

## **Chapter 6**

### **General Policies and Regulations**

#### **6-1 Introduction**

The General Policies and Regulations apply to all uses and activities within shoreline areas, regardless of the Shoreline Environment Designation. (See Chapter 9 for an explanation of Shoreline Environment Designations.) They are intended to be used in conjunction with the more specific use and activity regulations in Chapters 7 and 8 of the Moses Lake SMP, as well as the Shoreline-Environment specific policies and regulations in Chapter 9. General Policies and Regulations cover the following areas:

- Section 6-10 Overall Development Policies (policies only)
- Section 6-20 Archaeological and Historic Resources
- Section 6-30 Critical Areas
  - Section 6-30-010 General
  - Section 6-30-020 Aquifer recharge areas
  - Section 6-30-030 Fish and wildlife habitat conservation areas
  - Section 6-30-040 Frequently flooded areas
  - Section 6-30-050 Geologically hazardous areas
  - Section 6-30-060 Wetlands
- Section 6-40 Economic Development (policies only)
- Section 6-50 Environmental Impacts and Water Quality
- Section 6-60 Parking
- Section 6-70 Public Access
- Section 6-80 Signage
- Section 6-90 Subdivision and Property Segregation
- Section 6-100 Utilities (Accessory)

### **General Policies and Regulations**

#### **6-10. Overall Development Policies**

The following policies apply to all shoreline areas in the City of Moses Lake.

1. Development should be permitted only in those areas that are capable of supporting the proposed use or activity without net loss of shoreline ecological functions. Impacts to shoreline natural character, resources, and ecology should be avoided when possible, minimized when the impacts are unavoidable, and any remaining impacts should be mitigated.
2. Permitted uses and activities should be located, sited, designed, managed, and maintained to be compatible with the shoreline environment and to prevent degradation of shoreline resources, including the following:
  - a. Water quality;
  - b. Visual, cultural and historic characteristics;
  - c. Physical resources (including soils);
  - d. Biological resources (including upland, riparian, and aquatic plant communities, wildlife, and aquatic life);
  - e. Ecological processes and functions; and
  - f. The natural character of the shoreline area.
3. Any use or activity that cannot be mitigated to prevent degradation of shoreline ecological resources and to protect the integrity of the shoreline environment should be prohibited.
4. Development standards, including densities and minimum frontage standards, should be established to ensure that new development results in no net loss of shoreline ecological functions. Criteria considered in establishing those standards should include, but need not be limited to, the following:
  - a. Biophysical limitations and ecological functions and values of the shoreline area;

- b. Surrounding development characteristics and land division pattern;
  - c. Level of infrastructure and services available or planned;
  - d. Comprehensive Plan designation and zoning.
5. The ecosystem-wide impacts of a large development, including the cumulative impacts of exempt uses and activities within the development over time, should be considered in approving, conditionally approving, or denying shoreline permits for multi-lot subdivisions and other large developments.
  6. New uses and activities should be restricted to those that will not require extensive alteration of the land-water interface. Construction of shoreline stabilization works should be minimized. New uses and activities should be designed to preclude the need for such works.
  7. Uses and activities should be compatible with existing conforming and planned uses on surrounding sites and in adjacent environments.
  8. Public access and public recreation objectives should be implemented whenever feasible when significant adverse impacts can be mitigated. However, preservation of resources should have priority over public access, recreation, and development objectives whenever a conflict exists.
  9. Regulations designed to maintain ecological functions over time should be established for uses and activities (including both development and redevelopment) in all Environments. Specifically, those regulations should address vegetation management, critical areas, and water quality; and should include development standards for shoreline modifications.
  10. When this SMP requires mitigation, the mitigation provisions of Appendix A, Mitigation, shall apply, along with any additional mitigation provisions of the specific section of the SMP.

## **6-20. Archaeological and Historic Resources**

6-20-010. The following policies and regulations apply to all "Historical/Archeology Areas" identified in the *Shoreline Inventory and Characterization* and on all sites within shoreline jurisdiction having archaeological or historic resources that are recorded at the Washington Department of Archaeology and Historic Preservation (DAHP) and/or with local jurisdictions, including the City of Moses Lake, Grant County, and affected Indian tribes; or that have been inadvertently uncovered.

### 6-20-020. Policies

1. Due to the limited and irreplaceable nature of archaeological and historic resources, all uses and activities (public and private) should be prevented from destroying or damaging any site that has significant historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes. Where feasible, such sites should be permanently preserved for scientific study and public observation.
2. Since state law requires protection of archaeological and historic resources, sites within the City containing such resources should be identified to avoid damage to the resources and the delay and expense associated with discovery of resources during development.
3. For sites in areas documented to contain archaeological and historic resources, a site inspection and evaluation by a cultural resource management professional should be required before issuance of any permits or exemptions.
4. Where practical, access to identified historic or archaeological sites should be made available to the public at public expense. Such public access should be designed and managed to protect the resources.

### 6-20-030. Regulations

1. Archaeological sites are subject to the National Historic Preservation Act, as amended (16USC470), RCW 27.44 (Indian Graves and Records), RCW 27.53 (Archaeological Sites and Resources), and WAC 25-48 (Archaeological Excavation and Removal Permit).
2. An evaluation and a report meeting the minimal reporting standards of DAHP, prepared by a cultural resource management professional who meets the qualification standards promulgated by the National Park Service and published in 36 CFR Part 61, shall be required before the start of any ground disturbance work in any area known to contain archaeological or historic resources. The City may require such an evaluation prior to the issuance of any shoreline permit or shoreline exemption.

3. All shoreline permits shall contain provisions that require immediate stoppage of work and notification of the City, the DAHP, and the Colville Confederated Tribes if anything of possible archaeological interest is uncovered during excavation or other development. Before work can resume, all requirements of the DAHP must be met.
4. Archaeological excavations may be permitted subject to the provisions of this master program.

## **6-30. Critical Areas (within shoreline jurisdiction)**

6-30-010. As defined in RCW 36.70A, critical areas include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Critical areas are those areas with especially fragile biophysical characteristics and/or with significant environmental resources. Critical areas include both natural resource areas that benefit the public welfare through the functions they provide, and areas that may threaten the health and safety of the public.

This section includes general provisions that apply to all critical areas within shoreline jurisdiction, and provisions specific to each of the five types of critical areas.

### **6-30-020. General Provisions**

#### 6-30-020-A. Policies

1. Critical areas should be managed to protect against adverse effects to public health and safety and against any loss of shoreline ecological function, including adverse effects on the land and its vegetation and wildlife, and the water and its aquatic life.
2. Development standards in shoreline critical areas should be consistent with the City's standards for development in critical areas throughout the city when consistency with said standards is sufficient to ensure no net loss of shoreline ecological functions.
3. Incompatible uses should not be allowed in critical areas. Uses that are incompatible may vary for different types of critical areas.
4. Unique, rare, and fragile natural and man-made features as well as scenic vistas and valuable wildlife habitats should be preserved and protected from degradation or interference.
5. Areas with unique and/or fragile geological or biological characteristics, such as wetlands and dunes, which would be damaged by certain kinds of public access, should be protected from such access.
6. Shorelines that are identified as hazardous for or sensitive to development should not be used for intensive development.
7. Regulations for critical areas should protect existing ecological functions and ecosystem-wide processes and restore degraded ecological functions and ecosystem-wide processes.

#### 6-30-020-B. Regulations

1. All shoreline development shall be designed in accordance with all applicable federal, state, and local regulations, including the Federal Emergency Management Agency (FEMA) flood control management codes and regulations, the State Environmental Policy Act (SEPA), and the Moses Lake Municipal Code (MLMC). MLMC 18.53 addresses flood hazard areas and is adopted by reference. See Appendix B.
2. All shoreline uses and activities shall be located, designed, constructed, managed, and maintained to protect critical areas and the shoreline ecological processes that depend on them.
3. When a development site includes critical areas, those areas shall be left intact and maintained as open space unless alteration of the critical area and its functions is otherwise mitigated. Minimized, mitigated alteration of the critical area may be authorized only if all reasonable use would be otherwise precluded and the mitigation sequence listed below is followed.
  - a. Where critical areas are left intact, all development shall be set back from those areas to prevent hazardous conditions and property damage, as well as to protect shoreline ecological functions and other valuable shoreline features.
  - b. Projects containing critical areas shall include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with applicable regulations. The mitigation sequence in WAC 173-26-201(2)(e) shall be used. Mitigation measures shall be applied in the following sequence of steps listed

in order of priority, with (i) of this subsection being top priority.

- i. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
  - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
  - v. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments in compliance with Chapter 11, Shoreline Protection and Restoration.
  - vi. Monitoring the impact and taking appropriate corrective measures. Monitoring and contingency actions shall be specified as conditions in the shoreline permit or approved exemption for the project. The proponent shall guarantee the monitoring and contingency actions with a performance bond or other surety acceptable to the City Attorney.
4. Required critical areas reports, including site analyses, hydrogeologic assessments, habitat assessments, habitat management plans, geotechnical reports, geologic hazard plans, but not including wetland analysis reports, and compensatory mitigation reports, shall, at a minimum, include the following. The requirements for wetland analysis reports, and compensatory mitigation reports are listed in the wetlands section below and Appendix A, Mitigation.
- a. Applicant's name and contact information; all local, state, federal, and/or tribal critical-areas-related permits required for the project, and description of the proposal;
  - b. A description of the project, including nature, density, and intensity of the proposed development, and associated grading, structures, roads, easements, stormwater facilities, utilities, etc. in sufficient detail to allow analysis of the proposed land use changes upon the critical area;
  - c. A copy of the site plan for the development proposal, drawn to scale, including a vicinity map and showing:
    - i. Identified critical areas and the development proposal with dimensions, including existing and proposed structures, impervious surfaces, utilities, roads, easements, and adjacent land uses;
    - ii. Limits of any areas to be cleared; and
    - iii. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
  - d. The names, contact information, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
  - e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area;
  - f. A detailed discussion of surface and subsurface hydrological features both on and adjacent to the site, where determined appropriate by the Community Development Department;
  - g. A description of the vegetation on the overall project site, within the buffer area, and adjacent to the site;
  - h. An assessment of the probable cumulative impacts to critical areas and buffers resulting from the proposed development of the site;
  - i. An analysis of site development alternatives;
  - j. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
  - k. A mitigation plan, as needed, in accordance with the mitigation requirements of this chapter and Appendix A, including, but not limited to:
    - i. The impacts of any proposed development within or adjacent to a critical area; and
    - ii. The impacts of any proposed alteration of a critical area on the development proposal, other



properties and the environment;

- I. A discussion of the performance standards applicable to the critical areas and proposed activity;
  - m. Financial guarantees to ensure compliance; and
  - n. Any additional information required for specific critical areas as listed in subsequent sections of this chapter.
5. In case of differences between the Master Program and other provisions of the Moses Lake Municipal Code, the more restrictive requirements shall apply.
6. Mitigation. Where this Master Program refers to "mitigation" or "compensatory mitigation", the provisions of Appendix A, Mitigation, apply.

#### **6-30-030. Critical Areas: Aquifer Recharge Areas**

**6-30-030-A.** Aquifer Recharge Areas are areas with a critical recharging effect on aquifers used for potable waters. They are highly vulnerable to contamination from intensive land uses.

Note that Aquifer Recharge Areas are a type of Critical Area, so the General Provisions and Regulations for Critical Areas also apply.

#### **6-30-030-B. Policies**

1. Development in shoreline aquifer recharge areas should not contribute contaminants or facilitate degradation of aquifers, either within or beyond shoreline areas.

#### **6-30-030-C. Regulations**

1. All uses and activities in shoreline areas, including individual single-family residences, shall be subject to the Aquifer Recharge Area provisions of this section.
2. Discharge in to the groundwater of the city shall not contribute contaminants or facilitate degradation of aquifers. Development approvals shall ensure that all best management practices are employed to avoid contributing pollutants to aquifers. Where warranted, based on the findings of a site analysis or hydrogeologic assessment, complete collection and disposal of stormwater may be required. The *Stormwater Management Manual for Eastern Washington* (Washington Department of Ecology Publication 04-10-076, or as revised) shall provide the preferred guidance for stormwater best management practices.
3. A site analysis shall be required when any use or activity is proposed in an area in which, based on the findings of the *Shoreline Inventory and Characterization*, runoff or infiltration is likely to recharge an aquifer. The site analysis shall use scientifically valid methods and studies to establish existing (baseline) water quality and shall be used to develop conditions of approval to ensure that the proposed development will not contribute contaminants or facilitate degradation of recharge areas. The site analysis shall be based on the following items:
  - a. Available information about regional groundwater hydrology
  - b. Detailed information about
    - i. Hydrogeologic susceptibility to contamination and contaminant loading potential.
    - ii. Depth to groundwater.
    - iii. Hydraulic conductivity and gradient.
    - iv. Soil texture, permeability, and contaminant attenuation potential.
4. A hydrogeologic assessment shall be required for the following land uses:
  - a. Hazardous substance processing and handling.
  - b. Hazardous waste treatment and storage facility.
  - c. Wastewater treatment plant sludge disposal.
  - d. Solid waste disposal facility.
5. A required hydrogeologic assessment shall be submitted by a hydrogeologist licensed by the state of Washington. The hydrogeologic assessment shall use scientifically valid methods and studies to

establish existing (baseline) water quality and shall be used to develop conditions of approval to ensure that the proposed development will not contribute contaminants or facilitate degradation of recharge areas. In addition to the information required in all critical areas reports, the assessment shall include, at a minimum:

- a. Pertinent well log and geologic data.
  - b. Ambient groundwater quality.
  - c. Groundwater elevation.
  - d. Recharge potential of facility site.
  - e. Current data on wells and any springs located within one thousand feet (1,000') of the facility.
  - f. Surface water location and potential recharge.
  - g. Water supply source for the facility.
  - h. Analysis and discussion of the effects of the proposed project on the groundwater resource.
6. A required hydrogeologic assessment must demonstrate that the proposed use does not present a threat of contamination to the aquifer system. Successful demonstration of those findings warrants approval under this section.

#### **6-30-040. Critical Areas: Fish and Wildlife Habitat Conservation Areas**

Note that Fish and Wildlife Habitat Conservation Areas are a type of Critical Area, so the General Provisions and Regulations for Critical Areas also apply.

##### 6-30-040-A. Policies

1. Development in Fish and Wildlife Habitat Conservation Areas should result in no net loss of shoreline ecological functions.

##### 6-30-040-B. Regulations

1. Within shoreline areas, Fish and Wildlife Habitat Conservation Areas include:
  - a. All areas identified in the "Biological Synthesis" map of the *Shoreline Inventory and Characterization* as Natural Heritage Sites, Priority Habitat and Species areas, or Wetlands;
  - b. All other areas with which any Species of Concern, Priority Species, or federally-listed species has a primary association; and
  - c. All other Priority Habitat areas.
  - d. Shoreline buffer areas established in Chapter 9, Table 9.3.
2. All uses and activities shall comply with the Vegetation Conservation provisions in Chapter 8 of this SMP and the Wetlands provisions in this chapter.
3. Mitigation Ratios. Mitigation ratios shall be used when impacts to buffers are unavoidable. The onsite mitigation ratio (mitigation amount : disturbed area), shall be at a minimum ratio of 1:1 for development within buffer areas established in Table 9.3.
4. Habitat assessments
  - a. A habitat assessment shall be required prior to approval of the following uses and activities:

Any use or activity requiring a shoreline permit, where the use or activity is proposed closer than the required shoreline buffers in Table 9.3 or within required wetland buffers in Section 6-30-070-C.
  - b. When required, a habitat assessment shall be prepared by a professional wildlife biologist. In addition to the information required in all critical areas reports, the habitat assessment shall include, at a minimum, the following:
    - i. An analysis and discussion of species or habitats known or suspected to be located on the site or within three hundred feet (300') of the site.

- ii. A site plan that clearly delineates the fish and wildlife habitats found.
  - iii. An analysis and discussion of the anticipated effects of the proposed use or activity on fish and wildlife habitat, including the likelihood that any Priority Species, Species of Concern, or federally-listed species will maintain and reproduce over the long term.
- c. Required habitat assessments shall be forwarded for review and comment to agencies with expertise or jurisdiction related to the proposal, including, but not limited to:
  - i. The Washington Department of Fish and Wildlife.
  - ii. The Washington Department of Natural Resources.
  - iii. The U. S. Fish and Wildlife Service. (only when federally-listed species are thought to be present)
  - iv. The Washington Department of Ecology.
- d. The City shall consider the habitat assessment, any comments received from reviewing agencies within thirty (30) days, and the findings of the *Shoreline Inventory and Characterization*.
  - i. If the City determines, based upon its review, that the proposed use or activity is not likely to result in loss of fish and wildlife habitat, the development may proceed without any additional requirements under this section.
  - ii. If the City determines, based upon its review, that a use or activity requiring a shoreline substantial development permit is likely to result in loss of fish and wildlife habitat, a habitat management plan shall be prepared.
  - iii. If the City determines, based upon its review, that a use or activity that is exempt from the requirement for a shoreline substantial development permit is likely to result in loss of fish and wildlife habitat, the Administrator shall require buffers and setbacks adequate to protect the habitat, based on Best Available Science. Consultation with agencies with expertise or jurisdiction related to the subject species or habitat and, where applicable, The Washington Department of Commerce's *Citations of Recommended Sources of Best Available Science For Designating and Protecting Critical Areas*, as amended, shall be the preferred source of information regarding Best Available Science.

## 5. Habitat Management Plans

- a. A habitat management plan required under this section shall be prepared by a professional wildlife biologist. In addition to the information required in all critical areas reports, the habitat management plan shall include, at a minimum, the following:
  - i. Analysis and discussion of the project's effects on fish and wildlife habitat.
  - ii. An assessment and discussion of special management recommendations that have been developed for species or habitat located on the site by any federal or state agency.
  - iii. Proposed mitigation measures that could minimize or avoid impacts.
  - iv. Assessment and evaluation of the effectiveness of mitigation measures proposed.
  - v. A detailed discussion of ongoing management practices which will protect the habitat conservation area after the project has been fully developed, including proposed monitoring, contingency, maintenance, and surety programs as provided for in this Master Program.
- b. Required habitat management plans shall be forwarded for review and comment to agencies with expertise or jurisdiction related to the proposal, including, but not limited to:
  - i. The Washington Department of Fish and Wildlife.
  - ii. The Washington Department of Natural Resources.
  - iii. The U. S. Fish and Wildlife Service. (only when federally-listed species are thought to be present)
  - iv. The Washington Department of Ecology.
- c. The City shall consider the habitat management plan, any comments received from reviewing

agencies within thirty (30) days, and the findings of the *Shoreline Inventory and Characterization*.

- i. If the City determines, based upon its review, that the proposed use or activity will cause no net loss of fish and wildlife habitat, the project may proceed without any additional requirements under this section.
- ii. If the City determines, based upon its review, that mitigation will be required to protect fish and wildlife habitat, the Administrator shall require mitigation sufficient to ensure no net loss of ecological function and to protect fish and wildlife habitat as a condition of project approval. Consultation with agencies with expertise or jurisdiction related to the subject species or habitat and, where applicable, The Washington Department of Commerce's *Citations of Recommended Sources of Best Available Science For Designating and Protecting Critical Areas* shall be the preferred source of information regarding Best Available Science.
- iii. If the City determines, based upon its review, that impacts of the proposed use or activity on fish and wildlife habitat cannot be mitigated, approval of the project shall be denied.

#### **6-30-050. Critical Areas: Frequently Flooded Areas**

6-30-050-A. Frequently flooded areas are areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Grant County, Washington and Incorporated Areas" dated February 18, 2009, and any revisions thereto, with accompanying flood insurance maps.

Note that Frequently Flooded Areas are a type of Critical Area, so the General Provisions and Regulations for Critical Areas also apply.

##### 6-30-050-B. Policies

1. All uses in frequently flooded areas should be sited, designed, implemented, operated, and maintained to avoid impacts to shoreline ecological functions and processes.
2. All activities in frequently flooded areas, including shoreline modifications, should be conducted to avoid impacts to shoreline ecological functions and processes.
3. Development standards in frequently-flooded shoreline areas should reflect the findings of the *Shoreline Inventory and Characterization*.

##### 6-30-050-C. Regulations

1. All uses and activities in shoreline areas, including individual single-family residences, shall be subject to the Flood Hazard Area provisions of the Moses Lake Municipal Code, Chapter 18.53, dated 2-10-2009 and found in Appendix B.
2. All uses in frequently flooded areas, including non-structural development (such as recreation trails), shall be sited, designed, implemented, operated, and maintained to avoid impacts to shoreline ecological functions and processes.
3. All activities in frequently flooded areas, including shoreline modifications, shall be conducted to avoid impacts to shoreline ecological functions and processes.

#### **6-30-060. Critical Areas: Geologically Hazardous Areas**

6-30-060-A. Geologically hazardous areas are areas susceptible to erosion hazard, landslide hazard, or seismic activity. In general, such areas are not suitable for placing structures or locating intense activities or uses due to the inherent threat to public health and safety.

Note that Geologically Hazardous Areas are a type of Critical Area, so the General Provisions and Regulations for Critical Areas also apply.

##### 6-30-060-B. Policies

1. Development should be prohibited or minimized on unstable or moderately unstable slopes.
2. Development should be permitted only in locations where no slope protection is necessary or where non-structural protection is sufficient for the life of the project. Structures should be designed and constructed in a



manner that provides safety for the useful life of the structure and does not require construction of a retaining wall, bulkhead, or other structural shoreline stabilization during that time span.

3. Because vegetation removal during development of adjacent uplands alters surface runoff and ground water infiltration patterns and can lead to decreased slope stability, vegetation removal on or near steep slopes should be avoided. Retention of natural vegetative buffers should be encouraged.
4. Changes in surface runoff and ground water infiltration patterns that could increase erosion or otherwise destabilize steep slopes (including changes above or below the slope) should be avoided. Specifically, discharge of runoff from impermeable surfaces onto slopes should be avoided.
5. All lots should be of sufficient size that development will not cause the need for structural shoreline stabilization.

#### 6-30-060-C. Regulations

1. All uses and activities in shoreline areas, including individual single-family residences, shall be subject to the Geologically Hazardous Area provisions of the Moses Lake Municipal Code, Chapter 19.03, dated 7-27-2010, and to the provisions of this section.
2. All shoreline areas where, based on the maps developed as part of the *Shoreline Inventory and Characterization*, erosion hazard is "very high" and slope is greater than 15%, are designated as "unstable slopes."
3. All shoreline areas where, based on the maps developed as part of the *Shoreline Inventory and Characterization*, erosion hazard is "moderate" and slope is greater than 15%, are designated as "moderately unstable slopes."
4. Applications for uses and activities in the following areas shall be accompanied by a geotechnical report that has been prepared by an Engineering Geologist or other geotechnical professional licensed by the State of Washington and that includes the information required in all critical areas reports and meets the standards specified in Section 19.03.160.C of the City of Moses Lake Municipal Code. If it is determined within the geotechnical report that development of the site would present a potential threat to public health, safety, or welfare, or to shoreline ecological functions, then the applicant shall prepare a geologic hazard plan that includes the information required in all critical areas reports and meets the standards specified in section 19.03.160.E of the City of Moses Lake's Municipal Code.
  - a. On unstable or moderately unstable slopes.
  - b. In areas between unstable or moderately unstable slopes and the OHWM (i.e., areas below unstable slopes).
  - c. In areas above unstable or moderately unstable slopes that are within shoreline areas or are within 100 feet of the top of the slope (upland areas draining to unstable slopes).
5. No use or activity shall increase or result in slope instability, erosion, sedimentation, or increased runoff from the site.
6. Removal of vegetation from unstable and moderately unstable slopes and from areas between such slopes and the OHWM (areas below unstable slopes) is prohibited, provided that noxious weeds may be removed in accordance with the Vegetation Conservation provisions of this SMP, section 8-35.
7. Removal of vegetation from upland areas draining to unstable slopes shall be limited to the minimum necessary to allow the proposed use, provided that noxious weeds may be removed in accordance with the Vegetation Conservation provisions of this SMP, section 8-35.
8. In all cases in which a geologic hazard plan is required, the City shall review the plan and determine whether the development proposal warrants approval, conditional approval, or denial. The City shall consider the following factors in making its determination:
  - a. Onsite and offsite effects on the stability of slopes affected by the proposed use or activity (including effects of vegetation removal) or runoff from the proposed use or activity.
  - b. Effects of the proposed use or activity (including the effects of vegetation removal) on sedimentation, and of any increases in sedimentation on waters of the state.
  - c. Proposed vegetation removal.
  - d. Proposed increase in impermeable surface area.

