the shorelines of the state, as required by the Act (RCW 90.58.080), and including statements of goals and policies, use regulations, maps, diagrams, charts and any other text included in the Master Program. The enforceable provisions of the Master Program are embodied in this Master Program.

MEAN ANNUAL FLOW - The average of the daily or annual mean flows over a period of many years. Usually at least 10 consecutive years of stream flows are used to determine the mean annual flow.

MEAN HIGHER HIGH TIDE or MEAN HIGHER HIGH WATER - The elevation determined by averaging each day's highest tide over a period of 18.6 years.

MIGRATION (SALMONID) - The systematic movement of a salmon population from their natal freshwater streams, out to the open ocean, and back to the same stream where they hatched.

MINING/MINERAL EXTRACTION - The removal for economic use of minerals, petroleum resources, sands, gravels or other naturally occurring materials from the shorelands and/or the bed beneath an aquatic area.

MITIGATE - To alleviate the negative impacts of a particular action.

MITIGATION PLAN – A detailed plan indicating actions necessary to mitigate adverse impacts to critical areas.

MIXED USE - Within shoreline jurisdiction, a combination of compatible uses within one development, in which at least one water-dependent use is included.

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

MONITORING - Evaluating the impacts of development proposals over time on the biological, hydrological, and geological functions and processes and/or assessing the performance of required mitigation measures through the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features compared to baseline or pre-project conditions and/or reference sites.

MOORING - The location where a vessel can fasten to a fixed object such as a pier or quay, or to a floating object such as an anchor buoy.

MOORING STRUCTURES - Piers, docks, floats and buoys and their associated pilings, ramps, lifts and railways, as well as modifications that support boating facilities and marinas. Any mooring structure or grouping of structures that provide docking space for 10 or more boats is considered a marina.

MOUTH - A part of a stream where it pours into another stream, river, lake, reservoir, sea, or ocean.

MUDFLATS - A low-lying land of fine sediments and silt that is exposed at low tide and covered at high tide.

MULTI-FAMILY DWELLING - A single building, or portion thereof, designed for or occupied by two (2) or more families living independently of each other in separate dwelling units on one lot of record and for the purpose of this code, includes duplexes, triplexes, fourplexes, apartment buildings, and residential condominiums.

MUST - A mandate; the action is required.

NATIVE VEGETATION - Plant species that are indigenous and historically found in the local area.

NATURAL HYDROGRAPHIC CONDITIONS - The natural conditions for a particular time of year of water delivery and movement through a system.

NAVIGATION CHANNEL – Federally authorized channel(s).

NAVIGATIONAL STRUCTURES - Structures such as pile dikes, groins, fills, jetties and breakwaters that are installed to help maintain navigation channels, control erosion, or protect marinas and harbors by controlling water flow, wave action and sand movement.

NAVIGATIONAL WATERS - A water body that in its ordinary condition, or by being united with other water bodies, forms a continued route or area over which commerce or recreational activities are performed.

NEARSHORE HABITATS - Lie along the shoreline and include the strip of shallow water and the land immediately adjacent to the shoreline.

NO NET LOSS - A policy that means the maintenance of the aggregate total of the County's shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and prevented or mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to meet the no net loss requirement. The no net loss standard applies at multiple scales, starting with the cumulative impacts analysis at the county-wide scale to assess whether the implementation of the SMP will maintain functions, and extending to the project site as individual projects are proposed.

NONCONFORMING LOT - An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or this Master Program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as development conforms to all other requirements of this Master Program and the Act.

NONCONFORMING USE OR DEVELOPMENT- A shoreline use, structure, or development which was lawfully constructed or established prior to the effective date of the Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of the program.

NONWATER-ORIENTED USE - A use that is not water-dependent, water-related, or water-enjoyment. Nonwater-oriented uses have little or no relationship to the shoreline and are not considered priority uses under the Act, with the exception of single-family residences.

OCEAN DISPOSAL - The deliberate deposition or release of material in the Pacific Ocean, such as solid waste, industrial waste, radioactive waste, incineration and incinerator residue, dredged material, vessels, aircraft ordnance, platforms or other manmade structures.

OCEAN ENERGY PRODUCTION - Production of energy in a usable form directly in or on the ocean rather than extracting a raw material for transportation elsewhere to produce usable energy.

OCEAN EXPLORATION - Reconnaissance or survey work related to gathering information about geologic features and formations underlying or adjacent to marine waters. The Department of Ecology is responsible for issuing permits for oil and gas exploration activities pursuant to the Shoreline Management Act (RCW 90.58.550).

OCEAN MINING - Mining of metals, minerals, sand, and gravel resources from the sea floor.

OCEAN RESEARCH - Ocean research activities involve scientific investigation for the purpose of furthering knowledge and understanding. Investigation activities involving necessary and functionally related precursor activities to an ocean use or development may be considered exploration or part of the use or development. Since ocean research often involves activities and equipment, such as drilling and vessels, that also occur in exploration and ocean uses or developments, a case by case determination of the applicable regulations may be necessary.

OCEAN SALVAGE - Ocean salvage uses share characteristics of other ocean uses and involve relatively small sites occurring intermittently. Historic shipwreck salvage which combines aspects of recreation, exploration, research, and mining is an example of such a use.

OCEAN TRANSPORTATION - Ocean transportation uses includes such uses as: shipping (via vessel or pipeline), transferring between vessels, and off-shore storage of oil and gas; transport of other goods and commodities; and off-shore ports and airports. These activities may originate, conclude or pass through ocean waters in Washington's jurisdiction~~coastal waters~~ or are transporting a nonrenewable resource extracted from the outer continental shelf off Washington.

OCEAN USES - Activities or developments involving renewable and/or nonrenewable resources that occur ~~on~~ in waters of the Pacific Ocean and Willapa Bay ~~Washington's coastal waters~~ and includes their associated off shore, near shore, inland marine, shoreland, and upland facilities and the supply, service, and distribution activities, such as crew ships, circulating to and between the activities and developments. Ocean uses involving nonrenewable resources include such activities as extraction of oil, gas and minerals, energy production, disposal of waste products, and salvage. Ocean uses which generally involve sustainable use of renewable resources include commercial, recreational, and tribal fishing, aquaculture, recreation, shellfish harvesting, and pleasure craft activity.

OIL AND GAS DEVELOPMENT - The design and construction of off-shore and associated onshore support facilities. The Development stage occurs after planning and permitting are completed and before the flow or production of the oil or gas begins.

OIL AND GAS PRODUCTION - The operation and maintenance of facilities and other activities associated with the actual flow of oil or gas. If exploration for additional wells continues; and subsequent construction of facilities to enable additional oil or gas production from newly discovered wells occurs after oil or gas production begins, those activities are not considered activities associated with production and must comply with the regulations for exploration and development activities.

OIL AND GAS USES AND ACTIVITIES - The extraction of oil and gas resources from beneath the ocean.

OPEN SPACE - Any parcel or area of land or water not covered by structures, hard surfacing, parking areas and other impervious surfaces except for pedestrian or bicycle pathways, or sites dedicated for active or passive recreation, visual enjoyment or critical area development buffers.

ORDINARY HIGH WATER MARK(OHWM) - On all lakes, streams, and tidal water, that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

OVER WATER STRUCTURE - Any manmade structure that extends or hangs out over a waterbody or watercourse waterward of the ordinary high water mark, such as a dock, deck, bridge, or building.

PATHOGEN - A microbe or microorganism such as a virus, bacterium, prion, or fungus that causes disease in its animal or plant host.

PERMIT, SHORELINE - Any substantial development, variance, conditional use permit, or revision authorized under Chapter 90.58 RCW.

PERSON - An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated.

PIER - A rigid structure built over the water and typically constructed on piles, attached to the shore and used as a landing place for marine transport or for recreational purposes.

PILE DIKES - Flow-control structures that are used primarily in river systems and are made of closely spaced piling connected by timbers; usually they are perpendicular to the shore. They are constructed to increase scour in the navigation channel and/or control shoreline erosion by interrupting sand transport and encouraging sedimentation in the sheltered lee of the pile dike. A single pile dike is unusual; they are generally constructed in groups.

PILING/DOLPHIN INSTALLATION - The driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures moored floating structures, vessels or log rafts, or for other purposes. A dolphin is a group of piling held together by steel cable and used for mooring vessels, log rafts or floating structures.

PLATTED - Land that has been divided following the applicable laws for divisions of land under Title 17 PCC, including land subject to a current application for such division.

PRESERVATION - Actions taken to ensure the permanent protection of existing, ecologically, culturally, or historically important areas, structures, or species that a local government has deemed worthy of long-term protection.

PRIMARY DUNE - First dune above the intertidal zone.

Commented [TB11]: To be revised following meeting with ECY scheduled for 11/19/15.

PRIMARY STRUCTURE –A structure that accommodates the main purpose for which a site is developed and occupied.

PRIORITY HABITAT - A habitat type with a unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish or wildlife densities; comparatively high fish or wildlife species diversity; fish spawning habitat; important wildlife habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridors; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish beds. A priority habitat may be described by its unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(24).

PRIORITY SPECIES - Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014, as amended), threatened (WAC 232-12-011(1), as amended), or sensitive (WAC 232-12-011, as amended). State proposed species are those fish and wildlife species that will be reviewed by the Washington

Department of Fish and Wildlife (POL-M 6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297, as amended.

2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
4. Species listed by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service under the federal Endangered Species Act as either proposed, threatened, or endangered.

PROHIBITED - Not permitted to occur.

PUBLIC ACCESS - The ability of the general public or, in some cases, a specific community, to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

QUALIFIED PROFESSIONAL or QUALIFIED CONSULTANT - A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise and/or certification appropriate for the relevant subject. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and, unless otherwise specified in this SMP, have at least two years of related work experience.

REACH - A segment of shoreline and associated planning area that is mapped and described as a unit (for purposes of inventorying conditions) due to homogenous (similar) characteristics that include land use and/or natural environment characteristics.

RECREATION, HIGH INTENSITY - Recreation which requires specially built facilities, or occurs in such extent, degree or magnitude that it results in impacts to or requires modification of shoreline areas. Example of high intensity recreation include campgrounds, golf courses, boat launches, etc.

RECREATION, LOW INTENSITY - Recreation which does not require developed facilities and can be accommodated without change to the area or resource except for small improvements in shoreland areas involving minimal capital investment and not structures over 500 square feet in area. Examples of low-intensity recreation including boating, hunting, wildlife observation, beachcombing and picnicking. Examples of small improvements appropriate in shoreland areas including trails, picnic tables, restrooms, and viewing platform.

RECREATIONAL DEVELOPMENT - Includes commercial and public facilities designed and used to provide recreational opportunities to the public.

REPAIR – See MAINTENANCE.

RESIDENTIAL DEVELOPMENT - Buildings, structures or portions thereof that are designed and used as a place for human habitation. Included are single, duplex, or multi-family dwellings, mobile homes, manufactured homes, and other structures that serve to house people, as well as the creation of new residential lots through land division. This definition includes accessory uses common to normal

residential use, including but not limited to, residential appurtenances, accessory dwelling units, and home occupations.

RESOURCE-BASED USES - Uses that rely on natural renewable resources, including agriculture, aquaculture, forestry, or recreational uses.

RESOURCE ENHANCEMENT - The use of artificial or natural means to improve the quantity or quality of a specific resource.

RESTORATION - The reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

RETENTION - The portion of rainfall that does not escape a drainage basin as surface runoff; some of the water is retained in local soils and aquifers.

RIPARIAN VEGETATION - Vegetation that tolerates and/or requires moist conditions and periodic free flowing water, thus creating a transitional zone between aquatic and terrestrial habitats which provides cover, shade, and food sources for aquatic and terrestrial insects for fish species. Riparian vegetation and root systems stabilize streambanks, attenuate high water flows, provide wildlife habitat and travel corridors, and provide a source of limbs and other woody debris to terrestrial and aquatic ecosystems, which, in turn, stabilize streambeds.

RIP-RAP - Hard, angular quarry rock used to prevent erosion, scour or sloughing of a structure.

RIVER MILE - The distance measured from the mouth of a river, traveling upstream.

RUNOFF - Surface waters that flow overland during rain events and storms.

SALMON or **SALMONID** - The common name for several species of fish of the family *Salmonidae.* Typically, salmon are anadromous; they are born in fresh water, migrate to the ocean, then return to fresh water to reproduce.

SEDIMENT TRANSPORT - The movement and carrying away of sediment by natural agents, especially the conveyance by stream.

SETBACK - The part of a facility that lies between the active area and the property boundary, or between a building and the area being protected, including, but not limited to, critical areas, shorelines, and associated buffers.

SHALL - A mandate; the action must be done.

SHELLFISH BEDS - A general area of shoreline, both intertidal and subtidal, where shellfish congregate. This includes natural subsistence, recreational and commercial beds. Shellfish include, but are not limited to, abalone, hardshell clam, subtidal clam, Dungeness crab, geoduck clam, manila clam, oysters, razor clam, pandalid shrimp and red urchin.

SHORELANDS or **SHORELAND AREAS** - 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 Chapter 90.58 RCW.

SHORELINE HEARINGS BOARD - A six member quasi-judicial body, created by the Shoreline Management Act (RCW 90.58.170), which hears appeals by any aggrieved party on the issuance of a shoreline permit or enforcement penalty, and appeals by the County on Department of Ecology approval of rules, regulations, guidelines or designations under the Shoreline Management Act.

SHORELINE JURISDICTION - All shorelines of the state and shorelands as defined in RCW 90.58.030.

SHORELINE MAP or **MAP** - The maps associated with this Master Program on which is shown the approximate jurisdiction of the Act and this Master Program, and also the boundaries of the environments.

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

SHORELINE STABILIZATION - Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural and nonstructural methods. Nonstructural methods, for example, include approaches such as building setbacks, structure relocation, groundwater management, and land use planning. Structural methods can be “hard” or “soft”. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while "soft" structural measures rely on less rigid materials, such as bioengineering vegetation measures or beach enhancement. “Hybrid” structures are a composite of both soft and hard elements along the length of the armoring. Generally, the harder the construction measure, the greater the impact on shoreline processes including sediment transport, geomorphology, and biological functions.

There are a range of measures for shoreline stabilization, varying from soft to hard that include, but are not limited to the following "Soft" measures:

1. Vegetation enhancement;
2. Beach enhancement;
3. Bioengineering measures;
4. Anchor logs and stumps; and
5. Gravel placement / beach nourishment.

and "Hard" measures:

1. Rock revetments;
2. Gabions;
3. Groins;
4. Bulkheads; and
5. Seawalls.

SHORELINES - All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes

SHORELINES OF STATEWIDE SIGNIFICANCE - Shall have the meaning defined by RCW 90.58.030(2)(f).

SHORELINES OF THE STATE - The total of all "shorelines" and "shorelines of state-wide significance" within the COUNTY.

SHOULD - The particular action is required unless there is a demonstrated compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

SIGNIFICANT EFFECT ON THE ENVIRONMENT - A substantial, or potentially substantial, adverse change in the environment, which includes humans and human uses.

STATEMENT OF EXEMPTION - A written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Master Program.

STORMWATER - Water that accumulates on land as a result of storms and can include runoff from urban areas such as roads and roofs.

STREAMS - Those areas where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition includes drainage ditches or other artificial watercourses where natural streams existed prior to human alteration, and the waterway is used by anadromous or resident salmonid or other fish populations.

STREAM ALTERATION - Realignment of a stream, either within or outside of its normal high water boundaries.

STRUCTURAL ALTERATION - Any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams or girders or any structural changes in the roof or in the exterior walls.

STRUCTURE - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

SUBSTANTIAL DEVELOPMENT - Any development of which the total cost or fair market value exceeds $6,416, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in RCW 90.58.030(3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. (The consumer price index means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the Bureau of Labor and Statistics, United States Department of Labor.) The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. For the purpose of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated or found labor, equipment or materials. See WAC 173-27-040, as amended, for a list of developments that are not considered substantial.

SUBSTRATE - The underlying bed layer that makes up the bottom of a ~~lake or stream~~water body, frequently composed of rock, gravel, sand, organic material, or a combination of these materials.

Commented [TB12]: Revised per SPC recommendation 11/4/15, to ensure inclusion of marine and estuarine substrates.

SUSTAINABLE USE – A use, or a method of using, that operates in a way and at a rate that does not lead to the long-term decline of resources, thereby maintaining its potential to meet the needs of present and future generations.

Commented [TB13]: Definition added per SPC recommendation, 11/4/15. "Sustainable use" is used in several locations throughout the SMP.

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TECHNICALLY COMPLETE - An application for a permit under this Master Program meets the requirements of Section 5 of Pacific County Ordinance No. 164 or any amendments thereto.

TIDAL - Related to or affected by the tides, which are a daily shift in local water heights due to the gravitational pull of the moon.

TIDAL WATERS - Marine and estuarine waters bounded by the ordinary high water mark.

TIDELANDS - Those tidal marshes, tidal mudflats and other submerged lands which are inundated by the Highest Astronomical Tide, as defined in official tide tables. Tidelands, as defined herein, do not include the additional areas inundated by storm surges or heavy runoff which raise the levels above predicted elevations.

TRANSPORTATION – Systems for automobiles, public transportation, pedestrians, bicycles, and boats. Transportation facilities include, but are not limited to, roads, parking facilities, bridges, sidewalks, and railroads.

UPLAND – Lands landward of the ordinary high water mark.

URBAN GROWTH AREA (UGA) - A local government's regulatory measure for delineating an area for urban growth over a period of time. Land within UGA boundaries is made available for urban levels of development, while land outside the UGA remains primarily for rural farming, forestry, or low-density residential development.

USE - The end to which a land or water area is ultimately employed.

UTILITIES - All lines and facilities used to distribute, collect, transmit, or control electrical power, natural gas, petroleum products, information (telecommunications), water, and sewage.

VARIANCE - To grant relief from the specific bulk, dimensional or performance standards set forth in this Master Program and not a means to vary a use of a shoreline.

WATER-DEPENDENT USE – A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples of such uses and activities which can only be carried out on, in, or adjacent to water, and the water location or access must be needed are:

1. Water-borne transportation (navigation; moorage; fueling and servicing of ships or boats; terminal and transfer facilities; resource and material receiving and shipping);
2. Recreation (active recreation such as swimming, boating or fishing);
3. A source of water (~~energy production,~~ cooling of industrial equipment of wastewater, other industrial processes, aquaculture operations); or
4. Marine research or education (viewing, sampling, recording information, conducting experiments, teaching).

Commented [TB14]: Removed per SPC recommendation, 11/4/15

WATER-ENJOYMENT USE - A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which

through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be available to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water enjoyment uses may include, but are not limited to: Parks with activities enhanced by proximity to the water; Piers and other over water improvements that include substantial public access to shorelines of the state; Restaurants that directly incorporate visual access to and enjoyment of the water; Museums with an orientation to shoreline topics; Aquariums; and Resorts that directly incorporate access to and enjoyment of the water. Passive recreation activities such as walking or viewing are also considered to be water-enjoyment.

WATER-ORIENTED USE - Any water-dependent, water-related, or water-enjoyment use.

WATER-RELATED – A use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

WATER QUALITY - The physical characteristics of water, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in RCW 90.58, the term "water quantity" refers only to development and uses regulated under RCW 90.58 and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

WATERSHED - A geographic region within which water drains into a particular river, stream or body of water.

WATERSHED PROCESSES - The movement of water, sediment, nutrients, pathogens, toxic, compounds, and wood through the landscape.

WEIR - A structure that impounds, diverts or uses water for hydraulic generation and transmission, flood control, irrigation, water supply, recreational or fisheries enhancement.

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

3 SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATIONS

3.1 Shoreline Jurisdiction [current SMP Section 25.A]

A. The geographic extent of the land and water areas subject to the jurisdiction of the Act shall be as designated by criteria given in state regulation WAC 173-22, as amended, and by designation in RCW 90.58.030(2). Within Pacific County, the waters listed in Table 3-1 are considered "shorelines of the state" and are subject to the provisions of this Master Program.

Table 3-1. Waterbodies in Pacific County shoreline jurisdiction.

Shoreline Rivers and Streams		
Alder Creek	Godes Creek	*Seal Slough*
Archer Creek	Grays River	Skidmore Slough
Bean Creek	Half Moon Creek	Smith Creek
Bear River	Hull Creek	South Fork Grays River
Blaney Creek	Johnson Creek	South Fork Palix River
Bone River	Little Elk Creek	South Fork Willapa River
Brock Creek	Lower Salmon Creek	South Naselle River
Butte Creek	*Mailboat Slough*	South Nemah River
Canon River	Middle Nemah River	Sweigiler Creek
Canyon Creek	Mill Creek	Swem Creek
Cedar River	Mitchell Creek	Trap Creek
Chinook River	Moss Creek	Unnamed Tributary to Canon River
Clearwater Creek	Naselle River	Unnamed Tributary to Fall River
Columbia River*	Niawakum River	Unnamed Tributary to Grays River
Crim Creek	North Fork Cedar River	Unnamed Tributary to Grays River (2)
Davis Creek	North Fork Fairchild Creek	Unnamed Tributary to Hull Creek
Dell Creek	North Fork Palix River	Unnamed Tributary to North Fork Naselle River
East Fork Grays River	North Fork Wilson Creek	Unnamed Tributary to North Fork Palix River
Eight Creek	North Fork Naselle River	Unnamed Tributary to Smith Creek
Elk Creek	North Nemah River	Unnamed Tributary to West Fork Grays River
Elk Creek (2)	North River*	Walker Creek
Elkhorn Creek	Palix River	Wallacut River
Ellis Creek	*Pete's Creek*	Ward Creek
Ellsworth Creek	Raimie Creek	West Fork Elkhorn Creek
Fairchild Creek	Redfield Creek	West Fork Grays River
Fall River	Robinson Creek	West Fork Rue Creek

Commented [TB15]: Names in italics may not be part of jurisdiction; to be confirmed.

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Falls Creek	Rock Creek	Whitcomb Creek
Fern Creek	Rue Creek	Willapa River*
Finn Creek	Salmon Creek	Williams Creek
Fork Creek	Schlick Creek	Wilson Creek
Shoreline Lakes		
Black Lake	Indian Creek Dam	Pauls Lake
Cranberry Lake	Island Lake	Skating Lake
Hines Marsh East and West	Loomis Lake	
Unnamed Lake north of Loomis Lake	Mallard/Lost Lake	
Marine Shorelines		
Pacific Ocean *	Willapa Bay*	

* Shorelines of Statewide Significance

B. Maps indicating the lateral extent of shoreline jurisdiction and shoreline environment designations are for guidance only. They are to be used in conjunction with the most current, accurate, and complete scientific and technical information available; field investigations; and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Master Program.

3.2 Shoreline Environment Designations

A. Natural.

1. Purpose. The purpose of the "natural" environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. [WAC 173-26-211(5)(a)(i)]

2. Designation criteria. A "natural" environment designation shall be assigned to shoreline areas if any of the following characteristics apply: [WAC 173-26-211(5)(a)(iii)]

   a. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;

   b. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest;

   c. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety; or

   d. The shoreline includes largely undisturbed portions of shoreline areas such as wetlands, estuaries, unstable bluffs, coastal dunes, spits, and ecologically intact shoreline habitats.

3. Management policies. [current SMP Section 3.B.16 Natural Environment]
    a. Restrict or prohibit uses or developments which would significantly degrade the ecological functions or alter the natural character of the shoreline area.
    b. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed. Do not allow the subdivision of property in a configuration that, to achieve its intended purpose, will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. [WAC 173-26-211(5)(a)(ii)(G)]
    c. Permit access for scientific, historical, educational, and low-intensity recreational purposes, provided that no significant adverse impact on the area will result.
    d. Ensure that uses and activities permitted in locations adjacent to shorelines designated Natural are compatible and will not compromise the integrity of the natural environment.
    e. Ensure that developments within the Natural environment are compatible with uses and activities in adjacent (including aquatic) environments.
    f. The following uses should not be allowed in the Natural environment: [WAC 173-26-211(5)(a)(ii)(B)]
        i. Commercial uses;
        ii. Industrial uses;
        iii. Nonwater-oriented recreation; and
        iv. Roads, utility corridors, and parking areas that can be located outside of Natural designated shorelines.
    g. Prioritize preservation of resources over public access, recreation and development whenever a conflict exists.
    h. Plan for the restoration of degraded Natural environment shorelines. [SPC Shoreline Use and Modifications Matrix 051115]
    i. Agricultural uses of a very low-intensity nature may be consistent with the Natural environment when such use is subject to appropriate limitations or conditions to assure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation. [WAC 173-26-211(5)(a)(ii)(E)]

B. Rural Conservancy.
    1. Purpose. The purpose of the "rural conservancy" environment is to protect ecological functions, conserve natural resources and valuable historic and cultural areas in order to provide for sustained resource uses, achieve natural flood plain processes, and provide recreational opportunities. [WAC 173-26-211(5)(b)(i)] Examples of uses that are appropriate in a Rural Conservancy environment include low-impact outdoor recreation uses, forest production, agricultural uses, aquaculture, low-intensity residential

development, and natural resource-based low-intensity uses. [Shoreline Use and Modifications Matrix 051115]

2. Designation criteria. A "rural conservancy" environment designation shall be assigned to shoreline areas outside incorporated municipalities and outside urban growth areas, as defined in RCW 36.70A.110, if any of the following characteristics apply: [WAC 173-26-211(5)(b)(iii)]
    a. The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;
    b. The shoreline is currently accommodating low-density residential uses but are subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or floodplains or other flood-prone areas;
    c. The shoreline is of high recreational value or with unique historic or cultural resources; or
    d. The shoreline has low-intensity water-dependent uses.
3. Management policies. [current SMP Section 3.B.14 Rural Environment, modified per SPC recommendation]
    a. Uses should be limited to those which sustain the shoreline area's physical and biological resources, and those of a non-permanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area. Developments or uses that would substantially degrade or permanently deplete the physical and biological resources of the area should not be allowed.
    b. New development should be designed and located to preclude the need for shoreline stabilization. New shoreline stabilization or flood control measures should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied.
    c. Residential development standards should ensure no net loss of shoreline ecological functions and should preserve the existing character of the shoreline consistent with the purpose of the Rural Conservancy environment.
    d. Low-intensity, water-oriented commercial uses may be permitted in the limited instances where those uses have been located in the past or at unique sites in rural communities that possess shoreline conditions and services to support the development.
    e. Water-dependent and water-enjoyment recreation facilities that do not deplete shoreline natural resources over time, such as boating facilities, angling, hunting, and wildlife viewing trails and swimming beaches, are preferred uses, provided significant adverse impacts to the shoreline area are mitigated.
    f. Agriculture, commercial forestry, and aquaculture, when consistent with this Master Program, may be allowed.

C. Shoreline Residential.

1. Purpose. The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with this Master Program. An additional purpose is to provide appropriate public access and recreational uses. [WAC 173-26-211(5)(f)(a)(i)]
2. Designation criteria. The Shoreline Residential environment designation shall be assigned to areas of more intense development that are predominantly single-family or multifamily residential development or are planned and platted for residential development. [WAC 173-26-211(5)(f)(a)(iii)]
3. Management policies.
   a. Development should assure no net loss of shoreline ecological functions. New residential development should take into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
   b. Multi-family and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities in compliance with this Master Program.
   c. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.
   d. New commercial development should be limited to water-oriented uses.

D. 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. [WAC 173-26-211(5)(d)(i)]
2. Designation criteria. A "high-intensity" environment designation shall be assigned to those shoreline areas owned or managed by the public Ports of Pacific County or other areas which support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water-oriented uses (e.g., Bay Center, Tokeland). These High Intensity designations border Willapa Bay Estuary and Willapa Bay Conservancy environment designations. ~~The high intensity designation does not apply to lands managed by separate Shoreline Master Programs or lands adjoining Ports' boundaries.~~

Commented [TB16]: From ECY: Is there consideration given to the existing ecological conditions on any undeveloped Port lands? High Intensity may not be appropriate for undisturbed areas with high ecological function, regardless of ownership.

