

Chapter 26.30
USE REGULATIONS

26.30.010 Use and dimensional standards.

26.30.011 Use table.

The following use activity-shoreline environment compatibility chart shall be consulted as a general guide to determine permitted uses in the various shoreline environments. Use activities permitted or requiring a Special Use Permit must be developed in accordance with all policies and regulations of the shoreline program.

- A. All land uses allowed are subject to the preference for water-oriented uses and subject to specific criteria for uses included in these regulations.
- B. Uses allowed in the Aquatic Environment are those allowed in the adjacent upland environment, limited to water-dependent use, ecological enhancement, and those transportation and utility facilities and Essential Public Facilities for which no alternative location is feasible.
- C. If a use is prohibited in the underlying zoning district, it is also prohibited in the shoreline.
- D. KEY: X= Prohibited, P= Permitted, A= Permitted as an Accessory Use, S= Special Use Permit.

<u>Land Use</u>	<u>Natural</u>	<u>Recreation Conservancy</u>	<u>Recreation</u>	<u>Rural</u>	<u>Residential</u>	<u>Waterfront</u>	<u>Industrial Conservancy</u>
<u>Resource Uses</u>							
<u>Agricultural Use</u>	X	X	X	P	X	X	X
<u>Raising Crops, Trees, Vineyards</u>	X	X	X	P	X	X	X
<u>Limited raising or keeping of small & large livestock</u>	X	X	X	P	X	X	X
<u>Roadside stands and on-farm markets for marketing fruit or vegetables; and</u>	X	X	X	P	X	X	X
<u>Animal feeding operations/concentrated animal feeding operations (AFO/CAFOs)</u>	X	X	X	S	X	X	X
<u>Mining</u>	X	X	X	S	X	X	X
<u>Automotive, Marine and Heavy Equipment</u>							
<u>Automotive Repair Shops/Service Stations/Part Sales</u>	X	X	X	X	X	X	X

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<u>Boat Building</u>	X	X	X	X	X	X	X
<u>Car Wash – Automatic or Self-Service</u>	X	X	X	X	X	X	X
<u>Large Equipment Sales//Rental/ Repair/Service</u>	X	X	X	X	X	X	X
<u>Marinas</u>	X	X	S	X	X	S	X
<u>Marine Equipment Rentals</u>	X	X	X	X	X	P	-
<u>Marine Gas Sales</u>	X	X	X	X	X	S	-
<u>Marine Repair</u>	X	X	X	X	X	P	-
<u>Outdoor Sales/Rentals</u>	X	X	X	X	X	X	X
<u>Warehousing, Wholesale Use</u>	X	X	X	X	X	X	P
<u>Business and Personal Services</u>							
<u>Animal Shelter</u>	X	X	X	S	X	X	X
<u>Commercial Kennel</u>	X	X	X	S	X	X	X
<u>Contractors' Offices</u>	X	X	X	X	X	X	X
<u>Funeral Establishments</u>	X	X	X	S	X	X	X
<u>General Service & Personal Services Businesses</u>	X	X	X	X	X	P	X
<u>Health/Fitness Facility</u>	X	X	X	X	X	A	X
<u>Health Spa</u>	X	X	X	X	X	P	X
<u>Animal Hospital/Clinic</u>	X	X	X	S	X	X	X
<u>Laundry/Dry Cleaning, Retail</u>	X	X	X	X	X	P	X
<u>Mini-Warehouse</u>	X	X	X	X	X	X	X
<u>Photo Processing, Copying, Mailing & Printing Services</u>	X	X	X	X	X	P	X

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<u>Video Rental Store</u>	X	X	X	X	X	P	X
<u>Cafeterias</u>	X	X	A	X	X	A	X
<u>Delicatessen</u>	X	X	X	X	X	P	X
<u>Drinking Establishments/ Breweries/Wineries</u>	X	X	X	X	X	P	X
<u>Portable Food Vendors</u>	X	X	X	X	X	A	X
<u>Restaurants/Drive-Through</u>	X	X	X	X	X	X	X
<u>Restaurants</u>	X	X	X	X	X	P	X
<u>Industrial/Manufacturing Uses</u>							
<u>Port facilities for transferring materials from vessels to the shore and temporary staging prior to transportation off-site</u>	X	X	X	X	X	X	P
<u>Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits</u>	X	X	X	S	X	X	X
<u>Manufacturing Uses</u>	X	X	X	X	X	X	X
<u>Research, Development and Testing Facilities</u>	X	X	X	X	X	X	X
<u>Wholesale Facilities and Operations</u>	X	X	X	X	X	X	X
<u>Wineries – Production</u>	X	X	X	S	X	X	X
<u>Office Uses</u>							
<u>Office</u>	X	X	X	X	X	P	X
<u>Schools, Commercial</u>	X	X	X	X	X	P	X
<u>Travel Agencies</u>	X	X	X	X	X	P	X
<u>Public/Quasi-Public Uses</u>							
<u>Churches/Clubs or Cultural Institutions</u>	X	X	X	S	P	P	X
<u>Public Park</u>	S	P	P	P	P	P	P