9. Stabilization structures or measures to protect existing primary residential structures may be allowed if all of the following conditions are met:
  - a. The applicant has shown that no alternatives, including relocation or reconstruction of existing structures, are feasible, and less expensive than the proposed stabilization measure
  - b. The proposal will be in strict compliance with WAC 173-26-231 requirements and the Shoreline Stabilization provisions in Chapter 8 of this Shoreline Master Program.
  - c. The applicant has shown that no net loss of ecological functions will result

#### **6-30-070. Critical Areas: Wetlands**

6-30-070-A. Applicability: Wetlands are defined by the State in RCW 90.58.030(2)(h) as areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands do include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Note that Wetlands are a type of Critical Area, so the General Provisions and Regulations for Critical Areas also apply.

#### 6-30-070-B. Policies

1. Wetlands serve many important ecological and environmental functions, and help to protect public health, safety, and welfare by providing flood storage and conveyance, erosion and sediment control, fish production, fish and wildlife habitat, recreation, water quality protection, water supply, and opportunities for education and scientific research. Wetlands should be preserved and protected to protect the valuable functions provided to society.
2. Wetland areas should be identified and classified according to the wetland designation criteria in WAC 173-22-035 as revised, and the *Washington State Wetlands Rating System for Eastern Washington* (Washington Department of Ecology Publication 04-06-15, or as amended), respectively.
3. All wetlands and associated buffers should be protected from alterations that adversely impact them, so that there is no net loss of wetland acreage or functions or of any shoreline ecological functions, including lost time when the wetland does not function. Wetland restoration, creation, and enhancement projects should result in no net loss of wetland acreage and functions or of any shoreline ecological functions. Where feasible, wetland quality should be improved.
4. All uses and activities that potentially affect wetland ecosystems should be controlled within both the wetland and the buffer to prevent adverse impacts.
5. All uses and activities that involve a risk of degradation to Category I wetlands should be controlled within both the wetland and its buffer to prevent loss of wetland functions or values.
6. Requirements for buffer widths and management should take into account the ecological function of the wetland, the characteristics and setting of the buffer, the potential impacts of the adjacent land use, and any other relevant factors.
7. Alterations of wetlands or buffers should not be authorized unless all of the following can be shown: the impact is unavoidable, necessary, minimized, and any remaining impacts are mitigated. Where wetland impacts are mitigated, the type of mitigation that will have the least impact on shoreline ecological functions should be used.
8. Proposals for wetland mitigation should be coordinated with the appropriate resource agencies to ensure adequate design and consistency with other regulatory requirements.
9. Applicants should demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor any proposed or required wetland mitigation project.
10. The City does not intend to deny all economic use of any property subject to these policies and regulations,

except as the public trust doctrine would limit the use of the property. This policy will be implemented through the appropriate application of methods including but not limited to project design standards, mitigation, and variances.

#### 6-30-070-C. Regulations

##### 1. Designation

- a. All shoreline areas within the City of Moses Lake meeting the criteria in WAC 173-22-035 as revised, regardless of whether those areas have been previously identified or mapped, are hereby designated as critical areas, and are subject to the wetlands provisions of this SMP.
- b. All artificial shoreline wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands are hereby designated as critical areas, and are subject to the wetlands provisions of this SMP.

##### 2. Mapping

- a. The approximate location and extent of wetlands are shown on the adopted critical area maps. The following critical area maps, along with any related information, is hereby adopted: *Shoreline Inventory and Characterization: Biological Synthesis Map, City of Moses Lake GIS*. Additionally, soil maps produced by the U. S. Department of Agriculture's Natural Resources Conservation Service (NRCS) may be useful in helping to identify potential wetland areas.
  - b. The aforementioned maps are to be used as a guide for the City, project applicants, and/or property owners to identify potential wetland areas that may be subject to the provisions of this SMP. They shall be consulted when a development application is received to determine whether there is likely to be a wetland on or near the site.
  - c. It shall be the responsibility of the applicant to notify the city of any known wetlands or potential wetland areas on or near the site of any proposed use or activity. The location of wetlands shall be determined by a wetland analysis report conducted by a professional wetland scientist, as defined below, and meeting the standards found within this chapter.
  - d. Any site shown on the City data maps as containing wetlands, emergent vegetation, or riparian tree cover, must be evaluated for the presence of wetlands.
3. The following uses and activities are regulated if they occur in a regulated wetland or its buffer, whether or not any land-use permit or license is required:
- a. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
  - b. Dumping of, discharging of, or filling with any material, including discharges of storm water and domestic, commercial, or industrial wastewater;
  - c. Draining, flooding, or any disturbance of the water level or water table;
  - d. The driving of pilings;
  - e. The placing of obstructions;
  - f. The construction, reconstruction, demolition, or expansion of any structure;
  - g. The destruction or alteration of wetland or buffer vegetation through clearing, mowing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;
  - h. Activities that result in:
    - i. A significant change of water temperature;
    - ii. A significant change of physical or chemical characteristics of the sources of water to the wetland;
    - iii. A significant change in the quantity, timing, or duration of the water entering the wetland; or
    - iv. The introduction of pollutants;
  - i. Activities reducing the functions of buffers; or
  - j. Other uses or activities that result in a significant ecological impact to the physical, chemical, or

biological characteristics of wetlands, or any net loss of shoreline ecological functions.

#### 4. Wetland ratings

a. *Classification.* Wetlands in the City of Moses Lake and its UGA shall be classified into the following categories according to the *Washington State Wetlands Rating System for Eastern Washington* (Washington Department of Ecology Publication 04-06-15, or as amended):

##### i. Category I

1. Category I wetlands are those that:

- One. Represent a unique or rare wetland type;
- Two. Are sensitive to disturbance;
- Three. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
- Four. Provide a very high level of functions.

2. Category I wetlands include alkali wetlands, Natural Heritage wetlands, mature and old-growth forested wetlands with slow growing trees, and wetlands that perform many functions well, as measured by the rating system.

Generally, these wetlands are not common and make up a small percentage of the wetlands in Eastern Washington.

##### ii. Category II wetlands are:

- 1. Mature forested wetlands containing fast growing trees;
- 2. Vernal pools present within a mosaic of other wetlands; or
- 3. Those wetlands with a moderately high level of functions.

These wetlands are difficult, though not impossible, to replace. They provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a high level of protection.

##### iii. Category III wetlands are:

- 1. Vernal pools that are isolated; or
- 2. Wetlands with a moderate level of functions, as measured by the rating system.

These wetlands have generally been disturbed in some manner, and are often smaller, less diverse and/or more isolated in the landscape than Category II wetlands. They may not require as much protection as Category I and II wetlands.

iv. Category IV wetlands have the lowest levels of functions, as measured by the rating system, and are often heavily disturbed. These are wetlands that should be able to be replaced, and in some cases improved. These wetlands do provide some important functions, and should be afforded some degree of protection.

b. Wetland rating categories shall not change due to illegal modifications after the date of adoption of this SMP.

#### 5. Standards

##### a. General requirements

i. All uses and activities shall be prohibited in wetlands and wetland buffers, except as provided for in this SMP. No alteration to wetlands or wetland buffers shall result in a net loss of shoreline ecological functions, including wetland area, functions, or values.

ii. New commercial uses shall be prohibited in wetlands, except as provided for in the "Public Agency and Utility Exception" and "Variance" sections of this SMP. Existing commercial uses in wetlands shall be considered nonconforming.

iii. The conversion of wetlands not currently in agricultural use to a new agricultural use is subject to the compensatory mitigation provisions of this chapter and Appendix A, Mitigation. Conversion includes the clearing of wetland vegetation for pasture or preparation for planting of crops.

iv. The conversion of wetlands currently in agricultural uses to non-agricultural uses is subject to the compensatory mitigation provisions of this SMP.



- v. All activities and uses shall be prohibited from Category I wetlands, except as provided for in the "Public Agency and Utility Exception" and "Variance" sections of this SMP.
  - vi. For Category II and III wetlands, the following standards shall apply. Full compensation for the loss of acreage and functions of wetland and buffers shall be provided under the terms established under the heading "Compensatory Mitigation Standards" below.
    - 1. Where wetland fill is proposed, it is presumed that an alternative development location exists; activities and uses shall be prohibited unless the applicant can demonstrate that:
      - a. The basic project purpose cannot reasonably be accomplished on another site or sites in the general region while still successfully avoiding or resulting in less adverse impact on a wetland; and
      - b. All on-site alternative designs that would avoid or result in less adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration or density of the project, are not feasible.
    - 2. Wetland fill must comply with the fill standards in Chapter 8 of this SMP.
  - vii. Category IV wetlands: activities and uses that result in unavoidable impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved wetland analysis report and compensatory mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the loss of acreage and functions of wetland and buffers shall be provided under the terms established under the heading "Compensatory Mitigation Standards" below.
- b. Report requirements
- i. A wetland analysis report shall be submitted to the Community Development Department for review prior to initiation of any use or activity adjacent to or within an affected wetland or its buffer.
  - ii. A compensatory mitigation report shall be submitted to the Community Development Department when a proposed use or activity will involve wetland and/or buffer impacts, as shown by a wetland analysis report.
  - iii. When appropriate, the Community Development Director may also require a wetland report to include an evaluation by the State Department of Ecology or an independent qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs and to include any recommendations as appropriate.
- c. Criteria for wetland analysis reports
- i. A wetland analysis report shall be prepared by a qualified professional who is a certified Professional Wetland Scientist or a non-certified professional wetland scientist with a minimum of five (5) years of experience in the field of wetland science, including experience preparing wetland reports.
  - ii. The written report and the accompanying scaled plan sheets shall contain the following information, at a minimum:
    - 1. Written report:
      - a. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland analysis report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project;
      - b. A statement specifying the accuracy of the report and all assumptions made and relied upon;
      - c. Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, etc.;
      - d. A description of the methodologies used to conduct the wetland delineations, function assessments, or impact analyses, including references;

- e. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off of the project site, estimate conditions within 300 feet of the project boundaries using the best available information;
- f. For each wetland identified on-site and within 300 feet of the project site provide: the wetland rating; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site;
- g. A description of the proposed actions including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives including a no-development alternative;
- h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development;
- i. A description of reasonable efforts made to apply mitigation sequencing, as defined in this SMP, to avoid, minimize, and mitigate impacts to critical areas;
- j. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the currently proposed land use activity;
- k. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions, and
- l. Evaluation of functions of the wetland and adjacent buffer using a functions assessment method recognized by local or state agency staff and including the reference for the method used and all data sheets. The preferred methods are as follows: for Category I wetlands, use (detailed) *Methods for Assessing Wetland Functions* (Washington Department of Ecology Publication 00-06-47); for Category II, III, and IV wetlands use (generic) *Washington State Wetlands Rating System for Eastern Washington* (Washington Department of Ecology Publication 04-06-15).

2. Scaled plan sheet(s):

- a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on-site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates);
- b. A depiction of proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

d. Criteria for compensatory mitigation reports

1. A compensatory mitigation report for wetland or buffer impacts shall be prepared by one or more qualified professionals including someone who is a certified Professional Wetland Scientist or a non-certified professional wetland scientist with a minimum of five (5) years experience designing compensatory mitigation projects. Said compensatory mitigation projects must have been installed and monitored for a minimum of two (2) years, in order to verify success. In addition, the design team may include civil engineers, landscape architects, or landscape designers, depending upon the complexity of the project.

2. A wetland analysis report, conforming to the standards above, must accompany or be included in the compensatory mitigation report.
3. The compensatory mitigation report must include a written report and scaled plan sheets containing, at a minimum, the following elements. Full guidance can be found in the *Wetland Mitigation in Washington State: Part 2 - Developing Mitigation Plans, March 2006* (Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10; Ecology Publication #06-06-011b) or as revised.
  - a. Written report:
    - i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the Compensatory Mitigation Report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland related permit(s) required for the project; and a vicinity map for the project;
    - ii. Description of the existing wetland and buffer areas proposed to be impacted including: acreages (or square footage) based on professional surveys of the delineations; Cowardin classifications including dominant vegetation community types (for upland and wetland habitats); hydrogeomorphic classification of wetland(s) on and adjacent to the site; the results of a functional assessment for the entire wetland and the portions proposed to be impacted; wetland rating based on the sub-section of this chapter headed "Wetland Ratings";
    - iii. An assessment of the potential changes in wetland hydroperiod from the proposed project and how the design has been modified to avoid, minimize, or reduce adverse impacts to the wetland hydroperiod;
    - iv. An assessment of existing conditions in the zone of the proposed compensation, including: vegetation community structure and composition, existing hydroperiod, existing soil conditions, existing habitat functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?);
    - v. A description of the proposed conceptual actions for compensation of wetland and upland areas affected by the project. Describe future vegetation community types for years 1, 3, 5, 10, and 25 post-installation including the succession of vegetation community types and dominants expected. Describe the successional sequence of expected changes in hydroperiod for the compensation site(s) for the same time periods as vegetation succession. Describe the change in habitat characteristics expected over the same 25-year time period;
    - vi. The field data collected to document existing conditions, and on which future condition assumptions are based for hydroperiod (e.g., existing hydroperiod based on piezometer data, staff/crest gage data, hydrologic modeling, visual observations, etc.) and soils (e.g., soil pit data—hand dug or mechanically trenched; and soil boring data. Do not rely upon soil survey data for establishing existing conditions);
    - vii. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands);
    - viii. A bond estimate for the entire compensatory mitigation including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice/year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a period up to the proposed monitoring period;
    - ix. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.
    - x. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.

- b. Scaled plan sheets:
  - i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions;
  - ii. Existing topography, ground-processed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas to which impacts are proposed, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation;
  - iii. Surface and subsurface hydrologic conditions including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions;
  - iv. Conditions expected from the proposed on-site actions including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future hydrologic regimes;
  - v. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffer reduction or enlargement beyond the standards identified in this SMP is proposed;
  - vi. A plant schedule for the compensatory area including all species by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, "typical" clustering patterns, total number of each species by community type, and timing of installation;
  - vii. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.
- e. Compensatory mitigation standards
  - i. Mitigation shall achieve wetland functions equivalent to or greater than those that existed in the wetland prior to mitigation.
  - ii. When possible, mitigation shall be on-site and sufficient to maintain the functions and values of the wetland and buffer areas. If on-site mitigation is not feasible, then the applicant shall demonstrate that the site is the nearest that can reasonably achieve the goals of mitigation with high likelihood of success.
  - iii. Applicants shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor any proposed or required wetland mitigation project.
  - iv. Mitigation actions that require compensation by restoration of a former wetland, enhancement of a degraded wetland, or creation of new wetlands shall occur in the following order of preference:
    - a. Restoring a former wetland or creating a new wetland on the site of the project;
    - b. Restoring a former wetland or creating a new wetland in the same sub-basin as the project site;
    - c. Creating wetlands from disturbed upland sites outside of the subbasin;
    - d. Enhancing degraded wetlands;
    - e. Preserving high quality wetlands that are under imminent threat.
  - v. The size of a compensatory mitigation project shall be greater than the size of the affected wetland. When impacts to wetlands and wetland critical area buffers are proposed they must be mitigated using a 1:1 ratio.
  - vi. The mitigation ratio may be increased if the administrator identifies that:
    - a. Uncertainty exists as to the probable success of the proposed restoration or creation;
    - b. A significant time period will elapse between impact and replication of wetland functions;
    - c. Proposed mitigation will result in a lower category of wetland or reduced functions relative to the wetland being impacted; or



- d. The impact was due to an unauthorized action.
- vii. Required compensatory mitigation reports shall be forwarded for review and comment to agencies with expertise or jurisdiction related to the proposal, including, but not limited to:
  - 1. The Washington Department of Ecology.
  - 2. The Washington Department of Fish and Wildlife.
  - 3. The Washington Department of Natural Resources.
  - 4. The U. S. Army Corps of Engineers.
  - 5. The U. S. Fish and Wildlife Service.
- viii. Prior to final plat approval, Certificate of Occupancy, or other final approval on a project, a performance surety agreement acceptable to the City Attorney must be entered into by the property owner and the City. The surety agreement must include the complete costs for the mitigation and monitoring, which may include but is not limited to: the cost of installation, delivery, plant material, soil amendments, permanent irrigation, seed mix, and three monitoring visits and reports by a qualified professional. The Community Development Department must approve the estimate for said improvements. The surety shall be for 150% of the estimated cost.
- f. Subdivisions
  - i. The major or short subdivision of lands that include wetlands is subject to the following:
    - a. Land that is located wholly within a wetland or its buffer may not be subdivided.
    - b. Land that is located partially within a wetland or its buffer may be subdivided provided that an accessible and contiguous portion of each new lot is located outside of the wetland and its buffer and meets minimum lot size requirements.
    - c. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the City determines that no other feasible alternative exists and all impacts are mitigated.
  - ii. The administrator may allow greater density of development outside of wetland areas and associated buffers as an incentive, provided:
    - a. A high level of protection for on-site resources is provided and demonstrated in an approved wetland analysis report and compensatory mitigation plan.
    - b. Good and sufficient cause has been shown.
    - c. The overall density of the project does not exceed what would otherwise be allowed.
- g. Signs and fencing of wetlands: During construction, the outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Community Development Department prior to commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs and fencing, if required, are in place. As a condition of any permit or authorization pursuant to this chapter, the administrator may require permanent signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.
- h. Wetland buffers
  - i. Buffer widths: wetland buffers must be maintained in accordance with the following tables:

**Table 6.1: Wetland Buffer Widths**

Wetland Category	Standard Buffer Width	Additional buffer width if wetland scores 21-25 habitat points	Additional buffer width if wetland scores 26-29 habitat points	Additional buffer width if wetland scores 30-36 habitat points
Category I or II: Based on total score	75'	Add 15'	Add 45'	Add 75'
Category I or II: Forested	75'	Add 15'	Add 45'	Add 75'
Category I: Natural Heritage Wetlands	190'	NA	NA	NA
Category I or II: Alkali or Vernal Pool	150'	NA	NA	NA
Category III (all)	25'	NA	NA	NA
Category IV (all)	25'	NA	NA	NA

**Notes:**

- 1). Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 150' (75 + 75).
- 2). The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform the needed functions, the buffer shall either be planted to create the appropriate plant community, or the buffer shall be widened to ensure that adequate functions of the buffer are provided.
- 3). The standard buffers have been reduced by 25%, contingent on implementation of the mitigation measures in Table 6.2. If an applicant chooses not to apply the mitigation measures in Table 6.2, then the width of the buffer must be increased to the original width by dividing by 75%. For example, a 75' buffer with the mitigation measures would be a 100' buffer without them, and a 25' buffer with the mitigation measures would be a 33.3' buffer without them.

**Table 6.2: Required Measures to Minimize Impacts to Wetlands**

(Measures are required, where applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
Lights	* Lighting shall be minimally invasive to wetland areas
Noise	<ul style="list-style-type: none"> <li>* Locate activity that generates noise away from wetland</li> <li>* If warranted, enhance existing buffer with native vegetation adjacent to noise source</li> <li>* For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</li> </ul>
Toxic Runoff	* Route all new, untreated runoff away from the wetland while ensuring wetland is not dewatered

	<ul style="list-style-type: none"> <li>* Establish covenants limiting use of pesticides within 150' of wetland</li> <li>* Apply integrated pest management</li> </ul>
Stormwater Runoff	<ul style="list-style-type: none"> <li>* Retrofit stormwater detention and treatment for roads and existing adjacent development</li> <li>* Prevent channelized flow from lawns from directly entering the buffer</li> <li>* Use Low Impact Development techniques (per Puget Sound Action Team LID Technical Guidance Manual)</li> </ul>
Changes in Water Regime	<ul style="list-style-type: none"> <li>* Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</li> </ul>
Pets and Human Disturbance	<ul style="list-style-type: none"> <li>* Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the region</li> <li>* Place wetland and its buffer in a separate tract or protect with a conservation easement</li> </ul>
Dust	<ul style="list-style-type: none"> <li>* Use best management practices to control dust</li> </ul>
Disruption of corridors or connections	<ul style="list-style-type: none"> <li>* Maintain connections to offsite areas that are undisturbed</li> <li>* Restore corridors or connections to offsite habitats by replanting</li> </ul>

- ii. Criteria for increasing, reducing, and averaging: The standard buffer widths shall be applied unless the administrator determines through a scientifically supportable method that a greater or lesser buffer width would serve to protect the functions and values of a particular wetland. The standard buffer widths may not be reduced by more than 25%. Greater buffer widths or rehabilitation of an inadequate plant community may be required where necessary to ensure development does not result in adverse impacts to wetlands.
- iii. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category and the proposed land use. The same buffer widths and measurement criteria shall apply to any wetland created, restored, or enhanced as compensation for approved wetland alterations. Buffers shall be clearly marked on the ground and the administrator may require signs and/or fencing along the perimeter of a wetland or buffer in order to protect the functions and values of the wetland, or to minimize future impacts or encroachment upon the wetland or buffer.
- iv. Wetland buffer width averaging. The administrator may allow averaging of wetland buffer widths in accordance with an approved critical areas report, provided the following conditions are met:
  1. There will be no reduction in wetland functions and values;
  2. The buffer at its narrowest point is never less than the greater of either  $\frac{3}{4}$  of the required width or 75' for Category I & II, 50' for Category III, and 25' for Category IV.
  3. The total area contained in the buffer area is no less than would otherwise have been applied under a constant buffer width.
  4. One of the following is met:
    - a) If the averaging is to improve wetland protection, the wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area, then the buffer shall be increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion; OR
    - b) If the averaging is to allow reasonable use of a parcel, there are no feasible alternatives to the site design that could be accomplished without buffer

averaging

- v. Where other critical areas coincide with wetlands, buffers shall be configured so as to protect aggregate functions and values. Particular consideration shall be given to habitat connectivity.
  - vi. The location of all required buffers shall be clearly and permanently marked on any project site prior to initiation of site work.
  - vii. Wetland buffer widths are based on the assumption that the buffer is well vegetated with native species appropriate to the area. Wetland buffer zones shall be retained in their natural condition. Where necessary to ensure that development does not result in adverse impacts to wetlands, rehabilitation of degraded buffer zones may be required. Where buffer disturbances are unavoidable during adjacent construction, re-vegetation with native plant materials will be required.
  - viii. The following activities shall be allowed within wetland buffers, provided appropriate measures are undertaken to ensure no net loss of shoreline ecological functions:
    - 1. Conservation or restoration activities aimed at protecting or enhancing soil, water, vegetation, wildlife, or any shoreline ecological functions.
    - 2. Removal of plants that represent a hazard to safety, security, or shoreline ecological functions (including noxious weeds), provided those plants are replaced under the direction of a qualified professional with appropriate native species. Trees shall be replaced at a ratio of 2:1 for younger trees and 4:1 for mature trees.
    - 3. Passive recreation, including pervious walkways or trails located in the outer 25% of the buffer area, wildlife viewing structures, and fishing access areas, provided these are designed and approved as part of an overall site development plan.
    - 4. Educational and scientific research activities.
    - 5. Normal and routine maintenance and repair of any existing public or private facilities, provided disturbed areas are restored to a natural condition.
    - 6. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of non-conformity.
  - i. If the site of a proposed use or activity contains or is within a wetland area, the applicant shall submit an affidavit that declares whether the applicant has knowledge of any illegal alteration to any or all wetlands on the proposed site and whether the applicant previously has been found in violation of any local ordinance pertaining to shorelines or critical areas. If the applicant has previously been found in violation, the applicant shall declare whether such violation has been corrected to the satisfaction of the City.
6. Storm water management facilities shall be allowed within the outer 25% of a wetland buffer provided there is no other feasible location and that the location of such facilities will not adversely impact the functions and values of the wetland or otherwise cause any loss of shoreline ecological functions. Appropriate vegetation and management activities that will complement buffer function may be required.
7. Unauthorized Alterations and Enforcement
- a. When a wetland or its buffer has been altered in violation of this SMP, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a "stop-work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this SMP.
  - b. All development work shall remain stopped until a restoration plan is submitted by the property owner or authorized agent and approved by the City. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described below. The Administrator shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.