3. Management policies. [current SMP Section 3.B.13 Urban Environment, modified per SPC recommendation]
   a. Give priority for development and use first to water-dependent uses, then to water-related, then water-enjoyment uses.
   b. Full utilization of existing developed areas should be achieved before further expansion of intensive development is allowed. Consideration should be given to the potential for displacement of non-water-oriented uses with water-oriented uses when analyzing full utilization of urban waterfronts and before considering expansion of such areas.

c. New non-water-oriented uses should not be allowed except:

i. As part of a mixed use development that includes at least one water-dependent use;

ii. In limited situations where they do not conflict with or limit opportunities for water-oriented uses; or

iii. On sites where there is no direct access to the shoreline.

d. Ensure that developments within the High Intensity environment are compatible with uses and activities in adjacent (including aquatic) environments.

e. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

f. Where feasible, visual and physical public access should be required.

g. Aesthetic objectives should be implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.

E. Coastal Conservancy.

1. Purpose. The purpose of the "coastal conservancy" environment is to protect to the highest degree possible and, where feasible, restore coastal ocean shorelands within Pacific County; conserve wildlife; and manage the unique characteristics and resources of the shoreland areas, landward of the ordinary high water mark on the Pacific Ocean shorelines of Pacific County.

2. Designation criteria. A "coastal conservancy" environment designation shall be assigned to those shoreline areas landward of the ordinary high water mark and inclusive of dunes and adjacent wetlands. These shorelines have one or more of the following characteristics, which provide a high-recreational value and present environmental limitations to development.

a. Beaches;

b. Dunes;

c. Wetlands;

d. Sediment sources; and/or

e. Cliffs.

3. Management policies.

a. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and only when the impacts are mitigated following mitigation sequencing.

b. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic and geologic conditions.

c. Shoreline space should be reserved for shoreline preferred uses, while considering such things as existing upland and in-water uses; water quality; navigation; presence of aquatic vegetation; existing shellfish and fishing; critical habitats; aesthetics; public access; and views.

d. Setbacks for construction of residential, water-related, and non-water-dependent uses should be made from established benchmarks, and these setbacks may vary by reach.

e. Dunes provide protection of landward development from coastal inundation both now and in the future.

f. New development should be designed and located to preclude the need for shoreline stabilization. New shoreline stabilization or flood control measures should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied.

F. Willapa Bay Conservancy.

1. Purpose. The purpose of the "Willapa Bay conservancy" environment is to protect to the highest degree possible and, where feasible, restore Willapa Bay shorelands; conserve wildlife; and manage the unique characteristics and resources of the shoreland areas landward of the ordinary high water mark in Willapa Bay. [Shoreline Use and Modifications Matrix 051115] Together with the Willapa Bay Estuary environment, an additional purpose of this environment is to provide for the diverse uses of the interconnected shorelines within Willapa Bay, which support aquaculture, residential, agriculture, forestry, and refuge/conservancy uses. [modified from Shoreline Use and Modifications Matrix 032615]

2. Designation criteria. Unless otherwise noted in maps, a "Willapa Bay conservancy" environment designation shall be assigned to those shoreline areas adjacent to Willapa Bay, defined as those marine waters east of a north-south line connecting 46˚44.76 N, 124˚05.76 W and 46˚38.93 N, 124˚04.33 W, landward of the ordinary high water mark, and inclusive of uplands and associated freshwater wetlands adjacent to tidelands. These areas are generally characterized by the following development patterns

a. The shoreline is currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands pursuant to RCW 36.70A.170;

b. The shoreline is currently accommodating low-density residential uses but are subject to environmental limitations, such as properties that include or are adjacent to wetlands, steep banks, feeder bluffs, or floodplains or other flood-prone areas;

c. The shoreline is of high recreational value or with unique historic or cultural resources; or

d. The shoreline has low-intensity water-dependent uses.

3. Management policies. [modified from current SMP Section 3.B.15 Conservancy Environment] [replaced with text from Shoreline Use and Modifications Matrix 051115]

   a. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and only when the impacts are mitigated following mitigation sequencing.

   b. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

   c. Shoreline space should be reserved for shoreline preferred uses, while considering such things as existing upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical habitats, aesthetics, public access, and views.

   d. Highest Astronomical Tide (HAT) as recorded at Nahcotta shall be used as a benchmark to establish setbacks and buffers for the protection of the western shore reaches of Willapa Bay Conservancy shorelines (specifically the eastern Long Beach Peninsula).

   e. New development should be designed and located to preclude the need for shoreline stabilization. New shoreline stabilization or flood control measures should only be allowed where there is a documented need to protect an existing structure or ecological functions and mitigation is applied.

G. Coastal Ocean.

1. Purpose. The purpose of the "coastal ocean" environment is to recognize the biological productivity of the ocean environment and protect and conserve to the highest degree possible established pot, line, and net fishing grounds; migratory bird flyways; marine mammal migration routes; fish and invertebrate habitat; and beaches through sand and littoral drift management below the ordinary high water mark. [Shoreline Use and Modifications Matrix 051115]

2. Designation criteria. A "coastal ocean" environment designation shall be assigned to those areas waterward of the ordinary high water mark and extending to and inclusive of the western ~~territorial~~ boundary of Washington State and to the boundary ~~of territorial waters~~ of Oregon State, including marine waters west of a north-south line connecting 46˚44.76 N, 124˚05.76 W and 46˚38.93 N, 124˚04.33 W, excluding areas otherwise designated as Coastal Ocean High Intensity. These shorelines have one or more of the following characteristics: [Shoreline Use and Modifications Matrix 051115]

   a. Documented fishing grounds;

   b. Flyways and migration routes;

   c. Endangered Species Act-listed wildlife;

   d. Estuaries that support Endangered Species Act-listed salmonid rearing;

   e. Intact drift cell processes, including but not limited to sediment source, transport, and deposition;

Commented [TB17]: Revised per SPC recommendation, 11/4/15; lat/lon line added.

f. Documented forage fish spawning habitats;

g. Intertidal and subtidal shellfish areas, including those for razor clams and crab; and/or

h. Migratory waterfowl under United States treaties.

3. Management policies.

a. New overwater structures should be allowed only for water-dependent uses, public access, or ecological restoration.

b. Permanently anchored or fixed structures should be prohibited, including submerged cables or pipelines. Temporary structures or single-point anchor systems, which support navigation aids such as buoys and scientific measurement or data-gathering structures, should be allowed.

c. The size of new in-water and overwater structures should be limited to the minimum necessary to support the structure's intended use. The structure or use should be located and designed to ensure that the project does not conflict with existing water-dependent uses.

d. All developments and uses on navigable waters or their beds should be located and designed to avoid and minimize interference with surface navigation and ongoing fishing activities; to consider impacts to views; and to allow for the passage of fish and wildlife, particularly those species dependent on migration.

e. Uses that adversely impact the ecological functions of critical saltwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and only when the impacts are mitigated following mitigation sequencing.

f. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

~~f.~~g. Ocean uses should be timed to minimize impact on ecosystem functions, sensitive species, and particularly vulnerable life stages of ecologically and commercially significant species.

Commented [TB18]: SPC refined definition of "permanently anchored or fixed structures" to exclude single-point anchored systems and temporary (2 year) structures. See Table 5-1.

Commented [SS19]: SPC suggested policy to address timing relative to biologically sensitive windows, as well as policy to protect existing sustainable uses. Timing addressed in g. We believed that protection of existing sustainable uses is already addressed in d.

H. Coastal Ocean High Intensity.

1. Purpose. The purpose of the "coastal ocean high intensity" environment is to recognize the intensely-managed and closely-monitored shipping channel connecting the Columbia River and the Pacific Ocean, and to provide for commercial and recreational vessel traffic, dredging, and the disposal of dredge materials. [Shoreline and Use Modifications Matrix 051115]

2. Designation criteria. A "coastal ocean high intensity" environment designation shall be assigned to those shoreline areas ~~that serve as shipping connections between the Columbia River and the Pacific Ocean. These include those shoreline areas~~ waterward of the ordinary high water mark along the County's southern shoreline, ~~beginning upriver~~ bounded to the east by ~~at~~ River Mile Three (3) of the Columbia River (just east of Jetty A), to the south by the Washington-Oregon border, to the north by ~~and extending~~

~~westward from Jetty A across the Columbia River deep draft channel and northward to~~ a line drawn west from the westernmost base of North Head, and extending westward to include areas with waters less than 25 feet in depth (relative to mean-low-low-water) and to include the shallow water disposal site within the County's waters (the full extent of the shallow water disposal site is defined by the following boundaries: 46 15 31.64 N 124 05 09.72 W, 46 14 17.66 N 124 07 14.54 W, 46 15 02.87 N 124 08 11.47 W X, 46 15 52.77 N 124 05 42.92 W)~~.~~. The eastern and western boundaries may shift in geographic location over time with changes in the location of the OHWM and ocean depths. ~~[Shoreline Use and Modifications Matrix 032615]~~

3. Management policies.
   a. All ocean disposal sites should minimize interference and impact to fishing.
   b. Ocean disposal should comply with all applicable local, state, and federal laws and regulations. Where conflicts arise, the more stringent regulations should apply.
   c. Disposal of dredge material through direct beach enhancement and at locations based on best available science is preferred.
   d. Uses and activities should assure no net loss of shoreline ecological functions. Where applicable, uses should include environmental cleanup and restoration of the shoreline area in accordance with any relevant state and federal law. [modified from WAC 173-26-211(5)(d)(ii)(C)]
   e. Where feasible, visual and physical public access should be required. [WAC 173-26-211(5)(d)(ii)(D)]
   ~~e.~~f. All developments and uses on navigable waters or their beds should be located and designed to avoid and minimize interference with surface navigation and ongoing fishing activities; to consider impacts to views; and to allow for the passage of fish and wildlife, particularly those species dependent on migration.

I. Willapa Bay Estuary.

1. Purpose. The purpose of the "Willapa Bay Estuary" environment is to protect to the highest degree possible and, where feasible, restore Willapa Bay waters and their underlying bedlands deemed vital for salmon and shellfish, and to manage the unique characteristics and resources of the areas waterward of the ordinary high water mark in Willapa Bay. [Shoreline Use and Modifications Matrix 051115] Together with the Willapa Bay Conservancy environment, an additional purpose of this environment is to provide for the diverse uses of the interconnected shorelines within Willapa Bay, which support aquaculture, residential, agriculture, forestry, and refuge/conservancy uses. [modified from Shoreline Use and Modifications Matrix 032615]
2. Designation criteria. The Willapa Bay Estuary environment designation shall be assigned to the area waterward of the ordinary high water mark in Willapa Bay including tidal marshes and waters extending upstream to the upper extent of tidal influence.
3. Management policies. [Shoreline Use and Modifications Matrix 051115]
   a. New overwater structures should be allowed only for water-dependent uses, public access, or ecological restoration.

Commented [SS20]: This description reflects input that was initially received from the SPC that has since been clarified through discussions with Dale Beasley.

Commented [SS21]: Added per SPC recommendation to include policy protecting sustainable uses. We believe that fishing is the primary use that is being referenced, so we added this from the Coastal Ocean policies.

b. The size of new overwater structures should be limited to the minimum necessary to support the structure's intended use. The structure or use should be located and designed to minimize interference with surface navigation; to consider impacts to public views; to allow for the passage of fish and wildlife, particularly those species dependent on migration; and to ensure that the project does not conflict with existing water-dependent uses.

c. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple water-dependent and water-related uses of overwater facilities should be encouraged.

d. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation; to consider impacts to views; and to allow for the passage of fish and wildlife.

e. Uses that adversely impact the ecological functions of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and only when the impacts are mitigated following mitigation sequencing.

f. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

g. Shoreline space should be reserved for shoreline preferred uses, while considering such things as existing upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish growing areas and critical habitats, natural habitats, aesthetics, public access, and views.

J. Columbia River Estuary.

1. Purpose. The purpose of the "Columbia River Estuary" environment is to protect and restore the ecological functions of the Columbia River waterway within Pacific County, including its associated wetlands, open space, floodplain, and other sensitive lands where they exist in both urban and undeveloped settings, while allowing for a variety of compatible uses. An additional use is to recognize and provide for priority uses, including transportation, public access, and commercial uses. [Shoreline Use and Modifications Matrix 032615 and 051115]

2. Designation criteria. A "Columbia River Estuary" environment designation shall be assigned to those aquatic areas on the Columbia River, waterward of the ordinary high water mark, between Jetty A to the west and the County border to the east, south to the Oregon-Washington border. [Shoreline Use and Modifications Matrix 032615]

3. Management policies.

a. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting. [WAC 173-26-211(5)(e)(ii)(A)]

b. Within the primary allowed uses, prioritize transportation, public access, and commercial uses. [Shoreline Use and Modifications Matrix 032615]

c. Standards for development within Columbia River Estuary shorelines should ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values. [based on WAC 173-26-211(5)(e)(ii)(B)]

d. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated. [WAC 173-26-211(5)(e)(ii)(C)]

e. Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority. [WAC 173-26-211(5)(e)(ii)(D)]

K. Freshwater Aquatic.

1. Purpose. The purpose of the "Freshwater 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. The Freshwater Aquatic environment designation shall be assigned to areas waterward of the ordinary high water mark which are not otherwise designated as Willapa Bay Estuary, Columbia River Estuary, Coastal Ocean, or Coastal Ocean High Intensity.

3. Management policies.

a. New overwater structures should be allowed only for water-dependent uses, public access, or ecological restoration.

b. The size of new overwater 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 uses of overwater facilities should be encouraged.

d. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation; to consider impacts to views; and to allow for the passage of fish and wildlife.

e. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and only when the impacts are mitigated following mitigation sequencing.

f. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

g. Shoreline space should be reserved for shoreline preferred uses, while considering such things as upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing shellfish protection districts and critical habitats, aesthetics, public access, and views.

3.3 Environment Designation Interpretation

A. 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:

   1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

   2. In cases where boundary line adjustments or subdivisions occur, the designation applied to the original parcel prior to the boundary line adjustment or subdivision shall not change as a result. The shoreline designation can be re-designated through an SMP amendment.

   3. Boundaries indicated as approximately following roads and railroads shall be respectively construed to follow the nearest right-of-way edge.

   4. Boundaries indicated as approximately parallel to or extensions of features indicated in (1), (2), or (3) above shall be so construed.

B. In the event of an environment designation mapping error where the SMP update or amendment record, including the public hearing process, is clear in term of the correct environment designation to apply to a property, the 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 Section 9 of this SMP, Administration. 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, as amended, and Section 8.11, Amendments to the Master Program.

C. All shoreline areas waterward of the ordinary high water mark shall be designated Willapa Bay Estuary, Columbia River Estuary, Coastal Ocean, Coastal Ocean High Intensity, or Freshwater Aquatic.

D. Upland environment designations shall apply to shorelands.

E. Only one environment designation shall apply to a given shoreland area. In the case of different designations occurring parallel to the shoreline, designations shall be divided along an identified linear feature and the boundary shall be clearly noted on the map (for example: "boundary is 100 feet upland from the ordinary high water mark").

3.4 Official Shoreline Maps and Unmapped or Undesignated Shorelines

A. The Official Shoreline Maps at the time of SMP adoption, which illustrate the delineation of shoreline jurisdiction and environment designations, are available for review in the _____ as either hard copy or computer-generated images of the County's Geographic Information System. The official map shall include the following language: "We hereby certify that this map constitutes the Official Shoreline Map as approved by Ordinance ##### of the _____ and signed by its chairman dated this _____, 201#." The Official Shoreline Maps may be updated administratively or through an SMP amendment as indicated in sub-sections B through E 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, an SMP amendment shall be completed within three years of finding the mapping error.

B. 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 ordinary high water mark, 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 a Rural Conservancy designation. Correction of these minor mapping inaccuracies may be made and incorporated into the Official Shoreline Maps without an SMP amendment.

C. All other areas of shoreline jurisdiction that were neither mapped as jurisdiction nor assigned an environment designation shall be assigned a Rural Conservancy designation until the shoreline can be re-designated through an SMP amendment process conducted consistent with WAC 173-26-100, as amended, and Section 8 of this SMP.

D. The actual location of the ordinary high water mark, highest astronomical tide, floodplain, floodway, and wetland boundaries, where applicable, must be determined at the time a development is proposed. Wetland boundary ~~and ordinary high water mark determinations,~~ and field survey locations of highest astronomical tide 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.

E. 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 ordinary high water mark 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.

Commented [TB22]: Per ECY: 5 years for wetland delineation is OK, but OHWM can change much more rapidly.

Question remains: what timeframe should apply to OHWM, if any? 5 years seems reasonable for HAT.

4 GENERAL POLICIES AND REGULATIONS

4.1 Historic/Cultural/Scientific/Educational

A. Policies [current SMP Section 3.B.7]

1. Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in shorelands.
2. Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, maritime activities, environmental conservation, and maritime history.
3. Prevent public or private uses and activities from destroying or damaging any site having historic, cultural, scientific or educational value without appropriate analysis and mitigation.

B. Regulations

1. Permits issued in areas known to have, or suspected of having, archaeological artifacts or resources shall require a site inspection or evaluation by a registered professional archaeologist in coordination with affected Tribes prior to initiating disturbance. Cost of the evaluation and inspection is the responsibility of the permit applicant. Those artifacts deemed significant shall be recovered before work begins or resumes. [modified from WAC 173-26-221(1)(c)(ii)]
2. If any archaeological resources are uncovered during excavations in shoreline jurisdiction, work must be stopped and the developer and property owners must notify the County, the State Department of Archaeology and Historic Preservation, and any affected Indian Tribes. [modified from WAC 173-26-221(1)(c)(i)]
3. All feasible means shall be employed to ensure that data, structures, and sites having historical, scientific, educational, or archaeological significance are extracted, preserved, or used in a manner commensurate with their importance.
4. All developments proposed for location adjacent to historical sites which are registered on the State or National Historic Register shall be located and designed so as to be complementary to the historic site. Development which degrades or destroys the historic character of such sites shall not be permitted.
5. Consistent with constitutional and statutory limitations, public and private developments shall be located and designed to prevent destruction and alteration of sites having historic, cultural, scientific, or educational value as identified by appropriate authorities.
6. The establishment, restoration, or revitalization of historical, archaeological, scientific, or educational facilities shall be done in such a manner that would cause minimal disturbance to adjacent properties as well as natural features of the shoreline.

4.2 Environmental Protection and Critical Areas

A. Policies [current SMP Section 3.B.4]

1. Preserve, protect, enhance and restore unique and nonrenewable shoreline resources, environments and features through the development and implementation of best management practices.
2. Reclaim and restore areas which are biologically and aesthetically degraded to the greatest extent feasible.
3. Preserve scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection.
4. Shoreline uses and developments should be carried out in a manner that prevents or mitigates adverse impacts, both on site and to the extent that impacts may propagate off site, so that the resulting ecological condition does not become worse than the current conditions. This means ensuring no net loss of ecological functions and processes relative to the existing condition, conserving and protecting shoreline critical areas and their buffers, and protecting additional shoreline buffers in a manner consistent with all relevant constitutional and other legal limitations on the regulations of private property. The SMP Administrator should give adequate consideration to mitigation measures, dimensional variances, and other possible methods to prevent undue or unreasonable hardships upon property owners.
5. Shoreline ecological functions that should be protected include, but are not limited to: fish and wildlife habitat, food chain support, and water quality maintenance.
6. Shoreline ecological processes that should be protected include, but are not limited to: water flow; hydrologic connections between waterbodies; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation and maintenance.

B. Regulations

1. No net loss of ecological functions. All shoreline uses and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that results in no net loss of shoreline ecological functions. (RCW 90.58.020).
2. Critical Areas and Buffers. Critical areas, critical areas buffers, and shoreline buffers that are within shoreline jurisdiction are regulated by the Critical Areas Regulations [reference to Code Section], which are herein incorporated into this SMP, with the following clarifications and modifications.
    a. The following provisions in the Critical Areas Regulations do not apply:
        i. Nonconforming Activities.
        ii. Exemption for utility activities.
        iii. Exemption for modification of buildings.
        iv. Reasonable Use Exception.
        v. Variance.
    b. Shoreline buffer widths are identified in Section 5.2, Table 5-2.

c. All overwater and nearshore developments in marine and estuarine waters require a habitat assessment of the site and adjacent beach areas. [WAC 173-26-221(2)(c)(iii)(C)]

d. Critical areas and buffers do not extend the shoreline jurisdiction beyond the limits specified in this Master Program as defined in Section 1.2, Applicability.

e. The following development activities are not subject to Fish and Wildlife Habitat Conservation Area buffers and setbacks, provided they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions, and further provided that they comply with all the applicable regulations in this Master Program:

   i. Those portions of an approved water-oriented development that require a location waterward of the ordinary high water mark, and/or within their associated buffers and setbacks;

   ii. Underground utilities;

   iii. Roads, railways, and other essential public facilities that must cross shorelines or are necessary to access approved water-dependent development uses;

   iv. Stairs, ADA ramps, and walkways not greater than 6 feet in width.

3. Mitigation requirement. If a proposed shoreline use or modification 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) is not required. In the following circumstances, the applicant must provide a mitigation sequencing analysis as described in subsection (4):

   a. If a proposed shoreline use or modification is addressed in any part by discretionary standards (such as standards requiring a particular action if feasible, requiring a demonstration of need, 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 Permit; or

   c. When specifically required by 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 who is required to complete a mitigation analysis pursuant to Subsection 3 shall describe how the proposal will follow the sequence of mitigation as defined below: [WAC 173-26-201(2)(e)(i)]

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;

   b. Minimizing 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;

Commented [TB23]: Added as an additional example of a discretionary standard, to address comment from Rick Mraz.

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation and maintenance operations;

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f. Monitoring the impact and the compensation projects and taking 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 trees or shrubs that overhang the water,

   c. Removal of 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 stabilization,

   g. New discharges of water into shoreline waterbodies 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. Grading or fill that reduce floodplain capacity or wetland functions.

6. Compensatory mitigation. When compensatory measures are appropriate pursuant to the mitigation sequence analysis described in subsection (4):

   a. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized.

   b. Compensatory mitigation measures must be maintained over the life of the use or development.

   c. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.

7. Mitigation plan. When compensatory measures are appropriate, the applicant shall develop and implement a mitigation plan prepared by a qualified professional. A mitigation plan must include, at a minimum:

   a. A description of the existing shoreline environment;

b. A description of anticipated impacts;

c. A description of how the mitigation plan addresses anticipated impacts, with supporting rationale;

d. Drawings showing existing and proposed conditions;

e. Measureable performance standards for evaluating the success of the mitigation plan;

f. A contingency plan identifying potential courses of action if performance standards are not being met;

g. A five-year maintenance and monitoring program, including:

   i. A schedule for maintenance and monitoring;

   ii. A schedule for the submission of monitoring reports to the County to document milestones, successes, problems, and contingency actions; and

   iii. A discussion of how monitoring data will be evaluated to determine if performance standards are being met.

h. Financial guarantees to ensure the mitigation plan is fully implemented.

8. In-water work shall be scheduled to protect biological productivity, including but not limited to fish runs, spawning, and benthic productivity. In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

9. Outdoor lighting. Outdoor lighting shall be shaded or otherwise directed away from the water and from other shoreline habitats to limit impacts to navigation and ecological functions.

10. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in this Master Program and the Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

4.3 Public Access

A. Policies [current SMP Section 3.B.5]

1. Ensure that developments, uses, and activities on or near the shoreline do not impair or detract from the public's access to the water. Where practicable, public access to the shoreline should be expanded and/or enhanced.

2. Design public access projects such that they provide for public safety and minimize potential impacts to private property and individual privacy.

3. Encourage diverse public access opportunities to water bodies that are compatible with the existing upland and aquatic shoreline environment. [current SMP Section 3.B.17 Aquatic Environment]

4. Consistent with the overall best interest of the state and the people of the County, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including water views. [modified from WAC 173-26-221(4)(b)(iii)]
5. Recognize 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. [based on SPC comments]
6. Use shoreline public access points to enhance the public's understanding and appreciation of shoreline ecology, cultural history, maritime heritage, and location-specific rules and boundaries by incorporating educational and interpretive signage and other tools into public access facilities. [Per SPC suggestion]

B. Regulations

1. Public access shall be required in the following circumstances:
   a. The use or development is a public project, including new public structural flood hazard management measures, such as dikes or levees;
   b. The project is not a water-oriented or other preferred use or activity, as designated by the Act, such as nonwater-oriented commercial or industrial development;
   c. The project is a shoreline recreation use or development pursuant to Section 5.17 of this Master Program;
   d. The project is a residential development of more than four (4) dwelling units or a subdivision of land into more than four (4) lots. The public access requirement is met where a single–family residential development of greater than four (4) parcels but less than ten (10) parcels provides community access to the shoreline or to a common waterfront lot/tract for non-commercial recreational use of the property owners and guests within the proposed subdivision; or
   e. The project is a private water-dependent use or development and one of the following conditions exists:
      i. The project impacts or interferes with existing access by blocking access or discouraging use of existing access; or
      ii. The project significantly impacts or interferes with public use of waters subject to the Public Trust Doctrine.

Commented [SS24]: SPC note to add date of Public Trust Doctrine. Since the Public Trust Doctrine is based on common law, rather than statutory law, it is subject to ongoing interpretation. We do not believe that it is possible/reasonable to fix the interpretation to a specific date.

2. For the purposes of this SMP, the right to public access shall not be construed to include the right to enter or cross private property, except through the use of an existing dedicated public right-of-way or through an existing easement that allows public access.
3. Where public access is provided, it shall be designed and located to achieve no net loss of existing shoreline ecological functions.
4. 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.

5. Existing public access shall not be eliminated unless the applicant shows that there is no feasible alternative. In such cases, the applicant shall replace the public access with access of comparable functions and value at another location, if feasible. Shoreline development shall not interfere with public access and enjoyment of any nearby publicly owned land areas.
6. Signs at access points shall be used to educate the public with regard to local ecology, and rules and regulations for using public lands. [SPC suggestion]
7. An applicant shall not be required to provide public access if the SMP Administrator determines that one or more of the following conditions apply:
    a. Other reasonable and safe opportunities for public access to the shoreline are located within one-quarter mile of the proposed development site.
    b. The site is part of a larger development project that has previously provided public access as part of the development permitting process.
    c. The economic cost of providing the required public access is unreasonably disproportionate to long-term economic value of the proposed use or activity.
    d. The proposed development is for the subdivision of property into four or fewer parcels.
    e. The proposed development consists of only agriculture or aquaculture activities.
    f. Provision of public access on the site would pose a health or safety risk to the public due to the nature of the proposed use or activity or the location of public access, or would be infeasible due to security requirements associated with the proposed development.
    g. Provision of public access at the proposed development site would result in a net loss of shoreline ecological function that cannot be effectively mitigated or avoided, or would pose a risk to threatened and/or endangered species listed under the Endangered Species Act.
    h. The proposal consists solely of a new or expanded utility crossing through shoreline jurisdiction, serving development located outside shoreline jurisdiction.

4.4 Flood Hazard Management

A. Policies [current SMP Section 3.B.21 Flood Hazard and 3.B.29 Dike and Levee]

1. Restrict or prohibit development or uses in flood plains which will be dangerous to health, safety or property during flood events.
2. Encourage enhanced construction standards in areas that are vulnerable to flooding both now and in the future based on historical flooding events and future flooding predictions. The County should facilitate sharing of information related to coastal vulnerability to sea level rise with developers and residents.
3. Allow location, design, construction, and maintenance or removal of dikes and levees so that they will not cause significant damage to adjacent properties or valuable resources.