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<u>Golf Course</u>	X	X	S	S	P	P	X
<u>General Park O&M Facility</u>	X	X	S	S	P	X	X
<u>Hospitals</u>	X	X	X	X	S	X	X
<u>Passive Open Space Use</u>	P	P	P	P	P	P	P
<u>Power Transmission and Irrigation Wasteway Easements and Utility Uses</u>	S	S	S	P	P	P	P
<u>Electrical Substations</u>	X	X	X	X	X	X	X
<u>Public Agency Buildings or Facilities</u>	X	X	X	P	P	P	X
<u>Public Campgrounds</u>	X	X	-	S	-	-	X
<u>Schools</u>	X	X	X	P	P	P	X
<u>Schools, Alternative</u>	X	X	X	P	P	X	X
<u>Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings</u>	X	X	P	P	P	P	X
<u>Trail Head Facilities for Equestrian, Pedestrian, or Non-motorized Vehicle</u>	X	P	P	P	P	P	P
<u>Trails for Pedestrian Use Only</u>	P	P	P	P	P	P	P
<u>Trails for Equestrian, or Non- motorized Vehicle Use</u>	S	P	P	P	P	P	P
<u>Recreational Uses</u>							
<u>Art Galleries or Arcades</u>	X	X	X	X	X	P	X
<u>Boat Mooring Facilities</u>	X	X	X	X	X	P	X
<u>Cinema, Indoor</u>	X	X	X	X	X	P	X
<u>Commercial Recreation, Indoor</u>	X	X	X	X	X	P	X
<u>Commercial Recreation, Outdoor</u>	X	X	X	S	X	P	X

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<u>House Banked Card Rooms</u>	X	X	X	X	X	P	X
<u>Recreational Vehicle Campgrounds</u>	X	X	X	S	X	X	X
<u>Recreational Vehicle Parks</u>	X	X	X	X	X	X	X
<u>Stable, Public</u>	X	X	X	X	X	X	X
<u>Theater</u>	X	X	X	X	X	P	X
<u>Residential Uses</u>							
<u>Accessory Dwelling Unit</u>	X	X	X	A	A	A	X
<u>Apartment, Condominium (3 or more units)</u>	X	X	X	X	X	P	X
<u>Assisted Living Facility</u>	X	X	X	X	P	P	X
<u>Bed and Breakfast</u>	X	X	X	S	S	P	X
<u>Day Care Center</u>	X	X	X	S	S	P	X
<u>Dormitories, Fraternities, and Sororities</u>	X	X	X	X	P	P	X
<u>Dwelling, One-Family</u>	X	X	X	P	P	X	X
<u>Dwelling, Two-Family Detached</u>	X	X	X	X	X	P	X
<u>Dwelling Units for a Resident Watchman or Custodian</u>	X	X	X	A	A	A	X
<u>Houseboats</u>	X	X	X	X	X	X	X
<u>Hotels or Motels</u>	X	X	X	X	X	P	X
<u>Nursing or Rest Home</u>	X	X	X	X	X	P	X
<u>Temporary Residence</u>	X	X	X	P	P	P	X
<u>Retail Uses</u>							
<u>Adult Use Establishments</u>	X	X	X	X	X	X	X
<u>Apparel, Book, Drug, Florist or other Specialty Retail</u>	X	X	X	X	X	P	X
<u>Building, Hardware, Garden Supply, Nursery, Feed Stores or Outdoor</u>	X	X	X	X	X	X	X

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<u>Sales</u>							
<u>Food Stores</u>	X	X	X	X	X	P	X
<u>Miscellaneous Uses</u>							
<u>Bus Station, Transfer Station or Terminal</u>	X	X	X	X	X	X	X
<u>Community Festivals and Street Fairs</u>	X	X	P	P	P	P	X
<u>Convention Center</u>	X	X	X	X	X	P	X
<u>Micro- and Macro-Antennas</u>	S	S	S	S	P	P	S
<u>Storage in an Enclosed Building</u>	X	X	X	X	A	A	X
<u>Transportation</u>							
<u>Roads and Railroads Serving Shoreline Uses</u>	X	S	S	S	S	S	S
<u>Roads and Railroads Not Serving Shoreline Uses</u>	X	S	S	S	S	S	S
<u>Parking Areas Serving Primary Use within the Shoreline</u>	X	P	P	P	P	P	P
<u>Parking Areas Not Serving Primary Use within the Shoreline</u>	X	X	X	X	X	X	X
<u>Parking as a Principal Use</u>	X	X	X	X	X	X	X
<u>Utilities</u>							
<u>Public and private utility distribution serving shoreline uses, water, sewer, electrical, gas, and communication</u>	X	P	P	P	P	P	P
<u>Public and Private Utility Distribution serving uses within the city</u>	X	P	P	P	P	P	P
<u>Utility Facilities serving uses not within the city</u>	S	S	S	S	S	S	S
<u>Electrical Transmission of Greater than 50 Kilovolts</u>	S	S	S	S	S	S	S