- c. The following minimum performance standards shall be met for the restoration of a wetland, provided that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:
  - i. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions;
  - ii. The historic soil types and configuration shall be replicated;
  - iii. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration; and information demonstrating compliance with other applicable provisions of this SMP shall be submitted to the Administrator.
- d. Site Investigations. The Administrator is authorized to make site inspections and take such actions as are necessary to enforce this SMP. The Administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.
- e. Any person, party, firm, corporation, or other legal entity violating any of the requirements of this code is deemed to have committed a civil infraction, subject to enforcement and penalties in accordance with the provisions of the Moses Lake Municipal Code. Each day or portion of a day during which a violation of this SMP is committed or continued shall constitute a separate offense. Any development carried out contrary to the provisions of this SMP shall constitute a public nuisance and may be enjoined as provided by the statutes of the State of Washington. The City may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this SMP. The civil penalty shall be assessed at the same penalty as a zoning violation under Moses Lake Municipal Code 1.20.050.E.
- f. If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The City may coordinate its preservation or restoration activities with other local governments in the watershed to optimize the effectiveness of the restoration action.

## **6-40. Economic Development**

6-40-010. The following policies apply throughout the shoreline area.

### 6-40-020. Policies

1. Activities and uses in shoreline areas should result in long-term over short-term benefits to the local economy.
2. In making permitting decisions, the City should evaluate the short-term economic gain or convenience of proposed activities and uses relative to long-term and potentially costly impairments to the natural shoreline that could result from such uses.
3. In making permitting decisions, the City should favor preserving resources and values of shorelines for future generations over development that would irretrievably damage shoreline resources.
4. Water-dependent and water-related commercial development should be accommodated where commercial activities and uses can be accomplished with no net loss of shoreline ecological functions and where such development is consistent with the vision, goals, and policies articulated in the City's Comprehensive Plan.

## **6-50. Environmental Impacts and Water Quality**

6-50-010. The Shoreline Management Act is concerned with the environmental impacts that uses and activities may have on water quality and the fragile shorelines of the state. Shoreline areas and water quality are affected in numerous ways by human occupation and development of shoreline areas. Development typically increases the area of impermeable surfaces, which increases runoff, causing higher peak storm water discharge at a higher velocity, which causes scouring and erosion of shorelines. Erosion increases suspended solids and carries heavy metals, household wastes, and excess nutrients into the water, which leads to decreased levels of dissolved oxygen in the water. The degradation of water quality affects wildlife habitat and public health.

#### 6-50-020. Policies

1. The adverse impacts of shoreline uses and activities on ecological processes and functions should be mitigated during all phases of development—including but not limited to design, construction, management, and use—to ensure no net loss of shoreline ecological functions.
2. The City should require reasonable setbacks, buffers, and stormwater management systems to ensure no net loss of water quality or shoreline ecological functions.
3. All runoff treatment measures for the purpose of maintaining and/or enhancing water quality should be conducted on-site and before shoreline development affects waters or shoreline ecological functions off-site.

#### 6-50-030. Regulations

1. Solid and liquid wastes, untreated effluents, oil, chemicals, and other hazardous materials shall not be allowed to enter any body of water or to be discharged onto land. Equipment for the transportation, storage, handling, or application of such materials shall be maintained in a safe and leak-proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
2. All shoreline uses and activities shall be located, designed, constructed, managed, and maintained in a manner that minimizes adverse impacts to surrounding land and water uses, is aesthetically compatible with the affected area, and ensure no net loss of water quality or shoreline ecological functions.
3. All shoreline uses and activities, both during construction and for the life of the project, shall utilize best management practices to minimize any increase in surface water runoff and to control, treat, and release surface water runoff so that receiving water quality and shoreline ecological functions are not adversely affected. Such measures may include but are not limited to dikes, catch basins, settling ponds, oil/water separators, grassy swales, interceptor drains, and landscaped buffers. All measures shall be adequately maintained to insure proper functioning over time. The *Stormwater Management Manual for Eastern Washington* (Washington Department of Ecology Publication 04-10-076, or as revised) shall provide the preferred guidance for surface water runoff best management practices.
4. All shoreline uses and activities shall utilize effective erosion control methods during project construction and operation.
5. Land clearing, grading, filling, and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development.
6. All shoreline uses and activities shall be located and designed to minimize or prevent the need for shoreline stabilization measures, flood protection works, filling, or substantial site re-grading.
7. Any dredging or filling activities shall be conducted in such a way as to minimize the effects on water quality from the addition of suspended solids, leaching of contaminants, or disturbances to habitat, and shall be consistent with this master program, including the dredging and filling provisions in Chapter 8, as well as the requirements of applicable regulatory agencies, including but not limited to the Washington Department of Fish and Wildlife and the U. S. Army Corps of Engineers.
8. Herbicides and pesticides shall not be applied or allowed to directly enter water bodies or wetlands unless approved for such use by the appropriate agencies.
9. The City shall give preference to biological or mechanical means rather than herbicides for weed control in shoreline jurisdiction. If the situation requires the use of herbicides, they shall be applied only to noxious weeds, with care taken to prevent chemicals from entering water bodies or damaging beneficial shoreline vegetation. The applicant shall specify the methods that will be used to ensure that the use complies with all provisions of this section "Environmental Impacts and Water Quality", including preventing the chemicals from entering adjacent water bodies or wetlands or damaging beneficial shoreline vegetation.
10. All uses and activities shall adhere to all required setbacks and other development standards, and shall maintain all required buffers, in accordance with the provisions of this SMP.
11. Retaining walls for purposes other than shoreline stabilization shall meet the following minimum standards.
  - a. Environment-specific regulations: where allowed, retaining walls for purposes other than shoreline stabilization shall comply with the environment-specific requirements in Chapter 9 of this SMP.

- b. The City may increase the required setbacks shown in Table 9.3 where necessary to protect shoreline ecological functions and ensure compliance with all provisions of this section.
- c. The required setback between the retaining wall and the OHWM shall be considered a buffer zone and shall be planted with native vegetation adequate to prevent entry of pollutants into Moses Lake. A planting plan shall be submitted for review and approval.

## **6-60. Parking**

6-60-010. Parking is the temporary storage of automobiles or other motorized vehicles. The policies that follow apply to all areas where vehicles are parked, including parking incidental to another permitted use.

### 6-60-020. Policies

1. Parking in shoreline areas should serve a permitted shoreline use.
2. Parking facilities should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, aesthetics, public access, and vegetation and habitat maintenance.
3. Parking facilities should be designed and landscaped to minimize adverse impacts upon adjacent properties and the shoreline. Landscaping should consist of vegetation from the recommended list (see chapter 14) or other vegetation approved by the City.
4. Parking should be planned to achieve optimum use of land within the area under shoreline jurisdiction. Where practical, parking should serve more than one use, such as recreational use on weekends and commercial use on weekdays.

### 6-60-030. Regulations

1. Parking in shoreline areas shall directly serve a permitted shoreline use. Parking as a primary use shall be prohibited within shoreline areas and over water.
2. Parking facilities shall prevent surface water runoff from contaminating water bodies, using best available technology and best management practices, including a maintenance program to assure proper functioning over time of any stormwater facilities required to achieve this. The *Stormwater Management Manual for Eastern Washington* (Washington Department of Ecology Publication 04-10-076, or as revised) shall provide the preferred guidance for stormwater best management practices.
3. Commercial parking facilities in areas under shoreline jurisdiction shall be located landward of the principal building being served, except when the parking facility is within or beneath the structure, where provisions are made to separate and screen the parking from the shoreline, or in cases where an alternative location will have less environmental impact on the shoreline.
4. Commercial parking facilities shall be adequately screened and landscaped with plants from the recommended list (see Chapter 14) or other vegetation approved by the City.
5. Parking facilities that will serve more than one use, such as recreational use on weekends and commercial use on weekdays, shall be encouraged.

## **6-70. Public Access**

6-70-010. Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. Public access can include picnic areas, pathways and trails, floats and docks, viewing towers, bridges, boat launches, street ends, ingress and egress, and parking.

### 6-70-020. Policies

1. Public access should be provided as close as possible to the water's edge as appropriate.
2. Public access should be designed with provisions for people with disabilities.
3. Public access to the shorelines afforded by street ends, public utilities, and rights-of-way should be preserved, maintained, and enhanced.
4. Public access opportunities should be designed to provide for public safety.
5. Public access opportunities should be designed to minimize potential impacts to private property and individual privacy. To avoid unnecessary user conflict, there should be a physical separation or other means

of clearly delineating public and private space.

6. Public access opportunities should result in no net loss of shoreline ecological functions.
7. Public views of the shoreline from upland areas should be enhanced and preserved. Enhancement of views should not be interpreted as authorizing excessive removal of vegetation that partially impairs views.

#### 6-70-030. Regulations

1. Development, uses, and activities shall be designed and operated to avoid blocking, reducing, or interfering with the public's physical or visual access to the water and shorelines.
2. The City shall require and use the following information in its review of shoreline use and activity proposals:
  - a. Provisions for public visual and/or physical access to the shoreline;
  - b. Location of public access opportunities relative to the OHWM and to any critical areas;
  - c. Provisions for physical and/or visual access by people with disabilities;
  - d. Provisions for public safety;
  - e. Measures for minimizing potential impacts to private property and individual privacy;
  - f. Provisions for preserving and enhancing public views of the shoreline from upland areas, including any plans for removing, replacing, or enhancing vegetation.
3. Unless it is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment:
  - a. Public access shall be required in Water-Oriented Parks and Public Facilities ("W") shoreline environments, and shall be encouraged in all other shoreline environments.
  - b. Public access shall be required as part of all shoreline development by public entities, including local governments, state agencies, and public utility districts.
  - c. Public access shall be required as part of all non-water-dependent commercial development.
  - d. Public access shall be required as part of all marina development.
  - e. Public access shall be required as part of all primary utility development and, where appropriate, shall be required as part of accessory utility development.
4. In providing visual access to the shoreline, removal of on-site native vegetation shall be limited to the minimum necessary to preserve or enhance views, with the following exceptions:
  - a. Non-native or invasive species may be replaced with plants from the recommended list (See Chapter 14).
  - b. Plants that represent a hazard to safety, security, or shoreline ecological functions may be replaced with plants from the recommended list (See Chapter 14).

Topping of trees shall be prohibited in all cases.

5. Development shall be constructed as far landward as possible to avoid interfering with views from surrounding properties to the shoreline and adjoining waters.
6. Public access opportunities shall be designed, constructed, operated, and maintained to result in no net loss of shoreline ecological functions.
7. Public access sites shall be connected directly to the nearest public street and shall include provisions for people with disabilities, where feasible.
8. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of the plat or short plat as conditions running with the authorized land use. Said recording with the Grant County Auditor's Office shall occur at the time of permit approval. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
9. Public access provisions for residential subdivisions are found in the Residential Uses section of Chapter 7.



## **6-80. Signage**

6-80-010. A sign is defined as a device of any material or medium that is used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises. Highway, public information, and temporary signs are addressed in the Use Chart in Chapter 9, and must also comply with Section 18.58 of the Moses Lake Municipal Code and any other applicable regulations.

### 6-80-020. Policies

1. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere with visual access to the water or shorelands.
3. Signs should be of a permanent nature and be linked to the operation of existing permitted uses.
4. Signs attached to buildings are preferred over free-standing signs.

### 6-80-030. Regulations

1. All signs shall comply with Moses Lake Municipal Code 18.58, Signs.
2. All signs shall be located and designed to minimize interference with vistas and viewpoints, and with visual access to the shoreline.
3. No signs shall be placed on trees or other natural features.
4. Off premises and non-appurtenant signs shall not be permitted.
5. No signs shall have a surface area larger than 36 square feet.

## **6-90. Subdivision and Property Segregation**

6-90-010. Subdivisions and property segregations are legal divisions of land for the purpose of sale, lease, or transfer of ownership.

### 6-90-020. Policies

1. All lots should be of sufficient size that development will not cause the need for structural shoreline stabilization.
2. All lots should be designed to meet the minimum shoreline buffer of the shoreline environment within which the lot is located.
3. To prevent encroachment on the shoreline buffer, the buffer should be marked with a long-term visual cue, such as a low fence, to alert present and future property owners of the location of the buffer edge. The marker should be substantial enough that there is clearly a change in circumstances from one side of the marker to the other. Curbing and survey markers have been shown in the past to be insufficient for this purpose.

### 6-90-030. Regulations

1. No lot shall be created that would require structural shoreline stabilization in order to allow development to occur.
2. No lot shall be created that would not accommodate development that meets the minimum building setback for the shoreline environment in which the lot is located.
3. Before the subdivision is recorded, the developer shall install a 3'-tall split-rail fence or similar visual marker to denote the upland edge of the shoreline buffer. Gaps may be left in the fence to allow access to the shoreline.
4. For new development on steep slopes or bluffs or in shoreline environment designations where the minimum buffer is less than 50', the City may require a geotechnical analysis of the site and shoreline characteristics to demonstrate that the lots created will not require shoreline stabilization in order for the reasonably-anticipated development to occur.



## **6-100. Utilities (Accessory)**

6-100-010. Accessory utilities are for small-scale distribution services connected directly to the uses along the shoreline. Electrical, gas, telephone, cable, water and sewer lines are examples of utilities accessory to shoreline uses.

### 6-100-020. Policies

1. Accessory utilities necessary to serve shoreline uses should be properly installed so as to protect the shoreline and water from contamination and degradation.
2. Accessory utilities and associated rights-of-way should be located outside the shoreline area to the maximum extent feasible. When utility lines require a shoreline location, they should be placed underground.
3. Accessory utilities should be designed and located in a manner that preserves the natural landscape and shoreline ecology and minimizes conflicts with present and planned land uses.
4. Wherever possible, existing utility systems should be improved to enhance shoreline appearance and use.

### 6-100-030. Regulations

1. Utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way. Such uses include shoreline access points, trails, and other forms of recreation and transportation systems, provided such uses will not unduly interfere with utility operations or endanger public health or safety.
2. Sites disturbed for utility installation shall be stabilized during and immediately following construction to avoid adverse impacts from erosion.
3. Sites disturbed for utility installation shall be replanted in accordance with the City's landscaping regulations, using native species from the recommended list (see Chapter 14).
4. The placing of utility lines shall not obstruct or hinder physical or visual access to the shoreline or the lake. With the exception of high voltage electrical transmission lines, all utility lines shall be placed underground.

## **Planning Commission Draft 1-7-14**

### **Chapter 7 Specific Shoreline Use Policies and Regulations**

#### **7-1. Introduction**

The following policies and regulations apply to specific uses within the shoreline areas of the City of Moses Lake. They are intended to be used in conjunction with the general policies and regulations in Chapter 6, the shoreline modification policies and regulations in Chapter 8, and the Shoreline-Environment specific policies and regulations in Chapter 9. All shoreline uses and activities, even those that are exempt from the requirement to obtain a shoreline substantial development permit, must conform to all of the applicable policies and regulations listed in this SMP.

In some cases more than one use may occur on or be proposed for a given site. For example, a residential development project that included docks and roads would need to comply with the policies and regulations related to docks and roads as well as those related to residential development. Specific Use Policies and Regulations cover the following areas:

- Section 7-10. Agriculture
- Section 7-20. Aquaculture
- Section 7-30. Boating Facilities
- Section 7-40. Commercial Uses
- Section 7-50. Docks
- Section 7-60. Industrial Uses
- Section 7-70. Mining
- Section 7-80. Municipal Offices
- Section 7-90. Recreational Uses
- Section 7-100. Residential Uses
- Section 7-110. Transportation Facilities
- Section 7-120. Utilities (Primary)

#### **7-10. Agriculture**

7-10-010. Agricultural activities are defined in RCW 90.58.065 as including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation. Agricultural activities are not compatible with urban life and are not favored within city limits by the Growth Management Act or the City of Moses Lake Comprehensive Land Use Plan. Improperly managed agricultural activities can also be detrimental to water quality and to the natural character of the shoreline. For those reasons, agricultural activities are not a preferred use of the shoreline in the City of Moses Lake.

##### 7-10-020. Policies

1. New agricultural uses are inconsistent with Moses Lake's *Comprehensive Plan* and should be prohibited in shoreline areas.
2. A vegetative buffer of native plants should be maintained between agricultural lands and water bodies or wetlands in order to protect water quality and to maintain habitat for fish and wildlife.
3. Animal feeding operations, retention and storage ponds, feed lot waste, and manure storage should be located outside of shoreline areas and constructed to prevent contamination of water bodies and degradation of the shoreline environment.

4. Appropriate farm and soil management techniques should be employed to prevent fertilizers, herbicides, and pesticides from contaminating water bodies and wetlands and having a harmful effect on shoreline functions and processes.
5. Public access to shorelines should be encouraged where it does not conflict with agricultural activities.

#### 7-10-030. Regulations

1. New agricultural uses are prohibited in shoreline areas on non-agricultural lands, for example those lands with no documented agricultural activities as of the date of the adoption of this Master Program, or the date of annexation for areas not within the City at the time of adoption of the Master Program. Land with documented agricultural activities as of the date of adoption of this Master Program, or the date of annexation for areas not within the City at the time of adoption of the Master Program, may continue agricultural activities, including maintenance, repair and replacement of existing facilities, and changing crops.

This section does not apply to uses accessory to residential uses that would not typically be considered agriculture, such as garden plots less than 0.25 acres in size.

#### **7-20. Aquaculture**

7-20-010. Aquaculture is the farming or culturing of food fish, shellfish, or other aquatic animals or plants in natural or artificial water bodies. Activities include hatching, cultivating, planting, feeding, raising, and harvesting aquatic plants and animals, and maintenance and construction of necessary equipment, buildings, and growing areas. Aquaculture is dependent on the use of the water area, and when consistent with control of pollution and prevention of damage to the environment, is a preferred shoreline use. Related activities such as sales, processing, and product storage facilities are not considered aquaculture practices.

#### 7-20-020. Policies

1. Since areas suitable for aquaculture are limited by specific biophysical requirements, areas with high potential for aquacultural use should be identified and encouraged for aquacultural use and protected from degradation by other types of land and water uses.
2. Aquaculture methods and structures should be chosen to create the least impact on the visual and environmental qualities of the shorelines. In instances where a choice of aquaculture methods is available, or where two or more incompatible aquaculture projects are proposed in the same area, preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts. In general, projects that require submerged structures or no structures should be preferred over those that involve substantial floating structures. Projects that require few land-based facilities should be preferred over those that require extensive facilities. Projects that involve little or no substrate modification should be preferred over those that involve substantial modification.
3. Aquaculture should not be allowed in the following areas:
  - a. Areas that have little natural potential for the type(s) of aquaculture under consideration.
  - b. Areas that have water quality problems that make the areas unsuitable for the type(s) of aquaculture under consideration.
  - c. Areas devoted to established uses of the aquatic environment with which the proposed aquacultural method(s) would substantially and materially conflict. Such uses include but are not limited to navigation, moorage, fishing, underwater utilities, and active scientific research.
  - d. Areas where the design or placement of the facilities would substantially degrade the aesthetic qualities of the shoreline.
  - e. Areas where an aquaculture proposal would result in any significant adverse environmental impacts that cannot be eliminated or adequately mitigated through enforceable conditions of approval.
  - f. Areas where the proposed activity would adversely affect critical habitat use or value.
4. Aquaculture activities should be given flexibility to experiment with new aquaculture techniques. However, experimental aquaculture projects should be limited in scale, should be approved for a

limited and specified period of time, and should be required to develop and implement a monitoring plan to assess the outcomes of the experiment.

5. All permitted aquacultural projects should be protected from new development that would be likely to damage or destroy them. New shoreline proposals in the vicinity of an experimental aquacultural project should be restricted or denied if they might compromise the monitoring and data collection required under the permit for the experimental project.
6. Aquaculture activities should not degrade water quality.

#### 7-20-030. Regulations

1. A shoreline conditional use permit shall be required for any aquacultural use.
2. A monitoring plan shall be required for any experimental aquacultural use.
3. The City shall request technical assistance on aquaculture proposals from agencies with expertise, such as the Washington departments of Ecology and of Fish and Wildlife, and shall make available to those agencies the *Shoreline Inventory and Characterization* and maps developed as part of this SMP. The information obtained from the agencies shall be considered by the Planning Commission when making a decision on whether to approve or deny a permit for an aquacultural use, to establish any conditions that should be required of a project, and to assess the monitoring plan for an experimental aquacultural project.
4. Environment-specific regulations: aquacultural uses shall comply with the environment-specific requirements in Chapter 9 of this SMP.

### **7-30. Boating Facilities**

7-30-010. Boating facilities include marinas, boat launch ramps, boat houses, boat lifts, and similar uses. Docks are addressed separately, below.

#### 7-30-020. Policies

1. Boating facilities should be located, designed, and operated to provide maximum feasible protection and enhancement of aquatic and terrestrial life including animals, fish, birds, plants, and their habitats and migratory routes. When plastics and other non-biodegradable materials are used, precautions should be taken to ensure their containment.
2. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected, and will not unreasonably impair shoreline views. Use of natural non-reflective materials should be encouraged.
3. Public and community boating facilities are preferred over individual private facilities.
4. Regional as well as local needs should be considered when determining the location of marinas and boat launches. Potential sites should be identified near high-use or potentially high-use areas.
5. Dry boat storage should not be considered a water-oriented use. Boat hoists, boat launch ramps, and access routes associated with a dry boat storage facility should, however, be considered to constitute a water-oriented use.
6. Floating homes, houseboats, and liveaboards should be prohibited.
7. The size of over-water structures should be limited to the minimum necessary to support the structure's intended use.
8. Boating facilities should be located in a way that will not interfere with other boaters' use of the lake.
9. New over-water structures should be limited to those which need to locate over water, those which facilitate public access, and those which support ecological restoration. Watercraft can be stored on dry land; therefore a boat house is not a water-dependent use.

### 7-30-030. Regulations

1. Boating facilities, including minor accessory buildings and haul-out facilities, shall be in character and scale with the surrounding shoreline and shall be designed so their structures and operations will be aesthetically compatible with or will enhance existing shoreline features and uses. Boating facilities shall mitigate for adverse development impacts on-site. Adverse development impacts to adjacent properties shall not be allowed.
2. Dredging related to boating facilities shall be limited to maintenance dredging, in compliance with the dredging provisions of Chapter 8. Dredging wetlands, shorelines, or shorelands to accommodate new or expanded boating facilities is prohibited.
3. Placing fill in water bodies or wetlands to create usable land for accessory uses, including boating facilities, is prohibited, except minimum required for dock-to-shore attachment site (abutment).
4. Where installation will cause erosion, shoreline embankments of all boating facilities shall be stabilized both landward and waterward of the ordinary high water mark both during and after construction, using methods consistent with the policies and regulations of this SMP.
5. A marina shall be allowed only as a conditional use. The City shall request technical assistance from agencies with jurisdiction and/or knowledge, including but not limited to the Washington departments of Ecology, of Fish and Wildlife, and of Health, and shall make available to those agencies the *Shoreline Inventory and Characterization* and maps developed as part of this SMP. The Planning Commission shall consider the comments received from commenting agencies before making a decision on whether or not to approve the permit, and any conditions or modifications required.
6. Public access, both physical and visual, shall be an integral part of all marina development and design.
7. New commercial and public boating facilities shall be consistent with the City of Moses Lake's *Comprehensive Plan and Parks, Recreation, and Open Space Plan*. When new sites are considered, sufficient evidence must be presented to show that existing public and commercial marinas and boat launches are inadequate and cannot be expanded to meet regional demand.
8. Marinas and launch ramps shall locate on stable shorelines where no or a minimal amount of shoreline stabilization will be necessary and where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other maintenance activities.
9. Marina and boat launch design shall minimize interference with geohydraulic processes and disruption of existing shore forms.
10. For commercial and public boating facilities, the perimeter of parking and storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas, using primarily native, self-sustaining vegetation. The permit application submittal shall identify the size, location, and species of plants that will be used.
11. Boating facilities, including boat lifts, shall be positioned so as not to be a hazard to boating.
12. Environment-specific regulations: Boating facilities shall comply with the environment-specific requirements in Chapter 9.
13. New over water structures shall be allowed only for water-dependent uses, public access, and ecological restoration. Boat houses, as non-water-dependent structures, are prohibited.
14. Over-water structures shall be no larger than is needed for the structure's intended use.

### **7-40. Commercial Uses**

7-40-010. Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, shopping centers, restaurants, shops, offices, and private recreation facilities, including marinas. Marinas are also subject to all provisions of this SMP related to boating facilities and to recreational uses.