4. Where feasible, give preference to nonstructural flood hazard reduction measures over structural ones. [WAC 173-26-221(3)(b)(i)]
5. Assure that flood hazard protection measures do not result in a net loss of ecological functions associated with rivers, streams, and critical saltwater habitats. [WAC 173-26-221(3)(b)(iv)]
6. Plan for and facilitate returning river and stream corridors to more natural hydrological conditions. Recognize that seasonal flooding is an essential natural process. [WAC 173-26-221(3)(b)(v)]
7. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas. [WAC 173-26-221(3)(b)(vi)]

B. Regulations

1. New development or uses in shoreline jurisdiction, including the subdivision of land, are prohibited when it is reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway during the life of the development. [WAC 173-26-221(3)(c)(i)]
2. The following uses and activities may be authorized within the channel migration zone or floodway, provided that they are otherwise consistent with this Master Program and the Flood Damage Prevention Ordinance 176, adopted May 12, 2015: [WAC 173-26-221(c)(i)]
    a. Actions that protect or restore the ecosystem-wide processes or ecological functions;
    b. New development or redevelopment landward of existing legal structures, such as levees, that prevent active channel movement and flooding;
    c. Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules;
    d. Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur;
    e. Mining when conducted in a manner consistent with the environment designation and with Section 5.15, Mining;
    f. Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell;
    g. Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses;
    h. Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions;
    i. Measures to reduce shoreline erosion, provided that it is demonstrated that:

i. The erosion rate exceeds that which would normally occur in a natural condition;

ii. The measure does not interfere with hydrological and geomorphological processes normally acting in natural conditions;

iii. That the measure includes appropriate mitigation of impacts to ecological functions associated with the waterbody; and

iv. Priority measures to reduce shoreline erosion utilize natural infrastructure.

3. The effects upon public health, safety and general welfare of any uses proposed for flood hazard areas shall be evaluated in light of the polices in Subsection A above and of the regulations contained herein and in Pacific County Flood Damage Prevention Ordinance No. 176. [current SMP Section 19.A]

4. In determining the appropriateness of any proposed use in a flood hazard area, the following shall be considered: [current SMP Section 19.B]

   a. The danger to life and property due to increase flood heights or velocities caused by encroachments.

   b. The danger that materials may be swept on to other lands or downstream to the injury of others.

   c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

   d. The susceptibility of the proposed use and its contents to flood damage and the effect of such damage on the individual owner.

   e. The importance of the services provided by the proposed use to the community.

   f. The requirements of the use for a waterfront location.

   g. The availability of alternative locations not subject to flooding for the proposed use.

   h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

   i. The safety of access to the property in times of flood for ordinary and emergency vehicles.

   j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site, including those associated with climate change and sea level rise.

   k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities such as sewer, gas, electrical and water systems, and streets and bridges.

   l. Such other factors which are relevant to the policy of this Master Program.

5. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights. [current SMP Section 19.C]

6. Flood Hazard Reduction Structures

a. New structural flood hazard reduction measures in shoreline jurisdiction shall be permitted only when it can be demonstrated by a scientific and engineering analysis that: [WAC 173-26-221(3)(c)(ii)]

    i. They are necessary to protect existing development;

    ii. Nonstructural measures are not feasible;

    iii. Impacts on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss, consistent with Section 4.2 Environmental Protection; and

    iv. Appropriate vegetation conservation actions are undertaken consistent with Section 4.5 Vegetation Management.

b. New structural flood hazard reduction measures shall be placed landward of associated wetlands and designated shoreline buffers, except for actions that increase ecological functions, such as wetland restoration; provided that such flood hazard reduction projects may be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of, feasible alternatives to structural improvements shall be documented through a geotechnical and hydrological analysis. [modified from WAC 173-26-221(3)(c)(iii)]

c. New structural public flood hazard reduction measures, such as dikes and 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 immitigable significant ecological impacts; unavoidable conflict with the proposed use; or a cost that is disproportionate and unreasonable to the long-term cost of the development. [WAC 173-26-221(3)(c)(iv)]

d. The removal of gravel or other riverbed material for flood management purposes shall be consistent with Section 5.9, Dredging and Dredge Material Disposal, and be permitted only after a biological and geomorphological 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. [modified from WAC 173-26-221(3)(c)(v)]

e. Dike maintenance and construction shall comply with the following: [current SMP Section 23.F.21]

    i. The outside dike face shall be protected to prevent erosion during construction and maintenance. Applicable standards for shoreline stabilization shall be met. Trees, brush and shrubs which jeopardize the dikes should be excluded from revegetation.

    ii. New dike alignment and configuration shall not cause an increase in erosion or shoaling in adjacent areas or an appreciable increase in seasonal water levels behind dikes. Channelization of the waterway shall be avoided.

iii. The construction of new dikes is subject to the standards for fill (Subsection 5.11(B) of this Master Program).

4.5 Vegetation Management

A. Policies

1. Where active aquatic weed removal or destruction is necessary, it should be the minimum necessary to allow water-dependent activities to continue. Control activities should minimize negative impacts to native plant communities, and include appropriate disposal of weed materials. [current SMP Section 3.B.11 Vegetation Management]

2. Invasive, noxious weeds causing irreparable damage to the shoreline environment should be removed with all due diligence. [current SMP Section 3.B.11 Vegetation Management]

3. Design clearing activities with the objective of maintaining natural diversity in vegetation species, age, and cover density. [current SMP Section 3.B.38 Clearing and Grading]

4. New developments and uses should be designed to preserve native vegetation and to minimize tree removal and vegetation clearing to the minimum necessary to accommodate shoreline development. Existing trees and shrub cover should be preserved, and where feasible, restored, to provide wildlife habitat, maintain water quality, and ensure soil and slope stability.

B. Regulations

1. Vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this Master Program and Pacific County Code. Mitigation sequencing per Section 4.2.B.4, must be applied unless specifically excluded by this SMP or Section 4.2.B.3, Mitigation Requirement, so that the design and location of the structure or development, including septic drainfields, minimizes short- and long-term vegetation removal. The County may approve modifications or require minor site plan alterations to achieve maximum tree retention.

2. Vegetation within shoreline buffers, other stream buffers, wetlands or wetland buffers, or other critical areas shall be managed consistent with Section 4.2 of this Master Program and [reference to Critical Areas in Shoreline Jurisdiction].

3. Where vegetation removal conducted consistent with this Section results in adverse impacts to shoreline ecological function per Section 4.2.B.5, Adverse Impacts, new developments or site alterations are required to develop and implement a mitigation plan per Section 4.2.B.7, Mitigation Plan.

4. Mitigation measures must be maintained over the life of the use or development.

5. Native tree removal in shoreline jurisdiction must be mitigated by installation of a similar native tree at a 2:1 impact to mitigation ratio. Non-native tree removal in shoreline buffers must be mitigated by installation of a native or suitable non-native tree at a 1:1 impact to mitigation ratio. All mitigation trees shall be preferentially placed

in the shoreline buffer, unless the trees provide connectivity to upland habitats or other critical areas, and shall be held to a 75% survival standard at the end of three years.

6. On residential waterfront properties, one hand-installed trail to the shoreline is allowed where it can be shown that a community or joint means of access is not possible and that no public means of improved access exists within 5,000 feet of a proposed facility. The trail shall be limited to a pervious trail at grade with a maximum width of six (6) feet.

Commented [TB25]: Added in response to ECY comment in Section 5.19, Residential Development. Consistent with access trail allowances for dune buffers. For PC consideration.

~~6.~~7. 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. If a safety hazard cannot be easily determined by the County, a written report by a certified arborist or other qualified professional is required to evaluate potential safety hazards.

~~7.~~8. Selective pruning of trees and mowing of vegetation for purposes of maintenance, invasive species management, or fire protection is allowed, provided that no vegetation shall be removed from critical areas, dunes, or their respective buffers without approval from the Administrator. Topping of trees for views is not allowed unless specified in an existing covenant effective prior to the effective date of this Master Program. [Per SPC comments]

Commented [TB26]: Proposed solution to issue raised by Surfside community – Surfside covenants require maintenance of vegetation below a certain height. Note: SPC does not recommend this language for fear it is not legally defensible.

~~8.~~9. With the exception of hand-removal or spot-spraying of invasive or noxious weeds on shorelands outside of steep or unstable slope areas, the determination of whether non-native vegetation removal may be allowed in shoreline jurisdiction shall be evaluated in conformance with this section, Section 4.2 Environmental Protection and Critical Areas, and Section 5 Shoreline Uses and Modifications. Such removal of noxious weeds and invasive species must be incorporated into mitigation plans, as necessary, to prevent erosion and facilitate establishment of a stable community of native plants.

~~9.~~10. 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 use. Aquatic weed control efforts must comply with all applicable laws and standards.

4.6 Water Quality

A. Policies [current SMP Section 3.B.12]

1. Locate, design, construct, and maintain shoreline uses and activities to minimize adverse impacts to water quality and fish and wildlife resources.
2. Minimize or mitigate for water quality impacts from all shoreline uses, including but not limited to, agricultural activities such as animal feeding operations, feed lot wastes, retention and storage ponds, manure storage, use of fertilizers and pesticides and other like activities, by implementing best management practices. [Per SPC suggestion]
3. Encourage pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such practices could reduce stormwater runoff.

4. Solid and liquid wastes should be properly treated, and untreated effluent should not be allowed to enter any bodies of water.

B. Regulations

1. All shoreline uses and activities shall incorporate measures to protect and maintain surface and groundwater quantity and quality and to control erosion during both project construction and operation, including at a minimum, compliance with the current edition of the Department of Ecology's Stormwater Management Manual and NPDES General Permit requirements, so that there is no net loss of ecological functions.

2. All materials that come into contact with water shall be composed of nontoxic materials, such as wood, cured concrete, approved plastic composites, or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenate, or pentachlorophenol is prohibited in shoreline waterbodies.

3. The release of oil or other hazardous materials onto land or into the water is prohibited.

4. 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.

5. Sewage Collection and Treatment.

   a. Additional provisions apply to areas within 300 feet of marine waters of the Pacific Coast and estuarine waters of Willapa Bay per Critical Areas Regulations [Reference Code Section].

   b. Sewage disposal facilities, including on-site sewage systems, for any proposed use shall be located, designed, monitored, and maintained to meet all applicable state and local regulations, including those of the Department of Health, Department of Ecology, Pacific County Board of Health and those found in zoning and subdivision ordinances. Where existing sewage facilities are found to not function as designed, they shall be repaired or replaced to meet applicable standards. [current SMP Section 20.A]

   c. If connection to a community sewage collection and treatment system is feasible for a proposed use, connection shall be made to that system and an individual sewage disposal facility shall be prohibited. [current SMP Section 20.B]

   d. Any use for which a sewage disposal facility using a soil absorption system (drainfield) is proposed shall be on a lot which at a minimum shall meet the following standards: [current SMP Section 20.C]

      i. The lot shall have suitable soils, water table, slope, and other physical characteristics as required by the Pacific County Board of Health or applicable state regulations.

      ii. The lot shall have sufficient area meeting the requirements in subsection (i) above to allow an alternate soil absorption system to be installed should the

first one fail or, if applicable, shall exceed the minimum frontage required for residential development by Table 5-2, whichever is greater.

iii. The lot shall not be located within a flood hazard area as defined under Section 5.12 of this Master Program, except when allowed by the responsible official of the Pacific County Department of Community Development.

e. Soil absorption systems (drainfields) shall be prohibited on sites declared unsuitable for that purpose by the responsible official of the Pacific County Department of Community Development. [current SMP Section 20.D]

f. Standard sewage drainfields (those using a gravity distribution network) shall be prohibited within any critical area buffer and within 100 feet from the ordinary high water mark. Sewage drainfields utilizing a system of uniform pressure distribution, approved by the county health department and designed by a qualified professional engineer, registered sanitarian or registered design consultant, may be allowed no closer than 75 feet from the ordinary high water mark. Setbacks greater than 100 feet may be required by the Administrator in order to adequately protect water supplies or water used for producing shellfish or other seafoods. [current SMP Section 20.E]

g. Filling in associated wetlands or waterward of the ordinary high water mark to provide land for soil absorption systems (drainfields) or for the purpose of meeting setback requirements shall be prohibited. [current SMP Section 20.F]

h. If relocation of septic tanks within a piece of property is necessary because of condemnation or other public action not related to public health and safety regulations, the relocated septic tanks shall be required to conform to subsections (b) through (f) of this section, only to the extent possible on that property. [modified from current SMP Section 20.G]

5 SHORELINE USES, DEVELOPMENT AND MODIFICATIONS

5.1 Use, Development and Modifications Matrix

A. The following table (Table 5-1) indicates which new, expanded, or altered shoreline activities, uses, developments, and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment designation. Refer to the text in Section 5 of this Master Program for all applicable provisions related to specific uses and modification standards. Activities, uses, developments, and modifications are classified as follows:

1. Uses allowed by Shoreline Substantial Development Permit or Shoreline Exemption are indicated by a "P" on the use matrix.
2. Uses allowed by Shoreline Conditional Use Permit are indicated by a "C" on the use matrix.
3. Prohibited activities, uses, developments, and modifications are not allowed and are shown as an "X" on the use matrix.
4. Uses or activities not applicable to the shoreline environment designation in question are shown as "N/A" on the use matrix.
5. Uses regulated consistent with the adjacent upland environment designation are indicated by "Upland" on the use matrix.
6. Activities, uses, developments, or modifications not specifically identified in the table may be allowed by a Shoreline Conditional Use Permit.
7. If there are any conflicts between Table 5-1 and the written provisions of the SMP, the written provisions shall control.

B. If any part of a proposed activity, use, modification, or development within shoreline jurisdiction is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project. A development or use listed as a conditional use or is an unlisted use must obtain a conditional use permit even though the development or use does not require a substantial development permit.

Table 5-1. Permitted Uses and Modifications by Environment Designation

Use or Modification	Shoreline Environment Designation										
Table Key: P = Permitted use (SSDP or Exemption) subject to policies and regulations of this SMP C = Shoreline Conditional Use subject to policies and regulations of this SMP X = Prohibited NA = Not Applicable Upland = Regulated consistent with the upland environment designation	**Natural**	**Rural Conservancy**	**Shoreline Residential**	**High Intensity**	**Coastal Conservancy**	**Willapa Bay Conservancy**	**Freshwater Aquatic**	**Coastal Ocean**	**Coastal Ocean High Intensity**	**Willapa Bay Estuary**	**Columbia River Estuary**
Shoreline Uses and Modifications											
Agriculture											
• Ag activities, agricultural facilities, and agricultural accessory uses	P	P	P	P	P	P	NA	NA	NA	NA	NA
Aquaculture											
• New commercial geoduck aquaculture	NA	NA	NA	NA	NA	NA	NA	~~C[1]~~X	X	C	C
• Hatcheries, shellfish	C	P	C	P	C	P[21]	NA	~~C[1]~~X	C	P[21]	P
• Hatcheries, finfish	C	P	X	P	C	C	P	~~C[1]~~X	X	X	X
• Net-pens, temporary holding for finfish	NA	NA	NA	NA	NA	NA	X	~~C[1]~~X	X	X	X
• Net-pens, salmonid enhancement	NA	NA	NA	NA	NA	NA	X	X	X	P	P
• Net-pens, growing fish to harvest size	NA	NA	NA	NA	NA	NA	X	X	X	X	X
• Fixed horticultural pens/racks/nets (e.g., kelp, seaweed)	~~NA~~X	~~NA~~X	~~NA~~X	~~NA~~C	~~NA~~C	~~NA~~C	X	X	X	P	P
• Live tanks and sink floats, temporary holding for shellfish or crab, including floating upweller systems (FLUPSY)	C	X	C	P	X	P	NA	P	P	P	P
• Shellpiles, clam and oyster	X	P	X	P	X	P	NA	NA	NA	~~P[2]~~X[22]	~~P~~X
• Shellpiles, crab and shrimp	X	X	X	X	X	X	NA	NA	NA	NA	NA
• All other ~~associated upland facilities for aquaculture~~shellfish facilities	C	P	C	P	C	P	~~NA~~P	~~NA~~X	~~NA~~X	~~NA~~P	~~NA~~P
~~• All other shellfish facilities~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P~~	~~C[1]~~	~~X~~	~~P~~	~~P~~
Boating Facilities and Other Overwater Structures											
• Community marina or public dock	X	C	P	P	X	C	Upland	X	X	Upland	C
• Fixed structure to facilitate dredge spoil placements	X	X	X	C	X	X	Upland	X	C	Upland	C
• Residential dock, single-family or joint-use	C	P	P	X	X	X	Upland	X	X	Upland	C
• Recreational float	X	P	P	P	X	X	Upland	X	X	Upland	C
• Boat launch, community, commercial, or new public	C	P	P	P	X	C	Upland	X	X	Upland	C

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Commented [TB27]: ECY questions broad prohibition of net-pens in aquatic environments. SPC cites concerns about downstream/estuary pollution. Public comments have indicated a desire for more allowances for temporary/seasonal net-pens, particularly for salmonid enhancement.

Commented [TB28]: Suggested revision in response to ECY concerns. Does not change actual implementation – per public comment at PC meeting, this only happens due to spill-over.

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Commented [TB29]: ECY questions prohibition of aquaculture (with exception of live tanks and sink floats) in Coastal Ocean.

Use or Modification	Shoreline Environment Designation										
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• Boat launch, private residential (motorized, paved)	X	X	X	X	X	X	Upland	X	X	Upland	X
• Boat launch, private residential (non-motorized, non-paved)	X	C	C	X	X	X	Upland	X	X	Upland	X
Breakwaters, Jetties, Groins											
• Lakes	X	X	X	X	NA	NA	Upland	NA	NA	NA	NA
• Marine/River – Fixed	X	X	X	P	C	X	Upland	Upland	Upland	Upland	Upland
• Marine/River – Floating	X	C	X	P	X	X	Upland	Upland	Upland	Upland	Upland
• Groins/Pile dikes	X	C	X	P	C	C	Upland	Upland	Upland	Upland	Upland
Commercial Development											
• Water-dependent	X	C	C	P	X	P	C	C	C	C	P
• Water-related	X	C	C	P	X	C[6]	C	C	C	C	P
• Water-enjoyment	X	X	C	P	X	C[6]	C	C	C	C	C
• Non-water-oriented	X	X	X	P	X	X	X	X	X	X	C
• Outdoor advertising and signs	X	C	C	P[7~~6~~]	C	C	X	X	X	X	X
Dredging and Dredge Material Disposal											
• Dredging	NA	NA	NA	NA	NA	NA	C	C	C	C	C
• Dredge material disposal, in-water	NA	NA	NA	NA	NA	NA	C[3]	See Ocean Disposal	See Ocean Disposal	C[3]	P[4]
• Dredge material disposal, upland	X	X	C	C	C[5]	X	NA	NA	NA	NA	NA
• Dredging or dredge material disposal associated with restoration	P	P	P	P	P	P	P	See Ocean Disposal	See Ocean Disposal	P	C
Dune Modification											
• Modification	X[8~~7~~]	C[8~~7~~]	NA	C[8~~7~~]	C[8~~7~~]	C[8~~7~~]	NA	NA	NA	NA	NA
• Ecological Restoration	P	C[8~~7~~]	NA	C[8~~7~~]	C[8~~7~~]	C[8~~7~~]	NA	NA	NA	NA	NA
Fill and Excavation											
• Fill	C	P	P	P	C	C	C[9~~8~~]	C	C	C[9~~8~~]	C[9~~8~~]
• Placement of gravel/shell material for	P	X	C	P	X	P	X	X	X	P	X

Commented [TB30]: Mapping of Jetty A to be revised to Coastal Conservancy (from Natural).

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aquaculture											
• Excavation and grading	C	P	P	P	C	C	NA	NA	NA	NA	NA
Flood Hazard Structures											
• Dikes, levees	X	C	C	C	X	X	Upland	NA	NA	X	C
Forest Practices											
• All	C	P	P	P	P	P	NA	NA	NA	NA	NA
Industrial Development											
• Water-dependent	X	C	X	P	X	C	Upland	X	X	Upland	C
• Water-related	X	C	X	P	X	C	Upland	X	X	Upland	X
• Non-water-oriented	X	C	X	P	X	X	Upland	X	X	Upland	X
Institutional Development											
• Water-oriented	C	C	C	C	C	C	X	X	X	X	C
• Non-water-oriented	X	X	C	C	X	X	X	X	X	X	X
In-water Structures											
• Aids to navigation	NA	NA	NA	NA~~P~~	NA	NA	~~C~~P	P	P	P	P
• ~~All others~~Permanent fixed structures	NA	NA	NA	NA~~P~~	NA	NA	C~~X~~	X[10]	C	P	C
Mining											
• Beach sand	X	X	X	X	C[10~~19~~]	X	X	See Ocean Mining	See Ocean Mining	X	C
• All other mining	X	P[11~~10~~]	X	X	X	X	X[12~~21~~]	See Ocean Mining	See Ocean Mining	X[12~~21~~]	X[12~~21~~]
Recreational Development											
• Water-oriented	C	P	P	P	C	C	P	C	C	P	P
• Non-water-oriented	X	C	C	C	X	X	X	X	X	X	X
Residential Development											
• Single-family	C[13~~42~~]	P	P	X	X	P	X	X	X	X	X
• Multi-family	X	C[14~~53~~]	C[14~~53~~]	C[14~~53~~]	X	X	X	X	X	X	X
• Overwater, floating, and live-aboards	X	X	X	P[15~~64~~]	X	X	X[16~~75~~]	X	X	Upland	Upland

Commented [TB31]: Per SPC 11/4/15: Change to P in response to ECY question

Commented [TB32]: From Rick, 7/21/15:
Is it unforeseeable that certain in-water structures, i.e. weirs, floodgates, dams, power line towers; could be proposed on any lakes or rivers in the County, even for fish restoration?

TWC: Suggest "C."

Commented [TB33]: This is a broad prohibition on in-water structures. Through conversations with SPC & ECY, revisions made to allow single-anchor structures and temporary structures (defined in footnote) as a conditional use. See TWC memo 11/17/15.

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Shoreline Habitat and Natural Systems Enhancement Projects											
• All	P	P	P	P	P	P	P	C	C	P	P
Shoreline Stabilization											
• New hard	X	C	C	C	X	X	Upland	Upland	Upland	Upland	Upland
• New soft	C	P	P	P	P	C	Upland	Upland	Upland	Upland	Upland
• Replacement hard with hard	C	P	P	P	P	P	Upland	Upland	Upland	Upland	Upland
• Replacement hard with soft	P	P	P	P	P	P	Upland	Upland	Upland	Upland	Upland
Transportation and Parking											
• Roads	C	P	P	P	C	C	C	NA	NA	C	C
• Railroads	C	P	C	P	X	X	NA	NA	NA	NA	NA
• Parking	C[1~~7~~8~~6~~]	P[1~~7~~8~~6~~]	P[1~~7~~8~~6~~]	P[1~~7~~8~~6~~]	C[1~~7~~8~~6~~]	C[1~~7~~8~~6~~]	NA	NA	NA	NA	NA
• Airports, heliports	X	X	X	P	X	X	NA	NA	NA	NA	NA
• Landing fields	X	C	X	X	X	X	NA	NA	NA	NA	NA
• Float planes terminals/docks	X	C	C	C	X	C	X	X	C	C	C
• Ferry terminals	X	C	X	C	X	X	Upland	Upland	Upland	Upland	Upland
• Bridges or culverts	C	P	P	P	C	X	C	C	C	C	C
• Trails, paved	C	C	P	P	C	C	NA	NA	NA	NA	NA
• Trails, unpaved	P	P	P	P	C	P	NA	NA	NA	NA	NA
Utilities											
• Small primary utilities, new[19]	X	P	P	P	C~~X~~	~~X~~C	C	C	C	X	C
• Large primary utilities, new[19]	X	C	C	C	X	X	C	X	X	X	C
• Hydropower facilities (micro, non-dam), new	X	C	C	C	X	C	C	C	C	X	C
• Hydropower facilities (macro, with dam), new	X	X	X	C	X	X	X	X	X	X	X
• Wind, tidal, and wave energy facilities, new	C	C	C	C	X	C	X	C[18~~20~~7]	C	C	C
• Utility cables, conduits, corridors entering and crossing shoreline	X	~~X~~C	~~X~~C	~~X~~C	~~X~~C	~~X~~C	C	X[10]	C	~~C~~X[10]	C
• Solid waste disposal	X	X	X	X	X	X	X	X	X	X	X

Commented [VZK(34]: Do you expect rail any longer or is this an artifact of the old SMP?

Commented [TB35]: Precludes new development. Consider conditional use.

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Commented [TB36]: Revised as "C" in upland environments for consistency with existing development.

Commented [TB37]: SPC 11/4/15: Consistent with Willapa Bay Estuary SED, where we must prohibit new ditching and digging for cables. Temporary structures permitted as a conditional use (same approach as for in-water structures).

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Use or Modification	Shoreline Environment Designation										
Table Key: P = Permitted use (SSDP or Exemption) subject to policies and regulations of this SMP C = Shoreline Conditional Use subject to policies and regulations of this SMP X = Prohibited NA = Not Applicable Upland = Regulated consistent with the upland environment designation	**Natural**	**Rural Conservancy**	**Shoreline Residential**	**High Intensity**	**Coastal Conservancy**	**Willapa Bay Conservancy**	**Freshwater Aquatic**	**Coastal Ocean**	**Coastal Ocean High Intensity**	**Willapa Bay Estuary**	**Columbia River Estuary**
• Sewage collection	X	X	C	C	X	X	X	X	X	X	X
• Properly treated sewage discharge	X	X	X	C[21]~~19~~[8]	X	C[21]~~19~~[8]	C[21]~~19~~[8]	C[21]~~19~~[8]	X	C[21]~~19~~[8]	C[21]~~19~~[8]
• Properly handled fish and seafood effluent discharge	X	X	X	P	X	X	P	P	P	P	P
• Industrial, Municipal and institutional - facilities discharge	X	X	X	C	X	X	X	X	C	X	X
• Maintenance, existing utilities	P	P	P	P	P	P	P	P	P	P	P
Uses Not Specified											
• All	C	C	C	C	C	C	C	C	C	C	C
Coastal Ocean Uses and Modifications[20]~~19~~											
Ocean Disposal											
• ~~Belly dump~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~X~~	~~C~~	~~NA~~	~~NA~~
• ~~Enhanced/ rainbow/ Alamo/ other~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~C~~	~~C~~	~~NA~~	~~NA~~
• Ocean disposal for restoration	NA	NA	NA	NA	NA	NA	NA	C	C	~~NA~~C	NA
• All other	NA	NA	NA	NA	NA	NA	NA	C[23]	C	X	NA
Ocean Transportation											
• T~~ransferring or t~~ransporting of petroleum products	NA	NA	NA	NA	C	NA	NA	C	C	~~NA~~C	NA
• All other	NA	NA	NA	NA	NA	NA	NA	~~C~~P	~~C~~P	~~NA~~P	NA
Oil, Gas, LNG, Chemical Uses											
• Exploration	NA	NA	NA	NA	X	NA	NA	X	X	~~NA~~X	NA
• Development	NA	NA	NA	NA	X	NA	NA	X	X	~~NA~~X	NA
• Production	NA	NA	NA	NA	X	NA	NA	X	X	~~NA~~X	NA
• Transfer and storage terminals associated with ocean use	NA	NA	NA	NA	X	NA	NA	X	X	~~NA~~X	NA
• Pipelines associated with ocean use	NA	NA	NA	NA	X	NA	NA	X	~~X~~C	~~NA~~X	NA
Ocean Mining	NA	NA	NA	NA	NA	NA	NA	~~X~~C	C	~~NA~~X	NA
Ocean Energy Production											
• Fixed structure uses	NA	NA	NA	NA	NA	NA	NA	X[10]	~~X~~[10]	~~NA~~X[10]	NA
• All other	NA	NA	NA	NA	C	NA	NA	C	C	~~NA~~C	NA

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Commented [TB38]: Prohibition of belly dump vs. other disposal methods moved to footnote; definitions to be added.

