

26.10.090 Aquatic environment.

26.10.091 Purpose.

The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM). [Ord. 25-14 § 1.01]

26.10.092 Designation criteria.

The Aquatic Environment is defined as the area waterward of the ordinary high water mark of all streams, rivers, and other water bodies constituting shorelines of the state, together with their underlying lands and their water column; but does not include associated wetlands and other shorelands shoreward of the ordinary high water mark. This designation is not found on the Shoreline Environment Map, but shall be assigned based on the description above. [Ord. 25-14 § 1.01]

26.10.093 Management policies.

- A. Water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic Environment as necessary to meet other objectives of this program, subject to allowed uses in adjacent upland Shoreline Environment designations and provision of shoreline ecological preservation and enhancement and public access.
- B. New over-water structures are allowed only to serve water-dependent uses, public access, or ecological restoration and should be limited to the minimum necessary to support the structure's intended use. Multiple uses of such structures may be required.
- C. Transportation, utility facilities, and Essential Public Facilities may be allowed subject to demonstration that no alternative location is feasible.
- D. All uses should minimize interference with surface navigation, allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration, prevent water quality degradation, avoid alteration of natural hydrographic conditions, and consider impacts to public views.
- E. Ecological enhancement is an allowed and preferred use. [Ord. 25-14 § 1.01]

Chapter 26.20 **GENERAL REGULATIONS**

26.20.010 Shorelines of statewide significance.

- A. Applicability: The Shoreline Management Act of 1971 designated certain shoreline areas as Shorelines of StateWide Significance. Within Richland's jurisdiction are Shorelines of StateWide Significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.
- B. Decision Criteria: Every project located on a Shoreline of StateWide Significance shall address the following criteria in order of preference in all permit review, in addition to other criteria provided by this Program:
 - 1. Recognize and protect the statewide interest over local interests by:

- a. Recognizing and taking into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.
 - b. Recognize the following statewide interest specific to the Columbia River:
 - i. Protect, preserve and restore natural resources and ecological functions, including but not limited those associated with endangered species or state priority species, commercial and recreational fisheries, and tribal fishing rights;
 - ii. Promote recreational use and public access;
 - iii. Promote water-dependent port uses consistent with other goals of the program;
 - c. Recognize the following statewide interest specific to the Yakima River:
 - i. Preserve and restore ecological functions, particularly those associated with endangered species, commercial and recreational fisheries, and tribal fishing rights;
 - ii. Promote recreational use and public access;
2. Preserve the natural character of the shoreline.
- a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
 - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high-intensity uses to extend into low-intensity use or underdeveloped areas.
 - c. Protect, preserve, and enhance diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.
3. Result in long-term over short-term benefit.
- a. Evaluate the short-term economic gain or convenience of developments relative to the long-term potential for impairment of natural shoreline functions.
 - b. In general, preserve resources and values of Shorelines of Statewide Significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources. Actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of Shorelines of Statewide Significance should be severely limited. Restoration should be required where natural resources of statewide importance are diminished over time by cumulative impacts.
 - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
4. Protect the resources and ecology of the shoreline:
- a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values, and water quality.
 - b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and

- wildlife resources, including migratory routes and areas used for spawning, nesting, rearing, and habitat.,
- c. Restrict or prohibit public access onto areas with high ecological value which cannot be maintained in a natural condition under intensive human use.
 - d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.
 - e. Preserve environmentally sensitive wetlands for use as open space or buffers and encourage restoration of currently degraded areas.
5. Increase public access to publicly owned areas of the shoreline.
- a. Retain and enhance public access to the shoreline including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.
 - b. Give priority to developing a system of linear access consisting of paths and trails for pedestrians and non-motorized vehicles along the shoreline areas, providing connections across current barriers such as highways and railroads, and connecting to upland parking that enhance access to the community as a whole.
 - c. Provide multi-purpose non-motorized trail facilities also serving the mobility impaired wherever feasible.
6. Increase recreational opportunities for the public on the shoreline.
- a. Plan for and encourage development of facilities for recreational use of the shoreline including boat launches while preserving or mitigating ecological functions.
 - b. Retain and enhance public open space and parks along the shoreline to maximize public enjoyment while preserving ecological functions. [Ord. 25-14 § 1.01]

26.20.020 Ecological functions, no net loss.

A. Shoreline land uses and activities that may have adverse impacts on the environment should be minimized during all phases of development (e.g. design, construction, management and use) to ensure no net loss of ecological functions and processes. Permitted uses are designed and conducted to minimize, in so far as feasible, any resultant damage to the ecology and environment. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; 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/maintenance. In recognition of the importance of shorelines in an arid environment to a wide range of bird species, new construction and major renovation projects shall incorporate bird-friendly building materials and design features, including, but not limited to, those recommended by the American Bird Conservancy Guidelines for Bird-Friendly Design.