#### 7-40-020. Policies

1. New commercial development in shoreline areas should be consistent with the City of Moses Lake's *Comprehensive Plan* and should be located to minimize sprawl and inefficient use of shoreline areas and, where applicable, to promote trip reduction.
2. No commercial development should be allowed in wetlands.
3. Because shorelines are a limited resource, preference should be given to water-oriented uses, especially those uses particularly dependent on a shoreline location or those that will provide the opportunity for substantial numbers of people to enjoy the shoreline.
4. Over-water construction should be prohibited except in limited instances where it is auxiliary to and necessary in support of a water-dependent use.
5. Commercial development should be designed to provide physical or visual shoreline access or other opportunities for the public to enjoy the shoreline location. Public access should include amenities appropriate to the type and scale of the development and the qualities and character of the site, which may include walkways, viewpoints, restrooms, and other recreational facilities. Where possible, commercial facilities should be designed to permit pedestrian waterfront activities.
6. Site plans for commercial developments should incorporate multiple-use concepts that include open space and recreation.
7. Commercial developments should be aesthetically compatible with the surrounding area. Aesthetic considerations should be actively promoted by means such as sign control regulations, appropriate development siting, screening and architectural standards, planned unit developments, and landscaping with native plants, including, where appropriate, enhancement of natural vegetative buffers.
8. Commercial developments should be designed, constructed, operated, and maintained to ensure no net loss of shoreline ecological functions and to protect areas and systems cultural significance.
9. Commercial developments should include landscaping that will visually enhance the shoreline area and contribute to shoreline functions and values.
10. Commercial developments permitted in shoreline areas are, in descending order of preference:
  - a. Water-dependent uses;
  - b. Water-related uses
  - c. Water-enjoyment uses; and
  - d. Non-water-oriented uses

#### 7-40-030. Regulations

1. The design, layout and operation of certain commercial uses directly affects their classification with regard to whether or not they qualify as water-related or water-enjoyment uses. The applicant shall include elements in their application that show how the proposed commercial uses may be authorized as water-related or water-enjoyment use. These uses are required to incorporate appropriate design and operational elements so that they meet the definition of water-related or water-enjoyment uses.

Non-water-oriented uses shall not be allowed unless they meet the following criteria:

- a. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
- b. Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
- c. The site is physically separated from the shoreline by another property or public right-of-way.

2. The City shall require and use the following information in its review of commercial development proposals:

- a. Specific nature of the commercial activity;
  - b. Need for shoreline frontage;
  - c. Provisions for public visual and/or physical access to the shoreline;
  - d. Provisions to ensure that the development will not result in loss of shoreline functions or reduction in shoreline values;
  - e. Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
  - f. The *Shoreline Inventory and Characterization* and accompanying maps.
3. Commercial development shall be designed and maintained in a neat, orderly, and environmentally-compatible manner, consistent with the character and features of the surrounding area. To that end, the Planning Commission may, following a public hearing, adjust the project dimensions and/or prescribe reasonable use intensity and screening conditions. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.
4. Over-water construction for non-water-oriented commercial developments is prohibited.
5. Parking as a primary use is prohibited within shoreline jurisdiction. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. While supporting an authorized use, parking facilities shall be located landward of the required setback and landward of the primary use to the greatest extent feasible.
6. All commercial loading and service areas shall be located on the upland (landward) side of the commercial activity or provisions shall be made to separate and screen the loading and service areas from the shoreline.
7. Public access shall be required as part of all non-water-dependent commercial development, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
8. Commercial developments shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall include a landscape plan that identifies the size, location, and species of plants that will be used.
9. Drainage and surface runoff from commercial areas shall be controlled so that pollutants will not be carried into water bodies. See "Environmental Impacts and Water Quality" in Chapter 6.
10. Environment-specific regulations: Commercial uses shall comply with the environment-specific requirements in Chapter 9.

## **7-50. Docks**

7-50-010. A dock is a structure that abuts the shoreline and is used as a landing or moorage place for watercraft. Docks may be built on fixed platforms above the water, or may float upon the water.

### **7-50-020. Policies**

1. Because docks can have a significant impact on lacustrine habitat and mechanics, the impacts of all docks should be reviewed to ensure that the proposed structure is suitably located and designed and that all potential impacts have been recognized and mitigated.
2. New commercial docks should be designed to accommodate public access and enjoyment of the shoreline location.
3. Docks should be designed to cause minimum interference with navigable waters and the public's use of the shoreline.

4. Docks should be sited and designed to minimize possible adverse environmental impacts, including impacts to sediment movement, water circulation and quality, and fish and wildlife habitat.
5. Use of natural-looking non-reflective materials in dock construction should be encouraged. All dock materials should be approved by the Washington Department of Fish & Wildlife.
6. The proposed site of the structure and intensity of use or uses of any dock should be compatible with the surrounding environment and land and water use.
7. Docks not contiguous with the shoreline should be prohibited as a hazard to navigation. Such docks may be allowed by conditional use permit in special situations where the need for such a dock is justified and measures have been taken to reduce the hazard to navigation.
8. The size of over-water structures should be limited to the minimum necessary to support the structure's intended use.
9. Each single family residence should be allowed one dock.

#### 7-50-030. Regulations

##### **7-50-030-A. General**

1. The City shall require and use the following information in its review of proposals for docks:
  - a. Description of the proposed structure, including its size, location, design, materials, and any shoreline stabilization or other modifications required by the project.
  - b. Proposed location of dock relative to property lines and ordinary high water mark.
  - c. Any provisions for public access and enjoyment of the shoreline location. Public access is not required for a dock adjacent to a single family residence or duplex.
2. Docks shall not significantly interfere with the use of navigable waters or with public use of shorelines. The length of any dock shall be limited in constricted water bodies to assure navigability and protect public use. Docks may be prohibited where necessary to protect navigation or public use. Docks shall not extend more than 1/3 the width of the navigable waterway. Private and community docks shall be limited to the minimum length necessary to reach a water depth of 3 feet at the end of the dock, or limited to 25 feet in length, whichever is greater. Longer docks may be allowed by conditional use permit. Docks not contiguous with the shoreline may be allowed in special situations where the need for such a dock is justified and measures have been taken to reduce the hazard to navigation.
3. New commercial docks shall accommodate public access and enjoyment of the shoreline.
4. All docks shall be constructed and maintained in a safe condition. Unsafe docks shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the City may, following notice to the owner, abate the structure if the owner fails to do so within 90 days. The City may impose a lien on the associated shoreline property in an amount equal to the cost of the abatement.
5. Repair of Existing Docks. Maintenance and repair proposals using treated materials must use only chemicals approved by the appropriate State or Federal agencies, and must be cured prior to placement in or over the water. All other materials requirements of this section shall also be met. No over-water field applications of preservative treatment or other chemical compounds shall be permitted. Docks may be painted provided brush application is used and best management practices are followed to prevent paint from coming in contact with the lake.
6. Bulk storage of gasoline, oil, and other petroleum products is prohibited on docks. Bulk storage means non-portable storage in fixed tanks.
7. Replacement of Existing Docks. Proposals involving replacement of the entire existing private dock with a similar dock are allowed, provided there is no net loss of ecological function.
8. Additions to Private Docks. Proposals involving lengthening and/or increasing the area of existing private docks must comply with the following measures:

- a. The applicant must demonstrate that there is a need for the enlargement of an existing dock. Proposals that demonstrate an enlargement is necessary due to safety concerns, inadequate depth of water, or preservation of beneficial emergent vegetation will be considered.
- b. Enlarged portions of docks must comply with the dimensional, design, materials, and mitigation standards for new private docks as described in this SMP. Dock additions that result in the completed structure exceeding the area limits for reasons not specifically allowed above may only be approved through a shoreline variance, except where a new or enlarged joint-use dock is proposed and any remaining individual dock(s) are removed.

#### 9. Mitigation.

- a. Consistent with the mitigation sequencing steps outlined in Appendix A, Mitigation, new or expanded overwater and in-water structures, including docks and watercraft lifts, shall first be designed to avoid and minimize impacts, prior to pursuing mitigation, as required by WAC 173-26-321)3)(b).
- b. Mitigation proposals shall provide mitigation at 1:1 area ratio to impacts along the shoreline. The area mitigated shall include the access path through any required buffer if the path is wider than four feet, and the dock attachment area. Additionally, the mitigation proposals shall provide one unit of mitigation for each unit of lost aquatic function. The proposed mitigation plan shall include a discussion of how the proposed mitigation adequately compensates for any lost functions. The mitigation provided shall be consistent with Appendix A, Mitigation. The city will consult with other permit agencies, such as Washington Department of Fish & Wildlife, Washington Department of Ecology, and/or US Army Corps of Engineers, for any additional specific mitigation requirements during project review.
- c. Appropriate mitigation may include one or more of the following measures, or other measures when consistent with the objective of compensating for ecological function impacts:
  - i. Removal of any additional existing over-water and/or in-water structures that are not the subject of the application or otherwise required to be removed.
  - ii. For dock additions, partial dock replacements or other modifications, replacement of areas of existing solid over-water cover with grated or translucent material, or use of grated or translucent material on altered portions of the dock if they are not otherwise required to be grated or translucent.
  - iii. Planting of native vegetation along the shoreline immediately landward of the OHWM consisting of trees and shrubs native to the Moses Lake area and typically found in undisturbed riparian and shrub steppe areas. When shoreline plantings are the only mitigation option for a given dock proposal, the additional overwater cover shall be compensated for at 1:1 planting area ratio (unless modified as described in Appendix A) with required plantings as described in Appendix A.
  - iv. Removal of hardened shoreline, including existing launch ramps and bulkheads, and replacement with native vegetation.
  - v. Removal of man-made debris waterward of the OHWM, such as car bodies, oil drums, concrete or asphalt debris, remnant docks, or other material detrimental to ecological functions and ecosystem-wide processes.
  - vi. Placement of large woody debris.
  - vii. Participation in an approved mitigation banking or in-lieu fee program.

#### 10. Environment-specific regulations:

Docks shall comply with the environment-specific requirements in Chapter 9.

**7-50-030-B. General Design and construction standards**

1. Supports must be structurally sound prior to placement in the water.
2. Supports, floats, or other materials in direct contact with the water must be approved by applicable state agencies, including the Washington Department of Fish and Wildlife.
3. Floating docks shall include stops to keep the floats off the bottom of the lake at low water level.
4. Overhead wiring or plumbing is not permitted on docks.
5. Lighting shall be the minimum necessary to locate the dock at night and shall focus downward to minimize glare.
6. Docks with feet or plates that rest on the lakebed are preferred over those requiring excavation and footings.

**7-50-030-C. Joint-use community recreational docks**

1. All multi-family residences proposing to provide moorage facilities shall be limited to a single, joint-use moorage facility, provided that the City may authorize more than one joint-use dock if, based on conditions specific to the site, a single facility would be inappropriate for reasons of safety, security, or impact to the shoreline environment; and if the additional facility or facilities will have no net impact on shoreline ecological resources.
2. Joint-use community docks may exceed the allowed area for an individual dock by 50 square feet per residence served.
3. In Shoreline Environments designated as "High Intensity—Resource Area", "Shoreline Residential—Dunes Area", "Shoreline Residential—Special Resource Area", and "Shoreline Residential—Resource Area", the maximum size of a dock shall be the minimum necessary to accomplish moorage for one boat for each residence served, and the dock shall be configured to cause minimal disturbance to shoreline resources.
4. Proposals for joint-use community docks shall demonstrate and document by contract or covenant that adequate construction and maintenance of the structure and associated upland area will be provided by identified responsible parties.

**7-50-030-D. Residential**

**1. Number**

- a. No more than one dock is permitted for each shoreline lot.

**2. Size**

- a. A dock over 200 square feet or 25 feet in length is allowed only as a shoreline conditional use. Exception: A longer dock may be approved if needed to maintain existing beneficial emergent vegetation such as bulrush. The extra length needed to project past the bulrush shall be limited to 4' in width
- b. Width: For the first 10' waterward of the OHWM, the maximum width of solid dock shall be 4'. Docks wider than 4' are allowed, provided that the extra width shall be made of material such as grating that allows a minimum of 40% light transmission through the decking material, to prevent excessive shading of the area under the dock.

**3. Side yard setbacks: Docks shall be set back a minimum of 5 feet from side property lines, except for the following:**

- a. Joint use and community docks may be located adjacent to or upon a side property line when mutually agreed to by contract or covenant with the owners of both properties. A copy of the contract or covenant must be recorded with the Grant County Auditor and filed with the application for permit.



- b. Docks may be located closer than 5' to the side property line when the dock location is set as part of the platting of the property and shown on the plat.

## **7-60. Industrial uses**

7-60-010. Industrial uses are facilities for processing, manufacturing, and storage of finished or semi-finished goods.

### 7-60-020. Policies

1. Historically, there have been no industries within the City of Moses Lake that require a shoreline location. In order to reserve shoreline locations for uses that will benefit from such a location and to protect the shoreline from the potential impacts of industrial development, no industrial development should be allowed to locate within shoreline areas.

### 7-60-030. Regulations

1. New industrial uses are prohibited in shoreline areas.

## **7-70. Mining**

7-70-010. Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this Master Program, "primary processing" includes screening, crushing, and stockpiling of materials removed from the site. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mixing operations, or concrete batching operations (such uses would be considered Industrial, and are prohibited in the shoreline areas of Moses Lake). Because the removal of sand and gravel from shoreline areas can cause erosion of land and siltation of water, mining activities are strictly regulated.

### 7-70-020. Policies

1. Mining should be allowed only where the use is dependent on a shoreline location.
2. Mining and associated activities should result in no net loss of shoreline ecological functions, including impacts to unique or fragile areas and impacts to priority habitats or species.
3. All feasible measures should be taken to protect shoreline areas and water bodies from all sources of pollution, including but not limited to sedimentation and siltation, chemicals and petrochemicals (including both use and spillage), and mining wastes and spoils (including both storage and disposal).
4. All feasible measures should be taken to prevent disruption of ecological processes and functions in shoreline areas and water bodies.
5. Mining activities should allow the natural shoreline systems to function with a minimum of disruption during their operations and should return the site to as near a natural condition as possible upon completion.
6. Adverse impacts of mining operations on surrounding shoreline areas, including visual and noise impacts, should be minimized, and shoreline enhancement should be encouraged.
7. Mining activities should be encouraged to locate outside shoreline areas.

### 7-70-030. Regulations

1. Mining shall be conducted in strict conformance with the Washington State Surface Mining Reclamation Act, Chapter 78.44 RCW.
2. As of the date of this SMP, and in accordance with RCW 36.70A.170, the city does not have mineral lands of long-term commercial significance. Should such lands be designated, mining shall be consistent with said designation.
3. Mining shall be allowed only in shoreline environments designated High Intensity and shall be prohibited in all other shoreline environments.

4. The City shall require and use the following information in its review of mining proposals:
  - a. Materials to be mined;
  - b. Need for those materials;
  - c. Need for shoreline location;
  - d. Quantity of materials to be mined, by type;
  - e. Quality of materials to be mined, by type. For certain minerals, an evaluation by a geologist licensed under the provisions of RCW 18.220 may be required;
  - f. Mining technique and equipment to be used;
  - g. Depth of overburden and proposed depth of mining;
  - h. Lateral extent and depth of total mineral deposit;
  - i. Cross section diagrams indicating present and proposed elevations and/or extraction levels;
  - j. Existing drainage patterns, seasonal or continuous, and proposed alterations thereof including transport and deposition of sediment and channel changes that may result;
  - k. Proposed means of controlling surface runoff and preventing or minimizing erosion and sedimentation including impacts to banks on both sides of the excavation;
  - l. The location and sensitivity of any affected critical areas;
  - m. Subsurface water resources and aquifer recharge areas, including origin, depth, and extent;
  - n. Quality analysis of overburden, excavation materials, and tailings, with plans for storage, use, or disposition;
  - o. Mining plan and scheduling, including seasonal, phasing, and daily operation schedules;
  - p. Reclamation plan that meets the requirements of this master program and Chapter 78.44 RCW (for surface mining operations only);
  - q. Screening, earthen berm buffering, and/or fencing plans; and
  - r. Impacts to aquatic and shoreline habitat.
5. Mining operations shall be sited, designed, conducted, and completed (including reclamation) to ensure no net loss of shoreline ecological functions.
6. Mining operations shall comply with all local, state, and federal water quality standards and pollution control laws. Operations shall use effective techniques to prevent or minimize surface water runoff, erosion and sedimentation; prevent reduction of natural flows; protect all shoreline areas from acidic or toxic materials; and maintain the natural drainage courses of all streams. Surface water runoff shall be impounded as necessary to prevent accelerated runoff and erosion.
7. Overburden, mining debris, and tailings shall not be placed in water bodies or floodways and shall be stored and protected in such a manner as to prevent or minimize erosion or seepage to surface and ground waters.
8. Precautions shall be taken to insure that stagnant or standing water, especially that of a toxic or noxious nature, does not develop.
9. In no case shall mining operations impair lateral support and thereby result in earth movements extending beyond the boundaries of the site.
10. If substantial evidence indicates that mining operations are causing, or continued operation would cause, significant and adverse impacts to water quality, habitat, or any shoreline ecological function, the City shall terminate the shoreline permit for mining or impose further conditions on the mining

operation to ensure no net loss of shoreline ecological functions.

11. All mining impacts shall be mitigated, and shoreline enhancement shall be encouraged. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.
12. Environment-specific regulations: Mining uses shall comply with the environment-specific requirements in Chapter 9.

## **7-80. Municipal Offices**

7-80-010. Municipal offices are those in support of city functions and services. For the purposes of this SMP, recreational uses and utility facilities are excluded.

### 7-80-020. Policies

1. New municipal uses in shoreline areas should be consistent with the City of Moses Lake's *Comprehensive Plan* and should be located to minimize sprawl and inefficient use of shoreline areas and, where applicable, to promote trip reduction.
2. No municipal uses should be allowed in wetlands.
3. Because shorelines are a limited resource, preference should be given to water-oriented uses, especially those uses particularly dependent on a shoreline location or those that will provide the opportunity for substantial numbers of people to enjoy the shoreline.
4. Over-water construction for non-water-oriented municipal uses should be prohibited.
5. Where appropriate, municipal uses should be designed to provide physical or visual shoreline access or other opportunities for the public to enjoy the shoreline location. Public access should include amenities appropriate to the type and scale of the development and the qualities and character of the site, which may include walkways, viewpoints, restrooms, and other recreational facilities.
6. Municipal uses should be aesthetically compatible with the surrounding area.
7. Municipal uses should be designed, constructed, operated, and maintained to protect and enhance natural areas and systems.
8. Municipal uses should include landscaping that will visually enhance the shoreline area and contribute to shoreline functions and values.

### 7-80-030. Regulations

1. Municipal uses permitted in shoreline areas are, in descending order of preference:
  - a. Water-dependent uses;
  - b. Water-related uses; and
  - c. Water-enjoyment uses
2. The City shall require and use the following information in its review of municipal use proposals:
  - a. Specific nature of the proposed activity;
  - b. Need for shoreline location;
  - c. Provisions for public visual and/or physical access to the shoreline;
  - d. Provisions to ensure that the development will not result in loss of shoreline functions or reduction in shoreline values;
  - e. Measures for enhancing the relationship of the use to the shoreline, including aesthetics and landscaping; and
  - f. The *Shoreline Inventory and Characterization* and maps developed as part of this SMP.
3. Municipal uses shall be designed and maintained in a neat, orderly, and environmentally-compatible

manner, consistent with the character and features of the surrounding area. To that end, the Planning Commission may, following a public hearing, adjust the project dimensions and increase required buffers established in Tables 9.3.A and 9.3.B and/or prescribe reasonable use intensity and screening conditions. Need and special considerations for landscaping and buffer areas shall also be subject to review and approval.

4. All loading and service areas shall be located on the upland (landward) side of the principal structure or provisions shall be made to separate and screen the loading and service areas from the shoreline.

5. Municipal uses shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall include a landscape plan identifying the size, location, and species of plants that will be used.

6. Drainage and surface runoff from municipal uses shall be controlled so that pollutants will not be carried into water bodies.

7. Environment-specific regulations: Municipal uses shall comply with the environment-specific requirements in Chapter 9.

### **7-90. Recreational Uses**

7-90-010. Recreational uses provide opportunities for the refreshment of body and mind through forms of play, sports, relaxation, amusement, or contemplation. They include facilities for passive and low-intensity recreational activities such as hiking, photography, viewing, and fishing. They also include facilities for active or more intensive uses such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly- and privately-owned shoreline facilities intended for use by the public or a private club, group, association, or individuals.

#### **7-90-020. Policies**

1. The location and design of shoreline recreational developments should be consistent with the City of Moses Lake's *Comprehensive Plan*.
2. The location and design of publicly-owned shoreline recreational developments should be consistent with the City of Moses Lake's *Parks, Recreation, and Open Space Plan*.
3. Local, state, and federal recreation planning should be coordinated. Shoreline recreational developments should be consistent with applicable park, recreation, and open space plans of other jurisdictions.
4. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs. However, facilities for recreational activities that do not benefit from a shoreline location should not locate in shoreline areas.
5. Recreational developments should be located, designed, operated, and maintained to cause no net loss of shoreline ecological functions and to be compatible with, and minimize adverse impacts on, valuable cultural and natural features and on nearby land and water uses. The only recreational development proposals that should be approved are those that complement their environment and surrounding land and water uses, and that protect natural areas.
6. Priority should be given to developments that provide recreational uses and other improvements facilitating public access to shoreline areas.
7. Recreational developments should be located and designed to preserve, enhance, or create scenic views and vistas. Removal of native vegetation to enhance views should be discouraged.
8. All recreational developments should make adequate provisions for:
  - a. Vehicular and pedestrian access, both on and off site, including, where appropriate, access for people with disabilities.
  - b. Proper water supply and solid and sanitary waste disposal.

- c. Security and fire protection for the use and for any use-related impacts to adjacent property.
  - d. The prevention of overflow and trespass onto adjacent properties, by methods including but not limited to landscaping, fencing, and posting of the property.
  - e. Buffering from adjacent private property or natural areas.
9. Trails and paths on steep slopes should be located, designed, and maintained to protect bank stability and minimize ground disturbance.
  10. Recreational developments should protect the natural character, resources and ecology of the shoreline.

#### 7-90-030. Regulations

1. The location and design of publicly-owned shoreline recreational developments shall be consistent with the City of Moses Lake's *Parks, Recreation, and Open Space Plan*.
2. To avoid wasteful use of the limited supply of recreational shorelands, substantial accessory use facilities, such as rest rooms, recreation halls and gymnasiums, commercial services, access roads, and parking areas shall be set back from the ordinary high water mark as specified in the Development Standards Tables (Tables 9.3A and 9.3B), unless it can be shown that such facilities are essentially shoreline dependent. Such facilities may be linked to the shoreline by walkways.
3. Shoreline recreational developments shall maintain, and, when feasible, enhance or restore desirable shoreline features including those that contribute to shoreline ecological functions and processes, scenic vistas, and aesthetic values. Removal of native vegetation to enhance views shall be discouraged.
4. Recreational uses shall be designed to complement their environment and surrounding land and water uses.
5. No recreational buildings or structures shall be built over water, other than water-dependent and/or public access structures such as piers, docks, bridges, boardwalks, or viewing platforms.
6. Each development proposal shall include a landscape plan that uses primarily native, self-sustaining vegetation. Campsites, selected view points, or other permitted structures or facilities shall be located so as to not require damage or destruction of native vegetation. Removal of existing native vegetation shall be the minimum amount necessary to accommodate the permitted use. Refer also to Clearing and Grading and Vegetation Conservation in Chapter 8.
7. For recreational uses such as golf courses that require the use of fertilizers, pesticides, or other chemicals, the applicant shall specify the methods that will be used to ensure that the use complies with all provisions of the "Environmental Impacts and Water Quality" provisions of this SMP (see Chapter 6), including preventing the chemicals from entering adjacent water bodies or wetlands. Minimum buffers for recreational uses are listed in Chapter 9. In addition to required buffers, chemical-free buffer strips may be required at the discretion of the City.
8. Recreational uses shall provide facilities for non-motorized access to the shoreline, such as pedestrian and bicycle paths, where those facilities will not result in loss of shoreline ecological functions.
9. Recreational uses shall include adequate provisions for water supply, sewage, garbage disposal, and fire protection.
10. Recreational uses shall include adequate provisions, such as screening, buffer strips, fences, and signs, to buffer adjacent private property and natural areas and protect the value and enjoyment of those sites.
11. Trails and paths on steep slopes shall be located, designed, and maintained to protect bank stability and minimize ground disturbance.
12. Environment-specific regulations:



- a. Recreational uses shall comply with the environment-specific requirements in Chapter 9.
- b. Public access shall be required for recreational uses in shoreline environments designated "W", and shall be encouraged in all other shoreline environments, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

## **7-100. Residential Uses**

7-100-010. Residential use means one or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings. This includes single family residences, duplexes, multi-family residences, apartments, townhouses, manufactured home parks, group housing, condominiums, other detached or attached dwellings, and major and short subdivisions, along with accessory uses and structures normally associated with residential uses, including but not limited to garages, sheds, swimming pools, parking areas, and fences. Residential uses do not include hotels, motels, or any other type of overnight or transient housing or camping facilities. All residential uses must comply with the Shoreline Management Act and this master program, even if the use is not required to obtain any type of shoreline permit.