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Commented [TB39]: SPC: Consider change to "P"

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Commented [TB40]: Internal inconsistency between this blanket prohibition and Section 6.4.B.2, which permits transport of oil and gas via pipeline as a conditional use. Revised for COHI X→ C. For PC consideration.

Commented [TB41]: Revised as "C" based on regulations in Section 6.6.B, Ocean Mining, which specify it as prohibited in areas with adverse impacts.

Commented [TB42]: Same approach as taken for in-water structures. See TWC memo 11/17/15 & policy 6.2.A.

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Use or Modification	Shoreline Environment Designation										
Table Key: P = Permitted use (SSDP or Exemption) subject to policies and regulations of this SMP C = Shoreline Conditional Use subject to policies and regulations of this SMP X = Prohibited NA = Not Applicable Upland = Regulated consistent with the upland environment designation	**Natural**	**Rural Conservancy**	**Shoreline Residential**	**High Intensity**	**Coastal Conservancy**	**Willapa Bay Conservancy**	**Freshwater Aquatic**	**Coastal Ocean**	**Coastal Ocean High Intensity**	**Willapa Bay Estuary**	**Columbia River Estuary**
Ocean Research	NA	NA	NA	NA	P	NA	NA	P	P	~~NA~~P	NA
Ocean Salvage	NA	NA	NA	NA	C	NA	NA	P	P	~~NA~~P	NA

[1] Uptake from and discharge to Willapa Bay for aquaculture is permitted as part of this use.

~~[1] Fixed structures supporting aquaculture activities are prohibited in the Coastal Ocean environment.~~

[2] Shellpiles in Willapa Conservancy are expected to spill over into Willapa Bay Estuary.

[3] In-water placement of gravel/shell material to support aquaculture is an allowed use.

[4] In-water dredge material disposal using enhanced/rainbow/Alamo dumping methods is a conditional use.

[5] Permitted to protect the jetty and at approved dredged material disposal sites.

[6] Commercial uses which are consistent with underlying zoning are coded "P." All non-water-dependent commercial uses shall be associated with a water-dependent use.

[7~~6~~] Overwater advertising is prohibited except where directly tied to the operation located at the site.

[8~~7~~] Dune modification, including ecological restoration, shall be allowed only where it will not result in decreased protection of inland development from damage caused by storm surge, tsunamis, windblown sand, or flooding.

[9~~8~~] Fill waterward of the OHWM for the purpose of ecological restoration is coded "P."

[10] Temporary structures may be permitted as a conditional use for a period of up to two years, with an option for a one year extension. Single-anchor systems are coded as "P" in all aquatic environments.

[10~~9~~] Recreational mining of sand from ocean beaches in a quantity of up to five hundred (500) pounds per week shall be exempt from the permit requirements of this Master Program.

[11~~10~~] Mining within a floodway or channel migration zone requires a conditional use permit.

[12~~11~~] Mining waterward of the OHWM is prohibited, unless it meets the criteria in 5.15.B.7, in which case it may be approved as a conditional use.

[13~~12~~] Per WAC 173-26-211(5)(a)(ii)(C), as amended, single-family residential development may be allowed as a conditional use within the Natural environment if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.

[14~~13~~] Must be consistent with underlying zoning.

[15~~14~~] Live-aboard vessels allowed in marinas, consistent with provisions in 5.18.B.10.C.

[16~~15~~] Existing floating homes on North River are allowed to be maintained. New floating homes are prohibited.

Commented [TB43]: Added per public comment

Commented [SS44]: Added per SPC direction, to address ECY concern over broad prohibition for fixed structures.

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[1~~28~~6] Parking is permitted only in support of an authorized primary use. Parking as a primary use is prohibited.

[1~~29~~7] For the purpose of this table, small primary utilities refers to utilities for predominantly non-commercial enterprises, such as powering a single-family house or structure. -Large primary utilities include utilities for commercial distribution.

[20] Only non-anchored, single-anchored, or temporary structures allowed.

[~~19~~21~~8~~] ~~Appropriate for designated~~ Properly treated sewage discharge is that which meets NPDES permit ~~quality~~requirements.

[2~~0~~2~~19~~] Regulations for coastal ocean uses and modifications are found in Section 6, Coastal Ocean Uses and Modifications, of this Master Program. Permitted and prohibited uses in the Coastal Ocean and Coastal Ocean High Intensity designations are guided by all provisions in the uses and modifications matrix, where applicable. Where Uses and Modifications matrix conditions conflict with specific Coastal Ocean Uses and Modifications matrix conditions, the Coastal Ocean Uses and Modifications matrix shall be used.

[23] Ocean disposal using belly dumping is prohibited.

5.2 General Development Standards

A. There shall be a thirty-five (35) foot maximum building height for all structures, except that utility facilities, bridges, and approved industrial uses are not required to meet this standard. Otherwise, to exceed 35 feet, an applicant must apply for a Shoreline Variance, and comply with the following criteria in addition to standard Shoreline Variance 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.

B. Minimum shoreline lot frontage shall be consistent with underlying zoning and the standards in Table 5-2.

C. Shoreline buffers. Buffer widths for shoreline waterbodies are included in the Development Standards Table listed below (Table 5-2). For non-shoreline streams and other critical areas in shoreline jurisdiction, see [reference to Critical Areas in Shoreline Jurisdiction] for applicable buffers. In addition to required buffers, applicants are advised to consider potential vulnerability to sea level rise and coastal inundation.

   1. Unless otherwise specified, buffer widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank, if the ordinary high water mark cannot be identified.
   2. Water-dependent uses do not require buffers. For water-dependent developments, no minimum shoreline management buffer is required. Apply mitigation sequencing to avoid and minimize adverse impacts during development siting.

D. Building setbacks. Setback widths for shoreline waterbodies are included in the Development Standards Table listed below (Table 5-2). Setbacks are required in addition to the shoreline buffer in order to ensure the integrity of the full buffer width.

   1. Setback widths shall be measured from the landward edge of the buffer outward in each direction on the horizontal plane.
   2. Buildings are prohibited within the setback area, but landscape alterations are permitted.
   3. Building setbacks do not apply to water-dependent uses. Apply mitigation sequencing to avoid and minimize adverse impacts during development siting.

Table 5-2. Dimensional Standards

Dimensional Standard	Shoreline Environment Designation										
	Natural	Rural Conservancy	Shoreline Residential	High Intensity	Coastal Conservancy	Willapa Bay Conservancy	Freshwater Aquatic	Coastal Ocean	Coastal Ocean High Intensity	Willapa Bay Estuary	Columbia River Estuary
Buffer for upland use (ft)	200[4]	~~25/100[1]~~130	~~25/100[1,4]~~100	10[1,4]	See Section 5.10(B)(2)	75[1,4]	NA	NA	NA	NA	NA
Building setback from buffer (ft)	15	15	15	15	See Section 5.10(B)(4)	15	NA	NA	NA	NA	NA
Maximum height (ft)	35	35	35	35	35	35	8[3]	8[3]	8[3]	8[3]	8[3]
Minimum shoreline frontage width (ft)	200	140	Based on lot area[2]	Based on lot area[2]	200	200	NA	NA	NA	NA	NA
Maximum impervious area (percentage of lot area)											
for all commercial and industrial upland uses	NA	30	NA	70	NA	30	NA	NA	NA	NA	NA
recreational uses	5	25	30	30	25	25	NA	NA	NA	NA	NA
for all other upland uses	5	10	30	30	10	10	NA	NA	NA	NA	NA

[1] ~~25-foot buffer for man-made canals and lakes; 100-foot buffer for natural streams, rivers, and lakes.~~ Buffers measured from the Highest Astronomical Tide (HAT) in Willapa Bay Conservancy environment on the eastern side of the Long Beach Peninsula north of 46°22'14"N based on the HAT elevations predicted from the Nahcotta datum.

[2] Minimum lot width at the property line nearest the ordinary high water mark shall be not less than 75 percent of the square root of lot area.

[3] Additional height for industrial uses and in-water structures, such as hydropower and electric transmission facilities, may be approved in accordance with relevant sections of this Master Program.

~~[4] Buffers measured from the Highest Astronomical Tide (HAT) in Willapa Bay Conservancy environment on the eastern side of the Long Beach Peninsula north of 46°22'14"N based on the HAT elevations predicted from the Nahcotta datum.~~

Commented [TB45]: Specific provisions for manmade canals & lakes removed; these were in the original SMP to address Surfside Canals, which are not part of shoreline jurisdiction.

Commented [TB46]: Per WDFW, wider buffer is consistent with Type F waters in CAO

Commented [TB47]: Note: This buffer width is consistent with existing conditions if measures from the HAT; will need to be revisited if baseline for measurement is OHWM.

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Commented [TB48]: ECY questions rationale for these additional height allowances, which come from existing SMP. Ocean Management Guidelines require views to be accounted for and for reasonable steps to avoid and minimize adverse impacts to recreation and tourism. For PC discussion.

5.3 General Shoreline Uses

A. Policies [current SMP Section 3.B.1]

1. Maintain areas within the shoreline jurisdiction with unique attributes for specific long-term uses, including agricultural, aquacultural, commercial, industrial, residential, recreational and open space uses.
2. Ensure that proposed shoreline uses are distributed, located and developed in a manner that will maintain or improve the health, safety and welfare of the public when such uses occupy shoreline areas.
3. Ensure that activities and facilities are located on the shorelines in such a manner as to retain or improve the quality of the environment.
4. Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.
5. Minimize the adverse impacts of shoreline uses and activities on the environment during all phases of development (e.g. design, construction, management and use).
6. Ensure healthy, orderly economic growth by allowing those economic activities which will be an asset to the local economy, and for which the adverse effects on the quality of the shoreline and surrounding environment can be mitigated. [current SMP Section 3.B.2 Economic Development]
7. Protect current economic activity (e.g. shipping, marinas, agriculture, aquaculture, fishing, etc.) that is consistent with the policies of the SMP. [current SMP Section 3.B.2 Economic Development]
8. Prohibit structures waterward of the ordinary high water mark which are not water-dependent and uses which will substantially degrade the existing character of the area. [current SMP Section 3.B.17 Aquatic Environment]
9. Ensure that developments waterward of the ordinary high water mark are compatible with the adjoining upland environment, and that upland activities are compatible with adjoining in-water activities. [current SMP Section 3.B.17 Aquatic Environment]
10. Water-oriented uses should be given priority over nonwater-oriented uses. Give preference first to water-dependent uses, then to water-related and water-enjoyment uses. [WAC 173-26-241(2)(a)(iii)]
11. Pacific County should coordinate with other jurisdictions, including adjacent counties, state, and federal agencies, to maximize consistency in the management of shoreline resources and uses, including coastal and estuarine uses, consistent with the Coastal Zone Management Act of 1972 (Public Law 92-583), Shoreline Management Act (90.58 RCW), and WAC 173-27-060, as amended. [Modified from Ocean Use policies]
12. Existing sustainable uses, ecological and ecosystem functions and processes in the coastal zone, and public access to ocean waters should be protected and preserved for current and future generations. [Modified from Ocean Use policies]
13. Supporting scientific documentation for conditional use permits should be available and fully considered before decisions are made. Documentation should adequately address

seasonal, inter-annual, and spatial variability in conditions and identify data gaps that may affect study outcomes. [Modified from Ocean Use policies]

14. Shoreline uses that depend on sustaining function of the ecosystem or will not adversely impact renewable resources, public access, or cause a net loss in ecosystem function shall be given priority. [Modified from Ocean Use policies]
15. Uses should not adversely affect communities, including individual citizens' quality of life and wellbeing. Uses that will have lesser adverse social and economic impacts on existing uses and communities should be given priority over uses and activities that will have greater such impacts. [Modified from Ocean Use policies]
16. When the adverse impacts are generally equal, the use that has less probable occurrence of a disaster should be given priority. [Modified from Ocean Use policies]

B. Regulations

1. Unregulated Uses and Activities. Unregulated uses and activities include but are not limited to water-borne commerce, commercial fishing, and individual recreation pursuits such as boating, swimming, and fishing. [current SMP Section 23.D.3]
2. New development shall be located and designed to avoid the need for future shoreline stabilization activities and maintenance dredging to the extent feasible. [per WAC 173-26-231(3)(f) and 231(3)(a)(iii)]
3. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. [WAC 173-26-231(a)(iii)(A)]
4. Protection of water quality near aquaculture areas. Applicants proposing development in upland areas shall address potential impacts and conflicts with existing aquaculture operations.
    a. New development or redevelopment within shoreline jurisdiction adjacent to areas with existing aquaculture or areas with a high potential for aquaculture shall practice strict pollution control procedures to ensure water quality will not be adversely impacted.
    b. New residential development adjacent to a water body supporting aquaculture operations shall install drainage and stormwater treatment facilities to prevent any adverse impacts to aquaculture operations. Such measures include but are not limited to vegetated swales, retention ponds, and the use of artificial or natural wetlands, provided no adverse impacts to the receiving wetlands would occur.
    c. New marinas that provide overnight or long-term moorage shall not be located in areas with recreational or commercial shellfish beds.
    d. Site preparation in the vicinity of aquaculture operations shall not result in any off-site erosion, siltation, or reductions in water quality.

5.4 Agriculture

A. Policies [current SMP Section 3.B.18]

1. Recognize the commercial and local importance of maintaining existing agricultural activities in Pacific County. [per SPC recommendation]
2. Protect agricultural land of long-term commercial significance from incompatible and preemptive patterns of development.
3. Protect the productivity of the land base by using best management practices to control soil erosion.
4. Maintain a vegetative buffer between agricultural lands and water bodies or wetlands.
5. Protect current agricultural land uses of long-term commercial significance and provide for development of new agricultural uses for which adverse environmental effects can be mitigated. [current SMP Section 3.B.2 Economic Development]

B. Regulations

1. In accordance with RCW 90.58.065, this Master Program shall not restrict existing or ongoing agricultural activities occurring on agricultural lands. The regulations in this Master Program apply to:
    a. New or expanded agricultural activities on land not meeting the definition of agricultural land;
    b. Conversion of agricultural lands to other uses, and
    c. Other development on agricultural land that does not meet the definition of agricultural activities.
2. The following construction and practices normal or necessary for farming, irrigation, and ranching activities are exempt from the requirement to obtain a shoreline Substantial Development Permit under RCW 90.58.030(3)(e) and WAC 173-27-040(2), as amended. Pursuant to WAC 173-27-040(1), as amended, such exemptions are to be construed narrowly, and an exemption from the substantial development permit process is not an exemption from compliance with this Master Program.
    a. Agricultural service roads and utilities on shorelands;
    b. Construction of a barn or similar agricultural structure;
    c. Construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels.
    d. The operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the date of adoption of this SMP, which were created, developed, or utilized primarily as a part of an agricultural drainage
3. New or expanded agricultural uses and developments on land not meeting the definition of agricultural land shall conform to the following requirements:
    a. Agricultural uses and development in support of agricultural uses, including single-family residential development, shall be located and designed to ensure no net loss of ecological functions and no significant adverse impact on other shoreline resources and values.

b. Provide vegetated buffers between agricultural activities and waterbodies to prevent nutrients from agricultural activities from entering the waterbody. [per SPC suggestion]
c. Feedlot operations and animal waste retention and storage areas shall not be located within shoreline jurisdiction unless direct manure runoff is prevented.
d. Apply, where applicable, operational guidelines for agricultural nonpoint source pollution, as found in the EPA's National Management Measures to Control Nonpoint Source Pollution from Agriculture (EPA 841-B-03-004, July 2003), as amended. [per SPC recommendation]
e. Develop, where applicable, a Comprehensive Nutrient Management Plan according to the Technical Criteria set forth in the USDA National Instruction 190-304, as amended. [per SPC recommendation]
f. The following minimum standards shall govern all application of chemicals, including pesticides, herbicides and fertilizers. [current SMP Section 4.B.5]
    i. Maintenance of Equipment in Leakproof Condition: Equipment used for transportation, storage or application of chemicals shall be maintained in leakproof condition. If there is evidence of chemical leakage, the further use of such equipment must be suspended until the deficiency has been satisfactorily corrected.
    ii. Protection of Water Quality During Mixing of Chemicals: Whenever water is taken from any stream or water impoundment for use in the mixing of chemicals, precautions shall be taken to prevent contamination of the source.
        (1) Provide an air gap or reservoir between the water sources and the mixing tank; or
        (2) Use a portable pump with the necessary suction hose, feed hoses and check valves to supply tanks with water from streams, such pump to be used only for water.
    iii. Protection of Waterways and Areas of Open Water When Spraying: Protect waterways and areas or open water such as swamps or impoundments from contamination when spraying by aircraft or other means which result in aerial drift by leaving a buffer strip of at least one swath width untreated on each side of every stream or area of open water. No buffer strip is required in the application of pesticides and herbicides by means not resulting in aerial drift or in the application of fertilizers, except that extreme care shall be taken to avoid direct application of such chemicals to streams or areas of open water.
    iv. Selection and Maintenance of Mixing and Land Areas: Mix chemicals or clean tanks or equipment only where the chemicals will not contaminate surface waters. Mixing areas and aircraft landing areas shall be located where spillage of chemicals will not contaminate water. If any chemical is inadvertently spilled, appropriate procedures shall be taken immediately to contain or neutralize it.

v. Application of Chemicals in Accordance with Limitations: Apply chemicals only in accordance with currently recognized limitations of temperature, humidity, wind and other factors.

vi. Cleaning and Re-use of Chemical Containers: Rinse chemical containers with the carrier used in mixing at least three (3) times. Apply the flushing solution in the form of spray to the area. Do not re-use chemical containers unless property treated.

vii. Daily Records of Chemical Applications: Whenever pesticide or herbicide aerial sprays are applied, the operator or land owner shall maintain a daily record of spray operations which includes: Names of pilot and contractor; Location of project; Temperature (hourly); Wind velocity and direction (hourly); and pesticides or herbicides uses, including name, mixture, application rate, and carrier used.

viii. Landowner's or Contractor's Responsibility to Determine Whether or Not Chemicals are Contaminating Streams: Whenever chemicals are applied, it is the responsibility of the landowner or contractor to determine whether or not chemicals are contaminating streams or other bodies of water.

ix. Reporting of Chemical Accidents: Immediately report all chemical accidents to the Department of Ecology.

5.5 Aquaculture

A. Policies [current SMP Section 3.B.41]

1. Areas with high aquacultural use potential should be identified and prioritized for aquacultural use and protected from degradation by other types of land and water uses.
2. Aquaculture uses should maintain no net loss of ecological functions, should not adversely impact the aesthetic qualities of the shoreline, and should not significantly conflict with navigation and other water-dependent uses. [based on WAC 173-26-241(3)(b)(i)(C)]
3. Protect current aquaculture land uses of long-term commercial significance and provide for development of new aquaculture uses for which adverse environmental effects can be mitigated. [current SMP Section 3.B.2 Economic Development, modified per Ports subcommittee comment 3/26]
4. Ensure proper management of upland uses to avoid degradation of water quality of existing shellfish areas. [WAC 173-26-241(3)(b)(i)(D)]
5. Recognize that Aquaculture is a preferred use of the water area when consistent with the control of pollution and prevention of damage to the environment
6. Recognize that potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and salinity, as well as the impact of invasive, noxious, or nuisance species, and therefore recognize the necessity for some latitude in the development of aquaculture uses.

7. Recognize that the technology associated with some forms of aquaculture is still in its formative, experimental stages, and therefore recognize the necessity for some latitude in assessing the potential impact of aquaculture on existing uses and natural systems. [WAC 173-26-241(3)(b)(i)(B), included per SPC suggestion]

B. Regulations

1. When application review is required. [current SMP Section 5.B.2]
   a. New or expanded aquaculture. Initial siting, construction, planting, or stocking of a facility or farm will require shoreline approval.
   b. Existing aquaculture. Ongoing maintenance, harvest, replanting, changing culture techniques or species does not require shoreline review unless the proposed species or culture technique has potentially significant adverse environmental impacts (if not allowed by an existing shoreline permit).
   c. Disposal of solid or liquid wastes, such as may result from confined rearing operations for salmon or other marine life, in quantities which may cause violations of State water quality standards and criteria.
2. Aquaculture operations shall be designed, located, and operated to:
   a. Prevent the spread of disease to native aquatic life;
   b. Prevent the establishment of new nonnative species which cause significant ecological impacts;
   c. Minimize impacts to native eelgrass and macroalgae, with the following exceptions;
      i. Aquaculture operations are not required to avoid impacts on eelgrass or macroalgae that colonizes in aquaculture operations.
      ii. Aquaculture operations are not required to avoid impacts on non-native eelgrass.
   d. Avoid significant conflict in customary navigation channels and other water-dependent uses.
3. Commercial geoduck aquaculture shall be allowed only where sediments, topography, land, and water access support geoduck aquaculture operations without significant clearing or grading. [based on WAC 173-26-241(3)(b)(ii), per SPC recommendation]. Existing geoduck aquaculture is exempt from a shoreline substantial development permit.
4. Where allowed, new aquaculture activities shall comply with the following requirements:
   a. Subsection 5.4(B)(3)(f) on herbicide and pesticide usage shall apply. [current SMP Section 5.B.3]
   b. Water diversion or other shoreline structures shall not block traditional public access. [modified from current SMP Section 23.F.3, per SPC suggestion]

Commented [TB49]: Public comment recommended requiring a permit for aerial spraying, in order to protect water quality. SPC suggested no permit required in order to avoid adding regulatory burden beyond state/federal regulations.

5.6 Boating Facilities and Mooring Structures

A. Policies [current SMP Section 3.B.19 Boating and 3.B.32 Pier, Dock, Float, Buoy]

1. Locate and design boating facilities and mooring structures so that their structures and operations will be compatible with the area affected. Design piers, docks, floats and mooring buoys to cause minimum interference with navigable waters and the public's use of the shoreline.
2. Site and design piers, floats, and docks to minimize possible adverse environment impacts.
3. Joint-use moorage facilities should be encouraged for subdivisions, motels, multi-family residences, or commercial and industrial enterprises near each other. [current SMP Section 15.C.e Shoreline Works and Structures]

B. Regulations

1. Applicability.
   a. This section applies to all in-water and overwater structures and uses that facilitate the launching or mooring of vessels in marine or fresh waters, including all docks, marinas, mooring buoys, launch ramps, and recreational floats.
   b. This section does not apply to:
      i. Long-term commercial boat storage located landward of the ordinary high water mark, which is regulated under Section 5.8 Commercial Development of this SMP;
      ii. Net pens, which are regulated under Section 5.5 Aquaculture of this SMP; or
      iii. Overwater homes and floating homes, which are regulated under Section 5.18 Residential Development of this SMP. This section does apply to liveaboard boats in marinas.
2. When allowed.
   a. Structures and uses shall not be permitted in the following shoreline areas except as provided below:
      ~~b.~~i. Marshes, estuaries, or other wetlands;
      ~~c.~~ii. Spawning and holding areas for priority anadromous or priority resident fish;
      ~~d.~~iii. Critical saltwater habitats;
      ~~e.~~iv. Channel migration zones;
      ~~f.~~v. Areas where a flood hazard will be created and cannot be mitigated;
      vi. Areas where impacts to shoreline ecological functions and processes cannot be mitigated.
   b. Structures and uses may be permitted in the areas listed above only if:

Commented [TB50]: Added conditions for allowance, per WAC 173-26-221(2)(c)(iii)(C), to remove overly broad prohibition

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i. The public's need for such an action or structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

ii. An alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose; and

iii. The project, including any required mitigation, will result in no net loss of shoreline ecological functions.

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3. General provisions. New boating facilities and mooring structures shall:

a. Minimize the area of water covered;

b. Minimize hazards and obstructions to public navigation rights;

c. Minimize the need for new or maintenance dredging;

d. Minimize impacts on public swimming beaches, valuable public fishing areas, or aquaculture facilities;

e. Avoid, minimize, and mitigate potential adverse impacts to shoreline ecological functions or processes consistent with requirements for mitigation sequencing in Section 4.2, Environmental Protection and Critical Areas.

f. Avoid blocking or obstructing lawfully existing or planned public shoreline access;

g. Provide and maintain garbage and recycling receptacles at locations convenient to users;

h. Provide utilities (e.g. water, electricity, sewer) for the use concurrent with the development unless situated where they are already feasible;

i. Be designed so that any moored boats are located in water deep enough to prevent prop scour, unless the applicant can demonstrate that prop scour will not adversely impact aquatic vegetation or increase suspended sediment loads;

j. Avoid using skirting on any structure.

k. Meet International Building Code requirements when using safety railings and use an open framework that does not unreasonably interfere with shoreline views.

l. Mark structures with reflectors or other devices to prevent hazardous conditions for other water surface users;

m. Prevent grounding of floating structures or objects. Use float stoppers as needed to prevent grounding;

n. Use a generally non-reflective exterior finish to reduce glare;

o. Not use any overhead wiring or plumbing.

p. Conform to the standards specified on any Federal or State permits required for such projects. [current SMP Section 15.C.2]

4. Replacement of existing boating facilities. If any of the following are proposed during a five-year period, the project shall be considered a new facility and shall comply with applicable standards for new facilities:

   a. Replacement of the entire facility; or

   b. Replacement of 75 percent or more of support piles; or

   c. Replacement of 75 percent or more of a boat launch, by area.

5. Modification or enlargement of existing boating facilities.

   a. Applicants shall 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 existing boating facilities shall comply with applicable standards for new facilities.

6. Repair of existing boating facilities.

   a. Repairs to existing legally established boating facilities are permitted consistent with all other applicable codes and regulations.

   b. All repairs shall utilize any material standards specified for new facilities.

~~4.~~7. Docks, Piers, and Floats.

   a. New piers and docks shall be permitted only for water-dependent uses or public access. A dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section. [based on WAC 173-26-231(3)(b)]

   b. Docks shall be restricted to be the minimum size necessary to meet the needs of the proposed water-dependent use.

   c. Measures to avoid and minimize impacts to ecological functions shall be implemented to the maximum extent feasible. These measures include limiting the width of pier walkways, using grated decking to minimize shading, directing lights away from the water, minimizing pile dimensions, and maximizing spacing between piles.

   d. Floats in tidally influenced areas shall be located in areas of minimal currents and wave action and shall not rest on the bottom during tidal cycles or periods of low flow. Floating structures shall be sited to prevent damage to natural vegetation. [current SMP Section 23.F.5.e]

   e. Docks and moorages shall be designed so that adverse hydraulic effects (e.g., alteration of water circulation and sediment transport) at the site and in adjacent areas are minimized. [current SMP Section 23.F.5.f]

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Commented [TB51]: Added in response to public comment requesting additional provisions re: maintenance & repair. Adapted from approved Benton County SMP.

f. Covered or enclosed moorages shall secure a Shoreline Conditional Use Permit. [current SMP Section 23.F.5.c]

g. New residential docks, piers, and floats shall comply with the following requirements:

i. The length of docks accessory to residential use/development shall be no greater than that required for safety and practicality for the residential use. The maximum length for residential docks shall be limited to either sixty (60) feet as measured horizontally from the ordinary high water mark or the length necessary to provide a minimum of six (6) feet of water depth. The maximum width for residential docks shall be six (6) feet. The dimensional standards may be adjusted as required by state and federal agencies if the Administrator finds that such adjustment will better preserve ecological functions.

ii. The maximum width for residential floats shall be eight (8) feet.

~~i.~~iii. Dock, pier, and float facilities for new residential development of two or more dwellings shall be joint use, unless demonstrated to be infeasible. [WAC 173-26-231(b)]

Commented [TB52]: Width added for consistency with HPA, per WAC 220-660-380(4)(b)

Commented [TB53]: Added per WAC 220-660-380(5)(b), for consistency with dock provisions.