- B. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:
1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
 2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
 3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.
 4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.
 5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on-site or 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 may be authorized.
 6. Monitoring the adverse impact and taking appropriate corrective measures.
- C. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline 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. [Ord. 25-14 § 1.01]

26.20.030 Sensitive areas.

Sensitive Areas within the shoreline jurisdiction shall be regulated in accordance with Section 26.60 of this program and include:

Article I. General Introduction

Article II. Wetlands

Article III. Fish and Wildlife Habitat Areas

Article IV. Geologic Hazard Areas

Article V. Aquifer Protection Areas

Article VI. Flood Hazard Areas

Article VII. General Information [Ord. 25-14 § 1.01]

26.20.040 Shoreline vegetation conservation.

In addition to the Sensitive Areas standards of Section 26.60, the following shall apply to development on the shoreline:

- A. A vegetation management plan for City parks and recreation areas, including both developed and undeveloped lands, shall be developed and implemented in coordination with the US Army Corps of Engineers that protects ecological functions, and results in no net loss of these functions through operations, maintenance, or restoration actions in these areas. Include integrated vegetation management for

- control of invasive weeds, and replace existing invasive species with native or compatible species that perform ecological functions similar to native species.
- B. A vegetation management plan shall be required for all Sensitive Area buffer areas with degraded native vegetation within SMA jurisdiction and shall:
1. Maintain adequate cover of native vegetation including trees and understory. If a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community, enhancement plantings shall be installed.
 2. Provide a dense screen of native trees at the perimeter of the buffer to provide and protect ecological functions and prevent viewing of adjacent development from within the buffer. If existing vegetation or topographic features are not sufficient for these purposes, planting shall be required. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.
 3. Provide an integrated vegetation management plan for control of invasive weeds, and replace existing invasive species with native or compatible species.
 4. Provide a monitoring and maintenance plan. This provision may be waived for single family residential lots.
- C. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the ecological functions. Mitigation shall take place on-site to the maximum extent feasible. A guarantee, in the form of a bond or other security device, shall be required to assure successful establishment including an appropriate monitoring period.
- D. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule assuring completion prior to occupancy is approved.
- E. Lawns and other non-native vegetation maintained within shoreline jurisdiction shall minimize use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical treatments shall be applied in accordance with manufacturer's recommendations and associated local, state, and federal laws and regulations. Applications in solid time release form shall be preferred over liquid or concentrate application. Best Management Practices (BMPs) shall be implemented in all chemical applications.
- F. Aquatic weed management by prevention is the first priority. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.
1. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
 2. The control of aquatic weeds by derooting, rotovating or other method, which disturbs the bottom sediment, shall be considered development for which a shoreline permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline permit.

3. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. [Ord. 25-14 § 1.01]

26.20.050 Public access.

- A. Public access on the Columbia River is currently provided by a nearly continuous Riverfront Trail system developed by the city on public and private lands. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline. Future development may be required to reconfigure the existing trail to provide enhanced public access and fit with specific development plans, including public and private open space.
- B. Public access on the Yakima River should be guided by the adopted City and regional trail plans. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline while taking into consideration the range of ecological functions and sensitivities of different areas. Future development shall provide public access consistent with the trail plan and may provide additional trails subsidiary to the main trail, where such opportunities are available to provide enhanced public access and fit with specific development plans, including public and private open space.
- C. Physical public access is preferred to solely visual access. Where physical public access is determined not feasible, the applicant shall incorporate visual public access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a trail, park, or other area serving as a means of physical approach to public waters.
- D. All developments requiring Shoreline Substantial Development or Special Use Permits, and all subdivision or development of more than four (4) lots or residential units shall provide public access to the shoreline unless criteria (1) and (2) below are met:
 1. The applicant demonstrates one or more of the following provisions apply:
 - a. Unavoidable health or safety hazards to the public would accompany public access that cannot be avoided by application of alternative design features or other solutions;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features;
 - c. The cost of providing the access, easement, or an alternative amenity, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term cost of the proposed development;
 - d. Unacceptable environmental harm will result from the public access that cannot be mitigated;
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
 - f. Public access is provided by a public entity through implementation of a public access plan incorporated into its master plan, developed through a public participation process and incorporated into this program.
 2. Based on documentation provided by the applicant, the City determines that all reasonable alternatives have been exhausted, including, but not limited to:

- a. Limiting the size or placement of public access facilities;
 - b. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - c. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and
 - d. Providing for access at a site geographically separated from the proposal including contribution to regional trail or public access plans.
- E. The following activities generally are not required to provide public access, except as determined on a case-by-case basis as part of development review:
- 1. Single family development of four (4) or fewer units.
 - 2. Dredging.
 - 3. Landfill and excavation.
 - 4. Mining.
 - 5. Private docks serving four (4) or fewer units.
 - 6. Minor additions or changes to an existing use that does not change the configuration of the existing use or add substantial facilities.
 - 7. Ecological restoration or enhancement activities not associated with a development.
- F. Specific provisions for public access shall be evaluated on a case-by-case basis to ensure that they are of the kind, quality and scope to provide a substantial public benefit with respect to the Shoreline Management Act's objectives and do not create a disproportionate impact on landowners.
- G. The amount and configuration of public access required shall depend on the proposed use(s) the range of ecological functions and sensitivities of different areas on a site, the shoreline environmental designation, and the following criteria:
- 1. Any development or use that creates increased demand for public access to the shoreline shall provide public access to mitigate this impact.
 - 2. Any development or use that interferes with an existing public access shall provide public access to mitigate this impact.
 - 3. Development within the waterfront environment is encouraged to provide public access in the form of a public plaza meeting the criteria in RMC 26.30.40.F.2.
 - 4. Uses and developments that utilize aquatic lands shall provide public access consistent with maintaining the use and public safety. Public access shall be provided generally equivalent to 10 to 20 percent of the public harbor land or aquatic land utilized. Where over-water access is found to be infeasible pursuant to subsection D of this Section upland on and off-site facilities may be approved as an alternative. Single-family residential uses or uses that are developed with public funding or other public resources are exempt from this criterion.
 - 5. New or expanded dikes and levees shall provide linear public access trails along the facility.
 - 6. Public roads or other public facilities parallel to or crossing shorelines shall provide public access trails or sidewalks within the right-of-way. Additional right-of-way acquisition may be required to provide public access.
 - 7. Public utilities within the shoreline, other than distribution facilities, shall provide public access consistent with maintaining the use and public safety.

H. Public access shall be consistent with the shoreline environmental designation and may consist of a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays. Public access improvements shall meet the following location and design criteria:

1. Public access shall be provided as close (horizontally and vertically) as feasible to the water's edge to provide the general public with opportunity to reach, touch, view, and enjoy the water's edge, provided that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.
2. If open space is provided along the shoreline in the form of Sensitive Area buffers, and public access can be provided in a manner that will not result in a loss of ecological function, a public pedestrian access walkway along and parallel to the waterfront of the property is the preferred design. The walkway shall be set back from sensitive features and may provide only limited and controlled access to the water's edge. Fencing may be provided to control damage to plants and other sensitive features and shall provide for wildlife movement. Soft surface trails and limited width should be specified, where appropriate, to reduce impacts to ecologically sensitive resources.
3. Public access shall be connected directly to the nearest public street; shall include provisions for handicapped and physically impaired persons where feasible and where additional impact on ecological functions will not occur; and shall be located adjacent to and connect with other public areas, accesses, and connecting trails;
4. Where physical access to the water's edge is not present or appropriate, a public viewing area shall be provided in cases where views of the water or shoreline are available
5. In natural open space zones, the need for trails for ADA access should be balanced with the extent of alteration of the natural environment required to accommodate such facilities.
6. Design shall minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces or by screening or other separation techniques.
7. Design shall provide for the safety of users, including the control of offensive conduct through providing public visibility (not including removal of buffer vegetation), or provision of specific oversight. The administrator may authorize public access to be temporarily closed to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved as a permit revision.
8. Public amenities appropriate to the use of the public access space shall be provided. These amenities can include, but are not limited to benches, picnic tables, public docks, and sufficient public parking.
9. Public restrooms and facilities for animal waste may be required as part of public access amenities for developments by public entities or commercial developments that attract a substantial number of persons.