### 7-100-020. Policies

1. Residential development and subdivisions should be located, designed, built, and maintained to protect shoreline environmental functions and processes when possible.
2. Residential development and subdivisions should be designed so as to adequately protect the water and shoreline aesthetic characteristics.
3. Residential uses should be permitted only where there are adequate provisions for utilities (i.e., water, sewer, power, telephone, and cable lines), circulation, and access.
4. The overall density of development and lot coverage should be appropriate to the physical capabilities of the site.
5. Recognizing property owners' rights of shoreline residential use, new residential uses should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, protect natural features and existing shoreline vegetation, control erosion, protect water quality, preserve views and normal public use of the shoreline and the water, protect aquatic and wildlife habitat, and minimize user conflicts.
6. Residential uses should be encouraged to provide dedicated and improved community or public access to the shoreline in a manner that is appropriate to the site and the nature and size of the development. Any public access provided should be counted toward the dedication of parks and open space required by the Moses Lake Municipal Code for new residential developments.
7. To discourage dock proliferation and the associated loss of shoreline ecological functions, subdivisions should provide joint-use or community docks. Individual docks should be allowed for lots in subdivisions with joint-use or community docks. Other joint use facilities, such as access areas and boat launches, should also be encouraged.
8. New residential uses should be prohibited over water, in floodways, and in environmentally sensitive areas such as wetlands and geologic hazard areas.
9. Structures and other developments accessory to residential uses should be designed and located to blend into the site as much as possible.
10. The buffers established for residential uses should apply to non-water-dependent accessory structures.
11. Best management practices should be applied in designing and developing surface and stormwater facilities.
12. The front yard zoning setback should be allowed to be reduced to accommodate reasonable development.
13. To prevent encroachment on the shoreline buffer, the buffer should be marked with a long-term visual

cue to alert present and future property owners of the location of the buffer edge. The marker should be substantial enough to show that there is clearly a change in circumstances from one side of the marker to the other.

#### 7-100-030. Regulations

1. Residential uses shall not be approved where flood control, shoreline protection measures, or bulkheading will be required to create residential lots or site area. Residential uses shall be designed so that structural shoreline stabilization, including bulkheads, is not likely to be required to protect property and will not be required in the future.
2. If wetlands, steep slopes, other critical areas, or other unique or fragile features are located on a development site, development shall be located so as to avoid the sensitive areas. Cluster or similar design of residential units may be used in order to achieve this.
3. Vegetation removal shall be in compliance with the Vegetation Conservation and Clearing and Grading provisions of Chapter 8 and shall be limited to the minimum necessary to accommodate permitted uses, with the exception that noxious weed control shall be allowed subject to the vegetation conservation provisions in Chapter 8.
4. During construction, shoreline vegetation shall be preserved and erosion controlled by the following means at a minimum: Clearly marked temporary fencing shall be installed during the entire construction period. The shoreline shall be protected from sedimentation by silt fences, sand bags, or other material as approved by the Building Official. Sedimentation control measures shall be in place before the start of any clearing, grading, or construction. Sedimentation control measures shall be inspected after each runoff event and maintained if necessary.
5. Other than docks, new residential structures and accessory structures, including boathouses, shall be prohibited over water or floating on the water. Floating homes shall be prohibited.
6. The buffers established for residential uses shall apply to non-water-dependent accessory structures.
7. Best management practices shall be applied in designing and developing surface and stormwater facilities. The *Stormwater Management Manual for Eastern Washington* shall provide the preferred guidance for storm water management best practices.
8. Environment-specific regulations:
  - a. Residential uses shall comply with the environment-specific requirements in Chapter 9, except as provided in Regulation 9 below.
9. Common Line Setbacks: The residential buffers in Table 9.3 shall not apply in cases where the majority of existing development in the area does not meet the established buffer standards. In such cases residential structures shall be set back common to the average of setbacks for existing dwelling units within three hundred (300) feet of side property lines. If there is only one or no dwelling units within three hundred (300) feet of side property lines, the shoreline buffers of Table 9.3 shall apply. Common line setback allowed in this section is subject to approval by the Shoreline Administrator. Common line setback shall only be allowed where no loss of shoreline ecological functions or interference with shoreline processes will result from said common line setback. The Administrator may place conditions on the approval. Any further deviation from setback requirements beyond that allowed in this section shall require approval of a shoreline variance permit.
10. For lots platted before the adoption of this Master Program, if the required shoreline buffer causes there to be less than 60' from the buffer to the front zoning setback line, the front yard zoning setback may be reduced to 10' for a porch, 15' for living space or the side of a garage, and 20' for a garage door. Side yard setbacks may be reduced to 5'. If there is still not 60' from the reduced zoning setback to the shoreline buffer, the shoreline buffer may also be reduced by the minimum amount that will allow 60' of buildable area, provided there will be no net loss of shoreline ecological function and provided that at least a 25' shoreline buffer will be maintained. These

reductions in buffer and setbacks do not authorize encroachments into any easements which may be on the property. All proposals to reduce setbacks and buffers shall be submitted to the Administrator for review. The Administrator may place conditions on the approval.

11. For lots in plats with preliminary plat approval before the adoption of this Master Program, and which had wetland or shoreline buffers set during the platting process, the buffer shall be as set during the platting process.
12. Residential Fencing: Fencing meeting Municipal Code standards may extend to the landward edge of the shoreline buffer. Fencing may be installed within the buffer if all of the following are met:
  - a. Fence materials shall be natural or natural-looking materials and colors, and restricted to fence types such as post and rail or split rail.
  - b. The lowest rail shall be a minimum of 16" from the ground, and the highest rail shall be no greater than 60" from the ground.
  - c. New fences established parallel to the shoreline shall be set back a minimum of 25' from the OHWM and shall require native vegetative plantings within that 25' if lawn or weeds currently exist within the area. The 25' setback may be reduced if the applicant is participating in a shoreline public access plan or if there is intervening ownership (e.g. railroad, conservancy trail, etc.) The applicant shall submit a planting plan along with the fence permit.
  - d. Vegetative plantings as fencing within the shoreline buffer are restricted to native plants.
  - e. No vehicle parking or equipment storage shall be allowed between the OHWM and a fence parallel to the water, within the shoreline buffer area.
  - f. Other than removal of noxious weeds and non-native plants, removal of vegetation within the shoreline buffer shall be restricted to initial digging of posts and vegetation removal necessary for the initial placement of the fence.
  - g. Solid plank construction, solid vinyl, razor wire, and chain link fencing shall be prohibited within the shoreline buffer.

Existing fencing must be brought into compliance with the above standards when there is an expansion of the development or use on the site, when there is a new use or modification of the shoreline or buffer (e.g. dock, boat lift, shoreline stabilization, etc.)

## **7-110. Transportation Facilities**

7-110-010. Transportation facilities are those structures and developments that aid in movement of people, goods, and services. They include roads, highways, bridges, bicycle paths, trails, railroad facilities, and other related facilities.

### **7-110-020. Policies**

1. New roads, railroads, and bridges in shoreline jurisdiction should be minimized.
2. New roads, railroads, and bridges in shoreline jurisdiction should be consistent with the City's *Comprehensive Plan*.
3. Transportation facilities should be located, designed, and constructed so that routes will result in no net loss of shoreline ecological functions and will have the minimum adverse impact on existing or future water-dependent uses.
4. Road and railroad locations should be planned to fit the topography of the shoreline in order to minimize alteration of natural conditions. New transportation facilities should be located and designed to minimize the need for shoreline protection measures, stream and lake crossings, and modification of natural drainage systems.
5. Trails and bicycle paths should be encouraged in shoreline areas where they are compatible with the

natural character, resources, and ecology of the shoreline area.

6. Where transportation corridors are required within shoreline jurisdiction, then joint use for roads, utilities, and motorized and non-motorized forms of transportation should be encouraged.
7. Abandoned or unused road or railroad rights-of-way that offer opportunities for public access to the shoreline should be acquired and/or retained for public access. However, where practical, such areas should be allowed to revert to right-of-way if the right-of-way becomes necessary in the future.
8. All debris, overburden, and other waste materials from transportation facility construction should be handled, contained, and disposed of in a manner that prevents entry of said materials into adjacent water bodies.

#### 7-110-030. Regulations

1. Transportation facilities and services shall use existing transportation corridors whenever possible, provided that facility additions and modifications will not adversely impact shoreline resources and are otherwise consistent with this master program and the City's *Comprehensive Plan*. If expansion of the existing corridor will result in net loss of shoreline ecological functions, then a less disruptive alternative shall be used.
2. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where loss of shoreline ecological functions can be minimized by doing so.
3. Shoreline transportation facilities shall be sited and designed to avoid geologically hazardous areas and to fit the existing topography in order to minimize cuts and fills.
4. Where practical, shoreline transportation facilities shall be sited and designed to avoid the following areas:
  - a. Areas between unstable or moderately unstable slopes and the OHWM (i.e., areas below unstable slopes).
  - b. Areas above unstable or moderately unstable slopes that are within shoreline areas or are within 100 feet of the top of the slope (upland areas draining to unstable slopes).
  - c. Any area in which proximity to a geologically hazardous area would result in need for shoreline stabilization or loss of shoreline ecological function
5. Cut and fill slopes shall be designed at the normal angle of repose or less.
6. Landfills for transportation facility development are prohibited in water bodies and wetlands except that when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this master program and the City's *Comprehensive Plan*, such landfill may be permitted as a conditional use.
7. Major highways and railways shall be located outside of shoreline areas except where water crossings are required. Water crossings shall use the shortest route feasible unless such route would cause more damage to the environment.
8. New transportation facilities shall be located and designed to prevent or minimize the need for shoreline stabilization, landfill, or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall use elevated, open pile or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide 3 feet of freeboard above the 100 year flood level.
9. Shoreline transportation facilities shall be sited and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.
10. All shoreline areas disturbed by transportation facility construction and maintenance shall be restored to their pre-project condition, using compatible, self-sustaining vegetation, immediately upon completion of the construction or maintenance activity. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of



plants that will be used. The agency or developer constructing or maintaining the transportation facility shall also be responsible for maintaining the vegetation until it is established.

11. Waterway crossings shall be designed and maintained to cause minimal disturbance to banks.
12. Where permitted, wetland and priority habitat crossings and other crossings of critical, unique, or fragile areas shall be designed and maintained to cause no net loss of shoreline ecological functions.
13. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.
14. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or side cast materials. State and local stormwater regulations apply.
15. Bridge abutments and necessary approach fills shall be located landward of wetlands or the ordinary high water mark, except that bridge piers may be permitted in a water body as a conditional use, when in compliance with requirements of other permitting agencies, including but not limited to the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife.
16. Except where a water crossing is necessary, roads, railroads, and other transportation facilities shall be located landward of shoreline wetlands and other Fish and Wildlife Habitat Conservation Areas.
17. Except for water crossings, all roads and railroads shall be adequately set back from the water (see Table 9.3, Development Standards and Specific Shoreline Development Regulations) and shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide periodic breaks in the buffer to allow open views of the water, provided that removal of healthy native vegetation is not required to provide such breaks. Removal of healthy native vegetation is discouraged.
18. Overburden, debris, and other waste materials from both construction and maintenance activities, including drainage ditch clearing, shall not be deposited into or sidecast on the shoreline side of the road or in water bodies or wetlands. Such material shall be deposited in stable locations where re-entry and erosion into water bodies or wetlands is prevented.
19. Environment-specific regulations: Transportation facilities shall comply with the environment-specific requirements in Chapter 9.

## **7-120. Utilities (Primary Facilities)**

7-120-010. Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electrical power, gas, water, sewage, communications, oil, etc. The provisions of this section apply to primary uses, such as sewage treatment plants and outfalls, public high-tension utility lines, power transfer facilities, sewer and water mains, gas distribution lines and storage facilities. See Chapter 6 for policies and regulations related to on-site accessory utilities.

### **7-120-020. Policies**

1. Primary utilities should use existing transportation and utility sites, rights-of-way, and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors are encouraged.
2. Primary utilities should be prohibited in wetlands, other critical habitat areas, and other critical, unique and fragile areas unless no feasible alternative exists.
3. New primary utility facilities should be located so that shoreline protection works are not required.
4. Primary utilities facilities and corridors should be located so as to protect scenic views.
5. Primary utilities facilities and rights-of-way should be located and designed to result in no loss of shoreline functions or interference with shoreline processes; preserve the natural landscape; and minimize conflicts with present and planned land uses.



6. Whenever feasible, utilities should be placed underground or affixed to bridges.
7. Solid waste disposal activities and facilities should be prohibited in shoreline areas.
8. Location of utility facilities within existing public, private, and utility rights of way is encouraged.
9. When possible, water crossings should be avoided.

#### 7-120-030. Regulations

1. Primary utility facilities and transmission lines shall be located, designed, constructed, operated, and maintained to cause no net loss of shoreline ecological functions. Utility lines associated with primary utilities shall use existing rights-of-way, corridors, and/or water crossings whenever possible and shall avoid duplication and construction of new or parallel corridors in shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes. Primary utility facilities and lines shall be located outside of shoreline areas where feasible.
2. Transmission and distribution facilities that must cross areas of shoreline jurisdiction shall cross by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
3. Primary utilities shall be located and designed so as to avoid or minimize the use of any structural or artificial shore defense or flood protection works.
4. Where major facilities must be placed in a shoreline area, the location and design shall not destroy or obstruct scenic views.
5. Primary utilities shall meet required shoreline setbacks as specified in the Development Standards Table (Tables 9.3).
6. Utility facilities shall be screened from water bodies and adjacent properties, using primarily native, self-sustaining vegetation. Plants that may compromise shoreline values shall be prohibited. The type and width of screening required shall be as indicated in the table below. The permit application submittal shall identify the size, location, and species of plants that will be used. Substitution of a sight-obscuring fence or wall for the required landscaping shall not be permitted. Landscaped buffers shall be maintained in accordance with the requirements of the City's Municipal Code, Chapter 18.57.

Adjacent site	Type and width of screening
Water body	Type I, 20 feet wide
Residential or recreational use (existing or, in the case of undeveloped land, planned for, based on the City's <i>Comprehensive Plan</i> )	Type I, 20 feet wide
Commercial, industrial, or institutional use (existing or, in the case of undeveloped land, planned for, based on the City's <i>Comprehensive Plan</i> )	Type II, 10 feet wide

7. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances in which underwater pipelines are permitted as a conditional use, automatic shut-off valves shall be provided on both sides of the water body, and the applicant shall use all appropriate technology to detect and prevent leaks and ruptures of the pipelines.
8. Construction of primary utilities under water or in wetlands shall be timed to minimize impacts on fish and wildlife.
9. Landfilling in shoreline areas for primary utility facility or line development purposes is prohibited. Permitted crossings shall use pier or open pile construction.
10. Clearing of vegetation for the installation or maintenance of primary utilities shall be the minimum

necessary to accommodate the proposed utility installation.

11. All shoreline areas disturbed by facility construction and maintenance shall be restored to their pre-project condition, using compatible, self-sustaining vegetation, immediately upon completion of the construction or maintenance activity. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used. The agency or developer constructing or maintaining the facility shall also be responsible for maintaining the vegetation until it is established.
12. Where feasible, primary utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, provided such uses will not unduly interfere with utility operations, endanger public health or safety, or create a significant and disproportionate liability for the owner.
13. The City shall require and use the following information in its review of proposals for installation of primary utility facilities:
  - a. Description of the proposed facilities;
  - b. Reasons why the utility facility requires a shoreline location;
  - c. Alternative locations considered and reasons for their elimination;
  - d. Location of other utility facilities in the vicinity of the proposed project and any plans to include facilities of other types of utilities in the project;
  - e. Plans for reclamation of areas disturbed both during construction and following decommissioning and/or completion of the primary utility's useful life;
  - f. Plans for control of erosion and turbidity during construction and operation; and
  - g. Possibility for locating the proposed facility at an existing utility facility site or within an existing utility right-of-way.
14. Major non-water-oriented utility facilities are prohibited within shoreline jurisdiction, unless it can be shown that no feasible alternatives exist, in which case they will be conditional uses. Examples of non-water-oriented facilities include water system treatment plants, sewage treatment plants, and electrical substations.
15. Environment-specific regulations: Utility facilities shall comply with the environment-specific requirements in Chapter 9.
16. Electrical utility or service lines shall not cross shorelines or surface waters, except in the case of high voltage lines, when no other alternative exists.



**3-14-14 PLANNING COMMISSION DRAFT**  
**Chapter 8**  
**Shoreline Modification Policies and Regulations**

**8-1 Introduction**

At times, shoreline modifications may create adverse impacts on shorelines by altering the natural character, resources, and ecology of the shoreline. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal. Shoreline modifications are usually undertaken in support of or in preparation for a shoreline use; for example, dredging (shoreline modification) to allow for a marina (boating facility use). All shoreline uses and activities, even those that are exempt from the requirement to obtain a shoreline substantial development permit, and regardless of the Shoreline Environment in which they are undertaken, must conform to all of the applicable policies and regulations listed in this SMP. For example, a residential development project that included docks and roads would need to comply with the policies and regulations related to docks and roads as well as those related to residential development.

Shoreline Modification Policies and Regulations cover the following areas:

- Section 8-5 General Provisions
- Section 8-10 Clearing and Grading
- Section 8-15 Dredging and Dredge Material Disposal
- Section 8-20 Fill
- Section 8-25 Flood Hazard Management Facilities
- Section 8-30 Shoreline Stabilization
- Section 8-35 Vegetation Conservation

**8-5 General Provisions**

8-5-010. Applicability: The provisions of this section apply to all shoreline modifications within shoreline areas.

8-5-020 Policies

1. All shoreline modifications should be in support of an allowed shoreline use that is in conformance with the provisions of this master program. Modifications should not be allowed when there is no other use of the lot.
2. Shoreline modifications should cause as few environmental impacts as possible and should be limited in size and number.
3. The type of shoreline and the surrounding environmental conditions should be considered in determining whether a proposed shoreline modification is appropriate.
4. Projects that include shoreline modifications should contribute to enhancement of shoreline ecological functions, when possible.
5. As shoreline modifications are allowed to occur, measures to protect and restore ecological functions should be implemented.
6. Preference shall be given for those types of shoreline modifications that have a lesser impact on ecological functions. For example, planting vegetation that will stabilize the shoreline is preferred rather than a concrete bulkhead.

8-5-030. Regulations

1. All shoreline modification activities not in support of a conforming allowed use are prohibited, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance or enhancement of shoreline ecological functions.
2. Shoreline modifications shall result in no net loss of shoreline ecological functions.

3. Only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions shall be allowed. (See Table 9.3, Use-Related Development Standards)
4. Where a shoreline modification is authorized, the method that has the least impact on ecological function while achieving the purpose of the modification shall be used.
5. Shoreline modifications for non-water-dependent uses shall be allowed only if the net effect of the project over the whole site is to improve the ecological condition of the shoreline (i.e. another portion of the shoreline on the project site shall be ecologically enhanced to compensate for the shoreline modification).
6. Ecological impacts of shoreline modifications shall be mitigated to ensure no net loss of shoreline ecological functions. Mitigation measures shall be applied in the following sequence of steps listed in order of priority, with A. of this subsection being top priority:
  - A. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - B. Minimizing impacts to the greatest extent possible by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  - C. Mitigating the impact by repairing, rehabilitating, or restoring the affected environment;
  - D. Reducing or eliminating the impact over time by preservation and maintenance operations;
  - E. Compensating for the impact by replacing, enhancing degraded shorelines, or providing substitute resources or environments; and
  - F. Monitoring the mitigation actions and taking appropriate corrective measures.

In determining appropriate mitigation measures, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable. Mitigation shall be in compliance with Appendix A, Mitigation, as well as any specific mitigation standards required by the appropriate section of this SMP.

7. All shoreline modification activities must conform to the General Provisions (see Chapter 6) and the provisions for the appropriate Environment Designation (see Chapter 9) in this master program.

## **8-10. Clearing and Grading**

**8-10-010. Applicability:** Clearing and grading are activities associated with developing property for a particular use. Specifically, "clearing" means the destruction, uprooting, scraping, or removal of vegetative ground cover, shrubs, and trees. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. "Fill" means placement of dry fill on existing dry or wet areas and is addressed later in this chapter.

Clearing and grading are regulated because they may increase erosion, siltation, runoff, and flooding, change drainage patterns; reduce flood storage capacity; and damage habitat. All clearing and grading within areas under shoreline jurisdiction, even that which does not require a permit, must be consistent with the Shoreline Management Act, the State rules implementing the Act, and the goals, policies, and regulations of this Master Program. The Vegetation Conservation provisions later in this chapter have direct application to clearing and grading proposals.

### **8-10-020. Policies**

1. Clearing and grading activities should only be allowed in association with an allowed shoreline use.
2. Clearing and grading in shoreline areas should be limited to the minimum necessary to accommodate permitted shoreline development.
3. Clearing and grading should be prohibited in required shoreline buffers, except for a 4'-wide path to provide access to a dock and reasonable access by property owners with disabilities.
4. All clearing and grading activities should be designed and conducted to minimize sedimentation and



impacts to shoreline ecological functions, including wildlife habitat functions and water quality. Negative environmental and shoreline impacts of clearing and grading should be avoided or minimized through proper site planning, construction timing and practices, vegetative stabilization or (where required) soft structural stabilization, use of erosion and drainage control methods, and by adequate maintenance.

5. For all clearing and grading proposals, a plan addressing species removal, re-vegetation, irrigation, erosion and sedimentation control, and other plans for protecting shoreline resources from harm should be required.
6. Cleared and disturbed sites remaining after completion of construction should be promptly re-stabilized, and should be replanted as soon as is practical with primarily native, self-sustaining plantings. Within the buffer, only native plants should be planted. If weather conditions preclude planting immediately after the completion of construction, replanting shall occur no later than the next planting season.
7. Restoration of disturbed areas is difficult in the Moses Lake area, due to the dry climate and abundant weed seeds. Avoiding disturbance is more effective and economical than restoration.

#### 8-10-030. Regulations

1. Since restoration is more difficult than avoiding the impact in the first place, all clearing and grading activities shall be limited to the minimum necessary for the intended development. The Vegetation Management provisions later in this chapter apply to all clearing and grading activities.
2. Clearing and Grading Plan
  - a. A clearing and grading plan shall be required for all development within shoreline jurisdiction, whether a shoreline permit is required or the project is exempt from a shoreline substantial development permit.
  - b. The clearing and grading plan shall address species removal, replanting, irrigation, erosion and sedimentation control, and plans for protecting shoreline resources from harm.
  - c. The plan must be approved by the City before any clearing or grading takes place.
3. No clearing and grading activities shall take place unless associated with an approved shoreline development. Clearing and grading shall be addressed in the permit or exemption for the shoreline use or activity with which it is associated. No clearing or grading shall take place before the permit or exemption is issued.
4. Immediately upon completion of the construction or maintenance activity, remaining cleared areas shall be restored to their pre-project condition, using compatible, self-sustaining vegetation.
  - a. If weather does not permit immediate restoration, replanting shall be completed during the next planting season.
  - b. A planting plan shall be submitted to the City for review and approval. Plants that may compromise shoreline values shall be prohibited. If necessary, a temporary sterile cover crop (e.g., a sterile non-persistent member of the grass family such as sterile Triticale, barley, or oats) shall be planted to prevent erosion during the establishment period; said cover crop shall be maintained until the permanent vegetation is sufficiently established to prevent erosion.
  - c. Replanted areas shall be maintained in accordance with the City's landscape maintenance requirements (MLMC Chapter 18.57.090). In the case of transportation, utility, or other capital facility construction, the agency or developer constructing or maintaining the facility shall also be responsible for maintaining the vegetation until it is established.
5. All shoreline areas disturbed by transportation, utility, or other facility maintenance shall be

restored to their pre-project condition, using compatible vegetation, immediately upon completion of maintenance activity. The permit application submittal shall identify the size, location, and species of plants that will be used. The agency or developer maintaining the facility shall also be responsible for maintaining the vegetation until it is established.