Commented [TB54]: Inserted per SMP checklist.

~~5.~~8. Launch Ramps.

a. A launch ramp is allowed only if it provides access to waters that are not adequately served by existing access facilities, or if use of existing facilities is demonstrated to exceed the designed capacity.

b. A launch ramp shall be located:

i. To minimize the obstruction of currents, alteration of sediment transport, and the accumulation of drift logs and debris;

ii. Where there is adequate water mixing and flushing;

iii. Where it will not adversely affect flood channel capacity or otherwise create a flood hazard; and

iv. Where water depths are adequate to eliminate or minimize the need for dredging or filling.

~~6.~~9. Marinas.

a. Marinas shall be sited, designed, and constructed in such a way as to minimize conflicts with other shoreline uses. [modified from current SMP Section 10.C.1 and 10.D.1] New marinas that provide overnight or long-term moorage shall not be located in areas with recreational or commercial shellfish beds.

b. Sewage pump-out and treatment facilities acceptable to local and state public health authorities shall be installed within two years of the establishment of U.S. Coast Guard regulations on marine sanitation devices or at the beginning of operations of any new marina or of an expansion to an existing marina, whichever date is latest, unless similar sewage treatment facilities exist within 2,000 yards of the marina. [current SMP Section 10.C.3.b]

c. The amount of water surface occupied shall be the minimum required. New facilities shall make maximum feasible use of dry land boat moorage. [current SMP Section 23.F.12.a]

d. Means for preventing oil, fuel, and other contaminants from entering the water shall be provided, including shoreland facilities for public dumping of oil and emptying of holding tanks. [current SMP Section 23.F.12.b]

e. New marina facilities shall be located in areas where there is natural or man-made protection from wind, waves, tidal currents, storms, and passing ship wakes. Marinas shall be located or designed to minimize its adverse effects on the natural processes of erosion, sediment transport and/or beach accretion. [current SMP Section 23.F.12.c]

f. Parking shall be located as far landward as is feasible and preferably outside of shoreline jurisdiction. [current SMP Section 23.F.12.d]

g. An analysis shall be submitted which shows that existing facilities are fully utilized, impractical, or will not satisfy a specific need. [current SMP Section 23.F.12.f]

h. Marinas shall provide physical or visual public access for as many water-oriented recreational uses as possible, commensurate with the scale of the proposal.

i. Marinas are permitted to moor liveaboard vessels provided:

   i. Areas proposed for occupation by liveaboards should include properly planned and designed utility connections and storage facilities for each liveaboard slip; and

   ii. No more than ten percent of the surface area of the marina or ten percent of the slips, whichever is less, is devoted to liveaboard vessels.

~~7.~~10. Extended mooring on waters of the state is prohibited, except as allowed by applicable state regulations and where a lease or permission is obtained from the Washington State Department of Natural Resources, and impacts to navigation and public access are mitigated.

5.7 Breakwaters, Jetties, Groins, and Weirs

A. Policies

1. Allow breakwaters, jetties, groins, and weirs to be located waterward of the ordinary high water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose. [modified from WAC 173-26-231(3)(d)]

2. On High Intensity shorelines, encourage appropriate use of breakwater structures which minimize the need for regular dredging. [per SPC comment]

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. [WAC 173-26-231(3)(d)]

2. Breakwaters, jetties, groins, and weirs shall be limited to the minimum size necessary.
3. New breakwaters, jetties, groins, and weirs shall implement mitigation sequencing to achieve no net loss of ecological functions. [based on WAC 173-26-231(3)(d)]
4. The builder of any shoreline protection structure shall be responsible for determining in advance the nature and extent of any possible adverse effects on the property of others caused by his construction and shall propose and take all necessary actions to avoid minimize such effects. [current SMP Section 15.C.c]
5. Open-pile, floating, portable, or submerged breakwaters, or several smaller discontinuous structures that are anchored in place, shall be preferred over fixed breakwaters.
6. Proposed designs for new or expanded structures shall be designed by qualified professionals.
7. On Columbia River Estuary shorelines, bankline and streambed alterations shall comply with the following: [current SMP Section 23.F.20]
    a. An altered water course shall meander and maintain stream surface area. Alteration of sloughs, oxbows, marshes, and riparian vegetation shall be minimized.
    b. Alignments shall make maximum use of natural or existing deep water channels, but shall not create pockets of stagnant water or other undesirable hydraulic conditions.
    c. Excavation activities in stream bankline areas resulting in expansion of existing aquatic areas shall comply with standards regulating excavation of shorelands for the creation of new water surface areas, Section 5.11.

5.8 Commercial Development

A. Policies [current SMP Section 3.B.20]

1. Encourage new commercial development on shorelines to locate in those areas with existing, consistent commercial and/or industrial uses and in a manner that will minimize sprawl and the inefficient use of shoreline areas.
2. Encourage commercial development to utilize existing transportation corridors and to minimize the number of ingress/egress points. Ingress/egress should be designed to minimize potential conflicts with, and impact on, regular corridor traffic.
3. Give preference to water-dependent commercial uses over non-water-dependent commercial uses in shoreline jurisdiction. Water-related and water-enjoyment uses should be prioritized over non-water-oriented commercial uses. [based on WAC 173-26-241(3)(d)]
4. Ensure that shoreline commercial development provides physical or visual public access to the shoreline where opportunities exist, provided that such access would not pose a health or safety hazard or such access is demonstrated to be infeasible.

B. Regulations

1. Preference shall be given to commercial uses in descending order of priority: [based on WAC 173-26-241(3)(d)]
    a. Water-dependent commercial uses;
    b. Water-related and water-enjoyment commercial uses;
    c. Non-water-oriented commercial uses.
2. Non-water-oriented commercial uses shall be prohibited outside of High Intensity designation unless they meet one or more of the following criteria: [based on WAC 173-26-241(3)(d)]
    a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit such as public access and/or ecological restoration;
    b. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit such as public access and/or ecological restoration; or
    c. In areas designated for commercial use, if the site is physically separated from the shoreline by another property or public right-of-way.
3. Non-water-dependent commercial uses shall be prohibited over water except in existing structures or in the limited instances where they are auxiliary to and necessary in support of water-dependent uses. [WAC 173-26-241(3)(d)]
4. Commercial development shall be located, designed, and operated to result in no net loss of shoreline ecological functions in accordance with Section 4.2 of this Master Program, Environmental Protection and Critical Areas. [WAC 173-26-241(3)(d)]
5. Commercial development shall be located, designed, and operated to avoid adverse impacts to other shoreline uses, resources, and values including navigation, recreation, and public access. [WAC 173-26-241(3)(d)]
6. Any commercial facility or structure which is built shall conform to the dimensional standards in Table 5-2.
7. Any commercial facility or structure which is built on Rural Conservancy shorelines shall be of inconspicuous appearance so that it either blends with its surroundings, or at a minimum does not detract from them. [current SMP Section 7.B.3.b]
8. Commercial development over the water on Columbia River Estuary shorelines shall be located in areas of minimal currents and wave action. Floating structures shall be sited to prevent damage to natural vegetation and they shall not rest on the bottom during tidal cycles or periods of low flow. [current SMP Section 23.F.4]
9. New commercial development in the shoreline environment shall provide appropriate public access to the shoreline, per the requirements of Section 4.6, Public Access.

5.9 Dredging and Dredge Material Disposal

A. Policies [current SMP Section 3.B.30]

1. Site and regulate dredging and dredge material disposal in a manner which minimizes adverse effects on natural resources.
2. Ensure that dredging operations are planned and conducted in a manner that will minimize interference with navigation, fishing, and other existing shoreline uses.
3. Discourage the disposal of dredge material on shorelands or wetlands within a channel migration zone, unless part of an approved restoration project. The beneficial reuse of dredge spoils is encouraged. [per SPC comment]
4. Site and design new development to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

B. Regulations

1. General requirements.
   a. Consistent with mitigation sequencing principles outlined in Section 4.2, Environmental Protection and Critical Areas, dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological or ecosystem impacts, and impacts which cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
   b. Dredging and dredge disposal operations shall be located and conducted in a manner that will minimize interference with navigation, fishing, and other existing shoreline uses.
   c. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
   d. Dredging operations shall conform to the operating standards on any federal and state permits required for such operations. Operations not requiring federal or state permits shall have similar standards imposed as conditions of obtaining a permit. [current SMP Section 16.D.2.a]
   e. Erosion, sedimentation, increased flood hazard, and other undesirable changes in circulation shall be avoided. Tidal marshes, tidal flats, and other wetlands shall not be adversely affected. [current SMP Section 23.F.22.e]
   f. The timing of dredging and dredged material disposal in aquatic areas shall minimize interference with commercial and recreational fishing activities. Dredging and dredged material disposal shall occur during periods of adequate river flow. [current SMP Section 23.F.22.f]
   g. Dredging and dredge disposal shall be scheduled to minimize impacts to biological productivity (including, but not limited to, fish runs, spawning, vulnerable life stages such as softshelled crabs, and benthic productivity) and to minimize interference with fishing activities and other water-dependent uses.
2. Dredging.
   a. Dredging in aquatic areas shall be permitted for the following purposes only: [modified from current SMP Section 23.F.22.b]

i. Establishing, expanding, or reconfiguring navigation channels, anchorage areas, and basins in support of existing navigational uses;

ii. Implementing an approved regional dredge management plan for flood control purposes that also benefits shoreline resources as part of an interagency dredge material management plan;

iii. As part of an ecological restoration and enhancement project benefiting water quality and/or fish and wildlife habitat;

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

v. As part of an approved underground utility installation requiring trenches when boring or directional drilling, and other installation methods are not feasible;

vi. In conjunction with a port, marina, bridge, navigational structure, wastewater treatment facility, essential public facility, hydroelectric facility, fish hatchery, or other water-dependent use;

vii. When otherwise approved by state and federal agencies.

b. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill material is allowed only when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high water mark. The project shall 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. [WAC 173-26-231(3)(f)]

c. Dredging shall be the minimum necessary to accomplish the proposed use. [current SMP Section 23.F.22.d]

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

3. Dredge material disposal.

a. Dredge disposal shall be permitted only under the following conditions:

i. Where it is demonstrated by a qualified professional that disposal will not result in significant or ongoing adverse impacts to shoreline ecological or ecosystem functions and processes. If impacts are unavoidable, they shall be minimized and mitigated to ensure no net loss of shoreline ecological functions;

ii. Where it is demonstrated that dredge disposal will avoid and minimize interference with existing shoreline uses.

iii. Where it will not result in significant or ongoing adverse impacts to public access to shorelines. Where such impacts are unavoidable, they shall be

minimized and mitigated to ensure no net loss of public access to shorelines.

b. Upland disposal of dredged materials, when allowed, shall comply with the following: [modified from current SMP Section 23.F.23.e]

   i. Disposal sites shall be selected to minimize detrimental effects on the shoreline environment. In particular, disposal sites should avoid any area of productive wetlands. [modified from current SMP Section 16.D.2.c]

   ii. Surface runoff shall be controlled to protect water quality and prevent sedimentation of adjacent water bodies, wetlands, and drainageways. Disposal runoff water shall enter the receiving waterway through a controlled outfall at a location with adequate circulation and flushing. Underground springs and aquifers shall be identified and protected.

   iii. Dikes shall be constructed and form a sufficiently large containment area to encourage proper "ponding" and to prevent the return of dredged materials into the waterway. Containment ponds shall be designed to maintain at least one foot of standing water.

   iv. The final height and slope after each use of a land dredged material site: [current SMP Section 23.F.23.g]

      (1) Shall not enlarge itself by sloughing and eroding into adjacent aquatic areas;

      (2) Shall minimize loss of material from the site during storms and freshets; and

   v. Land disposal sites that are not intended for immediate developments, including sites which will be reused for dredged material disposal, shall be revegetated. [current SMP Section 23.F.23.f]

   vi. Disposal sites which have been completely filled shall be drained, tilled, and planted by the second growing season following filling, if possible, unless specific plans for other uses of the filled land are submitted to the Administrator within one year of filling. [current SMP Section 16.D.2.d]

c. Dredge material disposal waterward of the ordinary high water mark shall be permitted only when authorized by applicable state and federal agencies, or when one of the following conditions apply:

   i. Land disposal is infeasible, inconsistent with this Master Program, or prohibited by law; or

   ii. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible; or

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

iv. In-water disposal is specifically designed to supplement the Columbia River Littoral Cell to compensate for a truncated sediment supply from the Columbia River.

d. When allowed, dredge material disposal waterward of the ordinary high water mark shall: [current SMP Section 23.F.23.b]

   i. Demonstrate that the sediment size and chemical characteristics of the material proposed for in-water disposal is substantially the same as the substrate in the disposal area.

   ii. Demonstrate no adverse impacts to existing navigation. In-water dredge material disposal shall result in wave amplification of no more than ten (10) percent in coastal environments commonly used for navigation, unless it is determined by qualified professionals independent of regulatory agencies that such disposal will not negatively impact navigation. [per SPC comment]

   iii. Be conducted so that interference with sport and commercial fishing is avoided or minimized. [modified from current SMP Section 23.F.23.d.i]

   iv. Demonstrate that flow lane disposal sites shall avoid and minimize effects to benthic productivity. [current SMP Section 23.F.23.c]

e. Dredge spoils exceeding the Environmental Protection Agency criteria for toxic sediments shall be disposed of on land. The results of chemical and physical analysis of the spoil material shall be forwarded to the Administrator prior to the beginning of dredging operations. [current SMP Section 16.D.2.b]

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

   i. Improve wildlife habitat;

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

   iii. Create, expand, rehabilitate, or enhance a beach when permitted under this Master Program and any required state or federal permit including a Federal Energy Regulatory Commission license.

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

g. Ocean disposal shall comply with applicable standards above, as well as Section 6.5 Ocean Disposal. [current SMP Section 16.C.1]

5.10 Dune Modification

A. Policies [current SMP Section 3.B.33]

1. Recognize the value of dunes in protecting inland areas from damaging inundation caused by a combination of high tides and storms, tsunamis, the harmful effects of windblown sand, and flooding losses.
2. Recognize the importance of dunes in providing open space that has economic, aesthetic and ecological value.
3. Limit modification of the dunes and vegetation to comply with state and federal law, and to the minimum extent necessary to protect views and property values.
4. Recognize the importance of protecting the primary dune. [modified based on SPC comment]
5. Recognize that accretions have increased the value and amount of open space, and that upland development in these areas is not encouraged. [based on SPC comment]
6. Acknowledge that all information is not available to determine the future of dunal accretion and/or erosion activity, and commit to amending land use policies that respond to refinements in technical research.
7. Maintain existing beach access roads, parking areas and sanitary facilities. Recognize that the ocean beach is a state corridor in transportation planning activities and studies and it is a part of the Seashore Conservation Area.
8. Manage beaches and dunes to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beaches. [WAC 173-26-231(3)(e)]
9. Manage beaches and dunes to reduce the hazard to human life and property from natural or human-induced actions. [WAC 173-26-231(3)(e)]
10. Recognize that many dune grasses are non-native. These non-native species negatively affect native dune-associated species, yet they also provide dune stability, which provides protection from coastal erosion and flooding. Acknowledge the need to balance the management of non-native dune grasses and in recognition of their potential ecological impacts and protective functions.

Commented [TB55]: Added per SPC & ECY input.

B. Regulations

1. Where allowed.
   a. Dune modification shall be allowed only where it will not result in decreased protection of inland development from damage caused by storm surge, tsunamis, windblown sand, or flooding. [developed based on SPC comments]
   b. Dune modification to protect views of the water shall be allowed landward of the primary dune buffer identified in Subsection B.2 and only on properties subdivided and developed prior to the adoption of this Master Program. Such dune modifications shall only be allowed where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the

dunes did not obstruct views at the time of original occupancy, and then only in conformance with this section. [WAC 173-26-231(3)(e)]

2. Primary Dune Buffer. The following regulations shall apply to a protective strip of dune land, or buffer, along all ocean beaches in the Coastal Ocean designation. [developed based on SPC comments/County discussion]

   a. The width of the buffer shall be measured from the ordinary high water mark, inland to the landward (eastern) boundary of the primary dune. The landward boundary of the primary dune shall be identified first by the break in the slope at the bottom of the dune ridge, marked by a change in grade from ten (10) percent or greater to less than ten (10) percent; or second by the change in vegetation from dune to wetland.

   b. Dune modification within the buffer is prohibited except: [modified from current SMP Section 21.A based on SPC comments]

      i. For ecological restoration, where it is demonstrated that the proposed action will not decrease protection of inland development from damage caused by storm surge, tsunamis, windblown sand, or flooding; or

      ii. To provide access across the buffer:

         (1) For public, community, or joint use of more than four (4) parcels. In such cases, impacts to ecological functions shall be avoided, minimized, and mitigated.

         (2) For individual or private means, where it can be shown that a community or joint means of access is not possible and that no public means of improved access exists within 5,000 feet of the proposed facility. In such cases, access paths shall be limited to pervious trails at grade a maximum of six (6) feet width.

3. Where allowed, dune modification shall comply with the following regulations:

   a. Dune modification activities shall be consistent with state and federal flood protection standards. [modified from WAC 173-26-231(3)(e)]

   b. Dune modification operations shall not in any manner affect or alter the waterward buffer, as established in subsection (B)(2) above.

   c. Dune modification operations shall not result in a net loss of shoreline ecological functions or significant adverse impacts to other shoreline resources and values. [WAC 173-26-231(3)(e)]

   d. If vegetation is removed or disturbed, within one growing season of the action, disturbed areas shall be replanted with native dune vegetation. [current SMP Section 21.B.3, modified per SPC comments]

   e. Written notification shall be submitted by the land owner to the Administrator on a form to be provided by him prior to beginning of dune modification operations. Such notification shall include the approximate date on which the operation will begin, the location and size of the area to be modified, a description of the

Commented [TB56]: Potentially highly variable and imprecise. To be revised following field outing w/ECY, 11/19/15.

operation and any other necessary information required by the Administrator. [current SMP Section 21.B.1]

4. A building setback line shall be established easterly from the primary dune buffer. Any structure, including the expansion or alteration of existing structures, shall be prohibited waterward of the setback line. [current SMP Section 21.B and C, modified based on SPC comments]

   ~~a.~~ From North Head to the southern boundary of the City of Long Beach, 200 feet easterly from the 1968 Seashore Conservation Line, as surveyed by the State of Washington.

   b. From the northern boundary of the City of Long Beach to approximately 263rd Street – the 1980 Seashore Conservation line as surveyed by the State of Washington.

   c. From 263rd north to the southern boundary of public (state) ownership at 395 Lane - the Western Boundary of Upland Ownership (WUB) line. This line is also referred to as the 1889 line.

5. The use restrictions defined under other sections of this Master Program shall apply to the dune land easterly of the building setback line and coming under the jurisdiction of the Act. [current SMP Section 21.D]

Commented [TB57]: Setbacks extend outside of shoreline jurisdiction. To be revised following field outing w/ECY, 11/19/15.

5.11 Fill, Excavation and Grading

A. Policies [current SMP Section 3.B.31 Landfill and 3.B.38 Clearing and Grading, modified]

1. Allow landfills waterward of ordinary high water mark only when necessary to facilitate water-dependent and/or public access uses, or to support public road or bridge construction or maintenance, provided such uses are consistent with this Master Program.
2. Design the perimeter of fills to avoid or minimize erosion and sedimentation impacts. Encourage natural appearing and self-sustaining control methods over structural methods.
3. Design, locate, and implement fill and excavation projects to ensure no net loss of shoreline ecological functions through site planning, construction timing, bank stabilization, and the use of erosion and damage control methods.
4. Design grading activities with the objective of maintaining natural diversity in vegetation species, age, and cover density.

B. Regulations

1. Fill, excavation, and grading work shall:

   a. Be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration; and [WAC 173-26-231(3)(c)]

   b. Be the minimum necessary to accomplish the proposed use. [current SMP Section 23.F.25.a]

2. Where existing public access is reduced, suitable public access as part of the development shall be provided. Fill requirements shall not be expanded in order to provide public access. [current SMP Section 23.F.25.b]
3. Fill in aquatic areas shall be permitted only if required in conjunction with: [modified from current SMP Section 23.F.25.c] [modified per WAC 173-26-231(3)(c)]
   a. a permitted water-dependent use;
   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 Washington State Department of Natural Resources;
   e. expansion or alteration of transportation facilities and services of statewide significance, as defined in RCW 47.06.140, currently located on the shoreline, and then only upon a demonstration that alternatives to fill are not feasible; or
   f. an approved restoration project, mitigation action, environmental restoration, beach nourishment, or enhancement project.
4. Fill shall consist of clean materials with a minimum potential for degrading water quality. [current SMP Section 16.D.3.b Landfill and Dredging]
   a. Commercially available rock, gravel, soil, or sand is preferred for fill material.
   b. Solid waste, concrete, asphalt, brick rubble, contaminated soils, construction and demolition waste, or other materials that may degrade surface and groundwater quality of the shoreline area are prohibited.
5. Fill areas shall be protected against erosion with retaining walls or similar structures or by vegetation established, if possible, during the first growing season following completion of the fill. [current SMP Section 16.D.3.c]
6. Filling in associated wetlands or waterward of the ordinary high water mark to provide for soil absorption systems (drainfields) or for the purposes of meeting setback requirements shall be prohibited.
7. Where structures are permitted overwater, structures supported by pilings are preferred over fills.
8. Excavation of previously deposited dredge spoils above the OHWM may be permitted if the spoils site is part of a dredge materials management plan and the spoils were not originally placed as part of a beach nourishment or other shoreline restoration project.
9. The following regulations shall apply to excavation for creation of new water surface area on Columbia River Estuary shorelines: [modified from current SMP Section 23.F.24]
   a. Creation of new water surface area shall be allowed only in conjunction with navigation uses, water-dependent development or as a restoration action.

Commented [TB58]: These provisions are separated out because that is the way they were in the existing SMP. For PC consideration whether to expand to apply to all shorelines.

b. Water quality degradation due to excavation to create new water surface area shall be minimized. Adverse effects on water circulation and exchange, increase in erosion and shoaling conditions, and introduction of contaminants to adjacent aquatic areas resulting from excavation of the area and presence of the new aquatic area shall be minimized.

c. Sediments and materials generated by the excavation shall be deposited on land in an appropriate manner.

d. The maximum feasible amount of the new water surface area shall be excavated as an upland site, behind protective berms. The new aquatic area shall be connected to adjacent water areas as the excavation is completed. Excavation shall not result in channelization of the waterway.

e. Impacts to public access shall be mitigated to result in no net loss of shoreline public access. [per SPC comment]

10. Excavation below the OHWM is considered dredging and is subject to the provisions in Subsection 5.9 of this Master Program.

5.12 Forest Practices

A. Policies [current SMP Section 3.B.22]

1. Recognize the commercial and cultural importance of forestry in Pacific County. [per SPC recommendation]

2. Promote timber harvesting practices that do not degrade existing water quality, quantity and fish habitat, and that avoid adverse impacts to upland wildlife habitat.

3. Discourage logging on shorelines with slopes of such grade and/or soil type that would likely cause severe sediment runoff, unless adequate mitigation and/or restoration and erosion control can be accomplished.

4. Locate skid road and fire trails to minimize the disturbance to shoreline resources.

B. Regulations

1. Harvesting of timber is prohibited on Natural shorelines unless it is proven necessary to: [modified from current SMP Section 6.A.1 and 2]

a. Preserve a desired, early successional species, such as a stand of Douglas fir, which would eventually be superseded by a climax species such as western hemlock and western red cedar if no cutting were done.

b. Prevent an epidemic of insect or disease infestations throughout the designated areas and in adjoining areas where no other means of epidemic control will work.

c. Clean up and restore an area devastated by disaster such as extensive wind throw or fire.

In instances where timber harvesting on Natural shorelines is permitted, monetary value shall not be used to justify the timber harvesting but only to determine the economic feasibility of such restorative work.

2. Timber harvesting and forest practices activities that do not meet the definition of development in Section 2 of this Master Program shall be conducted in accordance with the Washington State Forest Practices Act (Chapter 76.09 RCW), WAC Title 222, as amended, and the 1999 Forest and Fish Report, and any regulations adopted pursuant thereto.
3. Within 200 feet of Shorelines of Statewide Significance, only selective commercial timber cutting is allowed, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time, with the following exceptions:
    a. Other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental.
    b. Clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted.
4. Conversion of forest land to non-forestry uses (Class IV Conversion Forest Practices Permit) shall be reviewed in accordance with the provisions for the proposed non-forestry use and the general provisions of Section 4, General Policies and Regulations, of this Master Program, the Critical Areas Ordinance, and shall be subject to any permit requirements associated with the non-forestry use.
5. The application of chemicals through aerial sprays or other means which result in extensive drift shall be prohibited. [current SMP Section 6.D.2]

5.13 Industrial Development

A. Policies [current SMP Section 3.B.23]
    1. Restrict new industrial lands from being sited on sensitive and ecologically valuable shorelines.
    2. Encourage new industrial development to provide physical and/or visual public access to shorelines.
    3. Encourage industrial development within incorporated Urban Growth Areas, areas of more intense development, and on existing Port-owned and/or –operated parcels.
    4. Encourage industrial development and redevelopment to locate where environmental cleanup and restoration of the shoreline area can be incorporated. [WAC 173-26-241(3)(f)]
    5. Give preference to water-dependent industrial uses over non-water-dependent industrial uses in shoreline jurisdiction. Water-related and water-enjoyment uses should be prioritized over non-water-oriented industrial uses. [per SPC comment]
B. Regulations
    1. Where industrial and port uses are allowed, they shall be located, designed, and constructed in a manner that minimizes adverse impacts to shoreline resources, including existing navigation, recreation, and public access, and shall include mitigation to ensure no net loss of shoreline ecological functions and processes.

2. Applicants shall consider incorporating public access as mitigation for impacts to shoreline resources and values unless public access cannot be provided in a manner that does not result in significant interference with operations or hazards to life or property, consistent with Section 4.3, Public Access. [based on WAC 173-26-241(3)(f)]
3. Where industrial use is proposed for location on land in public ownership, public access is required, if feasible. [WAC 173-26-241(3)(f)]
4. New nonwater-oriented industrial development shall be prohibited except when: [WAC 173-26-241(3)(f)]
   a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit, such as providing public access and/or ecological restoration; or
   b. Navigability is severely limited at the proposed site, and the industrial use provides a significant public benefit, such as providing public access and/or ecological restoration; or
   c. In areas designated for industrial use, where the site is physically separated from the shoreline by another property or public right-of-way.
5. For any port facility or water-related industrial use, or any expansion or alteration thereof which constitutes a complete project, the applicant shall demonstrate compliance with the regulations specified on any federal and state permits required for such facilities and operations. [modified from current SMP Section 14.D.3]
6. Industrial uses over the water shall be located in areas of minimal currents and wave action. Floating structures shall be sited in order to prevent damage to natural vegetation and shall not rest on the bottom during tidal cycles or periods of low flow. [current SMP Section 23.F.8.b]
7. Removal of riparian vegetation shall be permitted only where direct access to water is required for an approved water-dependent use. Temporary removal of riparian vegetation due to construction may be permitted subject to Section 4.5.B.5, Vegetation Management.
8. Log storage.
   a. Water storage of logs is prohibited on Columbia River Estuary shorelines. ~~Where permitted elsewhere, it shall be subject to the following minimum regulations:~~It may be permitted elsewhere only if all of the following conditions are met: [modified from current SMP Sections 23.F.10 and 14.D.4]
      i. ~~When no feasible dry land storage area is available, emergency or short-term storage of logs may be in water.~~There is no feasible upland location; and
      ii. State water quality standards can be met at all times; and
      iii. The storage does not create an impediment to navigation or interfere with other water-dependent uses; and

Commented [TB59]: Provisions suggested/updated in response to ECY comment. Modified from Jefferson County Code. For PC consideration.

iv. The storage occurs in deep water beyond the photic zone to reduce shading impacts and to prevent grounding; and

v. Easy let-down devices are employed for placing lots in the water. Free-fall or dumping of logs into water shall be prohibited; and

vi. Operations shall be in accordance with the provisions of WAC 332-30-145 and with applicable recommendations listed in Appendix A, "Best Management Practices for Reducing In-Water Wood Waste," of *Wood Waste Cleanup: Identifying, Assessing, and Remediating Wood Waste in Marine and Freshwater Environments* (Ecology Publication No. 09-09-044, September 2013).