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<u>Electric Transmission/Distribution Substations</u>	X	X	X	X	X	X	X
<u>Utility Buildings including pump stations</u>	X	S	S	S	S	S	S
<u>Communication Antennas</u>	X	S	S	S	S	S	S
<u>Monopole</u>	X	S	S	S	S	X	S
<u>Other</u>							
<u>Structures for Flood Management, including drainage or storage and pumping facilities</u>	X	S	S	S	S	S	S
<u>Fish and Wildlife Resource Enhancement</u>	P	P	P	P	P	P	P
<u>Essential Public Facilities</u>	S	S	S	S	S	S	S
<u>USES NOT SPECIFIED</u>	S	S	S	S	S	S	S

26.30.012 Bulk and dimension chart.

<u>Standard</u>	<u>Natural</u>	<u>Recreation Conservancy</u>	<u>Recreation</u>	<u>Rural</u>	<u>Residential</u>	<u>Waterfront</u>	<u>Industrial Conservancy</u>
<u>Sensitive Area Buffer Water Dependent Use</u>	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹
<u>Sensitive Area Buffer Non Water Dependent Use</u>	<u>As provided by Table 26.60.090 (D). 088(B) Wetland Buffer Widths, Table 26.60.9816.12.440 (B)(9)(f). Riparian Buffer Width</u>						
<u>Minimum building setback from OHWM Water Dependent Use</u>	NA ²	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹

<u>Standard</u>	<u>Natural</u>	<u>Recreation Conservancy</u>	<u>Recreation</u>	<u>Rural</u>	<u>Residential</u>	<u>Waterfront</u>	<u>Industrial Conservancy</u>
<u>Minimum building setback from OHWM Non Water Dependent Use</u>	<u>NA</u>	<u>15 feet (except for Residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for Residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail, or parking area, as applicable, as provided in Section/Table 26.60.42 ²</u>					
<u>Minimum Front Yard Setback</u>	<u>As provided by zoning</u>						
<u>Minimum Side Yard Setback</u>	<u>As provided by zoning</u>						
<u>Minimum Rear Yard Setback</u>	<u>As provided by zoning</u>						
<u>Minimum Lot Width – One-Family Attached Dwellings</u>	<u>As provided by zoning</u>						
<u>Minimum Lot Area</u>	<u>As provided by zoning</u>						
<u>Maximum Density – Multifamily Dwellings (units/square feet)</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>1:1,500</u>	<u>NA</u>
<u>Maximum Lot Coverage</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>40%</u>	<u>NA</u>	<u>20%</u>
<u>Maximum Building Height</u>	<u>NA²</u>	<u>16</u>	<u>35</u>	<u>25</u>	<u>35</u>	<u>35/ 55</u>	<u>35</u>
<u>Maximum Building Height – Detached Accessory Buildings</u>	<u>NA</u>	<u>16</u>	<u>16</u>	<u>16</u>	<u>16</u>	<u>35</u>	<u>35</u>

1. No Sensitive Area buffer or building setback applies to water dependent elements of a water dependent use.
2. Buildings are not allowed in the Natural Open Space Zoning District.
3. Building height may be increased to up to 55 feet in the Waterfront Environment subject to the provisions of RMC 26.30.013 [Ord. 25-14 § 1.01]

26.30.013 Provisions for additional height in the waterfront environment.

Structures in the Waterfront Environment may exceed a height of 35 feet based upon a review of the site plan and structure and compliance with the following criteria.

- A. Additional open space or a plaza is provided on the site that earns bonus floor area in accordance with RMC 26.30.40.F.2.
- B. The review authority finds that:
 - 1. The increased building height will not obstruct the view of a substantial number of residences on areas adjoining such shorelines;
 - 2. Overriding considerations of the public interest will be served by providing additional public open space and facilities that enhance public enjoyment of the shoreline;
 - 3. The proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity;
 - 4. The building is located a sufficient distance from the Columbia River to avoid creating a visual barrier. [Ord. 25-14 § 1.01]

26.30.020 Agriculture.

- A. This program shall not restrict lawfully existing agriculture activities that have been discontinued for less than five (5) years. An agricultural use shall not be considered discontinued if it is allowed to lie fallow in which it is plowed and tilled but left unseeded; allowed to lie dormant as a result of adverse agricultural market conditions; or allowed to lie dormant because the land is enrolled in a local, state, or federal conservation program.
- B. All new agricultural activities and facilities on land not meeting the definition of agricultural land are governed by this Program and shall observe the Sensitive Area standards and buffer requirements of this Program and the criteria below.
- C. Agricultural activities shall follow recognized best management practices that improve or maintain water quality and quantity, reduce soil erosion, maintain, or improve soil conditions, and provide for wildlife habitat. The applicant is encouraged to coordinate with the County Conservation District and the Natural Resources Conservation Service in the development of best management practices for their agricultural activity.
- D. New intensive agricultural activities such as animal feeding operations/concentrated animal feeding operations (AFO/CAFOs) and row cropping requiring intensive application of fertilizers, animal waste, herbicides, and pesticides shall be located outside of shoreline jurisdiction, unless the proposed use is within an established agricultural area and no alternative agricultural activity is feasible. New intensive agricultural activities shall be implemented in accordance with a farm conservation plan including a monitoring program that assures no net loss of ecological functions.
- E. New facilities for liquid manure storage shall be located outside of shoreline jurisdiction unless no alternative location is feasible and a Special use Permit is obtained. New liquid manure storage facilities shall be implemented in accordance with a farm conservation plan including a monitoring program that assures no net loss of ecological functions.
- F. New manure spreading operations shall be carried out so that animal wastes do not enter water bodies, wetlands, or groundwater recharge areas.