6. Clearing by hand-held equipment of invasive non-native vegetation on the State Noxious Weed List is permitted in shoreline areas provided the disturbed area is promptly replanted with vegetation from the recommended list or if the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons.
7. All shoreline development and activity shall use effective measures to minimize increases in surface water runoff and sedimentation that may result from clearing and grading activity. The applicant must include in the proposal the methods that will be used to control, treat, and release runoff so that receiving water quality and shore properties and features shall not be adversely affected. Such measures may include but are not limited to dikes, berms, catch basins or settling ponds, installation and maintenance of oil/water separators, grassy swales, interceptor drains, and landscaped buffers.
8. Soil stabilization associated with clearing and grading shall, whenever feasible, use bioengineering or other soft stabilization techniques.
9. Any significant placement of materials from off of the site, or substantial creation or raising of dry upland, shall be considered filling and shall comply with the fill provisions of Chapter 8, Modification Activities.
10. Before any clearing or grading takes place on a site, sediment control measures such as silt fences, sand bags, or other approved measures shall be in place to protect the lake, shoreline, and any wetlands from sedimentation during construction. Sediment control measures shall be inspected after every runoff event and at least once per month and shall be maintained when necessary to ensure proper functioning.

## **8-15. Dredging and Dredge Material Disposal**

**8-15-010. Applicability:** Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud, silt, and/or other materials or debris from any water body or associated shoreline or wetland. Dredging is stringently regulated, since uncoordinated, piecemeal dredging in one area of the lake can have serious impacts on other areas. Dredging is normally done for specific purposes such as constructing or maintaining navigation channels, or marinas, for installing pipelines or cable crossings, or for dike or drainage system repair and maintenance. Dredge material disposal is the depositing of dredge materials on land or into water bodies for the purposes of either creating new lands or disposing of the by-products of dredging. Dredge material disposal within shoreline jurisdiction is also subject to the filling provisions found later in this chapter.

### **8-15-020. Policies**

1. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
2. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological functions and processes, including those in the area to be dredged, at the dredge material disposal site, and in other parts of the watershed. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.
3. Dredging of bottom materials for the primary purpose of obtaining material for fill or other purposes should be prohibited, except when the material is necessary for the restoration of ecological functions.
4. Dredging operations should be planned and conducted to minimize interference with water and shoreline uses, properties, and values.
5. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins should be allowed where necessary for assuring safe and efficient

accommodation of existing navigational uses, and then only when significant ecological impacts are minimized and when mitigation is provided.

6. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
7. Dredge material disposal in water bodies should be discouraged, except for habitat improvement or where depositing dredge material on land would be more detrimental to shoreline resources than deposition in water areas.
8. Where dredge material has suitable organic and physical properties, dredging operations should be encouraged to recycle dredged material for beneficial use in enhancement of beaches that provide public access, habitat creation or restoration, aggregate, or clean cover material at a landfill.
9. All sediment management and dredging should be carried out in a coordinated, well-planned manner.
10. Sediment management and dredging should be planned and conducted to optimize ecological function, while accommodating recreational navigation where possible.
11. Dredging should improve fish and wildlife habitat.
12. Dredging should not result in increased shoreline erosion.
13. Dredging should not impact benthic macroinvertebrates, which are important forage for the lake's fish and migrating birds.
14. Dredging should not result in reduction of the area of existing native emergent vegetation, such as bulrush, or area where bulrush should be able to occur but have been removed.

#### 8-15-030. Regulations—Dredging

1. Dredging shall only be permitted as part of the implementation of the Sediment Management element of the Restoration Plan (Chapter 11 of this Shoreline Master Program). The City shall require and use the following information in its review of shoreline dredging and dredge material disposal proposals:
  - a. Dredging volumes, methods, schedules, frequency, hours of operation, and procedures.
  - b. Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation methods and routes, hours of operation, and schedule.
  - c. Stability of bedlands adjacent to the proposed dredging site.
  - d. Stability of geologically hazardous areas in the vicinity of the proposed dredging site.
  - e. Assessment of water quality impacts.
  - f. Habitat assessment meeting the standards prescribed for Fish and Wildlife Habitat Conservation Areas in Chapter 6, including migratory, seasonal, and spawning use areas.
2. In evaluating permit applications for any dredging project, the Planning Commission shall consider the need for and adverse effects of the initial dredging, subsequent maintenance dredging, and dredge disposal. Dredging and dredge material disposal shall only be permitted where it is demonstrated that the proposed actions will not:
  - a. Result in significant and/or on-going damage to water quality, fish, or other biological elements;
  - b. Adversely alter natural drainage and circulation patterns, or significantly reduce flood storage capacities;
  - c. Affect slope stability; or
  - d. Otherwise damage shoreline or aquatic resources.
3. Proposals for dredging and dredge disposal shall include all feasible mitigation measures to protect fish and wildlife habitat and minimize adverse impacts such as turbidity; release of nutrients, heavy metals, sulfides, organic materials, or toxic substances; dissolved oxygen depletion; or disruption of food chains.

4. Dredging waterward of the ordinary high water mark shall be permitted only:
  - a. For navigation or navigational access;
  - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
  - c. As part of the Sediment Management element in the Restoration Plan (Chapter 11) that has been developed by the City, Moses Lake Irrigation and Rehabilitation District, Washington Department of Fish and Wildlife, and other stakeholders and entities, and has been accepted by the Washington Department of Fish and Wildlife or other agency with jurisdiction;
  - d. To improve water quality;
  - e. In conjunction with a bridge or a navigational channel or structure for which there is a documented public need and where other feasible sites or routes do not exist; or
  - f. To improve water flow and/or manage flooding only when consistent with an approved flood and/or stormwater comprehensive management plan.
5. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
6. Any impacts of dredging that cannot be avoided shall be mitigated in a manner that assures no net loss of shoreline ecological functions.
7. Dredging shall use techniques that cause the minimum dispersal and broadcast of bottom material.
8. Dredging for the primary purpose of obtaining material for fill is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be associated with a significant habitat enhancement project.
9. Dredging upland of the ordinary high water mark to construct canals or basins for boat moorage or launching, water ski landings, swimming holes, and similar uses is prohibited.

#### 8-15-040. Regulations—Dredge Material Disposal

1. Disposal of dredged materials shall be accomplished at approved contained upland sites.
2. Depositing dredge materials in water areas shall be allowed only by conditional use permit, and only for improving fish and wildlife habitat as part of the sediment management element of the Restoration Plan in Chapter 11 of this Shoreline Master Program.
3. Land disposal sites shall be replanted as soon as feasible, and in no case later than the next planting season, in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Vegetation from the recommended list (see Chapter 14) or other species authorized by the City shall be used. Native plants are preferred. Plants that may compromise shoreline values shall be prohibited. The permit application submittal shall identify the size, location, and species of plants that will be used. The agency or developer responsible for the land disposal shall also be responsible for maintaining the vegetation until it is established.
4. Proposals for disposal in shoreline areas must show that the site will ultimately be suitable for a use permitted by this master program.

#### **8-20. Fill**

8-20-010. Applicability: Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Fill does not include sanitary landfills for the disposal of solid waste, which are prohibited in shoreline jurisdiction except for temporary trash receptacles at commercial and public park developments.

#### 8-20-020. Policies

1. Fills waterward of the ordinary high water mark should be allowed only when necessary to facilitate

water-dependent and/or public access uses that are consistent with this master program.

2. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface water drainage, or flood waters that would result in a hazard to adjacent life, property, or natural resource systems.
3. In evaluating fill projects, such factors as potential and current public use of the shoreline and water surface area, navigation, water flow and drainage, water quality, and habitat should be considered and protected to the maximum extent feasible.
4. The perimeter of any fill should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural-appearing and self-sustaining control methods are preferred over structural methods.
5. Where permitted, fills should be the minimum necessary to provide for the proposed use and should be permitted only when they are part of a specific development proposal that is permitted by this master program. Placing fill in water bodies or wetlands to create usable land should be prohibited.

#### 8-20-030. Regulations

1. The City shall require and use the following information in its review of fill proposals:
  - a. Proposed use of the fill area.
  - b. Physical, chemical, and biological characteristics of the fill material.
  - c. Source of the fill material.
  - d. Method of placement and compaction.
  - e. Location of fill relative to existing drainage patterns and wetlands.
  - f. Location of the fill perimeter relative to the ordinary high water mark.
  - g. Perimeter erosion control or stabilization measures.
  - h. Type of surfacing and runoff control devices.
2. Fill waterward of the ordinary high water mark or in wetlands shall only be permitted as a conditional use, and only for one of the following purposes. Fill in wetlands must comply with the wetlands provisions in Chapter 6 of this SMP.
  - a. In conjunction with a water-dependent or public use permitted by this master program.
  - b. In conjunction with a bridge or navigational structure for which there is a demonstrated public need (based on the City's *Comprehensive Plan*) and where no feasible upland sites, design solutions, or routes exist.
  - c. As part of an approved beach restoration project.
  - d. For fisheries, aquaculture, or wildlife enhancement projects.
3. Pier or pile support shall be utilized whenever feasible in preference to filling. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven infeasible.
4. Fills are prohibited in floodplains except where it can be clearly demonstrated that the geohydraulic characteristics and floodplain storage capacity will not be altered to cause increased flood hazard or other damage to life or property. Fills are prohibited in floodways, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use, as specified in Regulation 2 above.
5. Fills shall be permitted only when it is demonstrated that the proposed action will not:
  - a. Result in significant damage to water quality or fish and wildlife habitat;
  - b. Adversely affect natural drainage and circulation patterns or significantly reduce flood water



- capacities;
  - c. Affect slope stability; or
  - d. Otherwise damage shoreline or aquatic resources.
6. Fills shall be allowed only as part of a specific proposal for a use or activity that is permitted by this master program. Placing fill in water bodies or wetlands to create usable land is prohibited.

#### 8-20-040. Regulations—Design and Construction

1. Where fills are permitted, the fills shall be the minimum necessary to accommodate the proposed use.
2. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area. Perimeters of permitted fill projects shall be designed and constructed with silt curtains, vegetated buffer areas, or other methods, and shall be adequately sloped to prevent erosion and sedimentation both during initial fill activities and afterwards. Such containment practices shall occur during the first growing season following completion of the fill. The design shall incorporate natural-appearing and self-sustaining control methods unless they can be demonstrated to be infeasible due to existing environmental conditions such as currents and weather.
3. Fill materials shall be sand, gravel, rock, soil, or similar materials. Use of polluted dredge spoils, solid waste, and sanitary landfill materials is prohibited.
4. Fills shall be designed to allow surface water penetration into ground water supplies where such conditions existed prior to fill. Fills shall not be permitted in aquifer recharge areas if they would have the effect of preventing percolation of the water.
5. The timing of fill construction shall be regulated to result in no net loss of shoreline ecological functions, including water quality and aquatic life.
6. Fill on dry land shall not result in substantial changes to patterns of surface water drainage from the project site and onto adjacent properties; within shoreline areas; into aquatic areas; or onto steep slopes or other erosion hazard areas.

### **8-25. Flood Hazard Management**

8-25-010. Applicability: Flood hazard management projects are those actions taken with the primary purpose of preventing or minimizing damage caused by flooding.

#### 8-25-020. Policies

1. Construction should not be allowed in flood hazard areas.

#### 8-25-030. Regulations

1. All flood hazard management projects shall comply with Moses Lake Municipal Code 18.53, Flood Hazard Areas and with the General Regulations for Frequently Flooded Areas.
2. Environment-specific regulations: flood hazard management projects shall comply with the environment-specific requirements in Chapter 9.

### **8-30. Shoreline Stabilization**

8-30-010-A. Applicability: Shoreline stabilization includes actions taken primarily to address erosion impacts to upland property and improvements caused by current, wake, or wave action. Those actions include structural, nonstructural, and vegetative methods.

8-30-010-B. Structural stabilization may be “hard” or “soft.” “Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, which deflect rather than absorb wave energy, while “soft” stabilization, such as biotechnical stabilization, which employs plant materials, rolled erosion control and soil engineering fabrics, and similar structural materials to absorb wave energy and restore the function of a natural shoreline. Generally, the harder the stabilization measure, the greater

the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Hard shoreline stabilization methods also result in vegetation removal and damage to near-shore habitat and shoreline corridors.

8-30-010-C. Human use of the shoreline has typically led to hardening of the shoreline for various reasons, including reduction of erosion, providing useful space at the shore, or providing access to docks. The impacts of hardening any one property may be minimal, but cumulatively the impact of shoreline hardening is significant. Hard structures, especially vertical walls, often create conditions that lead to the failure of the structure. Over time, the substrate of the shoreline coarsens and scours down to bedrock. The footings of the bulkhead are exposed, leading to undermining and failure.

8-30-010-D. The following methods of shoreline stabilization are organized from "biotechnical" to "hard structural". The use of biotechnical stabilization is required, unless this design method has been found technically not feasible by a qualified expert such as a soil bioengineering practitioner.

1. Biotechnical or Soil Bioengineering:
  - biotechnical measures as described above
2. "Hard Structural"
  - a. riprap
  - b. retaining walls (sheet piling, concrete, etc.)
  - c. bulkheads (sheet piling, concrete, etc.)

8-30-010-E. Non-structural methods include building setbacks, ground water management, and planning and regulatory measures to avoid the need for structural stabilization.

8-30-010-F. Vegetative methods include re-vegetation and vegetation enhancement. In addition, vegetation is often used as part of structural stabilization methods; it is always part of biotechnical stabilization. For the purposes of this section, vegetative methods are considered to include only re-vegetation and vegetation enhancement.

Note: Additional regulations for bulkheads and riprap are found in a separate section, below. Bulkheads and riprap must meet the provisions of both sections.

#### 8-30-020. Policies

1. Stabilization measures should be designed, located, and constructed primarily to prevent damage to existing development.
2. No structural stabilization measures should be allowed for a vacant lot.
3. New development should be located and designed to eliminate the need for future shoreline stabilization.
4. Shoreline vegetation, both on the bank and in the water, is very effective at stabilizing shorelines. For this reason, property owners are strongly encouraged to protect existing shoreline vegetation and restore it where it has been removed. Preserving and restoring shoreline vegetation should be the preferred method of shoreline stabilization.
5. Structural solutions to shoreline erosion should be allowed only if non-structural and vegetative methods would not be able to reduce existing or ongoing damage. The "softest" structural stabilization that will be effective should be used.
6. Public projects should be models of good shoreline stabilization design and implementation.

#### 8-30-030. Regulations

1. New structural stabilization measures shall not be allowed except to protect or support an existing or approved use or for the restoration of ecological functions when non-structural or vegetative methods are not feasible or are not sufficient. New or enlarged "hard" stabilization methods shall not be

allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the primary structure is in danger from shoreline erosion caused by current or waves, and that the proposed "hard" stabilization measure is the least impacting method that will protect the structure. Use of shoreline stabilization measures to create usable land is prohibited.

2. New non-water-dependent uses, including single-family residences, that includes structural shoreline stabilization shall not be allowed unless all of the following conditions apply:
  - a. The need to protect the use from destruction due to erosion caused by natural processes, such as currents and waves, is demonstrated through a geotechnical report.
  - b. The erosion is not being caused by upland conditions, such as drainage and the loss of vegetation.
  - c. Non-structural measures (such as placing the use farther from the shoreline), vegetative methods, or installing on-site drainage improvements, are not feasible or not sufficient.
  - d. The stabilization will not cause significant ecological impacts to any species or habitat.
3. Shoreline stabilization shall not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, within the city, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.
4. Creation of new lots that will require shoreline stabilization in order for development to occur shall not be allowed.
5. New uses in areas above unstable slopes and moderately unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis.
6. Where structural shoreline stabilization measures are demonstrated to be necessary, the size of the stabilization measures shall be limited to the minimum necessary. Stabilization measures used shall be designed to minimize harm to ecological functions. Lost functions shall be mitigated to ensure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated by a geotechnical report to be insufficient to protect the primary structure or structures.
7. Shoreline stabilization measures shall be designed to restore, as much as possible, the ecological functions of the shoreline.
8. Where stabilization is necessary to alleviate erosion caused by removal of vegetation, vegetative stabilization measures shall be the only stabilization measures allowed.
9. Publicly financed or subsidized shoreline erosion control measures shall not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. Where feasible, ecological restoration and public access improvements shall be incorporated into the project.
10. All applicable federal, state, and local permits shall be obtained and complied with in the construction of shoreline stabilization measures. All permits must be issued before any stabilization work takes place.
11. Enlarging or replacing an existing stabilization structure shall be evaluated the same as a new stabilization structure.
12. Where geotechnical reports are required that address the need to prevent potential damage to a primary structure, the following apply:
  - A. The geotechnical report shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.
  - B. Hard armoring solutions shall not be authorized except when the geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a

result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions.

- C. Where a geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- D. The geotechnical report shall be prepared by a qualified professional engineer or geologist who has professional expertise about the regional and local shoreline geology and processes.

#### **8-30-040. Bulkheads and Riprap**

##### 8-30-050. Applicability:

- A. A bulkhead is a type of hard structural shoreline stabilization measure. Bulkheads are walls, constructed parallel to the shoreline and in contact with the water, whose primary purpose is to contain and prevent the loss of soil caused by erosion or wave action. A bulkhead-like structure used as part of the structure of a cantilevered dock is not regulated as a bulkhead as long as the width is no more than what is required to stabilize the dock.
- B. Riprap is a layer, facing, or mound of stone placed on a slope.
- C. Exemption: Certain bulkheads are exempt from the requirement to obtain a shoreline substantial development permit. However, all bulkheads must comply with the Shoreline Management Act, the rules implementing the Act, and this Master Program.

##### 8-30-060. Policies

1. A bulkhead or riprap are not preferred methods of stabilizing the shoreline, because bulkheads and riprap significantly degrade fish and wildlife habitat by the removal of shoreline vegetation, increase erosion on neighboring properties, and change the natural sedimentation process.
2. Cumulative impacts of bulkheads and riprap should be considered, since over time and as more shoreline is lost to bulkheading and riprap, the resulting loss of habitat may have long-term impacts on fish populations as well as to the overall ecological value of the lake.
3. Most areas along Moses Lake can be adequately stabilized using softer, more natural means, such as vegetation enhancement, rather than a bulkhead or riprap.
4. If the purpose is not stabilization, a retaining wall, set back from shoreline vegetation, should be used rather than a bulkhead at the water's edge. (Retaining walls for purposes other than shoreline stabilization must comply with the setback and buffering requirements under the heading "Environmental Impacts and Water Quality" in Chapter 6 of this SMP.)
5. Because a bulkhead or riprap on one property can accelerate erosion on adjacent properties, the impacts of a proposed bulkhead or riprap on adjacent properties should be analyzed and considered before the bulkhead or riprap is approved.
6. A bulkhead should be allowed only for shoreline stabilization, and only if all more ecologically-sound measures are proven infeasible.
7. Property owners are encouraged to remove existing bulkheads and restore the shoreline to a more natural state. As an incentive, such projects should be considered to be watershed restoration projects and therefore processed without a fee charged for the shoreline permit.

##### 8-30-070. Regulations

1. All shoreline stabilization policies and regulations apply.
2. New or enlarged or replacement bulkheads or riprap for an existing principal structure or use, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the principal structure is in danger from shoreline erosion caused by

currents or waves. Normal sloughing, 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 project design and analysis shall also evaluate vegetation enhancement and biotechnical stabilization as a means of reducing undesirable erosion. The geotechnical analysis shall demonstrate that the stabilization measure chosen is the softest means that will be sufficient to achieve stabilization. The geotechnical analysis shall evaluate impacts to neighboring properties caused by the proposed stabilization.

3. A bulkhead-type structure used to stabilize a dock may be permitted, but the size shall be limited to the minimum necessary for the dock. The stabilization structure shall not exceed 2' wider than the dock on each side nor shall it exceed 14' in total width along the shoreline.

### **8-35. Vegetation Conservation**

#### **8-35-010. Applicability:**

- A. Vegetation conservation includes activities to prevent the loss of plant communities that contribute to the ecological functioning of shoreline areas. The intent of vegetation conservation is to provide habitat, improve water quality, reduce destructive erosion, sedimentation, and flooding; and accomplish other functions performed by plant communities along shorelines. Vegetation conservation deals with the protection of existing diverse plant communities along the shorelines, aquatic weed control, and the restoration of altered shorelines by reestablishing natural plant communities as a dynamic system that stabilizes the land from the effects of erosion.
- B. Vegetation conservation provisions are important for several reasons, including water quality, habitat, and shoreline stabilization. Shoreline vegetation improves water quality by removing excess nutrients and toxic compounds, and removing or stabilizing sediments. Habitat functions of shoreline vegetation include shade, recruitment of vegetative debris (fine and woody), refuge, and food production. Shoreline vegetation, especially woody plants with large root systems above the ordinary high water mark and emergent plants such as bulrushes, can be very effective at stabilizing the shoreline and preventing erosion. An additional reason that vegetation conservation provisions are important is that the Shoreline Management Act sets preferences for shorelines of statewide significance, such as Moses Lake. Those preferences include preserving the natural character, resources and ecology of the shoreline.
- C. Vegetation conservation provisions apply even to those uses that are exempt from the requirement to obtain any sort of shoreline permit.

#### **8-35-020. Policies**

1. Natural plant communities within and bordering shorelines should be protected and maintained to ensure no net loss of shoreline ecological functions.
2. Natural shoreline vegetation should be maintained and enhanced to reduce the hazard of bank failures and accelerated erosion. Vegetation removal that is likely to result in soil erosion severe enough to create the need for structural shoreline stabilization measures should be prohibited.
3. Shoreline vegetation degraded by natural or manmade causes should be restored wherever feasible.
4. Non-structural and "soft" methods of shoreline stabilization, such as vegetation enhancement and soil bioengineering, are preferred to hard structures to arrest the processes of erosion, sedimentation, and flooding.
5. Removal of vegetation should be limited to the minimum necessary to reasonably accommodate the permitted use or activity.
6. The physical and aesthetic qualities of the natural shoreline should be maintained and enhanced.
7. Preference should be given to preserving and enhancing natural vegetation closest to the ordinary high water mark.



8. Aquatic weed management should stress prevention first.

#### 8-35-030. Regulations

1. Whenever possible, development shall be located away from shorelines where the Erosion Hazard has been identified as "Very High" or the Shoreline Exposure Range is shown as greater than ten (10) meters in the *Shoreline Inventory and Characterization*.
2. Restoration of any shoreline that has been disturbed or degraded shall use plant materials from the recommended list (see Chapter 14) or other species approved by the City, with a diversity and type similar to or better than that which originally occurred on the site. Questions about appropriate diversity and type shall be directed to agencies with jurisdiction, such as the departments of Ecology and Fish and Wildlife.
3. Stabilization of erosion-prone surfaces along shorelines shall utilize vegetative, non-structural means wherever possible.
4. Vegetation removal that would be likely to result in significant soil erosion or the need for structural shoreline stabilization measures is prohibited. This does not preclude the removal of noxious weeds, provided the disturbed area is promptly replanted with vegetation from the recommended list or if the site will fully re-vegetate on in its own within three growing seasons.
5. Topping of trees shall be prohibited in all cases.
6. Removal of noxious weeds in environmentally sensitive areas shall be timed and carried out in a manner that minimizes any disruption of wildlife or habitat.
7. Within the required shoreline buffer, no disturbance is allowed, with the following exceptions:
  - A. Removal of noxious weeds.
  - B. With the approval of the Community Development Department, removal of weeds and planting of approved beneficial species. Before any work is done, the landowner shall submit a plan to the Community Development Department.
  - C. Creation of a path no wider than 4' which provides access to an approved dock, except that a wider path may be permitted if needed for a property owner with a disability.
  - D. Removal of vegetation damaged or destroyed by a natural occurrence.
8. Permits issued for projects in ecologically degraded areas shall include a condition that appropriate shoreline vegetation shall be planted or enhanced, to contribute to the restoration of ecological processes and functions.
9. Emergent plants such as bulrushes absorb wave energy and protect the shoreline from erosion. These plants shall be preserved to the greatest extent possible and shall not be removed, uprooted, trimmed, or burned. Limited removal may be allowed for access, such as immediately adjacent to a dock.
10. Significant vegetation removal is a shoreline modification which is regulated and requires a shoreline permit. Significant vegetation removal is defined as the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.