~~i.~~

~~ii. Operation shall be in accordance with applicable recommendations listed on pages 3 and 4 of the publication *Log Storage and Rafting in Public Waters*, a task force report approved by the Pacific Northwest Pollution Control Council, August 1971.~~

b. Unpaved storage yards underlain by permeable soils shall have at least a four foot separation between the yard surface and the winter water table. [current SMP Section 23.F.11.a]

9. Support facilities associated with an ocean use must comply with the applicable regulations in Section 6 Coastal Ocean Uses and Modifications. [modified from current SMP Section 14.D.6]

10. Hazardous bulk storage, including nuclear facilities, shall not be located in known historical Cascadia Subduction Zone inundation areas.

11. Hazardous materials.

a. Extreme care must be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the water body.

b. Necessary refueling of motorized equipment, other than watercraft, must be conducted outside of shoreline buffers.

c. Applicants or operators of new facilities that involve either solid, liquid, or gas bulk storage of petroleum products, chemicals, and other materials potentially hazardous to shoreline areas and water bodies must justify the need to locate in the shoreline area

d. New industrial developments involved in the transfer of petroleum and/or other hazardous products must utilize best available technology and procedures to prevent spills and mishaps.

e. Appropriate spill clean-up materials must be on-site at all times, and any spills must be promptly contained and cleaned immediately after discovery.

f. Bulk storage of hazardous materials is prohibited in shoreline jurisdiction unless necessary to support a water dependent use. Storage of more than 50,000 gallons of hazardous liquids is prohibited.

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Commented [SS60]: This is moved from the ocean uses section since it applies to any onshore facilities, not only those associated with ocean uses.

Commented [SS61]: Added per SPC comments

5.14 Institutional Development

Commented [TB62]: Added per Ecology comment – it's in Table 5-1, but there was no corresponding section in the body of the SMP.

A. Policies

1. Encourage water-oriented institutional development such as scientific research facilities.
2. Encourage new institutional development to provide physical and/or visual public access to shorelines.
3. Give preference to water-dependent institutional uses over non-water-dependent institutional uses in shoreline jurisdiction. Water-related and water-enjoyment uses should be prioritized over non-water-oriented institutional uses.

B. Regulations

1. Regulations for commercial development, as found in Subsection 5.8.B of this Master Program, shall apply to institutional development.
2. Essential public facilities may be permitted in shoreline jurisdiction provided that:
   a. The facility is consistent with underlying zoning;
   b. The applicant demonstrate a need for a shoreline location, or that other locations are infeasible; and
   c. The facility provide a public benefit consistent with the SMA such as public access and/or ecological restoration.

~~5.14~~5.15 In-Water Structures

A. Policies

1. In-water structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. [WAC 173-26-241(3)(g)]
2. The location and planning of in-water structures should give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species. [WAC 173-26-241(3)(g)]

B. Regulations

1. Piling and dolphin installation shall be permitted only in conjunction with a permitted use and shall be the minimum necessary to accomplish the proposed use. [current SMP Section 23.F.26.a and b]
2. In-water structures shall not impede upstream or downstream migration of anadromous fish. All new and replacement structures, including culverts, shall be made fish passable in accordance with the most recent Washington State Department of Fish and Wildlife requirements or with the National Marine Fisheries Service guidelines for Endangered Species Act-listed species.
3. Structures shall be designed and located to minimize removal of riparian vegetation.

4. In-water structures shall be located and designed to preserve or enhance aquatic habitat and to minimize impacts on the visual and aesthetic quality of the shoreline.
5. Applicants shall demonstrate consideration of all of the following in the location, planning, and design of new in-water structures:
    a. Public access to shorelines;
    b. Flood protection;
    c. Preservation of historic and cultural resources;
    d. Protection and preservation of ecosystem-wide processes and ecological functions;
    e. Impacts to fish and wildlife, with special emphasis on protecting and restoring priority habitats and species;
    f. Watershed functions and processes;
    g. Hydrogeological, hydraulic, and hydrologic processes; and
    h. Preservation of natural scenic vistas.

~~5.15~~5.16 Mining

A. Policies [current SMP Section 3.B.24]
    1. Protect water bodies from sources of pollution, including but not limited to, sedimentation and siltation, chemical and petrochemical use, and spillage and storage/disposal of mining wastes and spoils.
    2. Minimize adverse visual and noise impacts of mining on surrounding shoreline areas.
    3. Return mining sites to as near a natural state as feasible upon closure.
    4. Ensure that where mining or associated activities in the shoreline are authorized, those activities will be properly sited, designed, conducted, and completed so as to cause no net loss of ecological functions of the shoreline. [WAC 173-26-241(3)(h)]
B. Regulations
    1. An applicant for mining and associated activities within shoreline jurisdiction shall demonstrate that the proposed activities are dependent on a shoreline location, consistent with this Master Program. Nonwater-dependent mining activities are prohibited in shoreline jurisdiction.
    2. Mining and associated activities shall be designed and operated to result in no net loss of shoreline ecological functions over the course of mining and reclamation, as set forth in Section 4.2 of this Master Program, Environmental Protection and Critical Areas. Determination of no net loss may be based on evaluation of final reclamation required for the site. [WAC 173-26-241(3)(h)]
    3. The operator of a surface mine, which is subject to the Surface Mining Control and Reclamation Act, amended in 1993, shall present to the County one copy each of the surface mining plan and of the reclamation plan as provided in RCW 78.44. [current SMP Section 9.B.3.a]

4. A surface mining plan or a reclamation plan judged to be insufficient for the protection or restoration of the shoreline environment shall be grounds for denial of a permit. [current SMP Section 9.B.3.b]
5. Removal of gravel for flood control purposes is permitted only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and that extraction is part of a comprehensive flood management solution. [WAC 173-26-221(3)(c)(V)] Any gravel removal alongside, upstream, or downstream from spawning areas shall be in conformance with the technical provisions of the Hydraulics Project Approval by the Washington State Department of Fish and Wildlife. [current SMP Section 9.B.3.c]
6. Preference shall be given to proposals that result in the creation, restoration, or enhancement of habitat for priority species. [WAC 173-26-241(3)(h)]
7. Mining waterward of the ordinary high water mark shall be prohibited unless: [WAC 173-26-241(3)(h)]
    a. Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport;
    b. The mining will not significantly impact priority species and the ecological functions upon which they depend; and
    c. These determinations are integrated with relevant SEPA requirements.
    d. See section 6.5 for mining provisions applicable to the Coastal Ocean and Coastal Ocean High Intensity environments.
8. Renewal, extension, or reauthorization of in-stream and gravel bar mining activities shall require review for compliance with these new requirements. [WAC 173-26-241(3)(h)(ii)(D)(IV)].
9. Recreational mining of sand from ocean beaches in a quantity of up to five hundred (500) pounds per week shall be exempt from the permit requirements of this Master Program but shall be subject to the following regulations: [current SMP Section 9.B.4]
    a. Digging of sand shall be to a depth no greater than eighteen (18) inches below the surface.
    b. Digging of sand shall be limited to the least sensitive biophysical areas of the beach, i.e. the uppermost wet sand area of the beach between the mean high tide line and a line 50 feet westward of the grass line.
    c. There shall be no sand removal from the primary or secondary dune, unless allowed under Section 5.10 Dune Modification.
    d. Written permission of the landowner shall be obtained prior to removing sand from ocean, bay, lake, or river beaches.
10. Temporary removal of riparian vegetation may be permitted subject to Section 4.5.B.5, Vegetation Management in cases where direct water access is required as part of a mining or mineral extraction operation. Erosion control measures such as seeding of

Commented [TB63]: In response to ECY comments, these provisions are consistent with intent of WAC. WDFW WAC does not include specific dimensional criteria for sand removal from beaches; HPAs are issued using best professional judgment (Chris Conklin, personal comm. 11/12). WAC 352-37-070(5)(b) (State Parks) gives authority to Pacific County to issue permits for the removal of sand on ocean beaches during periods of closure to vehicular traffic, and directs the local jurisdictions to "exercise good judgment."

native species, mulching, ditches, dikes, sedimentation basins and silt fences or curtains shall be provided and maintained. [current SMP Section 23.F.13.d]

11. The proposal must comply with the permit criteria for general ocean uses provided in Section 6.1(B)(2) of this Master Program. [modified from current SMP Section 9.B.3.d]

12. Petroleum exploration, development, and production on Columbia River Estuary shorelines must comply with the applicable regulations in Section 6.1(B) of this Master Program. [modified from current SMP Section 23.F.13.b]

~~12.~~13. Proposals for mining and mineral extraction in Willapa Bay and the Columbia River Estuary must comply with the permit criteria of Section 6.2(B)(3).

Commented [TB64]: Moved here to direct applicants in these two water bodies to Section 6 provisions.

~~5.16~~5.17 Outdoor Advertising, Signs, and Billboards

A. Policies [current SMP Section 3.B.36]

1. Design signs such that they do not block or otherwise interfere with visual access to the water or shorelands.
2. Require that signs in the shoreline environment be linked to the operation of existing uses and attached to said uses.
3. Locate, design, and maintain signs to minimize impacts to views and be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.

B. Regulations

1. Use and installation of signage in all shoreline environment designations shall be subject to the signage provisions in the Pacific County Zoning Ordinance No. 162.

Commented [TB65]: Majority of sign provisions now addressed under existing sign ordinance.

~~1. The following types of signs shall be permitted and shall be subject to the given regulations:~~

~~a. On-premise advertising or identification signs shall contain information relating to the dwelling, farm or ranch, or other premise on which they are located. Permitted on-premise signs include: [modified from current SMP Sections 8.B.2]~~

~~i. Single-Family Dwelling. One sign not exceeding two (2) square feet in area.~~

~~ii. Farms, Ranches, Commercial Forest, Golf Courses. Two signs, each of which shall not exceed thirty-two (32) square feet.~~

~~iii. Roadside Stands and Other Uses Contained with a Building. One and one-half square feet of sign per lineal foot of building frontage.~~

~~iv. General. Where an above described sign would not be visible from the street by a person of normal visual acuity, a free-standing sign no greater in area than thirty-two (32) square feet may be placed at the entrance to the property. Ground signs shall not exceed six (6) feet in height.~~

~~v. Open Space Recreation Area. One sign shall be permitted which shall not exceed thirty-two (32) square feet at each vehicular entrance and shall be appropriately landscaped.~~

~~b. Special signs on private property, which include: [modified from current SMP Sections 8.B.3]~~

~~i. Construction signs. Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen (16) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the beginning of the intended use of the project.~~

~~ii. Real Estate. Real estate signs advertising the sale or lease of the premises or part of the premises on which the signs are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed within fourteen (14) days after the sale or lease.~~

~~iii. Integral. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structures.~~

~~iv. Private Traffic Direction. Signs directing traffic movement onto a premise or within a premise, not exceeding three (3) square feet in area for each sign. Horizontal directional signs on and flush with paved areas are exempt from these standards.~~

~~v. Small Signs. Signs not exceeding two (2) square feet in area, attached flat against the building, stationary and not illuminated, announcing only the names and occupation of building tenant.~~

~~vi. Rental Signs. Rental signs on the premises announcing rooms for rent, room and board, apartment or house for rent, and not exceeding four (4) square feet in area.~~

~~vii. Governmental. Governmental or official notices, flags, emblems, or insignia.~~

~~viii. Political. Political signs provided they do not fall into any of the categories given under Subsection 5.16(B)(2) below, and provided they are removed within 30 days following the date of the election for which the sign is intended.~~

~~ix. Warning. Signs posted to warn against hunting, fishing, trespassing, dogs, hazards, and similar special warning signs.~~

~~2. The following types of signs shall be permitted on High-Intensity shorelines only, and shall be subject to the given regulations: [modified from current SMP Section 8.D.2]~~

~~a. Multi-Family Dwellings, Offices, Clinics, Schools, Churches and Other Public or Semi-Public Buildings. The total sign area allowed per property shall not exceed twelve (12) times the square root of the building frontage. In the case of multiple~~

occupancy of a building, it shall be the responsibility of the building owner to distribute the allowed sign area between the various occupants.

b. Special Residential Streets or Residential Neighborhoods. Permanent identification signs not exceeding twelve (12) square feet may be attached to a wall or fence at each vehicular entrance, and shall be appropriately landscaped.

c. Mobile Home Parks. One identification sign per entrance with a maximum sign size of sixteen (16) square feet and a maximum sign height of five (5) feet.

d. Business and Other Commercial Buildings. The total sign area permitted shall not exceed twelve (12) times the square root of the building frontage. In the case of multiple occupancy of a building, it shall be the owner's responsibility to distribute the permitted sign area between the various occupants. The maximum area of an individual ground sign shall be fifty (50) square feet. Where frontage is on more than one street, only the signs computed with respect to the frontage on a street shall fact that street. Frontage on a freeway or limited access highway which provides no access to the property cannot be used to compute sign area.

e. Signs may be on the vertical faces of marquees but no part of the sign shall project above the vertical marquee face. Signs oriented to pedestrian traffic may be suspended below the surface of the marquee not more than twelve (12) inches.

f. Signs for apartments, offices, and all other uses may contain the building name and related information.

3.2. The following types of signs shall be prohibited:

a. Off-premise advertising signs, pole or free-standing signs, signs projecting above the roof line of the building to which they are attached, and signs within a street right-of-way except those of an official nature. [current SMP Section 8.B.1];

b. Mock Traffic traffic Signssigns. Signs which imitate an official traffic sign or signal or which contain the words "stop," "go slow," "caution," "danger," "warning," or similar words. [current SMP Section 8.B.4.a];

c. Misleading Signs. Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street signal or which obstruct the view in any direction at a street or road intersection. [current SMP Section 8.B.4.b]signs;

d. Attention-demanding Signssigns. Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, blinking or fluctuating lights, or other similar or moving devices. These devices when not part of any sign are similarly prohibited;. [current SMP Section 8.B.4.c]

e. Improperly mMounted Signssigns, including those. Signs which are pasted or attached to utility poles, trees, fences, or other signs, rocks or other natural features;.

e.f. Sandwich boards and portable signs; and. [current SMP Section 8.B.4.d]

~~f.~~g. Animated s~~S~~igns. ~~Signs which have animated parts or which swing or otherwise move as a result of wind pressure because of the manner of suspension or attachment, except when necessary to maintain the structural integrity of the sign. [current SMP Section 8.B.4.e]~~

~~4.~~3. All non-conforming signs in place at the time of adoption of this Master Program shall be removed or made conforming within 3 years from the adoption date. Non-conforming signs established during the three year period following the adoption of this Master Program shall be removed or made conforming within 3 years from the adoption date. Non-conforming signs existing after 3 years from the adoption date shall be removed or made conforming by the owner of the property on which the sign is located. Removal or conformance shall be within 30 days of notification by the Administrator to the property owner. If the owner of the property is not found or refuses receipt of the notice, the Administrator shall post the sign and property upon which it is located with a notice that the sign must be removed or made conforming. If the sign is not removed or made conforming within 30 days after such posting, the Administrator, or the county sheriff, or the chief of police of any city of town shall destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so. [current SMP Section 8.B.5]

~~5.17~~5.18 Recreational Development

A. Policies [current SMP Section 3.B.6 Recreation and 3.B.25 Recreational Development]

1. Encourage diverse recreational opportunities in shoreline areas that can support such use and development without risk to human health, safety, and/or security, and without adverse effects on shoreline functions, processes, values, private property rights, and/or neighboring uses. [SPC suggestion]
2. Recognize that state-owned shorelines are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public. [SPC suggestion]
3. Preserve and enhance existing parks. [SPC/SIAC comment]
4. Provide for both active and passive recreational needs when developing recreational areas. [SPC suggestion]
5. Active shoreline recreational access, developments, and opportunities should be allowed to expand only in those areas already used for such purposes or on those shorelines environmentally capable of supporting such activities. [SPC suggestion]
6. Encourage the linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking paths, bicycle paths, easements and/or scenic drives.
7. Support other governmental and non-governmental efforts to acquire and develop additional shoreline properties for public recreational use. [per SPC suggestion]
8. Locate and design recreational developments to preserve, enhance, or create scenic views and vistas.
9. Design and locate recreational uses and facilities to ensure no net loss of shoreline ecological functions.

10. Develop, as an economic asset, the recreation industry along shorelines in a manner that will enhance public enjoyment. [current SMP Section 3.B.2 Economic Development]

B. Regulations

1. Recreation facilities shall be designed and located to take maximum advantage of and enhance the natural character of the shoreline area, and ensure no net loss of shoreline ecological functions.
2. Recreational development shall be located, designed, and operated consistent with the purpose of the environment designation in which they are located. Adverse impacts shall be mitigated in accordance with Section 4.2 of this Master Program, Environmental Protection and Critical Areas. [modified from WAC 173-26-241(3)(i) with current SMP Section 23.F.14.b]
3. Recreational uses in shoreline areas shall be allowed to make the greatest use of their proximity to the water by providing water access points, water viewing areas, and associated structural design when compatible with the aesthetic qualities of the site and the character of the local environment. [SPC suggestion] [modified from current SMP Section 18.B.2.a]
4. Preference shall be given to recreational uses which primarily relate to access to, enjoyment of, and/or use of the shorelines of the state. Nonwater-oriented uses such as restrooms, recreation halls and gymnasiums, access roads, and parking lots shall be located according to the following preference:
   a. Outside of shoreline jurisdiction, where feasible; or
   b. Landward of water-oriented uses unless it can be shown that such facilities are essentially shoreline dependent.
5. Recreation facilities shall be designed to protect public health and water quality by ensuring adequate restrooms, trash cans, pet waste disposal, and similar measures, where applicable. [SPC suggestion]
6. Review of proposed shoreline recreation development shall consider: [SPC suggestion]
   a. Impact of the activities and development on the existing shoreline environment;
   b. Impact of the activities and development on the adjacent and nearby shoreline environment and land and water uses;
   c. Demand for recreation. Applicants shall estimate growth projections and evaluate level-of-service standards established by the comprehensive plan or parks, recreation, and open space plan;
   d. The necessity and extent of alteration of the shoreline environment to meet design objectives and requirements; and
   e. The proximity to and impact upon required public utilities and services.
7. Recreational uses shall be designed to minimize adverse effects on traffic patterns and parking facilities. The adverse effects of storm run-off from parking lots shall be minimized. [current SMP Section 23.F.14.b]

~~5.18~~5.19 Residential Development

A. Policies [current SMP Section 3.B.26]

1. Encourage residential development to locate where there are adequate provisions for utilities, circulation and access. [modified per SPC comment]
2. Design and locate residential development to ensure no net loss of shoreline ecological functions. Residential development should be designed and located to preserve existing shoreline vegetation, control erosion, and protect water quality. [modified per SPC comment]
3. Encourage new residential development along the shoreline to cluster dwelling units in order to preserve natural features and minimize physical impacts.
4. Locate residential development so as not to cause significant adverse impacts to forestry, agricultural, aquaculture, or recreational uses.
5. Require residential development to make adequate provision for wastewater, water, and stormwater facilities and apply best management practices to protect shoreline water quality and meet the needs of the development.
6. Allow protection of existing single family residences and appurtenant structures against damage or loss due to shoreline erosion.
7. Multi-family and multi-lot residential developments should provide public access and joint use for community recreational facilities. [WAC 173-26-211(4)(f)(ii)(B), per SPC comment]
8. Limit residential development within identified Channel Migration Zones, FEMA Floodways, frequently flooded areas, areas flooded by storm surge, and areas vulnerable to inundation under projected sea level rise in the foreseeable future.
9. Design residential development to prevent the need for new shoreline stabilization or flood hazard reduction measure.
10. New overwater residential uses should be prohibited.

B. Regulations

1. Single-family residential development is a priority use on the shoreline when designed and developed to ensure no net loss of ecological functions, and in compliance with this Master Program as set forth in Section 4.2, Environmental Protection and Critical Areas, and Section 5.2, General Development Standards.
2. All new residential development, including plats and subdivisions, shall be designed such that no structural flood hazard reduction or shoreline stabilization measures are necessary for the life of the structure. On steep slopes or bluffs, residential development shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. On eroding shorelines all development shall adhere to the most restrictive of the prescriptive set back requirements as part of the County's land use ordinances.

3. Residential development is permitted on shorelines where the groundwater table will not be significantly lowered by the construction of drainage facilities and where proposed pumping rates will not cause intrusion of salt water. It shall be the responsibility of the property owner to demonstrate that drainage or pumping facilities will not unduly deplete the ground water resource or cause intrusion of salt water given the cumulative impacts of existing and planned development. [modified current SMP Sections 11.B.2 and 23.F.15.c]
4. Shoreline vegetation shall be retained and protected, consistent with Section 4.3, Vegetation Management, to the maximum feasible extent during construction, renovation, and repair of residential development, including roads and utilities. Shoreline vegetation, contour, and slope shall be restored to a stable condition within one year after construction is completed, that stable condition being as near to the natural condition as possible.
5. Plats and subdivisions shall be designed, configured, and developed in a manner that assures no net loss of ecological functions resulting from the plat or subdivision at full build-out of all lots. [WAC 173-26-241(3)(j)(i)]
6. Applications for new residential land divisions shall include an evaluation of the clustering of lots to minimize physical and visual impacts on shorelines.
7. New multifamily development, including subdivision of land for more than four parcels and mobile home parks, shall provide shared public access to the shoreline per Section 4.3, Public Access. For subdivisions of more than four (4), but less than ten (10) lots, community access shall be sufficient to meet the public access requirement.
8. New residential development or redevelopment adjacent to areas with existing aquaculture or areas with a high potential for aquaculture shall comply with subsection 5.3(B)(4), Protection of water quality near aquaculture areas.
9. Sewage disposal facilities shall be provided in accordance with Section 4.6, Water Quality.
10. Overwater residences.
    a. New over-water residences, including floating homes, are prohibited.
    b. An existing overwater primary residential use may continue, and the structure may be repaired, maintained, increased in height, and remodeled in accordance with Section 7, Nonconforming Uses, but the use may not be intensified and the overwater structure may not be enlarged or expanded over water.
    c. This section does not apply to liveaboards, which are regulated under Section 5.6.

~~5.19~~5.20 Restoration

A. Policies

1. Protection of existing resources is the best way to ensure the long-term health and well-being of Pacific County shorelines, including both upland and aquatic functions. Restoration and natural systems enhancement should be used to complement the

protection strategies required by this Master Program to achieve the greatest overall ecological benefit.

2. Ensure that shoreline restoration and natural systems enhancement projects address legitimate restoration needs and priorities and facilitate implementation of the Pacific County Shoreline Restoration Plan. [based on WAC 173-26-231(3)(g)]

B. Regulations

1. Restoration and resource enhancement shall be consistent with the Pacific County Shoreline Restoration Plan. [modified from current SMP Section 23.F.16]
2. Long-term maintenance and monitoring shall be included in restoration or enhancement projects.
3. Restoration and enhancement projects shall be designed using scientific and technical information and implemented using best management practices. Applicants should consult applicable guidance documents, such as the most current version of the Washington Department of Fish and Wildlife's Stream Habitat Restoration Guidelines, state noxious weed listings, and agricultural pest management guidance documents, promulgated by state or federal agencies.
4. Habitat creation, expansion, restoration, and enhancement projects may be permitted in all shoreline environment designations subject to required state or federal permits when the applicant has demonstrated that:
   a. Spawning, nesting, or breeding fish and wildlife habitat conservation areas will not be adversely affected;
   b. Water quality will not be degraded;
   c. Flood storage capacity will not be degraded;
   d. Streamflow will not be reduced;
   e. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
   f. The project will not interfere with the long-term normal public use of the navigable waters of the state.

~~5.20~~5.21 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. Encourage soft structural shoreline stabilization measures over hard stabilization measures.

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. When Allowed. New and expanded structural stabilization measures shall not be allowed except when necessity is demonstrated for one of the following: [WAC 173-26-231(3)(a)(iii)(B)]
   a. To protect existing primary structures, when all of the following conditions apply:
      i. There is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not a demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
      ii. The erosion control structure will not result in a net loss of shoreline ecological functions.
   b. In support of new development, including water-dependent development and single-family residences, when all of the following conditions apply:
      i. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
      ii. Non-structural measures, such as placing the development further from the shoreline, 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. For non-water-dependent development, the damage must be caused by natural processes, such as tidal action, currents, and waves.
      iv. The erosion control structure will not result in a net loss of shoreline ecological functions.
   c. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW, when all of the following conditions apply:
      i. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
      ii. The erosion control structure will not result in a net loss of shoreline ecological functions.

2. Replacement of existing shoreline stabilization.

a. Definition. Replacement means the construction of a new structure to perform a shoreline stabilization function of an existing structure that can no longer adequately serve its purpose. Replacement also includes:

i. Reconstruction of greater than 50 percent or 50 feet of linear length, whichever is less, within three years; or

ii. Reconstruction of the footing or bottom course of rock; or

iii. Placement of a new shoreline stabilization structure landward of a failing shoreline stabilization structure.

~~2.~~b. When Allowed. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves, and in accordance with the following requirements. [WAC 173-26-231(3)(a)(iii)(C)]

~~a.~~i. The replacement structures shall be designed, located, sized, and constructed to assure no net loss of ecological functions.

~~b.~~ii. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

~~c.~~iii. Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.

~~d.~~iv. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

3. Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. [WAC 173-26-231(3)(a)(iii)(D)]

4. When a ~~structural~~ shoreline stabilization measure is permitted, the following provisions apply: [WAC 173-26-231(3)(a)(iii)(E)]

a. Soft stabilization measures shall be used unless demonstrated not to be sufficient to protect primary structures.

b. The size of the structural shoreline stabilization measure shall be limited to the minimum necessary. The structure shall be located, designed, and sized to ensure no net loss of shoreline ecological functions.

c. Where they are approved on feeder bluffs or other areas important to the production of beach sediments, shoreline stabilization measures shall be located and designed to minimize adverse impacts to sediment conveyance systems.

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d. Shoreline stabilization measures shall not restrict existing public access to public shorelines. [current SMP Section 23.F.27a]

e. Shoreline stabilization measures shall be located and designed to minimize their impacts on the aesthetic qualities of the shoreline. [current SMP Section 23.F.27.b]

f. Clean, durable, erosion-resistant material shall be used. [modified from current SMP Section 23.F.27.d]

g. Shoreline stabilization measures shall be demonstrated to be capable of protecting the integrity of the existing structure from damage caused by shoreline erosion over a period of at least ten (10) years.

5. Shoreline stabilization shall not be used to increase land surface area. [current SMP Section 23.F.27.c]

~~5.21~~5.22 Transportation and Parking

A. Policies [current SMP Sections 3.B.3 Circulation, 3.B.27 Transportation Facilities, and 3.B.35 Parking]

1. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will minimize adverse effects on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

2. Within the shoreline jurisdiction, locate land circulation systems which are not shoreline dependent as far from the land-water interface as practicable to reduce interference with either natural shoreline resources or other appropriate shoreline uses.