I. View Protection

1. Shoreline development shall be designed to avoid blocking, reducing, or adversely interfering with the public's existing visual access to the water and shorelines.
 2. Development and uses on public lands such as parks, open space, street ends, rights-of-way and utilities shall provide visual access corridors where views of water bodies are available from public roadways and public viewpoints to the extent feasible consistent with facilities for water-dependent use or recreation use and maintenance of native vegetation buffers for Sensitive Areas.
- J. Public access shall be maintained over the life of the use or development. Future actions by the applicant successors in interest or other parties shall not diminish the usefulness or value of the public access provided.
1. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with provisions for guaranteeing installation through a performance assurance.
 2. Public access provisions shall be recorded as an easement, or a dedication to the public on the face of a plat or short plat. Said recording with the County Auditor's Office shall occur at the time of building permit approval or plat recordation, whichever comes first.
 3. Maintenance of the public access shall be the responsibility of the owner unless specifically accepted by a public or non-profit agency.
 4. The minimum width of public access easements shall be 15 feet, unless the city determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
 5. Public access shall be available to the public 24 hours per day unless where safety hazards to users or adjacent uses are substantiated.
 6. Public access signs bearing the standard state approved logo or other approved design shall be installed and maintained by the applicant and owner. The sign(s) must indicate the public's right of access and hours of access, and shall be installed in conspicuous locations at public access sites. Signs may display restrictions of public access as approved by a specific condition of permit approval.
- K. Public access afforded by shoreline street ends, public utilities and rights-of-way shall be preserved, maintained and enhanced pursuant to RCW 35.79.035 and RCW 36.87.130. [Ord. 25-14 § 1.01]

26.20.060 signs.

- A. All signs shall be located and designed to be compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Signs shall minimize interference with vistas, viewpoints, and visual access to the shoreline.
- B. All signs shall be permitted in accordance with the procedures of RMC Title 27 in addition to this program.
- C. Freestanding commercial signs are prohibited between buildings and the shoreline, except for public information signs.
- D. Except where no feasible location outside of SMA jurisdiction is available, signs placed in SMA jurisdiction should be limited to public information signs directly relating to a shoreline use or activity, water navigational signs, and legally required highway and railroad signs necessary for operation, safety and direction.

- E. Over-water signs or signs on floats or pilings shall be allowed only when serving a related water-dependent use and only when the primary users of the facility approach by water and would not be served by land-mounted signs.
- F. Lighted signs shall be hooded, shaded, or aimed so that lighting will not result in glare when viewed from public access facilities or watercourses.
- G. Conceptual sign plans and design guidelines shall be submitted for review and approval at the time of shoreline permit application and shall be utilized in future review of sign permits for the property.
- H. Signs shall not be permitted where their location or design obstructs or otherwise interferes with traffic movement or where the location or orientation unnecessarily interferes with upland users. [Ord. 25-14 § 1.01]

26.20.070 Archaeological areas and historic sites.

Included on Richland shorelines are areas known to be of significant archaeological and historic value. The Washington Department of Archaeology and Historic Preservation is recognized as the authority on matters concerning areas recorded as important archaeological or historic sites. In addition Memoranda of Understanding with tribes should apply in accordance with the terms of such agreement.

- A. Prior to approval of any permit requests, the planning and inspection services department of the City of Richland shall consult with the office of archaeology and historic preservation for the purpose of identifying potentially valuable archaeological data and for recommendations concerning preservation or salvage of the data identified.
- B. Developers and property owners shall, in the event of discovery of archaeological resources during excavation, immediately stop work and notify the City of Richland and the Washington State Department of Archaeology and Historic Preservation. Development may resume only after approval by the Department of Archaeology and Historic Preservation (DAHP). The City or DAHP should notify tribes if the nature of the resource warrants.
- C. Where a professional archaeologist or historian recognized by the State of Washington, has identified an area or site as having significant cultural value, or where such area is listed on a National, State, or local historic register, the City may require evaluation of the resource and application of appropriate mitigation measures as a condition of permit issuance.
- D. Permits for development in shoreline areas documented to contain archaeological resources shall require inspection of the site prior to and during construction by a professional archaeologist in coordination with potentially affected Indian tribes. [Ord. 25-14 § 1.01]

26.20.080 Water quality, stormwater, and non-point pollution.

- A. All development activities approved under this Title shall be designed and maintained in a manner consistent with the City's Stormwater Management Plan and adopted Engineering Design Standards. All proposed stormwater control and stormwater discharges shall be in compliance with the latest Department of Ecology Stormwater Manual for Eastern Washington.