# Planning Commission Draft 1-7-14

## Chapter 9 Shoreline Environment Designations

### Introduction

Shoreline Environment Designations are intended to encourage uses and activities that will protect or enhance the present or desired character of a shoreline. Like most others in the state, the City of Moses Lake's original Shoreline Master Program (SMP) used a classification system composed of four Shoreline Environment Designations ("Natural", "Conservancy", "Rural" and "Urban") intended to accommodate different levels and types of development. The state's new SMP guidelines recommend a new classification system to better reflect development patterns and to dovetail more readily with the requirements of the Growth Management Act. The City of Moses Lake used the state's new classification system as a starting point and tailored it to suit local conditions, local interests, and growth management planning. The City's new system includes nine Shoreline Environment Designations.

Each segment of shoreline in the City of Moses Lake and its Urban Growth Area (UGA) has been given a Shoreline Environment Designation based on its ecological function and value, existing and planned development patterns, and local interests, as reflected in the public participation process conducted as part of the development of this plan. The assessment of ecological function and value was derived from the Inventory and Analysis prepared by Central Washington University, described in Chapters 3 and 4 of this plan. Development characteristics are a function of three factors:

- Zoning
- Current use
- Comprehensive Plan and *Park, Recreation, and Open Space Plan* designations (which reflect the City's anticipated need for commercial and industrial land and, more specifically, for water-dependent and water-oriented uses)

This chapter includes classification criteria for each Shoreline Environment Designation. A section for each Shoreline Environment Designation lists the policies and regulations specific to that designation, and, for all designations except Aquatic, lists the shoreline segments ("reaches") designated and the rationale for each designation. Allowed uses and development standards follow in tabular form. The policies specific to each designation, along with relevant policies from Chapters 6, 7, and 8, were used in determining the uses and activities allowed in each shoreline environment. The development standards and development criteria specify how and where permitted development can take place within each shoreline environment.

### City of Moses Lake Shoreline Environment Designations

This master program establishes nine shoreline environments for the City of Moses Lake and its UGA:

H = High Intensity  
H-R = High Intensity—Resource Area  
SR = Shoreline Residential  
SR-R = Shoreline Residential—Resource Area  
SR-S = Shoreline Residential—Special Resource Area  
SR-D = Shoreline Residential—Dunes Area  
W = Water-Oriented Parks and Public Facilities  
N = Natural  
A = Aquatic

Resource designations ("High Intensity—Resource Area", "Shoreline Residential—Resource Area", and "Shoreline Residential—Special Resource Area") indicate the need for special consideration to protect ecological functions and values. On lands bearing Resource designations, that consideration shall be reflected in regulations applying to a Resource Zone. Regulations that apply to uses and activities within the Resource Zone are shown in Table 9.3.

The table below describes the designation criteria for each of the nine shoreline environments. Policies for each shoreline environment follow.

**TABLE 9.1**  
**SHORELINE ENVIRONMENT CLASSIFICATION CRITERIA**

<b>Environment designation</b>	<b>Classification criteria</b>	<b>Comments</b>
High-Intensity	Ecological functions on lands to be designated "High Intensity" are impaired to a degree that renders them suitable for water-oriented uses; they currently support or are planned for high-intensity uses.	<i>Although they are among the most heavily impaired shoreline lands in Moses Lake, High Intensity lands retain resource value and present opportunities for protection and restoration</i>
High-Intensity—Resource	Lands to be designated "High Intensity —Resource" demonstrate impairments to ecological function. They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration. They currently support or are planned for high-intensity uses.	
Shoreline Residential	Ecological functions on lands to be designated "Shoreline Residential" are impaired to a degree that renders them suitable for water-oriented uses; they currently support or are planned for shoreline residential uses. These areas have more than half of the shoreline previously hardened with bulkheads, have many existing docks, have few undeveloped parcels, do not have wetlands, and have little to no existing emergent vegetation.	<i>Although they are among the most heavily impaired shoreline lands in Moses Lake, Shoreline Residential lands retain resource value and present opportunities for protection and restoration</i>
Shoreline Residential—Resource	Lands to be designated "Shoreline Residential—Resource" demonstrate impairments to ecological function. They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration. They currently support or are planned for shoreline residential uses.	
Shoreline Residential—Special Resource	Lands to be designated "Shoreline Residential—Special Resource" demonstrate impairments to ecological function; they also retain important ecological functions and have high potential for ecological protection and restoration because they include relatively large tracts that have not been subdivided or include large wetland areas. They currently support or are planned for shoreline residential uses and are either relatively intact or, if impaired, have not been subdivided and retain extensive natural vegetation.	

Environment designation	Classification criteria	Comments
Shoreline Residential—Dunes	The area to be designated “Shoreline Residential—Dunes” has been found to be relatively intact as regards ecological function. It is part of a dunes ecosystem that performs important ecological functions. It is also planned for shoreline residential use. The area has high potential for planned development that combines limited residential use with ecological protection and restoration.	
Water-Oriented Parks & Public Facilities	Lands to be designated “Water-Oriented Parks & Public Facilities” demonstrate impairments to ecological function. They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration. Because many of the sites are owned and managed by the City, the potential for combining restoration with water-oriented uses is high.	
Natural	Lands to be designated “Natural” have been found to be relatively intact as regards ecological function. They perform important, irreplaceable functions that would be damaged by human activity and could not support new development or uses without significant adverse impacts to ecological functions. All islands are to be designated “Natural”.	
Aquatic	Lands designated “Aquatic” are those waterward of the OHWM, including lakebed aquifer recharge areas.	

All areas within shoreline jurisdiction that are not mapped and/or designated are automatically assigned a “Shoreline Residential—Special Resource” designation until the shoreline can be redesignated through a master program amendment.



## **High Intensity (H) Environment**

### **Policies**

1. Because shorelines are a finite resource and because high-intensity uses tend to preclude other shoreline uses, emphasis should be given to directing new development into areas that are already developed and are consistent with this master program and the City's Comprehensive Plan, and to uses requiring a shoreline location. Full utilization of existing high-intensity areas should be encouraged before further expansion is allowed. Redevelopment of under-used areas should be encouraged.
2. Priority should be given to water-dependent, water-related, and water-enjoyment uses over other uses. Uses that derive no benefit from a water location should be discouraged.
3. Visual and physical public access should be encouraged without violating private property rights.
4. Planning for the acquisition of land for permanent public access to the water in the High Intensity Environment should be encouraged and implemented.
5. In order to make maximum use of the available shoreline resources and to accommodate future water-oriented uses, the redevelopment and renewal of substandard, degraded, or obsolete urban shoreline areas should be encouraged.

### **Reaches Designated "H"**

Most of the reaches designated "H" either support high-intensity uses (in the case of reach 1B) or are planned for such uses. They are zoned Light Industrial (LI), General Commercial & Business (C-2), and Central Business District (C-1); and bear *Comprehensive Plan* designations of Central Business District (CBD) or General Commercial (GC). The remaining reaches are highway segments, streets, or railroad right-of-way, and are not designated in the *Comprehensive Plan*.

Reach	Rationale	Zoning	Comp Plan Designation
1B	Gravel mining	UR-2, UPF	LDR
9A	Highway	unzoned	Undesignated
9C	Railroad	unzoned	Undesignated
9D	Highway	unzoned	Undesignated
12A	Highway	unzoned	Undesignated
12B	Railroad	unzoned	Undesignated
12D	Street/bridge	unzoned	Undesignated
13B	Developed downtown commercial use	C-1, C-2, LI	CBD, GC
15B	Developed commercial use	C-2	GC
16A	Highway and commercial use (lodging)	C-2	GC
18B	Highway	unzoned	Undesignated
20A	Railroad	unzoned	Undesignated
22B	Railroad	unzoned	Undesignated
22G	Highway	unzoned	Undesignated
26C	Highway	unzoned	Undesignated

## **High Intensity—Resource Area (H-R) Environment**

### **Policies**

1. All of the policies listed above for High Intensity shoreline environments also apply in High Intensity—Resource environments.
2. As noted in the general regulations in Chapter 6, enhancement of ecological functions should be required for uses and activities in the High Intensity—Resource environment.

### Reaches Designated “H-R”

The reaches designated “H-R” support and are planned for various commercial and high-density residential uses. They are zoned General Commercial & Business (C-2), and Multi-Family Residential (R-3); and bear *Comprehensive Plan* designations of Central Business District (CBD), General Commercial (GC), and High-Density Residential (HDR).

Reach	Rationale	Zoning	Comp Plan Designation
9B	Commercial and residential use; wetlands	C-2	GC
12C	Developed commercial use; wetlands	R-3, C-2,	HDR, GC, CBD
26C	Commercial use (water-oriented, lodging); emergent vegetation	C-2	GC

### Shoreline Residential (SR) Environment

#### Policies

1. Opportunities for public access to shorelines and water bodies should be encouraged for all developments, including subdivisions, short subdivisions, planned unit developments, commercial uses, public services, and recreational uses, provided any adverse impacts can be mitigated.
2. Public and private recreational facilities and uses that are compatible with residential uses should be encouraged, provided that no net loss of shoreline ecological resources will result.

### Reaches Designated “SR”

The reaches designated “SR” support and are planned for residential uses of various densities. They are zoned for Single-Family Residential (R-1), Single & Two-Family Residential (R-2), and Multi-Family Residential (R-3) use; and bear *Comprehensive Plan* designations of Low-Density Residential (LDR), Medium-Density Residential (MDR), and High-Density Residential (HDR).

Reach	Rationale	Zoning	Comp Plan Designation
8A	Residential use with extensive docks and bulkheads	R-1	LDR
15A	Residential with extensive bulkheads	R-3	HDR
15C	Residential with extensive docks and bulkheads; minimal riparian tree cover and emergent vegetation	R-3	HDR
19A	Residential use with extensive docks and bulkheads	R-1, R-2	MDR, LDR
28	Residential uses with extensive docks and bulkheads	R-1	LDR

### Shoreline Residential—Resource Area (SR-R) Environment

#### Policies

1. All of the policies listed above for Shoreline Residential shoreline environments also apply in Shoreline Residential—Resource environments.
2. As noted in the general regulations in Chapter 6, maintenance of ecological functions should be required for uses and activities in the Shoreline Residential—Resource environment.

### Reaches Designated “SR-R”

Most of the reaches designated “SR-R” support and are planned for residential uses of various densities. Those in the City’s Urban Growth Area (UGA) are zoned Urban Residential 2 (UR-2), Urban Residential 3 (UR-3), and Urban Residential (UR-4); those within the City are zoned Single-Family Residential (R-1), Single & Two-Family Residential (R-2), and Multi-Family Residential (R-3). Both within the City and in the City’s UGA, those reaches bear *Comprehensive Plan* designations of Low-Density Residential (LDR), Medium-Density Residential (MDR), and High-Density Residential (HDR).

Two reaches, 1A and 4C, include land zoned for Light Industrial (ULI) or Urban Commercial 1 (UC-1) use, but designated for Low-Density Residential (LDR) development in the *Comprehensive Plan*. Similarly,

Reach 14B is land zoned for a combination of Multi-Family Residential (R-3) and Light Industrial (LI) use and designated for High-Density Residential (HDR) development in the *Comprehensive Plan*. Three reaches include land zoned and/or designated for commercial use. In all three cases, the SR-R shoreline environment designation appears appropriate due to the nature of the surrounding development.

Reach	Rationale	Zoning	Comp Plan Designation
1A	Zoned residential; riparian tree cover, steep slopes, largely unplatted and undeveloped	ULI	LDR
1C	Zoned residential; riparian tree cover, steep slopes	UR-3	LDR
2A	Residential use; riparian tree cover	UR-3	LDR
2C	Residential use; docks; riparian tree cover; emergent vegetation	UR-3	LDR
3A	Residential use; priority habitat	UR-3	LDR
3C	Residential use; docks; priority habitat; emergent vegetation; riparian tree cover	UR-3	LDR
4A	Residential use; docks; emergent vegetation; riparian tree cover	UR-3	LDR
4B	Planned for residential use, emergent vegetation		
4C	Residential use; docks; emergent vegetation	UR-3, UC-1	LDR
5A	Residential use; priority habitat	UC-1	GC
5C	Residential use; wetland and priority habitat	UR-4	MDR, GC
5E	Residential use	UR-4	MDR
6A	Residential use; priority habitat; riparian tree cover; emergent vegetation	UR-3	MDR, LDR
7	Residential use with docks; emergent vegetation	R-1	LDR
8B	Residential use with docks and bulkheads; riparian tree cover	R-1	LDR
14B	Platted for residential use; emergent vegetation	R-3, LI	HDR, Industrial
16B	Residential use with docks and bulkheads; emergent vegetation	R-1	LDR
17B	Residential and agriculture use; unplatted; emergent vegetation	R-1	LDR
18A	Residential use; emergent vegetation	R-1, R-3	LDR, HDR
19B	Residential use; wetlands and emergent vegetation	R-1, R-3	LDR, HDR
20B	Primarily residential use; priority habitats	R-2, R-3, P	HDR, MDR, PF
21C	Owned by HOA, used for access to adjacent residences; priority habitats	R-1	LDR
21D	Residential use; priority habitats	R-1	LDR
22A	Residential use; priority habitats	R-1	LDR
23	Residential use; priority habitats	UR-2	LDR
24B	Residential use; priority habitats	UR-2	LDR
26A	Residential uses; riparian tree cover; emergent vegetation; priority habitats	R-1, R-2, R-3, C-2	LDR, MDR, HDR, GC
29	Primarily residential use; riparian tree cover	R-1, UR-2	LDR
30	Residential uses; riparian tree cover; wetlands; emergent vegetation; priority habitats	UR-2	LDR
31	Planned for residential use; riparian tree cover	UR-2	LDR
32	Planned for residential use; riparian tree cover	UR-2	LDR

### **Shoreline Residential—Special Resource Area (SR-S) Environment**

#### **Policies**

1. All of the policies listed above for Shoreline Residential shoreline environments also apply in Shoreline Residential—Special Resource environments.

2. A conditional use permit should be required for any use or activity requiring a shoreline substantial development permit.
3. The following uses should not be allowed in Shoreline Residential—Special Resource environments: commercial activities, industrial activities, mining, agriculture, golf courses, non-water-oriented recreation, and roads and parking areas that can be located elsewhere.
4. As noted in the general regulations in Chapter 6, maintenance of ecological functions should be required for uses and activities in the Shoreline Residential—Special Resource environment.

#### **Reaches Designated “SR-S”**

The reaches designated “SR-S” include either relatively large tracts that have not been subdivided or large wetland areas, and are planned for residential uses of various densities. They are zoned for Single-Family Residential (R-1) and Multi-Family Residential (R-3) use (within the City) or Residential 2 (UR-2), Urban Residential 3 (UR-3), and Urban Residential (UR-4) use (in the City’s UGA); and bear *Comprehensive Plan* designations of Low-Density Residential (LDR), Medium-Density Residential (MDR), and High-Density Residential (HDR).

Reach	Rationale	Zoning	Comp Plan Designation
5B	Partially undeveloped; wetland and priority habitat <sup>1</sup>	UR-2, R-2	MDR
5D	Undeveloped and unplatted; priority habitat, wetlands	UR-4	MDR
21B	Relatively undeveloped; wetlands; priority habitats	R-1, R-3	HDR, LDR
10	Undeveloped and unplatted; priority habitat, wetlands	C-2	GC
21B	Largely undeveloped; priority habitat, wetlands	R-3	HDR
22C	Adjacent property has been platted, wetland delineated	R-1	LDR
24C	Undeveloped and unplatted; priority habitat, wetlands	UR-2	LDR

#### **Shoreline Residential—Dunes Area (SR-D) Environment**

##### **Policies**

1. All of the policies listed above for Shoreline Residential shoreline environments also apply in Shoreline Residential—Dunes environments.
2. A Planned Development Permit should be required for any use or activity in the Shoreline Residential—Dunes environment, with the exception of transportation facilities, which should be allowed with a Conditional Use Permit.
3. The following uses should not be allowed in Shoreline Residential—Dunes environments: commercial activities, industrial activities, mining, agriculture, municipal uses, golf courses, non-water-oriented recreation, and roads and parking areas that can be located elsewhere.
4. As noted in the general regulations in Chapter 6, maintenance of ecological functions should be required for uses and activities in the Shoreline Residential—Dunes environment.

#### **Reaches Designated “SR-D”**

The reaches designated “SR-D” are undeveloped tracts in a dunes ecosystem. They are relatively intact as regards ecological function, and are planned for low-density residential use. Both reaches are located in the City’s UGA; they are zoned for Urban Residential 3 (UR-3) use; and designated for Low-Density Residential (LDR) use in the *Comprehensive Plan*.

Reach	Rationale	Zoning	Comp Plan Designation
25	Undeveloped dunes; emergent vegetation; wetlands; riparian tree cover	UR-3	LDR

<sup>1</sup> 5B has since been platted into residential lots, and the wetland portion protected. See Willowcrest Major Plat. South of Scott Road is now inside city limits.

## **Water-Oriented Parks and Public Facilities (W) Environment**

### **Policies**

1. Preferred uses in the Water-Oriented Parks and Public Facilities environment are those that support visual and physical access to the water and shoreline while preserving, to the extent practical, the physical and biological resources of the area.
2. Water-oriented uses should be given priority over non-water-oriented uses.
3. Recreational activities that will not be detrimental to the shoreline character, scenic quality, or natural systems should be encouraged.
4. Agricultural, commercial, industrial, mining, and residential uses should be prohibited.
5. As noted in the general regulations in Chapter 6, maintenance of ecological functions should be required for uses and activities in the Water-Oriented Parks and Public Facilities environment.

### **Reaches Designated "W"**

Most of the reaches designated "W" are public parks; all are either zoned for Public use (P) or located in residential neighborhoods. The Comprehensive Plan designations vary. Most are designated as Public Facilities (PF) or Parks/Open Space (P/OS). Two are designated for Low-Density Residential use (LDR). In all cases, the public use is appropriate to its surroundings and reflects the value the community places on public parks, recreation, and open space.

<b>Reach</b>	<b>Rationale</b>	<b>Zoning</b>	<b>Comp Plan Designation</b>
2B	Park	UR-3	LDR
6B	Public park (Cascade Park)	P	P/OS
13A	Public park (Neppel Landing)	P	PF
15B	Public park (Marina Park)	R-3	P/OS
17A	Public park (Lower Peninsula Park & boat launch)	P	P/OS
20C	Public park (McCosh Park)	P	P/OS
22E	Public park (Montlake Park)	P	P/OS
24A	Park (Pelican Point)	UR-2	LDR
27	Public park (Blue Heron Park); riparian tree cover; emergent vegetation	P, R-1	P/OS

## **Natural (N) Environment**

### **Policies**

1. Physical alterations, including shoreline modifications should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or destroyed.
2. Limited access should be permitted for scientific, historical, cultural, educational, and low-intensity recreational purposes, provided that any significant adverse impact on the area will be mitigated.
3. A conditional use permit should be required for any use or activity.
4. The following uses should not be allowed in Natural environments: residential uses, commercial activities, industrial activities, mining, agriculture, non-water-oriented recreation, golf courses, utility corridors and roads and parking areas that can be located elsewhere.
5. Pre-existing uses, such as the railroad, that are not compatible with the environment designation, should be converted to a more compatible use, such as a public trail.

### **Critical Areas**

All uses and activities in shoreline environments designated "Natural" must be consistent with all applicable Critical Areas policies in Chapter 6.



### Reaches Designated “N”

The reaches designated “N” are all relatively intact as regards ecological function. Most are zoned Residential, although one is zoned Heavy Industrial (HI) and one is zoned Conservation & Reclamation. Comprehensive Plan designations include Low and High Density Residential (LDR, HDR), Parks/Open Space (P/OS), Environmentally Sensitive (ES), and Industrial. In all cases, the reaches have been designated Natural because they perform important, irreplaceable shoreline ecological functions.

Reach	Rationale	Zoning	Comp Plan Designation
11	Undeveloped; unplatted; wetlands; priority habitats	HI	Industrial
14A	Undeveloped; wetlands; emergent vegetation	R-3	HDR, P/OS
21A	Undeveloped; wetlands; priority habitats	R-3	HDR, P/OS, ES
22C	Undeveloped; wetlands; emergent vegetation	R-1	LDR
22F	Undeveloped; wetlands; emergent vegetation	R-1	LDR
22H	Undeveloped island; wetlands; emergent vegetation; priority habitats	C-R	ES

### Aquatic (A) Environment

#### Policies

1. Over-water structures should be allowed only for water-dependent uses, ecological restoration or public access. Structures that are not water-dependent should be prohibited.
2. Developments within the Aquatic Environment should be compatible with the adjoining upland environment.
3. Diverse public access opportunities to the water should be encouraged and developed and should be compatible with the existing shoreline and water uses and environment.
4. Aquaculture should be allowed in those areas most suitable for that use.
5. In appropriate areas, fishing and recreational use of the water should be protected against competing uses that would interfere with recreation.
6. All developments and activities using Moses Lake should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for the safe unobstructed passage of fish and animals, particularly those whose life cycles are dependent on such migration. Exceptions may be made for projects specifically designed to enhance or protect fish or wildlife or their habitat.
7. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, or welfare should be removed or restored to a usable condition consistent with the provisions of this master program.
8. Activities that substantially degrade priority habitats should not be allowed. Where such activities are necessary to achieve the objectives of the Shoreline Management Act, RCW 90.58.020, their impacts should be mitigated to provide a net gain of critical ecological functions.
9. Shoreline modifications should be considered only when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or destroyed.
10. The size of over-water structures should be limited to the minimum necessary to support the structure's intended use.
11. Multiple use of over-water facilities should be encouraged, to reduce the number of over-water structures required and thereby reduce the impacts of shoreline development and increase effective use of water resources.
12. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of the Shoreline Management Act

(RCW 90.58.020), and then only when their impacts are mitigated according to the mitigation sequence as necessary to assure no net loss of ecological function.

### **City of Moses Lake Shoreline Environment Designation Map**

The *Shoreline Environment Designations* map in the City of Moses Lake's Shoreline Map Portfolio shows the areas under the jurisdiction of this Master Program and the boundaries of the City's nine shoreline environment designations. It also shows shoreline areas within the City's Urban Growth Area, which have been pre-designated. It shall be the official map of Shoreline Environment Designations. Any other copies, including copies that may be distributed either as part of this Shoreline Master program or separately, shall be unofficial.

### **Shoreline Uses, Activities, and Development Standards**

Chapters 7 and 8 of this Master Program establish policies and regulations for specific shoreline uses and activities. For each of those uses and activities, the Shoreline Use and Activity Chart that follows shows whether it is allowed (with a substantial development permit required for all except exempt uses); requires a conditional use permit; or is prohibited, in each of the shoreline environments.

Following the Shoreline Use Chart is a table of Shoreline Environment Requirements, which outlines the Development Standards for different uses and activities in each Shoreline Environment.

**TABLE 9.2**  
**SHORELINE ENVIRONMENT USE & ACTIVITY CHART**

All uses and activities, including those classified as "Allowed" ("P") in the table below and including those considered exempt, must comply with all provisions of this Shoreline Master Program (SMP), including the General Regulations in Chapter 7. Uses and activities not listed in the Shoreline Environment Use and Activity Chart may be allowed, subject to approval by the Shoreline Administrator, if they comply with the standards in this section and with any special regulations that apply to similar uses.