3. Locate roads to fit the topographical characteristics of the shoreline such that minimum alteration of natural conditions results. New transportation facilities should be located and designed to minimize the need for shoreline stabilization and flood protection measures and to minimize the need to modify the natural drainage systems. New transportation facilities should be located outside of the floodplain and areas vulnerable to inundation as a result of sea level rise. The number of waterway crossings should be limited.

4. Encourage trail and bicycle paths along shorelines where they are compatible with the natural character and ecology of the shoreline, and where measures are included in projects to address pollution impacts from the activity.

5. Encourage joint use of transportation corridors within shoreline jurisdiction for utilities and other forms of transportation.

6. Locate and design parking facilities to minimize adverse impacts including those related to stormwater runoff and water quality.

B. Regulations

1. General.

a. Transportation and parking development shall be carried out in a manner that maintains or improves state water quality standards for affected waters and results in no net loss of shoreline ecological function.

b. Adverse impacts of land transportation facilities on unique or fragile shorelines shall be minimized.

c. Adverse impacts on existing or planned water-dependent uses shall be avoided.

d. Land transportation facilities shall be prohibited in aquatic areas except where bridge crossings are needed and where no feasible alternative shoreland or upland route exists.

e. New port and industrial developments involved in the transfer or transport of petroleum or other hazardous products in the waters and shorelands of Pacific County shall utilize best available technology and procedures to prevent spills and develop and implement contingency plans. Applicants shall also establish procedures for mitigating damages from spills or other malfunctions.

2. Roads.

a. A permit for road construction or expansion may be granted subject to the following regulations: [current SMP Section 12.B.2]

i. Demonstration of compliance with any federal, state, or county permits, as required.

ii. Filling of tidelands to provide for a road right-of-way may be permitted as a Conditional Use where there are no alternative routes which are economically or topographically feasible.

b. Private access roads shall comply with Pacific County Code Chapter 12.04, Road Standards.

3. Airports. Airports and associated facilities, including terminal stations for aircraft passenger and cargo operations, runways, towers, and associated systems, shall be located so as to minimize adverse impacts to migratory bird flyways and habitat used by resident waterfowl and other birds. [current SMP Section 23.F.2]

4. Parking.

a. Parking lots shall be located/sited outside the shoreline jurisdiction except to support an authorized shoreline use [WAC 173-26-241(3)(k)].

b. Parking accessory to an authorized use shall be located landward of the primary use and as far upland from the ordinary high water mark as feasible.

c. Parking lots with spaces for 10 or more cars shall not be located within 100 feet of the ordinary high water mark. [current SMP Section 7.C.3.c]

~~5.22~~5.23 Utilities

A. Policies [current SMP Section 3.B.37 Utilities]

1. Require utilities to utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors in the shoreline

environment. Joint use of rights-of-way and corridors in shoreline areas should be encouraged.

2. Locate utility facilities and corridors so as to protect scenic views. Whenever practicable, such facilities should be placed underground or alongside or under bridges.
3. Prohibit solid waste disposal activities and facilities where they would contribute to a net loss of shoreline ecological functions.
4. Ensure that utilities that are necessary to serve shoreline uses are properly installed so as to protect the shoreline environment and water from contamination.
5. Locate and design utility facilities in a manner which preserves the natural landscape and shoreline ecology, and minimizes conflicts with present and planned land uses.

B. Regulations

1. Applicability. These provisions apply to primary utilities, such as services and facilities that produce, convey, store, or process power, gas, wastewater, communications, oil, waste, and similar services and functions. On-site utility features serving a primary use, such as a water, sewer, or gas line to a residence or other approved use, are accessory utilities and shall be considered a part of the primary use.
2. Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities, are prohibited in shoreline jurisdiction unless it can be demonstrated that no other feasible option is available. [WAC 173-26-241(3)(l)]
3. Electrical and communication transmission and distribution lines shall be located outside of shoreline jurisdiction where feasible. [modified from WAC 173-26-241(3)(l)]
4. When allowed, utilities shall: [WAC 173-26-241(3)(l)]
    a. Be located in existing rights-of-way and corridors whenever possible;
    b. Be located, designed, constructed, operated, and maintained to result in no net loss of shoreline ecological functions;
    c. Limit any clearing necessary for installation or maintenance to the minimum necessary to prevent interference by trees and other vegetation with the proposed facilities; and [current SMP Section 13.A.2.a]
    d. Be designed to have the least adverse effect on aesthetic characteristics of the area. Interference with public uses and public access to the shoreline shall be minimized. [modified from current SMP Section 23.F.19.b]
5. Upon completion of installation of such utility systems or of any maintenance project which disrupts the environment, the disturbed area shall be regraded and replanted to be compatible with the natural terrain and prevent erosion. [current SMP Section 13.A.2.b]
6. Existing Utilities shall not be construed as justification for more intense development. [WAC 173-26-211(3)(c)]
7. New oil and gas-related facilities shall be permitted only when the applicant can demonstrate adequate plans, equipment, staffing, procedures, financial and

performance capabilities to ensure that adequate prevention, response, and mitigation can be provided throughout the life of the facility. [based on WAC 173-26-360(8)(b) & (c)]

8. Special attention shall be given to the response times for public safety services such as police, fire, emergency medical, and hazardous materials spill response services in providing and reviewing onshore locations for oil and gas facilities. [WAC 173-26-360(8)(d)]
9. Any oil and gas facilities, including pipelines shall be located, designed, constructed, and maintained to ensure adequate protection from geological hazards, such as liquefaction, hazardous slopes, erosional shorelines, earthquakes, areas subject to storm surge, and areas projected to be inundated by sea level rise; physical oceanographic processes; and natural disasters. [WAC 173-26-360(8)(e)]
10. All pipeline corridors and energy distribution lines shall be located in existing utility rights-of-way and integrated with existing pipeline or electric transmission corridors to the maximum extent feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns. [current SMP Section 27.D.3.e and 6.b]
11. Development of pipelines and cables on tidelands is prohibited unless no other feasible alternative exists. [WAC 173-26-241(3)(l)]
12. Utilities in the Coastal Ocean and Coastal Ocean High Intensity Environment Designations shall comply with applicable standards above, as well as applicable provisions in Section 6.

6 COASTAL OCEAN USES AND MODIFICATIONS

6.1 Applicability

A. The policies and regulations in this section apply to all areas within the Coastal Ocean, Coastal Ocean High Intensity, and Willapa Bay Estuary Environments.

B. Shoreline provisions throughout this SMP apply in addition to ocean use provisions in this chapter. -In the case of a conflict between shoreline provisions and provisions in this chapter, provisions in this chapter shall apply.

C. The provisions of this section apply to on-shore and estuary uses that directly support ocean uses.

Commented [TB67]: Added per discussion with ECY. These provisions apply to CO, COHI, and WBE, but not CRE.

~~6.1~~6.2 General Ocean Uses

A. Policies

1. Ocean uses and associated on-shore facilities should be located, designed and operated consistent with state guidelines, specifically WAC 173-26-360, as amended. [current SMP Section 3.B.42]

2. Support the continued study of ~~Coastal and estuarine environments in Pacific County are highly~~ complex, dynamic, and interrelated coastal and estuarine environments in Pacific County.

3. ~~. The~~Encourage coordination amongst the array of agencies charged with the management and regulations of ~~and~~ actions within ~~and between these environments are regulated by a suite of agencies~~coastal ocean areas within and beyond the boundaries of Pacific County.

~~2.~~4. Given the~~The~~ rise of unprecedented changes to the coastal environment including: continental/oceanic elevation changes, ocean acidification, species declines and introductions, and the potential for development of alternative energy production present the county with management challenges~~. F~~, and faced with the risk inherent to uncoordinated actions and resultant cumulative impacts, all federal actions, including management plans updates, should be consistent with the Pacific County Shoreline Master Program, an element of the State of Washington's Coastal Zone Management Program as recognized by the US Public laws: Coastal Zone Management Act (U.S. Code, Title 16,Chapter 33) and Coastal Zone Management Re-authorization Amendments.

~~3.~~5. Existing resource-based uses, ecological and ecosystem functions and processes in the coastal zone, and public access to ocean waters should be protected and preserved for current and future generations. [SPC intent]

~~4.~~6. Supporting scientific documentation for conditional use permits should be available and fully considered before decisions are made. Documentation should adequately address seasonal, inter-annual, and spatial variability in ocean conditions and identify data gaps that may affect study outcomes. [SPC suggestion]

~~5.~~7. Ocean resource-based uses and activities that depend on sustaining function of the ecosystem or will not adversely impact renewable resources, public access, or cause a

net loss in ecosystem function shall be given priority. [current SMP Section 27 preamble] Correspondingly, ocean uses that will have lesser adverse impacts on renewable resources should be given priority over uses that will have greater adverse impacts. [WAC 173-26-360]

~~6.~~8. Ocean uses should not adversely affect coastal communities, including ~~individual citizens' quality of life and~~community wellbeing, as determined by the County Commissioners. Ocean uses that will have lesser adverse social and economic impacts on coastal uses and communities should be given priority over uses and activities that will have greater such impacts. [WAC 173-26-360(7)(b)]

9. When the adverse impacts are generally equal, the ocean use that has less probable occurrence of a disaster should be given priority. [WAC 173-26-360(7)(c)]

~~7.~~10. The county shall adopt a broad prohibition on fixed structures in its coastal areas, including a strict prohibition on permanent fixed structures in the Coastal Ocean environment, to provide time for updated information addressing the protection of ecological functions and existing resource-based uses in these environments. The county will revisit policies and regulations regarding fixed structures in the Coastal Ocean, Coastal Ocean High Intensity, and Willapa Bay Estuary environments to address new information and technology during scheduled periodic reviews of this Program under RCW 90.58.080.

B. Regulations

1. Ocean Use Activity Matrix. Table 5-1 lists the potential ocean uses and associated support activities that are addressed by the Ocean Resources Management Act (RCW 43.143); the Ocean Management Guidelines (WAC 173-26-360); and uses that could potentially occur in the Pacific Ocean or on the adjacent shoreland area. All ocean use activities must comply with the applicable regulations. [current SMP Section 27.D.11] In addition to these regulations, general use and modifications applicable to the coastal ocean and coastal ocean high intensity environment designations also apply.

2. On-shore facilities shall comply with not only the regulations applicable to their specific ocean use, but any other applicable regulations for the specific use or activity as found in Sections 4 or 5 of this Master Program.

3. Permit Review Criteria. Pacific County shall only permit ocean and associated upland or coastal uses and activities if all of the criteria listed below are met or exceeded. The applicant shall provide the county with the most current, accurate, and complete scientific and technical information for its review, when needed. Public input shall also be considered. [current SMP Section 27.D.12, also per WAC 173-26-360 and RCW 43.143.030(2)]

   a. There is a demonstrated significant local, state, or national need for the proposed use or activity;

   b. There is no reasonable alternative to meet the public need for the proposed use or activity;

Commented [TB68]: Revised per SPC input

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Commented [TB69]: New policy language addresses prohibition of permanent fixed structures in these environments. Please see TWC memo dated 11/17/15 for a discussion of this issue.

Commented [SS70]: Per SPC input

Commented [TB71]: SPC has suggested more clearly defining this term. This is a subjective metric and allows the county flexibility. For PC discussion.

c. There will be no likely significant long-term or cumulative adverse impacts to coastal or marine resources or uses, including consideration of cumulative adverse impacts from activities outside the county within Washington State that cause local impacts;

d. All reasonable steps are taken to avoid and minimize adverse environmental impacts, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling, with special protection provided for the marine life and resources of the Columbia River and Willapa Bay estuaries;

e. All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

f. Compensation is provided to mitigate adverse impacts to coastal resources or uses that maintains the county wellbeing. If impacts to the county wellbeing are contested, the Board shall make the determination~~, as determined by the Board of County Commissioners, and that is approved by the county~~;

g. Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned; and

h. The use or activity complies with all applicable local, state, and federal laws and regulations.

4. The proponent of an ocean use development or associated on-shore facility that could impact coastal ~~waters~~ ocean areas or shorelines in areas of Pacific County subject to the ocean use requirements shall be required to submit the following information, and any other information deemed necessary by the Shoreline Administrator, in the final permit application package: [current SMP Section 27.D.13]

a. An overall development scheme discussing the site plan and proposed plans, operating procedures, and best management practices to be employed;

b. A phasing plan for the staging of development that utilizes a precautionary approach to ensure no net loss of ecological and ecosystem functions or existing uses;

c. Analysis of potential significant adverse impacts identified ~~in a~~as required by SEPA environmental checklist;

d. Mitigation and monitoring plans to address unavoidable adverse environmental, social and economic uses and resources and the effectiveness of mitigation;

e. Analysis of the visibility of the proposed facilities from the shoreline and the effect on public access, aesthetics, and views and a plan to avoid and minimize or eliminate such impacts;

f. Plan for the transport, storage, disposal and clean-up of solid, liquid and hazardous wastes;

Commented [TB72]: Per conversation with Ecology, WAC 173-26-360(2) specifically excludes consideration of impacts from "…activities offshore of Oregon, Alaska, California, or British Columbia or impacts from Washington's offshore on the Strait of Juan de Fuca or other inland marine waters." Revision proposed to avoid conflict with this section of the WAC.

Commented [TB73]: Language is per SPC input, but needs to be measurable in order to be a review criterion. The county should consider how "county wellbeing" would be evaluated. Is it possible to use more explicit/quantifiable language?

Commented [TB74]: 'No net loss of functions' is commonly referenced in the SMA. 'No net loss of existing uses' is a phrase introduced in this SMP. No net loss of functions is reached by specific standards and by permitting/prohibiting specific uses and avoidance, minimization, and mitigation. Given Clarification of what is intended by no net loss should be explored clarified, and/or different language explored.

Commented [SS75]: SPC proposed a monitoring plan to monitor the monitoring. This seems cyclical to us, so it was not included.

g. Analysis of the adequacy of the local infrastructure (water, sewer, fire, road) to service the project;

h. Analysis demonstrating that the facility will be able to comply with local air pollution control regulations;

i. Fire protection plan;

j. Oil spill contingency plan, if involved in petroleum exploration, production, storage or transportation ~~in, near, or on coastal waters and shorelands~~;

k. Analysis demonstrating the proposed project's consistency with the Shoreline Master Program.

l. An analysis of designs and methods available to prevent, avoid and minimize adverse impacts such as noise, light, temperature changes, turbidity, water pollution and contaminated sediments on the marine, estuarine or upland environment, particularly during critical migration periods and life stages of marine species and critical oceanographic processes.

m. An analysis of alternatives that are commensurate with the need for the proposed use (e.g. if there is a demonstrated national need for a proposed use, then national alternatives, including alternatives outside of Pacific County and Washington State, should be considered).

Commented [TB76]: Added per WAC 173-26-360(7)(d).

5. Pre-project environmental baseline inventories and assessments and monitoring of ocean uses shall be required when little is known about the effects on marine and estuarine ecosystems, renewable resource uses and coastal communities, or when the technology involved is likely to change. [WAC 173-26-360(7)(v)]

6. All proposed ocean activities and uses with potential to significantly affect the coastal ocean ~~waters~~ areas under the jurisdiction of Pacific County will require a socioeconomic assessment ~~and the development of mitigation measures~~ to analyze and describe the long and short term effects of the proposed action ~~to directly stimulate or drain~~ on the local economy. This assessment may include but not be limited to gains or losses of jobs and incomes, tourism, fisheries, agricultural impacts, increased governmental planning and management loads, effects on construction and commercial activity, community support facilities (such as schools, hospitals, health and social services), tax structure, social changes in crime, mental health, crowding, sense of autonomy and other quality of life indicators. [current SMP Section 27.D.14]

Commented [TB77]: Mitigation is covered below; revised to reduce redundancy.

7. Rehabilitation plans ~~and bonds~~ shall be required prior to permitting new ~~for~~ ocean uses. The plans ~~and amounts~~ shall address the effects of planned and unanticipated closures, completion of the activity, reasonably anticipated disasters, ~~inflation,~~ new technology, ~~and~~ new information about environmental impacts to ensure state of the art technology and methods are used, and potential adverse impacts to commercial and noncommercial resources or coastal uses.

Commented [SS78]: The last clause is not verbatim from the WAC, and Ecology recommended deletion. However, it is consistent with WAC 173-26-360(7)(f) and (g) relating to mitigation compensation, and bonding seems like an appropriate time to consider potential adverse effects to other ongoing uses.

8. Bonds shall be required prior to permitting new ocean uses. The bond amounts shall be sufficient to assure the implementation of rehabilitation plans that fully mitigate adverse impacts to ecological functions and compensate adverse impacts to ongoing

commercial and non-commercial resources and coastal uses. Bonding shall account for inflation and the timing of completion of the activity.

For any ~~emerging~~new ocean use, the applicant shall demonstrate the financial and performance capabilities to carry out the proposed project as designed, including mitigation for failure or~~,~~ abandonment~~, or termination~~. [SPC recommendation]

9.

Permittees are responsible for compensating other users for damages, including damaged ~~or~~and lost property ~~or~~and lost opportunity resulting from their activities.

~~7.~~10. Allocation of compensation to mitigate adverse impacts to coastal resources or uses should be based on the magnitude or degree of impact on the resource, jurisdiction, and use. In determining compensation to mitigate adverse environmental, social and economic impacts to coastal resources and uses, impacts on commercial resources, noncommercial resources, such as environmentally critical and sensitive habitats, and on coastal uses, such as loss of equipment or loss of fishing season shall be weighed. [current SMP Section 27.D.15, modified consistent with WAC 173-26-360(7)(f) and (g)]

~~8.~~11. New ocean uses and associated transit zones shall be coordinated with existing uses, including fishing and navigation to avoid potential conflict to the greatest extent practicable. Existing shipping and towlanes shall be used for vessel transit to the maximum extent feasible.

~~9.1. Permittees are responsible for compensating other users for damages, including damaged or lost property or lost opportunity resulting from their activities.~~

12. On-shore facilities associated with an ocean use shall be located in communities where there is adequate sewer, water, power, and streets. Within those communities, if space is available at existing marine terminals, the onshore facilities should be located there. [WAC 173-26-360(q)].

13. Ocean uses and their associated coastal or upland facilities shall be located, scheduled, designed, and operated to prevent, avoid, and minimize adverse impacts to m~~M~~igration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, commercial and recreational species, and areas of high productivity for marine biota such as upwelling and estuaries. [WAC 173-26-360(7)]

~~10.~~14. Ocean uses and their associated coastal or upland facilities shall be located, scheduled, designed, and operated to avoid~~,~~ and minimize adverse impacts to the following: [WAC 173-26-360(7)]

~~a. Migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands, and areas of high productivity for marine biota such as upwelling and estuaries.~~

~~b.~~a. Proposed or existing environmental and scientific preserves and sanctuaries, parks, and designated recreation areas.

Commented [TB79]: Separated out from rehabilitation plans, above, for clarity.

Commented [TB80]: Combined with 8, above, to maintain clarity that compensation is required, while reducing redundancy.

Commented [SS81]: General provisions of on-shore facilities moved to 2, above so that application is addressed early in section.

Commented [SS82]: Per Ecology comment: Prevent was deleted from provision below because it does not apply to all of the listed impacts per WAC 173-26-360(7). Per TNC comment: This provision was called out separately because the WAC specifically uses the term "prevent" for these impacts.

Commented [TB83]: Added per SPC suggestion, 11/4/15

~~c.~~b. Historic or culturally significant sites in compliance with Chapter 27.34 RCW. Permittees shall comply with Chapter 27.53 RCW if any archaeological sites or archaeological objects such as artifacts and shipwrecks are discovered.

~~d.~~c. Fishing grounds, aquatic lands, or other renewable resource ocean use areas during the established, traditional, and recognized times they are used or when the resource could be adversely impacted.

~~e.~~d. Existing water-dependent businesses and existing land transportation routes to the maximum extent feasible.

~~f.~~e. Air and water quality, tourism, recreation, fishing, aquaculture, navigation, transportation, public infrastructure, public services, community culture, public access, aesthetics, and views for avoiding and minimizing social and economic impacts.

f. Shipping lanes or routes traditionally used by commercial and recreational fishermen to reach fishing areas, to the extent feasible.

g. Economic stability and viability of coastal communities.

Commented [SS84]: Added per SPC recommendation. Added here rather in 13 because 14 focuses on human element.

~~11.~~15. The location, design, and operation of ocean uses and associated onshore facilities shall consider the environment, the characteristics of the use, and the impact of a probable disaster to assure adjacent uses, habitats, and communities' adequate protection from explosions, spills, and other disasters. [WAC 173-26-360(7)(O)]

~~12.~~16. Discontinuance or shut-down of mining or energy producing ocean uses shall be done so that impacts to renewable resource ocean uses are minimized and the seabed is restored to a condition similar to its original state to the maximum extent feasible. [current SMP Section 27.D.3.b, 4.d, and 5.a]

17. Ocean use distribution, service and supply vessels and aircraft shall be operated or routed such that they minimize impacts to renewable resources and activities, and avoid ~~impacts to~~environmentally critical and sensitive habitats such as sea stacks and wetlands, preserves, sanctuaries, bird colonies, and migration routes, during critical times those areas or species could be affected~~avoid environmentally sensitive areas~~. [current SMP Section 27.D.2.a, 3.a, 4.a, and 6.a]

Commented [TB85]: Revised for consistency with WAC language.

18. Construction plans shall consider scheduling and methods of construction, and locations for temporary construction facilities that minimize impacts on tourism, recreation, commercial fishing, local communities and the environment [WAC 173-26-360(7)(r)].

~~13.1. For any emerging ocean use, the applicant shall demonstrate the financial and performance capabilities to carry out the proposed project as designed, including mitigation for failure, abandonment, or termination. [SPC recommendation]~~

~~14. Coastal ocean developments located on dry land shall locate all nonwater-oriented facilities landward of water-oriented uses, or outside shoreline jurisdiction, unless no other location is feasible. [Per SPC recommendation]~~

~~15.~~19. Federal consistency determinations under the Coastal Zone Management Program for activities beyond the county's 3-mile jurisdictional limits shall be forwarded to the county by the Department of Ecology for consultation to ensure the wellbeing of

the county and its citizens.

Commented [TB86]: Per SPC 11/4/15.

~~6.2~~6.3 Ocean Disposal

A. Policies

1. Ocean disposal uses should avoid, minimize, and mitigate for significant adverse impacts to ecological and ecosystem functions and processes, as well as existing uses, including navigation and fishing. [summary of WAC and SPC intent]

2. The location and implementation of ocean dredge disposal should be designed to supplement sediment transport processes to provide sand on the Long Beach Peninsula to maintain existing shoreline functions and protection of developed areas from shoreline erosions. [interpretation of SPC comments]

Commented [TB87]: Per SPC 11/4/15.

3. Ocean disposal sites for which the primary purpose is habitat enhancement may be located in a wider variety of habitats, but the general intent of the regulations should still be met [WAC 173-26-360(11)(c)].

B. Regulations [modified from current SMP Section 27.D.7]

1. Ocean disposal shall be permitted only at sites approved by Washington Department of Ecology, Washington Department of Natural Resources, the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers, and conforming with this Shoreline Master Program.

~~2. All ocean disposal sites shall minimize interference with and impacts to fishing. [Shoreline Use and Modifications Matrix 051115] Where ocean disposal has the potential to interfere with fishing uses, the applicant shall prepare a mitigation plan, which documents avoidance, minimization, and mitigation measures, which must include compensation for adverse impacts to resources and uses. [SPC recommendation]~~

Commented [TB88]: Combined with #4, below.

~~3.~~2. Storage, loading, transporting, and disposal of materials shall comply with all applicable local, state, and federal laws and regulations. Where conflicts arise, the more stringent regulations shall apply. [Shoreline Use and Modifications Matrix 051115 and WAC 173-26-360(11)(a)]

3. Ocean disposal sites shall be located and designed to prevent, avoid, and minimize adverse impacts on environmentally critical and sensitive habitats, coastal resources and uses, including fishing,~~,~~ or loss of opportunities for mineral resource development~~,~~ [WAC 173-26-360(11)(c)]. If unavoidable adverse impacts are anticipated, applicants shall document ways those impacts will be avoided, minimized and mitigated, including compensation for adverse impacts to resources and uses.

4. Effects to navigation. The dynamic capacity of ocean disposal sites shall be monitored and maintained to ensure navigation hazards are not created by ocean disposal. Where ocean disposal has the potential to interfere with navigation (typically above 1 foot of mounding in nearshore areas), the applicant shall demonstrate that the proposed disposal site will not amplify large, long-period storm wave heights by more than ten (10) percent compared to predisposal baseline bathymetry. Depending on concurrence

among agencies, computer modeling may be adequate, or direct wave field measurements may be required.

a. ~~The dynamic capacity of ocean disposal sites shall be monitored and maintained to ensure navigation hazards are not created by ocean disposal. Where ocean disposal has the potential to interfere with navigation (typically above 1 foot of mounding in nearshore areas), the applicant shall demonstrate that the proposed disposal site will not amplify large, long-period storm wave heights by more than ten (10) percent compared to predisposal baseline bathymetry. Depending on concurrence among agencies, computer modeling may be adequate, or direct wave field measurements may be required.~~

5. Disposal of dredged material is permitted when it is specifically located and designed to restore habitat, maintain shoreline functions~~,~~ and sediment transport processes by directing sediment toward the Long Beach Peninsula to the maximum extent possible. The applicant shall demonstrate that the most current, accurate, and complete scientific and technical information supports the proposed disposal locations and application to maintain beach functions. [modified per SPC recommendation to account for developing science]

~~6. Disposal of dredged material in the aquatic areas of the Columbia River Estuary and Willapa Bay are not considered ocean disposal and must comply with the applicable policies and regulations in Section 5.9.~~

~~6.3~~6.4 Ocean Transportation

A. Policies

1. When feasible, hazardous materials such as oil, gas, explosives, and chemicals should not be transported through highly productive commercial, tribal, or recreational fishing areas. If no such feasible route exists, the routes used should pose the least environmental risk. [WAC 173-26-360(12)(b)]

~~1.~~

B. Regulations [modified from current SMP Section 27.D.8]

1. Ocean ~~transportation~~ uses involving the ~~storage, transfer or~~ transport of petroleum products ~~through Willapa Bay~~ will require a conditional use permit review and shall be reviewed by the Board.

2. The transport~~, or transfer~~ of oil or gas or other mineral via pipeline ~~in the ocean environment~~, including to and from vessels, ports or on-shore facilities will require a conditional use permit.

3. New port and industrial developments involved in the transfer of petroleum or other hazardous products in the waters and shorelands of Pacific County shall utilize best available technology and procedures to prevent spills and develop and implement contingency plans, including use of escort tugs. Applicants shall also establish procedures for mitigating damages from spills or other malfunctions.

4. Transportation uses shall be located or routed to avoid impacts to habitat areas of endangered or threatened species, environmentally critical and sensitive habitats,

Commented [TB89]: Citation: ACOE Regional Sediment Management Plan for the Lower Columbia River.

Commented [TB90]: Revised X → C for Coastal Ocean High Intensity SED only, to reserve internal conflict. For PC consideration.

Commented [TB91]: Per SPC recommendation. SMP does not have jurisdiction over vessels, but can require that new developments use BMPs, such as use of escort tugs.

migration routes of marine species and birds, marine sanctuaries, and environmental or scientific preserves to the maximum extent feasible. [WAC 173-26-360(12)(c)]

5. Applicants for new ocean transportation uses shall submit an assessment of the anticipated impacts of the proposed use on renewable resource activities such as fishing and on environmentally critical and sensitive habitat areas, environmental and scientific preserves, and sanctuaries. [based on WAC 173-26-360(12)(a)]

~~6.1. Hazardous bulk storage, including nuclear facilities, shall not be located in known historical Cascadia Subduction Zone inundation areas.~~

~~7. Anchoring of deepdraft vessels over 130 feet in length is prohibited in Coastal Ocean and Coastal Ocean High Intensity areas.~~

Commented [TB92]: Moved up to industrial provisions.