- G. The construction of a barn or similar agricultural structure is exempt from obtaining a substantial development permit, but must comply with the regulations of this program. [Ord. 25-14 § 1.01]

26.30.030 Aquaculture.

Aquaculture is the culture of farming of foodfish, shellfish, or other aquatic plants and animals. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, and oxygen content. Policies and regulations for aquaculture, therefore, recognize the necessity for some latitude in the development of this emerging economic water use as well as its potential impact on existing uses and natural systems.

- A. Aquaculture is a preferred water-dependent use but may be permitted only if impacts to ecological resources and existing land uses can be mitigated. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, or establish new nonnative species which cause significant ecological impacts.
- B. Aquaculture activities shall be located so as to not unduly restrict navigation.
- C. Aquaculture structures shall be placed in such a manner as to minimize interference with or danger to surface navigation and so as not to impair the aesthetic quality of the shorelines.
- D. Aquaculture development shall make reasonable provisions to control nuisance factors such as excessive noise or odor.
- E. Aquaculture wastes shall be disposed of in a manner that will prevent degradation of associated upland, wetland, shoreline, or water environments.
- F. Aquaculture activities shall make all feasible provisions to maintain the general aesthetic quality of the shoreline [Ord. 25-14 § 1.01]

26.30.040 Commercial development.

Shoreline commercial uses, including offices, restaurants, general retail sales, hotels, motels and convention centers, are recognized as being most suitable in the Waterfront Environment already developed at urban intensities. Policies and regulations for these uses encourage developments having a functional dependency on shoreline location and water orientation, and which afford maximum public access, use, and circulation along the waterfront.

- A. Commercial development in shoreline areas shall be designed, located, and constructed to achieve no net loss of ecological functions.
- B. Preference shall be given to water-dependent commercial uses over non-water-dependent commercial uses. Water-related uses shall be given priority over non-water related uses.
- C. Commercial development that is not water-dependent shall not be allowed over water except where it is located within the same building and is accessory to and necessary for a water-dependent use.
- D. Non-water-oriented commercial development shall be allowed only when:
1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to provision of public access and/or ecological restoration; or

2. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access and/or ecological restoration.
- A. In areas of the shoreline designated for commercial use, non-water-oriented commercial uses may be allowed on sites physically separated from the shoreline by another property in separate ownership or public road right-of-way.
- B. Uses within the Waterfront Environment shall be designed to provide multiple uses that enhance cultural and related commercial facilities to enhance and diversify the public's experience of the shoreline including tourists by providing water-oriented and enjoyment uses and community recreational resources and providing public access and view corridors. Uses in this area must meet the following additional criteria:
 1. Development is subject to RMC Chapter 23.48, Site Plan Review, as it may be subsequently amended
 2. Public open space for public access and to accommodate water enjoyment uses and other uses allowing public visual access to the waterfront, such as restaurants are a preferred use and may earn bonus floor area in buildings between 35 and 55 feet in height, subject to the following criteria:
 - a. Public open space in excess of 15% of the area of shoreline jurisdiction on a site may earn 1 square foot of building floor area for each square foot of open space, up to 20,000 square feet, provided the following criteria are met:
 - i. The open space area must abut the Riverside Trail on at least half its total width
 - ii. It must be at the elevation of the trail,
 - iii. It may extend no further than 50 feet from the edge of the trail
 - iv. It must be accessible to the public at all times
 - v. It must consist of grass turf or other surface that will accommodate pedestrian foot traffic
 - vi. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space
 - vii. Planting areas for ornamental vegetation not allowing foot traffic are excluded from the area qualifying for bonus floor area
 - b. Public open space plazas may earn additional bonus floor area, or may earn 4 square feet of building floor area for each square foot of open space, up to 10,000 square feet in addition to any area earned by subsection F.2.a, above, if the facility meets the following criteria:
 - i. The open space area must abut the Waterfront Trail on at least 20% of its total perimeter
 - ii. It must be at the elevation of the trail
 - iii. It may extend no further than 75 feet from the edge of the trail
 - iv. It must be accessible to the public at all times
 - v. It must consist of a hard surface of concrete, brick, pavers, or similar materials. Permeable surfaces are encouraged to the extent feasible.
 - vi. Shade shall be required by trees planted in grates at grade level allowing pedestrian passage over grates at a minimum ratio of one tree per 1,600 square feet of plaza area.

undeveloped nature of adjacent shoreline areas. Public access shall be provided through the shoreline portion of the site for use when it does not interfere with barge loading or unloading. An alternative route to the west shall be provided for conducting non-motorized traffic around the site when water-dependent use interrupts transit on the trail

- B. Industrial and port development shall be located, designed, constructed, and operated in a manner that minimizes impacts to shoreline resources and avoids unnecessary interference with shoreline use by adjacent property owners.
- C. Cooperative use of existing port facilities, including docks and piers, shall be encouraged to reduce additional disruption to the shoreline. [Ord. 25-14 § 1.01]

26.30.060 Marinas.

Marinas are recognized as a use dependent on waterfront location and generally requiring shoreline modification for construction and operation. Marina activities may include facilities for boat launching, moorage, storage, and servicing as well as boat and accessories sales and display and restaurant facilities.