- B. Shoreline development shall be designed and maintained to minimize the need for chemical treatments, including application of fertilizers, pesticides, and herbicides, in order to prevent contamination of surface and groundwater resources.
- C. All structures placed within water bodies or that may come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials treated with creosote are prohibited in the shoreline environment. [Ord. 25-14 § 1.01]

26.20.090 Boat and vessel facilities.

- A. All boating uses, development, and facilities shall protect the rights of navigation and shall demonstrate that they result in no net loss of ecological functions and may be required to provide on-site and off-site mitigation.
- B. Shared moorage serving single family use consisting of docks and piers with more than 4 berths, commercial moorage available to the general public, and moorage related to clubs or other groups not associate with a particular residential development are regulated as marinas under section 26.30.060.
- C. Joint-use/shared docks and piers with 4 or fewer berths or any number of mooring buoys are regulated under this section.
- D. Boating facilities shall avoid:
 - 1. Braided or meandering river channels where the channel is subject to change in alignment or on point bars or other accretion beaches.
 - 2. Areas where shoreline modification is required for approach and other upland facilities.
 - 3. Locations where they would adversely impact upland riparian or nearshore habitat for aquatic species.
 - 4. Locations where they would adversely affect flood channel capacity or create a flood hazard; and
 - 5. Locations where water depths for vessels are not adequate without dredging;
- E. Boating facilities, except those accessory to single family residences, shall provide public access in accordance with Section 26.20.050 Public Access of this program and shall be located and designed such that existing public access to public shorelines is not obstructed nor made hazardous.
- F. All in- and over-water structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Wood treated with creosote, pentachlorophenol, or other similarly toxic materials is prohibited. Docks generally shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.
- G. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and unless a lease or other permission is obtained from the state and impacts to navigation and public access are mitigated.
- H. Boat Launches:
 - 1. Boat launches accessory to single family and multi-family residential uses are prohibited.
 - 2. Private boat launches shall be allowed only for water-dependent uses and marinas and only when it is demonstrated that public boat launches will not feasibly serve the use. Rail and track systems shall be preferred over concrete ramps.

3. New public boat launches for general public use, or expansion of public boat launches by adding launch lanes shall demonstrate that:
 - a. Water depths are adequate to avoid the need for dredging and eliminate or minimize potential loss of shoreline ecological functions or other shoreline resources from offshore or foreshore channel dredging.
 - b. Adjacent residential properties will not be adversely affected by adverse proximity impacts such as noise, light and glare, or scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.
 - c. Exterior lighting will not adversely impact aquatic species.
 - d. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.
 - e. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, shall minimize traffic impacts on nearby streets, and shall include adequate parking for boat trailers. Parking on public streets may be allowed for peak periods if it is demonstrated that such parking will not adversely impact through traffic or residential uses.
- I. New moorage to serve a single family residence may be allowed only if:
 1. An applicant demonstrates that existing facilities (boat launches and public and private marinas) are not reasonably available to meet demand.
 2. The lot does not have access to shared moorage in an existing subdivision and there is no homeowners association or other corporate entity capable of developing shared moorage.
 3. In cases where new dock or pier is approved, the city may require an agreement to share with nearby residences with water frontage and provide for expansion to serve such additional users.
- J. A dock or pier serving a single family residence shall meet the following standards:
 1. Piers and ramps
 - a. To prevent damage to shallow-water habitat, piers and/or ramps shall extend at least 40 feet perpendicular from the ordinary high water mark (OHWM). In some instances and sites, it may not be practical to extend a ramp 40' from OHWM (for instance, where this could conflict with navigation). The City may grant exceptions on a case-by-case basis based on documentation of specific limitation that exist, and in coordination with other permitting agencies.
 - b. Piers and ramps shall be no more than 4 feet in width.
 2. The bottom of either the pier or landward edge of the ramp shall be elevated at least 2 feet above the plane of OHWM.
 - a. Grating shall cover the entire surface area (100%) of the pier and/or ramp. The open area of grating shall be at least 50%, as rated by the manufacturer.
 - b. Skirting shall not be placed on piers, ramps, or floats. Protective bumper material will be allowed along the outside edge of the float as long as the material does not extend below the bottom edge of the float frame or impede light penetration.
 - c. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM, and shall be sized no larger than 4-feet wide by 4-feet long, unless otherwise approved by the City, NOAA Fisheries, the Corps, and WDFW. The maximum anchor height shall be only what is necessary to elevate the bottom of

either the pier or landward edge of the ramp at least 2 feet above the plane of OHWM. The intent of this criterion is to limit impacts to riparian vegetation along the shoreline. The City may grant exceptions from the 10 foot landward requirement if site conditions warrant on a case-by-case basis based on documentation of specific limitation that exist, and in coordination with other permitting agencies.