Commented [TB93]: SMP does not have authority to regulate vessel anchoring.

~~6.4~~6.5 Oil and Gas Uses

A. Policies

1. Consistent with RCW 43.143.010, which establishes a statewide moratorium on leasing of tidal or submerged lands for oil and gas exploration, development, and production, and given the inherent risk of such activities, oil and gas exploration, development, and production in the coastal ocean environment should be prohibited. [RCW 43.143.010; goes beyond SPC comments but is consistent with intent]

2. Because environmental damage and impact to activities or uses is a very probable impact of uses involving oil and gas transport, the county should give major consideration to the adequacy of plans, equipment, staffing, procedures, and demonstrated financial and performance capabilities for preventing, responding to, and mitigating the effects of accidents and disasters such as oil spills when reviewing permits for uses with oil and gas components. [based on WAC 173-26-360(8)(c)]

B. Regulations [modified from current SMP Sections 27.D.2 through 27.D.4 to reduce redundancy and to align with SPC intent]

1. Oil and gas exploration, development, production, storage, and pipelines are prohibited in the Coastal Ocean, Coastal Ocean High Intensity, and Coastal Conservancy environments.

~~6.5~~6.6 Ocean Mining

A. Policies

1. Locate and operate ocean mining activities to avoid detrimental effects on renewable resource-based uses and ecosystem processes, including beach erosion and accretion processes. [based on regulation B.1 below]

B. Regulations [modified from current SMP Section 27.D.5]

1. Ocean mining is prohibited in areas that would adversely impact biological communities, habitats, fishery resources and other renewable resources, or that would be detrimental to the natural beach processes such as erosion and littoral beach transport. Special attention shall be given to habitat recovery rates in the review of permits for seafloor mining and shall prohibit continued mining that does not substantially return to pre-mining conditions. ~~in five or fewer years.~~ [WAC 173-26-360(9)(c)]

Commented [TB94]: Time frame is not supported by science; SPC suggestion to remove.

2. Applications for ocean mining permits shall include all plans for upland processing and transportation.

3. Mining and mineral extraction on shoreline and aquatic areas of Willapa Bay and the Columbia River Estuary are addressed in Section 5.16. Proposals must comply, however, with the permit criteria of Section 6.1(B)(2).

4. Ocean mining must coordinate with existing uses, including fishing and navigation uses in the area and associated transit zones and avoid conflict. Existing shipping and towlanes shall be used for transit to the maximum extent available.

5. Ocean mining permittees shall compensate other users for damages, including damaged or lost property or lost opportunity as a result of their activities.

Commented [TB95]: Removed for redundancy.

6.66.7 Ocean Energy Production

A. Policies

1. Ocean energy facilities must be carefully evaluated to ensure that the potential impacts are fully understood. The County should ensure such ocean energy facilities are designed and located to protect and preserve ecological and ecosystem functions and shoreline and ocean natural resources and all existing sustainable uses including fishing.

B. Regulations

1. Energy-producing uses shall be located, constructed, and operated in a manner that has no detrimental effects on beach accretion or erosion and wave processes. [WAC 173-26-360(10)(a)]

2. Fixed structures associated with ocean energy production that interfere with other existing ocean uses, including fishing or navigation, are prohibited. [SPC recommendation]

3. Ocean In addition to requirements in 6.2.B.6, ocean energy production facilities shall not be permitted unless the applicant demonstrates conclusively that adverse impacts to oceanographic processes and ecosystem processes can be fully mitigated, that there is nopotential conflicts with existing uses in the area are avoided, minimized, and any unavoidable impacts are fully mitigated, thate public benefits clearly outweigh the risks to the shoreline environment, and the applicant demonstrates the financial and performance capabilities to carry out the project as designed. The applicant shall provide required bonding per 6.1.B.6. [based on WAC 173-26-360(10)(b)]

4. System components of ocean energy facilities that are not water-dependent shall be located outside shoreline jurisdiction unless alternative locations, including alternative technology, are demonstrated to be infeasible. Location of the system components shall not result in a net loss of shoreline ecological functions and processes or significant adverse impacts to other shoreline resources and values such as parks and recreation facilities, public access, or archaeological, historic, and cultural resources, or aesthetic resources.

5. Where a shoreline location is necessary for associated energy distribution facilities and lines, they shall be located in existing utility rights-of-way and corridors whenever feasible or be located in the Coastal Ocean High Intensity area. [WAC 173-26-360(10)(c)]

Commented [SS96]: Per SPC 11/2/15: Suggest the possibility of conditionally allowing fixed structures in the COHI.

TWC response: the COHI may be one of the most critical areas to protect existing uses from navigation. For PC consideration.

Commented [TB97]: Proposed language modification to be more consistent with the concept of mitigation sequencing.

Commented [TB98]: Deleted last clause; COHI is the only area in which such structures would be allowed (Table 5-1).

~~6. Ocean energy transmission cables shall be placed in existing ocean right of ways or be located in the Coastal Ocean High Intensity area.~~

Commented [TB99]: Combined 5 & 6.

~~6.7~~6.8 Ocean Research

A. Policies

1. Encourage ocean research uses to coordinate with other ocean uses occurring in the same area to minimize potential conflicts. [WAC 173-26-360(13)(a)]
2. Encourage public dissemination of ocean research findings. [WAC 173-26-360(13)(e)]
3. Ocean research, particularly reports that could help inform or are used to justify permits for ocean uses should be disseminated and produced in a manner accessible to the public.

B. Regulations

1. Ocean research meeting the definition of "exploration activity" of WAC 173-15-020 shall comply with the requirements of chapter 173-15 WAC, as amended: Permits for oil or natural gas exploration activities conducted from state marine waters. [WAC 173-26-360(13)(b)]
2. Ocean research shall be located and operated in a manner that minimizes intrusion into or disturbance of ~~the~~ coastal ~~waters environment~~ocean areas consistent with the purposes of the research and the intent of the general ocean use guidelines in subsection 6.1 of this Section. [modified from WAC 173-26-360(13)(c)]
3. Ocean research shall be completed or discontinued in a manner that restores the environment to its original condition to the maximum extent feasible, consistent with the purposes of the research. [WAC 173-26-360(13)(d)]

~~6.8~~6.9 Ocean Salvage

A. Policies

1. Non-emergency marine salvage and historic shipwreck salvage activities should be conducted in a manner that minimizes adverse impacts to the coastal ocean environment, renewable resource uses, and cultural or historical resources. [based on regulations B.1 and B.2 below]

B. Regulations

1. Non-emergency marine salvage and historic shipwreck salvage activities shall be conducted in a manner that minimizes adverse impacts to the ~~coastal waters~~ ocean environment and renewable resource uses. [modified from current SMP Section 27.D.10]
2. Non-emergency marine salvage and historic shipwreck salvage activities shall not be conducted in areas of cultural or historic significance unless part of a scientific effort sanctioned by appropriate governmental agencies. [WAC 173-26-360(14)(b)]

7 NONCONFORMING USES AND STRUCTURES

7.1 Purpose and Applicability

A. Purpose. On shorelines of the state there exist structures and related use activities which are lawful before this Master Program was passed or amended, but which would be prohibited, regulated or restricted under the provisions herein or future amendment. It is the intent of this section to generally permit these non-conformities to continue until they are removed, unless otherwise specified under other provisions herein. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, and shall not be used as grounds for adding other structures and related use activities which are prohibited, regulated, or restricted under the provisions herein, except when allowed under the terms of a permit or variance.

B. Applicability. The provisions of this section apply to structures and uses that were legally established prior to the effective date of this Master Program, but that do not conform to the regulations of this Master Program.

~~1. The provisions of this section apply to structures and uses that were legally established prior to the effective date of this Master Program [date of new SMP adoption], but that do not conform to the regulations of this Master Program.~~

~~2. Single-family residences and appurtenant structures, located landward of the ordinary high water mark, that were legally established prior to the effective date of this Master Program but that do not conform to the regulations of this Master Program, are considered conforming structures and uses for the purpose of this Master Program.~~

~~3. A floating home permitted or legally established prior to January 1, 2011, shall be classified as a conforming preferred use.~~

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Commented [TB100]: Moved to Section 7.2(B)

7.2 Preexisting Structures and Uses

A. A structure and/or related use activity which was lawful before this Master Program was passed or amended but which is not in conformity with the provisions herein may be continued subject to the following conditions:

1. No such structure or use activity shall be expanded, changed, enlarged, or altered unless an enlargement or structural alteration 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. [WAC 173-27-080(2)]
2. If any such structure is destroyed, or removed, every future use of the land on which the structure was located shall conform to the provisions herein.
3. If any such structure is damaged or partially destroyed by fire, explosion or other casualty or act of God to the extent of not more than 75% of its replacement cost at the time when the damage occurred, such structure may be restored and the previous use activity continued subject to all other provisions of this section, provided that application is made for the permits necessary to restore the development within one year of the date the damage occurred and all permits are obtained and the restoration is completed within two years of permit issuance, EXCEPT, the provisions of Section 4.6

Water Quality shall apply and, if the site is in a flood hazard area, the provisions of Section 4.4 Flood Hazard Management shall apply to all reconstruction. [WAC 173-27-080(8)]

4. If a use is discontinued for twelve (12) consecutive months or more, any future use of the premises shall conform to this Master Program.
5. Upkeep, repair and maintenance of such nonconforming structures is permitted.
6. Such structures or use activities, or adjuncts thereof, which are or become nuisances shall not be entitled to continue as nonconforming uses.
7. A structure or use activity which has been permitted as a conditional use shall be considered a conforming use. [per SPC Admin comments 051115]
8. A structure for which a variance has been issued shall be considered a nonconforming structure. [WAC 173-27-080(5)]
9. A use which is listed as a conditional use, but which existed prior to the adoption of this Master Program [date of adoption] or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use. [WAC 173-27-080(4)]
10. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities. [WAC 173-27-080(5)]
11. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that: [WAC 173-27-080(6)]
    a. No reasonable alternative conforming use is practical; and
    b. The proposed use will be at least as consistent with the policies and provisions of the Master Program and as compatible with the uses in the area as the preexisting use.
12. A nonconforming structure which is moved any distance shall be brought into conformance with this Master Program. [WAC 173-27-080(7)]

~~12.~~13. A new permitted use within an existing structure is exempt from the buffer and setback standards of this Master Program, provided that the new permitted use does not include expansion of or alteration to the footprint of the existing structure.

B. Preexisting single-family residences. Single-family residences and appurtenant structures, located landward of the ordinary high water mark, that were legally established prior to the effective date of this Master Program but that do not conform to the regulations of this Master Program, are considered conforming structures and uses for the purpose of this Master Program, and shall be subject to the following provisions:

1. A preexisting residential or appurtenant structure that is nonconforming with respect to dimensional standards may be enlarged provided that such enlargement does not increase the extent of the nonconformity.

Commented [TB101]: Added per conversation between County/TWC and residents concerned with conversions from, for example, water-oriented to non-water-oriented uses in existing overwater structures.

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Commented [TB102]: Provisions address the potential for expansion and redevelopment of preexisting SFR, as they are usually located within the new shoreline buffers.

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2. Minor enlargement or expansion. Enlargement or expansion that would not otherwise be allowed under this Master Program, by the addition of space to the main structure, or by the addition of space to an appurtenant structure, may be permitted if all of the following criteria are met:

   a. The structure is located landward of the ordinary high water mark.

   b. The expansion does not extend farther waterward than the existing primary residential structure.

   c. Potential adverse impacts to shoreline or critical area functions from the expansion are mitigated in accordance with Section 4.2 of this Master Program.

3. Major enlargement or expansion. Proposed enlargements or expansions that do not meet all of the criteria above shall require a variance pursuant to Section 8.6 of this Master Program.

C. A floating home permitted or legally established prior to January 1, 2011, shall be classified as a conforming preferred use.

~~B.~~D. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of this Master Program but which does not conform to the present lot size standards may be developed if permitted by other County land use regulations and so long as such development conforms to all other requirements of this Master Program. [modified from WAC 173-27-080(10)]

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8 ADMINISTRATION

8.1 Applicability of Policies and Regulations [current SMP Section 24.C.1]

A. Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this Master Program whether or not a permit is required. ~~Figure 8-1 outlines the permit application process.~~ [WAC 173-26-191(2)(a)(iii)(A)]

Commented [TB103]: Figure removed.

B. All use regulations of this Master Program appropriate to the shoreline environment and the type of use or development proposed shall be met, particularly the preference for water-oriented uses.

C. While the regulations of this Master Program apply only within shoreline jurisdiction, the goals and policies of this Master Program that are approved under RCW 90.58 shall be considered an element of the County's comprehensive plan, and therefore apply to activities outside shoreline jurisdiction that affect water quality within shoreline jurisdiction. [SIAC recommendation]

D. Administrative interpretation. Pacific County shall require consultation with Ecology to insure that any formal written interpretations are consistent with the purpose and intent of chapter 909.58 RCW and the applicable guidelines.

8.2 Responsible Official [current SMP Sections 24.A, B, and C]

A. The Director of the Pacific County Department of Community Development or his or her designee(s) shall be Administrator of this Ordinance and shall be responsible for administering the provisions and requirements of this Ordinance.

B. The Administrator shall be responsible for: providing information on the Act, this Master Program and related matters; accepting and processing permit applications and notification; evaluating and preparing final orders granting or denying applications; and doing those tasks necessary for the administration and enforcement of this Master Program.

C. The Administrator is hereby authorized to develop a fee schedule to cover all of the activities delineated in this Ordinance. Any proposed fees shall not become effective until approved by resolution of the Board. Pacific County shall not accept for review any material supplied by an applicant, nor issue any permit, nor in any manner take any official action, until the appropriate fees are paid.

8.3 Development Permit – Required [current SMP Section 24.C.2]

A. No authorization to undertake use or development on shorelines of the state shall be granted by Pacific County unless upon review it is determined that the proposed use or development is consistent with the policy and provisions of the Act and this Master Program.

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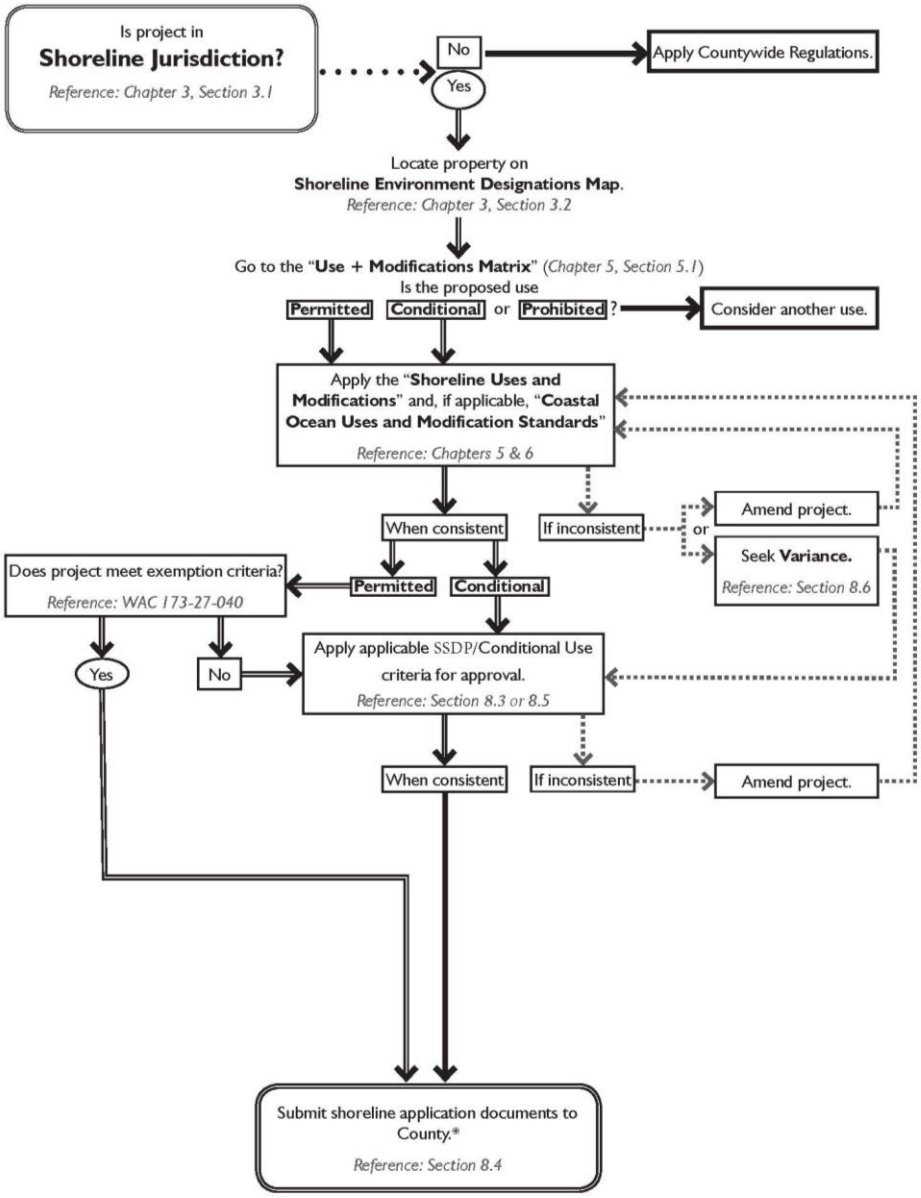

*Other County, state, or federal permits may be required.

Figure 8-1
Shoreline Application Flow Chart

8.4 Permit Application and Review

A. Application Requirements. Applications for a substantial development permit shall be made to the Administrator by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an authorized agent. Applications shall be made on forms supplied by the Administrator and shall conform to the requirements of Pacific County Ordinance No. 164, or any amendments thereto, and WAC 173-27-180, as amended. [current SMP Section 24.C.5 Permit – Application – Requirements]

B. Application Review. [current SMP Section 24.C.7 Permit – Application – Review]

1. The Administrator is the review authority for shoreline applications that pertain to residential development (including short subdivisions of land). The Hearings Examiner under Pacific County Ordinance No. 150, or any amendments thereto, is the review authority for shoreline applications that pertain to commercial and/or industrial development and for shoreline applications that propose a subdivision of land. If any application is not exempt from the requirements of this Master Program, the review authority shall hold a public hearing on the application. When the Administrator is the review authority, public hearings shall be conducted according to a Type II process under Pacific County Ordinance No. 164, or any amendments thereto. When the Hearings Examiner is the review authority, public hearings shall be conducted according to a Type III process under Pacific County Ordinance No. 164, or any amendments thereto.

2. The review authority shall decide whether a shoreline substantial development permit, conditional use permit, or a variance should be granted based solely on the record. The record shall consist of written correspondence submitted on or before the hearing date and of oral testimony received at the hearing.

3. The review authority shall make its decision by applying the review criteria for substantial development permits, conditional use permits, and variances that are contained in WAC 173-27-150, WAC 173-27-160, and WAC 173-27-170, respectively, as amended.

C. Application Notice. When the Administrator determines that an application for a shoreline permit is technically complete, the Administrator shall give notice of the application in accordance with RCW 90.58.140(4) and Pacific County Ordinance No. 164, or any amendments thereto. [current SMP Section 24.C.6 Permit – Application – Notice]

D. Permit Issuance, Conditions, and Notice. [current SMP Section 24.C.9 Permit – Issuance – Conditions – Notice]

1. The Administrator or Hearings Examiner shall file any final decision on a permit application with the Pacific County Department of Community Development. The final decision shall contain findings of fact and conclusions of law. The Department of Community Development shall provide the decision to:

   a. The applicant;

   b. The Department of Ecology;

   c. The Office of the Washington Attorney General;

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d. Any person who has submitted written comments on the permit application;

e. Any person who has submitted a written request for notification; and

f. Any person who has attended and/or testified at a public hearing regarding the permit application and who has provided his name and address so as to receive a copy of the decision. [per SPC Admin comments 051115]

2. In submitting the final decision to the Department of Ecology, the Department of Community Development also shall comply with the requirements of WAC 173-27-130, as amended.

3. Each permit that is issued for a substantial development, conditional use, or variance shall contain a provision which states that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, as amended, or until all review proceedings initiated within twenty-one (21) days from the date of such filings have been terminated, except as provided in RCW 90.58.140(5)(c) and (d).

E. Appeal of Final Decision. Any final decision of the Administrator or the Hearings Examiner shall be the final action taken by Pacific County. The appeal provisions listed in Section 13 of Pacific County Ordinance No. 164, or any amendments thereto, shall not apply. Any such final decision shall be filed with the Department of Ecology and shall contain the information delineated in WAC 173-27-130, as amended. Any final decision (other than the issuance of an exemption) may be appealed to the Shorelines Hearing Board under the authority of Chapter 90.58 RCW and Chapter 173-27 WAC, as amended. Such appeals are governed by the procedures established in RCW 90.58.180, Chapter 461-08 WAC, and the rules of practice and procedure of the Shoreline Hearings Board, as amended. [current SMP Section 24.C.8 Permit – Application – Appeal of Final Decision]

F. Time Requirements. The exercise of a substantial development permit, once approved by Pacific County, and authorized by the Department of Ecology, shall conform to time requirements specified by WAC 173-27-090, as amended.

G. Permit Revisions. Permit revisions that are proposed by an applicant shall conform to WAC 173-27-100, as amended. [current SMP Section 24.C.4 Permit – Time Requirements]

8.5 Conditional Uses [current SMP Section 24.C.11]

A. Any use activity or development not specifically permitted, prohibited, or classified by this Master Program, or a proposed use activity or development listed as a conditional use, shall require a conditional use permit. The review authority may attach to the permit conditions, modifications and restrictions regarding the proposed development as are deemed necessary to assure consistency with this Master Program and assure no net loss of ecological processes or functions.

B. Before any conditional use permit is granted, all applicable criteria listed in WAC 173-27-160, as amended, must be satisfied.

C. In the granting of a conditional use permit, consideration shall be given to the cumulative impact of additional conditional use requests for similar developments in the area to assure cumulative adverse impacts to the shoreline do not occur. [per SPC Admin comments 051115]

8.6 Variances [current SMP Section 24.C.12]

A. The review authority shall have authority to grant a variance from the bulk. dimensional or performance standard provisions of this Master Program, provided that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the designated environment in which subject property is situated.

B. Before any variance is granted, all applicable criteria listed under WAC 173-27-170, as amended, must be satisfied.

C. In the granting of a variance, consideration shall be given to the cumulative impact of additional variance requests for similar developments in the area to assure cumulative adverse impacts to the shoreline do not occur. [per SPC Admin comments 051115]

D. Variances from the use regulations of the SMP are prohibited.

8.7 Violations, Penalties, and Civil Liability [current SMP Section 24.C.13]

In addition to the procedures listed in WAC 173-27-240 through WAC 173-27-300, as amended, violations of this Shoreline Master Program may be processed according to Pacific County Ordinance No. 165, or any amendments thereto.

Commented [TB104]: Public comment recommended adding text to clarify enforcement procedures, as granted under the SMA. County Ordinance No. 165 is dedicated to civil infractions; do not recommend repeating it here.

8.8 Exemptions

After review of a completed application, the administrator shall issue a written exemption for uses and activities that are categorically excluded from the definition of substantial development under WAC 173-27-040, as amended. [current SMP Section 24.C.3 Exemptions] Exemptions are excluded from the Substantial Development permit process, but are not exempt from compliance with the Act, this Master Program, or any other regulatory requirements. [per SPC Admin comments 051115]

8.9 Federal Agency Review [current SMP Section 24.C.14]

A. Whenever a project conducted on the shorelines of Pacific County requires review and approval by federal agencies, or otherwise involves a federal agency, Pacific County shall follow the requirements of WAC 173-27-050 and WAC 173-27-060, as amended.

B. The Administrator shall send a letter of exemption, to the applicant and the Department of Ecology, whenever a development is determined by the Administrator to be exempt from the substantial development permit requirements and the development is subject to one or both of the following federal permit requirements: a. A U.S. Army Corps of Engineers Section 10 permit under the River and Harbors Act of 1899; or b. A Section 404 permit under the Federal Water Pollution Control Act of 1972. This exemption letter shall conform to the requirements of WAC 173-27-050, as amended. [current SMP Section 24.C.16 Letter of Exemption]

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8.10 Special Procedures for Limited Utility Extensions and Bulkheads [current SMP Section 24.C.15]

An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect an existing single-family residence and its appurtenant structures from shoreline erosion shall be subject to the special procedures contained in WAC 173-27-120, as amended.

8.11 Amendments to the Master Program [current Sections 28.A, B, and C] and Periodic Review

A. The provisions of this Master Program, including the Shoreline Map, may be amended as provided under the Act (RCW 90.58.190). Depending on the nature of the proposed changes, amendments shall be processed as a Type III or Type IV procedure under Pacific County Ordinance No. 164, or any amendments thereto.

B. Local Process for Amending the Shoreline Master Program.

1. Prior to submittal of a new or amended master program to the Department of Ecology, Pacific County shall solicit public and agency comment during the drafting of proposed new or amended master programs. Local citizen involvement strategies shall meet the requirements of RCW 36.70A.140.

2. At a minimum, Pacific County shall:

a. Conduct at least one public hearing to consider the draft proposal.

b. Publish notice of the hearing in one or more newspapers of general circulation in the area in which the hearing is to be held. The notice shall include:

i. Reference to the authority(s) under which the action(s) is proposed;

ii. A statement or summary of the proposed changes to the master program;

iii. The date, time, and location of the hearing, and the manner in which interested persons may present their views; and

iv. Reference to the availability of the draft proposal for public inspection at the local government office or upon request.

c. Consult with and solicit the comments of any person, group, federal, state, regional, or local agency, and tribes, having interest or responsibilities relating to the subject shorelines or any special expertise with respect to any environmental impact. The consultation process should include adjacent local governments with jurisdiction over common shorelines of the state.

d. Solicit comments on the draft proposal from the Department of Ecology prior to approval. Pacific County shall notify both the Department of Ecology and the Department of Community, Trade, and Economic development of its intent to adopt shoreline policies or regulations, at least sixty days prior to Board approval.

e. Comply with Chapter 43.21C RCW, the State Environmental Policy Act.

f. Enactment of a resolution by the Board approving an amendment shall constitute final action of Pacific County. When the action of the Board is to deny a request for an amendment, the adoption of the motion shall constitute final action. Written notice of the action shall be forwarded to the Administrator to be attached to the permanent file of the case. The Administrator shall notify the applicant of the final action of the Board. 7. No amendment passed by the Board shall become effective until the requirements of RCW 90.58.190 are met.

C. State Process for Amending the Shoreline Master Program. The Washington State Department of Ecology shall review and approve Shoreline Master Program Amendments according to the requirements of WAC 173-26-120, as amended. Any final action of the Department of Ecology may be appealed according to the requirements of WAC 173-26-130, as amended.

D. The county shall review, and if necessary revise its SMP at least once every 8 years beginning on or before June 30, 2022 to assure that the SMP complies with applicable law and guidelines and is consistent with the county's comprehensive plan and development regulations in effect at the time of the review.

8.12 Rules [current SMP Section 28.D]

The Board is authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this Master Program.

8.13 Monitoring

A. The County will track all shoreline permits and exemption activities to evaluate whether this SMP is achieving no net loss of shoreline ecological functions.

B. Activities to be tracked include development, conservation, restoration and mitigation efforts, 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)

C. Using the information collected in Subsection (B), a no net loss report shall be prepared every eight years as part of the County's SMP evaluation. Should the no net loss report show degradation of the baseline condition, changes to the SMP and/or Shoreline Restoration Plan shall be proposed at the time of the eight-year review to prevent further degradation and address the loss in ecological functions.

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8.14 Approval [current SMP Section 28.F]

Approved by the Board of County Commissioners on this __ day of ____, ____, and signed in authentication of its passage. Previous versions of this Master Program are hereby repealed.