- A. These provisions apply to all vessel moorage facilities serving 5 or more vessels.
- B. Proposals for new marinas must provide sufficient evidence that existing public boat launches, dry storage and existing and permitted moorage is not adequate to meet regional demand for recreational boating and that development of new marinas would result in fewer environmental impacts than expansion of existing facilities.
- C. In order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of water surfaces, boat facilities in order of preference are as follows:
 1. Mooring buoys with a small lighter dock to provide access to the buoy.
 2. In-water mooring docks. These may be approved only where it is demonstrated that more preferred options are not feasible, and/or it can be demonstrated that in-water mooring docks would result in fewer impacts to shoreline ecological functions and/or enhance public use of the shoreline.
- D. Applications for marinas with in-water moorage may be approved by Special Use Permit if it is demonstrated that:
 1. Public navigation will not be impeded.
 2. The location will not result in displacement of wetlands or interrupt natural processes, erosion, or deposition.
 3. Water depths will be adequate without initial or maintenance dredging.
 4. The location will not require shoreline armoring to compensate for fluvial processes.
 5. The location will not reduce existing public use of the water or shoreline including fishing, swimming, and boating.
 6. Adverse water quality impacts will not result from inadequate flushing of moorage or enclosed water areas.
 7. Impacts to riparian buffers and nearshore aquatic habitat will be minimized. Impact minimization may require provision of upland buffers with limited corridors for movement between upland and in-water facilities.
 8. Setbacks from adjacent non-commercial properties will be adequate to attenuate proximity impacts such as noise and light and glare, and may address scale and

aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

9. Facilities including piers, floats, boat launches and other elements will be located and designed to minimize changes in hydraulic and fluvial processes, minimize potential flood hazards, and to not limit channel migration in areas where such processes are not currently constrained.

10. Exterior lighting will avoid illuminating nearby properties used for non-commercial purposes and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, and screening.

11. Exterior lighting will not adversely impact aquatic species.

12. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.

13. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, and shall minimize traffic impacts on nearby streets.

14. On-site parking supply shall be adequate to meet peak demands. Location of parking shall be in accordance with parking standards in this program.

E. Covered moorage is prohibited.

F. Marinas shall provide public access amenities over public aquatic lands equivalent to a minimum 10 percent of over-water coverage and shall provide public walkway access to a public street and may be required to provide public parking including handicapped access.

G. If a marina includes gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan, shall be required of new marinas and expansion or substantial alteration of existing marinas. Handling of fuels, chemicals, or other toxic materials must be in compliance with all applicable federal and state water quality laws as well as health, safety, and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

H. Live-aboard vessels may occupy up to ten (10) percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Accommodation of additional live-aboard vessels may be approved only by Special Use Permit with demonstration that accommodation of live-aboard vessels will not displace moorage otherwise available for recreational use or lead to a demand for additional moorage facilities. [Ord. 25-14 § 1.01]

26.30.070 Mining.

Surface mining is the removal of rock, sand, gravel, and/or minerals from shoreline areas for economic purposes. Excavations are permitted in accordance with the Washington State Surface Mining Act and with RMC 23.42.070.

A. The location, design, and development of any mining operation shall include:

1. Demonstration that mining is dependent on a shoreline location based on evaluation of geologic factors such as the distribution and availability of mineral

- resources for that jurisdiction, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors.
2. Assurance of no net loss of ecological functions and processes; application of this standard shall include avoidance and mitigation of adverse impacts during operation and evaluation of the reclamation plan required for the site.
 3. Allowance of mining on shorelines shall require a finding that the benefits from mining, including the long term use of the site outweigh adverse impacts on other users or resources taken together.
 4. Avoidance of interference with public recreation on the shoreline.
 5. Location and operation to provide long term protection of water quality, fish and wildlife, and their habitats.
- B. A reclamation plan shall be submitted with each application and shall provide for reclamation of the site compatible with existing and proposed land use as indicated in the Richland Comprehensive Plan and compatible with the Shoreline Environment Designation. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species and/or public access and recreation.
- C. Regulations applicable to the Shoreline Environment in which the proposed development is located shall be complied with. [Ord. 25-14 § 1.01]

26.30.080 Recreation.

Recreation is the refreshment of strength and spirits through activities involving physical participation or passive relaxation. Water-related recreation accounts for a significant percentage of all recreational activities in the city of Richland and the state of Washington. Recreational activities intended for public use shall be encouraged at intensities appropriate for the various environments. Priority will be given to those recreational uses which provide appropriate public access to the shoreline.