3. Preservatives

- a. The dock shall be built with materials that do not leach preservatives or other materials.
- b. No treated wood of any kind shall be used on any overwater structure (float, pier, or ramp).
- c. No paint, stain, or preservative shall be applied to the overwater structure.

4. General

- a. No electricity shall be provided to, or on, the overwater structure.
- b. No boat lifts or watercraft lifts (e.g., jet ski lifts) of any type will be placed on, or in addition to, the overwater structure. The City may grant exceptions on a case-by-case basis in coordination with other permitting agencies if the applicant can demonstrate that the proposed boat lift meets the intent of the criteria to minimize structure, maximize light penetration, and maximize depth. However, these structures must meet the size criteria of the plan (total 160 square feet).
- c. Shoreline armoring (i.e., bulkheads, rip-rap, and retaining walls) shall not occur in association with installation of the overwater structure.
- d. Construction of the overwater structure shall be completed during the in-water work window (November 1 to February 28).

5. Piling and float anchors

- a. Piling shall not exceed 8 inches in diameter. The intent of this criterion is not to require existing pilings to be removed, cut, or capped, but to place limits on the size of new pilings. The City may grant exceptions on a case-by-case basis in coordination with other permitting agencies in areas where safety considerations merit it, larger pilings may be considered on a case-by-case basis.
- b. Pilings shall be spaced at least 18 feet apart on the same side of any component of the overwater structure. The pier/ramp and float are separate components.
- c. Each overwater structure shall utilize no more than 4 piles total for the entire project. A combination of two piles and four helical anchors may be used in place of four piles.
- d. All pilings shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.
- e. Submerged float anchors will be constructed from concrete; and shall be horizontally compressed in form, by a factor of 5 or more, for a minimum profile above the stream bed (the horizontal length and width will be at least 5 times the vertical height). A helical screw anchor may be utilized where substrate allows. The owner shall be responsible for demonstrating feasibility and for proper installation such that anchor displacement does not occur.

- f. No in-water fill material will be allowed, with the exception of pilings and float anchors. (Note: uncured concrete or its by-products shall not be allowed.)
6. Floats
- a. Float components shall not exceed the dimensions of 8- by 20-feet, or an aggregate total of 160 square feet, for all float components.
- b. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water (e.g., rectangular float tubs).
- c. Grating shall cover 100% of the surface area of the float(s). The open area of the grating shall be no less than 50%, as rated by the manufacturer.
- d. Functional grating will cover no less than 50% of the float.
- e. Floats shall not be located in shallow-water habitat where they could ground or impede the passage or rearing of any salmonid life stage.
- f. Nothing shall be placed on the overwater structure that will reduce natural light penetration through the structure.
- g. Floats shall be positioned at least 40 feet horizontally from the OHWM and no more than 100 feet from the OHWM, as measured from the landward-most edge of the float. Adjustments to this requirement may be made on an individual basis where street compliance with this standard may present safety issues or be excessive for site conditions.
- h. Project construction shall cease under high flow conditions that could result in inundation of the project area except for efforts to avoid or minimize resource damage.
- K. Shared residential docks and piers shall generally meet the standards for single family docks above, except that the number of floats and the size of piers and other facilities may be increased to serve additional slips to provide one moorage space per residence served.
- L. Docks and piers shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.
- M. Moorage related to subdivision:
1. New subdivisions and short plats shall contain a restriction on the face of the plat prohibiting individual docks. A site for community or shared moorage shall be designated on the plat and owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to lots with water frontage in the subdivision. The over-water area of the dock shall be made available to other lots and the public for community access and may be required to provide public access depending on the scale of the facility.
2. Approval of a shared moorage for a subdivision shall be subject to the following criteria:
- a. There is no reasonably available public or private moorage that can serve the moorage needs of the residences or the subdivision.
- b. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. One moorage space per lot may not be presumed.