- A. Only those public and private recreational uses that allow general public use shall be permitted on public shorelines of Richland. Recreational development shall be designed to locate non-water-oriented uses upland of water-oriented uses whenever possible.
- B. A variety of recreation opportunities and associated facilities are encouraged on the shoreline. Passive uses are most appropriate in areas with more intact natural conditions including facilities for interpretation of natural features and habitat, bird watching and similar uses. Water-dependent and water-enjoyment recreation facilities are a preferred use including boating facilities, water sports, angling, and swimming beaches for areas with less intact ecological functions.
- C. Access, circulation, and parking for recreational developments shall comply with the following regulations:
 1. Vehicular access points shall be limited to the minimum number necessary for the proposed recreational facility and shall be configured to minimize disturbance of sensitive natural resources. Non-motorized access points shall be provided where feasible.
 2. Access to the water's edge from parking areas shall be limited to pedestrian movement, except that marinas and boat launching facilities may be provided with access drives or roads.

3. Circulation within recreational areas shall, as appropriate, include provisions for all modes of transportation. Roadways for motorized vehicles shall be designed and located to take advantage of scenic views, vistas, and points of interest in nonsensitive areas and shall be designed and constructed with consideration of, and sensitivity for, natural features and amenities of the shorelines.
 4. Access and circulation shall conform to provisions for road and railroad design and construction as set forth in RMC 26.30.100.
 5. Parking areas shall be located on the inland side of all buildings, structures, and recreational uses and shall be developed in accordance with applicable city of Richland parking and landscaping standards.
- D. Development plans shall include provisions for the protection and preservation of ecological functions, natural resources, and scenic views and vistas of the shoreline.
 - E. Recreational facilities shall be designed, constructed, and operated in a manner consistent with the intent of the shoreline environment in which they are located and which does not result in a net loss of shoreline ecological functions.
 - F. Applications for recreational uses that require the use of fertilizers, pesticides, or other chemical treatments shall include plans demonstrating best management practices to be used to minimize the potential for contamination of surface water and groundwater resources. Non-chemical methods of vegetation management shall be preferred wherever feasible.
 - G. New over-water structures for recreation use shall be allowed only when:
 1. They accommodate water-dependent recreation uses or facilities, or
 2. They allow opportunities for substantial numbers of people to enjoy the shorelines of the state, and
 3. They are not located in or adjacent to areas of ecological sensitivity, especially aquatic and wildlife habitat areas, and
 4. No net loss of ecological functions will be achieved.
 - H. Private recreation uses and facilities that utilize public aquatic lands shall provide public access as provided in Section 26.20.050 or shall provide improved, compensating public access at other locations.
 - I. Motorized vehicular use outside of designated roadways and driveways, including the use of all-terrain and off-road vehicles, in the shoreline area is prohibited, except for boat launching and maintenance activities and except where specific areas for such use are set aside and controlled by a public entity.
 - J. In natural open space areas, the need for trails for ADA access should be balanced with the extent of alteration of the natural environment required to accommodate such facilities.
 - K. Recreational developments shall comply with all local and state health regulations. [Ord. 25-14 § 1.01]

26.30.090 Residential development.

Policies and regulations for residential development are intended to promote use of the shoreline that acknowledges existing residential patterns and allows residential utilization of shoreline areas without resulting in a net loss of ecological function.

- A. Single-family residential development is a priority use on the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.
- B. Residential development in the shoreline shall meet the criteria of no-net-loss of ecological functions in Section 26.20.20 of this program and the preferred sequence for mitigation of impacts. The use shall be located and designed to maintain required buffers and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general.
- C. New residential development shall cluster dwelling units to provide as little alteration to the natural environment as feasible and shall utilize low impact development (LID) techniques to reduce physical and visual impacts on shorelines.
- D. Multi-family residential use is not a priority for location on the shoreline under the Shoreline Management Act and is subject to the preference for water-dependent and water-oriented use. It therefore must meet requirements for providing public benefit through ecological restoration and public access. Multi-family development may not be approved if it displaces existing water-dependent uses. Multi-family development uses may be permitted only where it provides significant public benefit with respect to the objectives of the Act by:
 - 1. Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards provided for Sensitive Areas or in accordance with the Restoration Element of this program; and
 - 2. Provision of public access is required in accordance with RMC 26.20.050.
- E. Over-water residences are prohibited
- F. New residential development shall assure that the development will not require shoreline stabilization. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, and riparian erosion areas shall be sufficient to protect structures during the life of the lots, and impacts to adjacent, downslope, or down-current properties is not likely to occur during the life of lots created.
- G. New residential development shall meet all Sensitive Area provisions of this program. Filling of, or into, water bodies or their associated wetlands for the purpose of subdivision or multi-family construction shall not be permitted. New subdivisions, short plats, and large lots shall preserve the required buffer in a protective tract, public or private land trust dedication, or similarly preserved through an appropriate permanent protective mechanism. Each lot owner within the subdivision, short plat, or other land division shall have an undivided interest in the tract(s) or protective mechanism created.
- H. Residential developments, including subdivisions, and planned unit developments of five (5) or more lots/units shall provide "improved public access for all residents of the development and the general public, in compliance with public access standards contained in Section 26.20.050.
- I. All new divisions of land shall record a prohibition on new private individual docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of this program.

J. All development shall be in compliance with all codes and ordinances of the city of Richland, including applicable subdivision, Sensitive Area and zoning regulations. [Ord. 25-14 § 1.01]

26.30.100 Transportation facilities.

A. Roads and Bridges

1. Development of new roads or substantially expanded existing roads shall demonstrate the need for a shoreline location and that no feasible upland alternative outside the shoreline is available;
2. Roads shall cross shoreline areas by the shortest, most direct route feasible to minimize impacts, unless such route would cause significant adverse impacts based on specific local features.
3. The project configuration, design, and related features will minimize alteration of Sensitive Area buffers, avoid impacts on bird and wildlife movement as much as is feasible, fit the existing topography as much as feasible, and minimize alterations to the natural or existing vegetation.
4. New transportation facilities shall be located and designed to avoid the need for shoreline stabilization where feasible. Where demonstrated to be necessary to protect an existing facility that is in imminent danger of loss or substantial damage, new or expanded structural shore stabilization shall provide mitigation of impacts resulting in no net loss of shoreline ecological functions. In cases where substantial shore stabilization is required, relocation of roads further from the shoreline may be required.
5. New or expanded roads will provide public access in accordance with Section 26.20.050 and where they afford scenic vistas, pedestrian viewpoints will be provided.
6. Wetlands shall be avoided whenever feasible. If avoidance is not feasible, bridges shall be utilized when crossing wetlands to avoid obstructing movement of surface and groundwater unless it can be demonstrated that fill and compensatory mitigation will produce equal or greater ecological functions.
7. Road crossings of streams shall utilize bridges rather than culverts to the maximum extent feasible.
8. Private access roads or driveways providing ingress and egress for individual single-family residences or lots shall be limited to the minimum allowed by the Fire Code.
9. Bridges shall be designed and built of sufficient lateral and vertical clearance to allow the unimpeded passage of flood flows and debris. In wide streamways, bridges shall employ the maximum length of clear spans feasible with pier supports that produce the minimum deflection feasible. Bridge approaches in floodways of any stream shall be constructed on open piling or other measures to allow free water movement.
- 10 Landscape planting is required along all shoreline roads, parking, and turnout facilities to:
 - a. Provide buffers between pedestrian and auto users;
 - b. Enhance the shoreline driving experience; and
 - c. Enhance and complement potential views of shoreline areas.

11. The City shall not vacate any public right-of-way in a shoreline location until adopting a Comprehensive Public Access plan for the area showing that the subject right-of-way cannot be used as a contributing element in that plan. The City shall vacate a public right-of-way abutting a body water only in compliance with RCW 35.79.035, which allows vacations of streets abutting bodies of water only when:
 - a. The vacation will enable acquisition of the property for public purposes;
 - b. The street or alley is not suitable for certain purposes (e.g., port, park, education); or
 - c. The vacation will enable implementation of a public access plan.
12. In order to improve public access to the shoreline the City shall acquire and/or retain abandoned or unused road or railroad rights-of-way for public access to and/or along the water.

B. Non-Motorized Facilities

1. Non-motorized facilities shall comply with provision for public access facilities in Section 26.20.050.
2. Trails shall be developed consistent with adopted city and regional system plans.
3. Non-motorized facilities shall avoid sensitive features of the shoreline to the extent feasible, including wetlands and fish and wildlife habitat. Facilities shall be placed outside of, or in the outer portions of buffers. Elevated walkways shall be utilized where feasible to cross wetlands and streams.

C. Railroads

1. Railroad improvement requiring right-of-way expansion within the shoreline shall demonstrate that there is no feasible alternative outside of shoreline jurisdiction.
2. Expansion of existing railroad facilities within existing rights-of-way (additional track or other features) must demonstrate the need for a shoreline location and that no feasible upland alternative outside shoreline jurisdiction is feasible. New tracks shall be placed upland of existing tracks if feasible and may require relocation of existing tracks.
3. The project shall be designed to minimize alteration of Sensitive area buffers, to fit the existing topography as much as feasible, and minimize alterations to the natural or existing topography.
4. Wetlands shall be avoided whenever feasible. Bridges shall be utilized when crossing wetlands to avoid obstructing movement of surface and groundwater unless it can be demonstrated that fill and compensatory mitigation will produce equal or greater ecological functions.
5. Trails and shoreline access should be provided with facilities to safely cross railroads, to enhance regional non-motorized circulation, and improve public access to the shoreline. Any proposal to add tracks to an existing corridor shall include additional crossings of the rail corridor to make a proportional contribution to meeting an ultimate goal of at least one crossing every 2,500 feet.
6. Criteria for road crossings of streams and shoreline stabilization shall apply to railroads.

D. Parking

1. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Parking facilities shall be located outside

- shoreline jurisdiction where possible. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use and shall be located outside of Sensitive Area buffers and as far from the water/land interface as possible.
2. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served. The only exceptions to this would be when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline and in all cases is prohibited over the water.
 3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall comply with RMC 23.54 and in addition landscaping between parking areas and public access shall provide effective screening within three years of project completion. [Ord. 25-14 § 1.01]

26.30.100 Utilities.

- A. New or substantially expanded utilities serving uses within the City may be located within shoreline jurisdiction only if:
 1. The facility is needed within the shoreline jurisdiction to support permitted shoreline activities;
 2. No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or is set back further from the land/water interface; and
- B. Regional facilities that serve uses outside the City and all electric transmission facilities with a capacity greater than 50 kW shall demonstrate, based on an analysis of alternative routes and technology, that:
 1. No upland alternative route is feasible,
 2. Utilization of existing corridors is not feasible, including expansion or replacement of existing facilities, if new corridors are proposed,
 3. A location within designated industrial environments or existing transportation corridors is not feasible,
 4. The proposal has the least feasible adverse impact on the natural environment, and
 5. The location and design of the facility has the least feasible change in the existing character of the shoreline views enjoyed by residences or from public access facilities, and will not obstruct scenic vistas.
- C. Linear facilities consisting of pipelines, sewers, cables and other facilities roughly parallel to the shoreline shall be discouraged except where no other feasible alternative exists. At the time of replacement of such facilities that are close to their lifespan, or when such facilities are expanded, relocation outside of the shoreline may be required as if they were new facilities. When permitted, design shall assure that maintenance of the facilities does not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.
- D. Utilities shall be located in the least sensitive portions of a site and outside of natural open space areas, where feasible, and be designed to minimize environmental impact, avoid significant natural, historic, archaeological, or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts.
- E. Utilities, where permitted, shall meet the following design criteria:

1. Facilities should occupy as little of the shoreline as feasible and should be located in existing rights of way and if possible should share existing facilities where feasible. Utility installation parallel to the shoreline should be avoided to the maximum extent feasible. Utilities shall cross the shoreline area by the shortest most direct route, unless such route would cause substantial significant environmental damage.
 2. Utilities shall be located and designed to minimize alterations to the natural environment, be located outside of natural open space areas, where feasible, and fit the existing topography as much as possible and should be designed to minimize and mitigate environmental impact.
 3. Facilities shall be located and designed to minimize introducing elements that change the existing character of the shoreline obstruct views enjoyed by residences or from public access facilities, or obstruct scenic vistas.
 4. Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if feasible. If new installations are required to cross water bodies or wetlands they should avoid disturbing banks and streambeds and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation, or lateral migration. Underwater utilities shall be placed in a sleeve if feasible to avoid the need for excavation in the event of the need for maintenance or replacement.
- F. New electrical distribution lines within the shoreline shall be placed underground. Distribution lines that cross water or other Sensitive areas may be allowed to be placed above ground if:
1. Underground installation would substantially disrupt ecological functions and processes of water bodies and wetlands, and horizontal drilling or similar technology that does not disturb the surface is not feasible;
 2. Visual impacts are minimized to the extent feasible; and
 3. If overhead facilities require that native trees and other vegetation in a Sensitive Areas buffer cannot be maintained in a natural condition, compensatory mitigation shall be provided on or off-site.
- G. Stormwater, wastewater, or water supply pump stations, and stormwater discharge facilities such as dispersion trenches, level spreaders, and outfalls may be located in the shoreline jurisdiction if:
1. Due to topographic or other physical constraints there are no feasible locations for these facilities outside the shoreline;
 2. The facility minimizes and compensates for impacts to Sensitive Area buffers; and
 3. Any discharge facility is designed and maintained to prevent erosion or other adverse impacts.
- H. Construction shall be designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction.
- I. Roadways or other facilities to access utility installations within Sensitive Area buffers shall be no wider than needed to construct, maintain, or repair the utility.
- J. Facilities involving buildings, such as pump stations, electrical substation, or other facilities, when permitted and shall be in scale with surrounding development,

architecturally compatible and landscaped to assure compatibility with natural features, public access facilities, and adjacent uses.

- K. Public Access: Utility development shall provide for compatible, multiple uses of sites and rights-of-way through coordination with local government agencies. Such uses include shoreline access in accordance with RMC 26.20.050, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner. [Ord. 25-14 § 1.01]

Chapter 26.40 **SHORELINE MODIFICATION REGULATIONS**

26.40.010 Shoreline stabilization.

Shoreline stabilization includes 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.

- A. New development, including subdivision, shall be located and designed to avoid the need for future shoreline stabilization to the maximum extent feasible. New lots created by subdivision shall not require shoreline stabilization in order for reasonable development to occur. New development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure. Proposed development that would require shoreline stabilization which would cause significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed. In all cases, compliance with this criterion shall be documented by geotechnical analysis by qualified professionals.
- B. The construction of shoreline protection for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit is prohibited.
- C. Shoreline stabilization shall be designed and constructed to avoid stream channel direction modification, realignment, and straightening or result in increased channelization of normal stream flows.
- D. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by natural processes rather than from upland conditions such as poorly managed stormwater or vegetation removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not 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. The erosion control structure shall not result in a net loss of shoreline ecological functions.
- E. Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:
1. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.