**Legend**

H= High Intensity

H-R = High Intensity—Resource Area

SR = Shoreline Residential

SR-D = Shoreline Residential—Dunes Area

SR-R = Shoreline Residential—Resource Area

SR-S = Shoreline Residential—Special Resource Area

W = Water-Oriented Parks and Public Facilities

N = Natural

A = Aquatic

P = Allowed use; Substantial Development Permit required unless use is exempt

CUP = Shoreline Conditional Use Permit required

X = Prohibited use

PD = Planned Development Permit required

S = Same as in adjacent environment shoreward of the OHWM

N/A= Not Applicable

	H	H-R	SR	SR-R	SR-S	SR-D	W	N	A
Agriculture (subject to regulations in Chapter 7)	X	X	X	X	X	X	X	X	NA
Aquaculture (subject to regulations in Chapter 7)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	CUP
Boating facilities (subject to regulations in Chapter 7)									
rail-type boat launch systems	CUP	CUP	CUP	CUP	X	X	X	X	S
Boat houses <i>[prohibited by WAC 173-26-211(5)(c)(ii)A]</i>	X	X	X	X	X	X	X	X	X
Boat launch ramps, community and public	CUP	CUP	CUP	CUP	X	X	CUP	X	S
Boat launch ramps, private	X	X	X	X	X	X	X	X	S
Boat lifts, private	CUP	CUP	P	P	P	PD	CUP	X	S
Marinas	CUP	CUP	CUP	CUP	X	X	CUP	X	S
Floating homes, houseboats, and liveaboards	X	X	X	X	X	X	X	X	X

	H	H-R	SR	SR-R	SR-S	SR-D	W	N	A
Commercial uses (subject to regulations in Chapter 7)									
Water dependent	P	CUP	P	CUP	X	X	X	X	S
Water related & water-enjoyment	CUP	CUP	CUP	CUP	X	X	X	X	X
Other (not water-oriented)	CUP	CUP	CUP	X	X	X	X	X	X
Docks <sup>2</sup>									
Joint-use community recreational docks	P	P	P	P	P	PD	P	X	S
Private residential docks	X	X	P	P	P	PD	X	X	S
Commercial docks	P	CUP	CUP	CUP	X	X	X	X	S
Industrial uses	X	X	X	X	X	X	X	X	X
Mining (subject to regulations in Chapter 7)	CUP	X	X	X	X	X	X	X	X
Municipal use (other than recreation, transportation, or utility systems) (subject to regulations in Chapter 7)	P	X	CUP	X	X	X	P	CUP	S
Parking—primary (subject to regulations in Chapter 6)	X	X	X	X	X	X	X	X	X
Parking—serving a permitted use other than a single-family residential use (subject to regulations in Chapter 6)	P	P	P	P	CUP	PD	P	X	X
Parking—serving a single-family residential use (subject to regulations in Chapter 6)	P	P	P	P	P	PD	P	X	X
Public access (subject to regulations in Chapter 6)	P	P	P	P	CUP	PD	P	CUP	S
Recreation (subject to regulations in Chapter 7)									
Water dependent	P	P	P	P	CUP	PD	P	CUP	CUP
Water related	P	CUP	P	CUP	CUP	PD	P	CUP	CUP
Water enjoyment	P	CUP	P	CUP	CUP	PD	P	CUP	CUP
Golf courses	X	X	X	X	X	X	X	X	X
Other (not water-oriented)	P	CUP	CUP	CUP	X	X	X	X	X
Residential uses (subject to regulations in Chapter 7)	P	P	P	P	P	PD	X	X	X
Residential subdivision (subject to regulations in Chapter 6)	P	CUP	P	P	P	PD	X	X	X
Retaining walls for purposes other than shoreline stabilization (subject to regulations in Chapter 6)	X	X	P	P	P	X	X	X	X
Shoreline modifications (subject to regulations in Chapter 8)									
Dredging	CUP	X	CUP	X	X	X	CUP	X	CUP
Dredge material disposal	CUP	CUP	CUP	CUP	CUP	X	CUP	CUP	CUP
Filling	P	CUP	P	CUP	CUP	X	CUP	CUP	CUP

<sup>2</sup> Docks will only be allowed in accordance with all applicable provisions of this SMP, including critical areas provisions and the specific use regulations that apply to docks.

	H	H-R	SR	SR-R	SR-S	SR-D	W	N	A
<i>Shoreline modifications, continued</i>									
Shoreline stabilization									
Structural stabilization, other than bulkheads <sup>3</sup>	P	CUP	P	CUP	CUP	PD	P	X	X
Bulkheads <sup>4</sup>	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Vegetative stabilization	P	CUP	P	P	CUP	PD	P	CUP <sup>5</sup>	CUP
Flood protection facilities	X	X	X	X	X	X	X	X	X
Signs (subject to regulations in Chapter 6)									
Highway and public information	P	P	P	P	P	P	P	P	P
Off-premises outdoor advertising, and temporary	X	X	X	X	X	X	X	X	X
On premises	P	P	P	P	CUP	PD	P	X	X
Solid waste disposal	X	X	X	X	X	X	X	X	X
Stormwater management facilities (primary) <sup>6</sup>	CUP	CUP	CUP	CUP	CUP	X	CUP	X	X
Transportation facilities (subject to regulations in Chapter 7)	P	CUP	P	CUP	CUP	CUP	CUP	CUP	CUP
Utilities (primary; not associated with a use allowed under the provisions of this SMP) (subject to regulations in Chapter 7)									
Water-oriented	P	CUP	CUP	CUP	X	X	CUP	X	CUP
Non-water-oriented	CUP	X	CUP	X	X	X	CUP	X	CUP

<sup>3</sup> Structural shoreline stabilization will only be allowed in accordance with all applicable provisions of this SMP, including, in the case on non-water-dependent uses, the requirement to demonstrate through a geotechnical report the need to protect the use.

<sup>4</sup> Bulkheads may be allowed with a Shoreline Conditional Use Permit where the need has been documented by a geotechnical analysis. See Bulkhead regulations in Chapter 8. While existing single-family residences are exempt from the requirement to obtain a Shoreline Substantial Development Permit in order to construct a normal protective bulkhead, they must comply with all provisions of this SMP.

<sup>5</sup> On sites previously disturbed, when accompanied by a habitat restoration and mitigation management plan.

<sup>6</sup> See "Environmental Impacts and Water Quality" in Chapter 6 for policies and regulations related to stormwater management.



**TABLE 9.3**  
**SHORELINE ENVIRONMENT REQUIREMENTS: DEVELOPMENT STANDARDS AND SPECIFIC SHORELINE DEVELOPMENT REGULATIONS**

All uses and activities, including those considered exempt, must comply with all provisions of this Shoreline Master Program (SMP), including the General Regulations in Chapter 7. Uses and activities not listed in the Shoreline Environment Requirements Chart may be allowed, subject to approval by the Shoreline Administrator, if they comply with the standards in this section and with any special regulations that apply to similar uses.

Shoreline buffers are in feet, from the Ordinary High Water Mark (OHWM). All uses with 0' buffer must comply with all provisions of this Shoreline Master Program, including any development standards specific to the use. Other regulations, such as wetland buffers, may require a larger buffer than is noted in this table

Where height limits are different from those specified in the Moses Lake Municipal Code, the more stringent requirement (i.e., the lower height limit) shall apply. Height is measured from the average finished grade around the structure to the highest point of the structure.

Legend

H= High Intensity  
H-R = High Intensity—Resource Area  
SR = Shoreline Residential  
SR-D = Shoreline Residential—Dunes Area  
SR-R = Shoreline Residential—Resource Area  
SR-S = Shoreline Residential—Special Resource Area  
W = Water-Oriented Parks and Public Facilities  
N = Natural  
A = Aquatic  
  
PD = Planned Development Permit required  
N/A= Not Applicable

	H	H-R	SR	SR-R	SR-S	SR-D	W	N	A
Agriculture <sup>7</sup>	NA	NA	NA	NA	NA	NA	NA	NA	NA
Aquaculture									
Water-dependent structure and facility buffer	0'	0'	0'	0'	0'	NA	NA	NA	0'
Water-related structure and facility buffer	25'	50'	25'	50'	150'	NA	NA	NA	NA
Height limit	35'	25'	35'	25'	15'	NA	NA	NA	10'

<sup>7</sup> New agricultural uses are prohibited in areas of shoreline jurisdiction

	H	H-R	SR	SR-R	SR-S	SR-D	W	N	A
Boating facilities (boat lifts, boat launch ramps, and marinas [whether commercial, private, or municipal])									
Water-dependent buffer	0'	0'	0'	0'	0'	0'	0'	NA	0'
Height limits									
Over-water structures	NA	NA	NA	NA	NA	NA	NA	NA	15'
0-100 feet from OHWM	35'	25'	25'	25'	15'	15'	15'	NA	NA
>100 feet from OHWM	35'	35'	35'	35'	35'	35'	35'	NA	NA
Commercial development—water dependent									
Water-dependent buffer	0'	0'	0'	0'	NA	NA	NA	NA	NA
Water-related and water-enjoyment buffer	50'	50'	50'	50'	NA	NA	NA	NA	NA
Non-water-oriented buffer	50'	150'	75'	150'	NA	NA	NA	NA	NA
Building height limit	35'	35'	35'	35'	NA	NA	NA	NA	NA
Docks: Dimensional standards are found in the Docks section of Ch. 7									
Industrial development (prohibited in shoreline jurisdiction)	NA	NA	NA	NA	NA	NA	NA	NA	NA
Mining and related facilities buffer	100'	NA	NA	NA	NA	NA	NA	NA	NA
Parking—primary (prohibited in shoreline jurisdiction)	NA	NA	NA	NA	NA	NA	NA	NA	NA
Parking—serving a permitted use <sup>8</sup>	50'	75'	75'	100'	125'	150'	150'	150'	NA
Municipal use (other than recreation, transportation, or utility systems)									
Water-dependent buffer	0'	0'	0'	0'	0'	NA	0'	0'	0'
Water-related and water-enjoyment buffer	25'	50'	50'	50'	75'	NA	50'	50'	NA
Non-water-oriented buffer	50'	75'	75'	75'	100'	NA	75'	100'	NA
Building height limit	35'	25'	35'	25'	15'	NA	35'	25'	15'
Recreation									
Buffers									
Non-water-oriented uses	100'	150'	100'	150'	NA	NA	150'	NA	NA
Water-oriented uses	35'	35'	35'	35'	NA	NA	35'	NA	NA
Water-dependent uses	0'	0'	0'	0'	0'	0'	0'	0'	0'
play fields, and other intensive use areas	100'	150'	100'	150'	NA	NA	100'	NA	NA
Recreational paths and trails (non-motorized)	10'	10'	10'	10'	15'	25'	10'	25'	NA
Height limit	35'	15'	25'	15'	15'	15'	15'	NA	15'
Maximum site coverage (percent) <sup>9</sup>	40	20	40	20	10	10	20	10	NA

<sup>8</sup> Parking facilities shall be set back landward of the principal building being served a minimum of twenty-five feet or the required building setback, whichever is greater (see Chapter 6, General Policies and Regulations)

<sup>9</sup> Includes all impervious surfaces

	H	H-R	SR	SR-R	SR-S	SR-D	W	N	A
Residential uses <sup>10</sup>									
Buffer—all dwelling units, and non-water-dependent accessory structures	25'	25'	25' 50' or 100' <sup>11</sup>	25'	25'	PD	NA	NA	NA
Height limit	35'	35'	35'	35'	25'	25'	NA	NA	NA
Maximum site coverage (percent) <sup>12</sup>	60	50	50	50	25	25	NA	NA	NA
Maximum density (dwelling units per acre)	15	10	10	6	4	4	NA	NA	NA
Retaining walls for purposes other than shoreline stabilization—setback (subject to regulations in Chapter 6)	NA	NA	20'	30'	100'	NA	NA	NA	NA
Signs (on premises)									
Maximum height (in feet)	12	6	12	6	6	6	6	6	NA
Maximum surface area (in square feet)	36	36	36	36	36	36	36	36	NA
Setback	20'	50	25	50	150	150	20'	NA	NA
Solid waste disposal <sup>13</sup>	NA	NA	NA	NA	NA	NA	NA	NA	NA
Transportation facility setbacks									
Arterials, highways, and railroads (excluding water crossings)	100'	125'	100'	125'	150'	150'	150'	150'	NA
Non-arterial, secondary, and access roads	50'	75'	75'	100'	100'	100'	100'	100'	NA
Utilities (primary; not associated with a use allowed under the provisions of this SMP)									
Setbacks for buildings, storage tanks, accessory uses, and distribution lines (excluding water crossings)	50'	100'	50'	100'	NA	NA	100'	NA	NA
Height limits									
Buildings, storage tanks, and accessory uses	35'	25'	35'	15'	NA	NA	15'	NA	NA
Distribution poles	35'	35'	35'	35'	NA	NA	35'	NA	NA

<sup>10</sup> Common line setback may be allowed where the majority of existing development in an area does not meet the established setback standards, as provided in the Residential Use regulations in Chapter 7. Other provisions may also apply; see Chapter 7.

<sup>11</sup> See Environment Designation map for buffer width at the specific location.

<sup>12</sup> Includes all impervious surfaces

<sup>13</sup> Solid waste disposal is prohibited in areas of shoreline jurisdiction

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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:25:44 AM

The Department of Ecology should be added to this list of regulatory agencies that would have permit requirements for dredging and filling.





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T Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:24:47 AM

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Buffers for Category 3 and 4 wetlands have been reduced arbitrarily from 60' (with additional buffers of 30' and 60') and 40'; to 25' for both categories with no additional area for higher scores. While we recognize that the Cumulative Impacts Recommendations report prepared by Watershed Co made recommendation that Category 3 wetlands should be provided a 25' buffer, we do not agree with the underlying analysis, and the proposed buffers do not reflect the totality of the recommendation. Watershed Co, makes the statement that "...proposed buffers should either be: 1) consistent with existing conditions, or 2) consistent with recommendations of the "most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern" (WAC 173-26-201(2)(a))." this is an incorrect interpretation of the WAC. The analysis of existing conditions is informative and should be considered, but it cannot substitute for the requirement under WAC 173-26-201(2)(a). The analysis performed regarding category 3 wetland buffers presented does not meet the definition under 201(2)(a), having only one, unverified category 3 wetland, along with subjective conclusions about function based on aerial photo interpretation as its' basis. In addition, the proposed wetland buffers do not reflect even that flawed recommendation by allowing the smaller buffer without the required additional buffer width for higher habitat scores or for non SR-R designations. Category 4 wetland buffers should align with the science-based buffer of 40 feet (Small Cities Guidance (cite)).



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 Number: 1      Author: JSIK461      Subject: Comment on Text      Date: 6/19/2014 11:22:39 AM

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It would be beneficial to applicants to be informed that permits from the Corps and Ecology may be required as well.



# Summary of Comments on Chapter 6 - General Policies Regulations-PC draft-Jan 2014\_ECY.pdf

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- T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:21:19 AM  
This will be difficult for applicants to demonstrate, and the wording is a bit confusing here when there are clear requirements for a qualified professional above in section 5.d.1 on Page 14. It should not be expected that an applicant have such technical expertise, rather, refer to section 5.d.1.
- 
- T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:21:38 AM  
As stated in the Cumulative Impacts Analysis Recommendations (Watershed Co. 2013); "The City may wish to consider adding a provision in the regulations that allows optional use of the "Credit-Debit" method for determining appropriate mitigation on a very wetland-specific basis, rather than the Category- and area-specific basis identified above. Depending on the particular conditions of the impacted wetland, the required mitigation under the Credit-Debit method may be lesser or greater than the ratios provided above. See <https://fortress.wa.gov/ecy/publications/publications/1106015.pdf> for more information."
- 
- T** Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:21:58 AM  
While the provisions generally are well written and thorough, this compensatory mitigation standard does not reflect the most current science on wetland mitigation and, per the Cumulative Impacts Analysis (Watershed Co., 2013) will result in net loss of ecological function. Ratios should be similar to those found in Wetlands in Washington State Volume 2 (cite) or Ecology's Small Cities Guidance (cite) which was the source for many of the wetland provisions in this SMP. Wetland impacts from fill also require authorization from Ecology and possible from the US Army Corps of Engineers. Mitigation ratios presented in the documents cited above were co-developed by Ecology and the Corps, and would be required for an applicant to obtain the needed permits. Revising the SMP to align with federal and state requirements will ensure that applicants have a predictable process to follow when they wish to do a project that will impact wetlands.





# Summary of Comments on Chapter 7 - Specific Policies and Regulations - PC draft 1-7-14\_ECY.pdf

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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:20:40 AM

This appears to be entirely subjective without standards against which to judge "in character and scale". the requirement to mitigate for adverse impacts is appropriate but should include a reference to the mitigation chapter, or provide specific standards and methods.

**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:20:13 AM

This regulation is difficult to understand. Is this referring to managing construction stormwater runoff with "stabilization" meaning BMPs, or is this requiring that a project permanently stabilize shorelines where the new facility will create erosion. If the latter, this seems to contradict other regulations prohibiting new structures that will require bank stabilization. Consider clarifying that this is specific to construction runoff.

**T** Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:19:31 AM

This appears to conflict with #2. above prohibiting new dredging for boating facilities; and with WAC 173-26-231(3)(f) allowing dredging only to accommodate existing navigational uses



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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:18:53 AM

Without some description of what this means or standards by which to compare, this regulation would not be possible to implement. Consider removing or adding reference to the approve vegetation list or consultation with the agencies.

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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 3:10:46 PM

Per RCW 173-26-231(3)(b) SMPs should\* contain a provision that; "requires new residential development of two or more dwelling units to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence". The recently adopted Grant County SMP provides clear language and feasibility review standards to this effect, and was developed specifically for Moses Lake; (See May 2012 Grant County Draft SMP Section 24.12.390 Private Moorage Facilities, Page 64-66). SMPs are required

\* Note that when used in the context of an SMP update, "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action (WAC 173-26-020(35)).





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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 11:43:35 AM

Is this language intended to limit docks to one per residence or allow that all residences can have at least one dock? Consider adding the word "only" before "one dock".

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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 3:12:19 PM

Please see comment above regarding joint-use docks.



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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 3:17:41 PM

Please see comment above relating to joint use docks. Section 7-50-030-C appears to apply to multi-family residential development only (such as condominium developments), rather than developments of two or more dwellings. One alternative may be to simply expand the application of this section to include residential developments of two or more.

**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 3:24:52 PM

While we support this provision, it is not clear how this would be determined. Would this analysis be conducted by the administrator? Would the applicant be required to hire a qualified professional?

**T** Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 3:20:42 PM

Per WAC 173-26-231(3)(b) new piers and docks must be restricted to the minimum size necessary to serve a proposed water-dependant use (such as private boat moorage). This restriction cannot be limited only to these environment designations.



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**T** Number: 1      Author: JSIK461      Subject: Comment on Text      Date: 6/25/2014 3:55:28 PM

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Is this supposed to be Municipal "Uses" rather than "Offices"? It is not clear what a water dependent municipal use that is not recreational or utility-related could be. Since these uses are provided 0' buffers in all Environment Designations, clearer descriptions of the uses in mind here are needed. It is unclear why Municipal Uses are allowed in Natural and Resource areas, whereas other uses are prohibited or restricted. It does not appear to be related to amount of disturbance that might be expected, given that municipal uses may very well have very similar ground disturbance as (for example) a new commercial or housing development.





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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 3:50:31 PM

There are no requirements for mitigation of unavoidable impacts related to recreational development. There are general provisions in this section that will aid in avoiding impacts, but some actions are listed specifically that will result in impacts that should be offset. WAC 173-26-241(3)(i).

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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 3:51:05 PM

Perhaps add reference to the mitigation appendix?



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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 4:04:57 PM

New multiunit residential development (including subdivision of land for more than four parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).

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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/30/2014 9:49:14 AM

Please see earlier comment regarding the requirement to provide for joint use docks on developments of 2 or more dwelling units. The second sentence in this section is not consistent with the WAC requirements.





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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 4:05:26 PM

New multiunit residential development (including subdivision of land for more than four parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).

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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/30/2014 11:08:58 AM

Ecology has previously only approved common line setback language for 150' on each side of a structure for the purpose of providing for comparable views. The distance measured should be the minimum needed to encompass a similar view corridor on either side of a residence, and with the application of mitigation requirements. Please see example language from Spokane County:

7. A Common Line Setback is allowed only within the Shoreline Residential, Urban Conservancy and Rural Conservancy Environment Designation. For the purpose of allowing shoreline views to be adequate and comparable to adjacent residences, but not necessarily equivalent, the Director may allow a new single-family residence to be located along a common line setback, but no less than 50 feet landward of the OHWM, subject to the mitigation requirements of *Section 4* and consistent with the following criteria:

a. The common line setback shall be determined by the setback of the majority of existing lawfully established single family residences that encroach on the standard buffer located within 150 feet on each side of the proposed residential structure.

i. Existing Homes on Both Sides: Where there are existing residences adjacent on both sides of the proposed residence, the setback shall be determined as the common line calculated by the average of adjacent residences' existing setback from the OHWM.

ii. Existing Home on One Side: Where there are only existing residence within 150 feet of one side the proposed residence, the standard setback shall be determined as a common line calculated by the average of the adjacent residences' setback from the OHWM and the standard buffer for the adjacent vacant lot.

b. The mere presence of nearby shacks, sheds or dilapidated buildings does not constitute the existence of a residence, nor can such structures be used to determine a common line setback.

c. If no existing residences exist within 150 feet of the proposed residential structure, then the standard buffers established in *Table 5B* of this SMP apply.

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**T** Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/19/2014 4:26:20 PM

While we appreciate the reduction in other setbacks to honor buffer setbacks, any buffer reduction must be conducted through a variance (WAC 173-27-170) and mitigation must be required to achieve no net loss of shoreline function.



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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/30/2014 9:53:00 AM

This section requires some additional discussion between the City and Ecology, and may need to be refined.

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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/30/2014 9:54:54 AM

This provision establishes a *de facto* 25' buffer anywhere fences are proposed. Areas landward of a fence built parallel to the shoreline within the buffer would be subject to intensified use and changes in vegetation. This contravenes wetland buffer and other shoreline buffer provisions and should be revised or deleted.



# Summary of Comments on Chapter 8 - Modifications - Planning Commission draft 3-14-14\_ECY.pdf

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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 9:51:45 AM

This is a bit unclear to me. All plants and animals are a species of some kind. Consider "describe all proposed vegetation removal" rather than "address species removal"

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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 9:54:18 AM

You might consider clarifying that this is referring to the season, rather than the weather on a given day.

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**T** Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 9:56:40 AM

Should this plan simply be a part of the Clearing and Grading Plan described above in section 2.?

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**T** Number: 4 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 9:56:00 AM

This should probably be "certified weed-free". Temporary cover crops are a notorious vector for nasty invasive plants

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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 9:59:05 AM

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How will this be determined? consider deleting this part, or give clear guideline for how an applicant would demonstrate this to allow them to not revegetate a site.

**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 10:23:35 AM

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I am not clear where this information is contained. Is a report required of all clearing and grading projects? If so it would be helpful to cross reference here (along with the revegetation plan) so an applicant for a project clearly understands what is expected and what the content of thier application must include. This appears to be describing an Erosion and Sediment Control Plan. Is this intended to be only related to construction stormwater impacts? If so it should acknowledge the Construction Stormwater Permits from Ecology may be needed. If this is supposed to deal with stormwater from the site conversion, then there should be reference to the EWA stormwater manual.

**T** Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 10:44:21 AM

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See comment above. This section appears to apply to construction stormwater, so the above section must relate to permanent stormwater controls, and should at least refer to the stormwater manual. Is Clearing and Grading the best place to address runoff from new development?



T Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 10:55:15 AM

This requirement is appropriate but without more guidance, difficult to ascertain. How are "all feasible mitigation measures" decided? By whom? Is there a requirement for a report that includes analysis of these items? Please see the Draft Grant County SMP for a good example of application requirements that could answer some of these questions.

Page 58-60

(a) Submittal Requirements: The following information shall be required for all dredging applications:

(1) A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.

(2) A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:

(A) A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry (water depths that indicate the topography of areas below the OHWM) and have data points at a minimum of 2-foot depth increments.

(i) A critical areas report.

(ii) A mitigation plan if necessary to address any identified adverse impacts on ecological functions or processes.

(iii) Information on stability of areas adjacent to proposed dredging and spoils disposal areas.

(B) A detailed description of the physical, chemical and biological characteristics of the dredge materials to be removed, including:

(i) Physical analysis of material to be dredged (material composition and amount, grain size, organic materials present, source of material, etc.).

(ii) Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content, mercury, lead and zinc content, etc.).

(iii) Biological analysis of material to be dredged.

(C) A description of the method of materials removal, including facilities for settlement and movement.

(D) Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.

(E) Frequency and quantity of project maintenance dredging.

(F) Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including, but not limited to:

(i) Dredge material disposal area;

(ii) Physical characteristics including location, topography, existing drainage patterns, surface and ground water;

(iii) Size and capacity of disposal site;

(iv) Means of transportation to the disposal site;

(v) Proposed dewatering and stabilization of dredged material;

(vi) Methods of controlling erosion and sedimentation; and

(vii) Future use of the site and conformance with land use policies and regulations.

(viii) Total estimated initial dredge volume.

(ix) Plan for disposal of maintenance spoils for at least a 20-year period, if applicable.

(x) Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.



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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 11:15:34 AM

We support this provision, but it might require a bit more specificity. A person could argue that all of the above allowed fills "create usable land". Perhaps the intent is to disallow fills for private recreational use or to facilitate SFR construction closer to the shoreline?





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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 12:00:14 PM

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This section appears to be missing the allowance for stabilization for water dependent development articulated in WAC 173-26-231(3)(a)(iii)(B) (III). Is section 1. below intended to cover that provision? Also (B)(IV) Ecological Restoration appears not to be addressed as well. It might be cleaner to simply copy the WAC language directly rather than paraphrase as you've done throughout Section 8-30.



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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 11:54:13 AM

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This is laudable but very difficult for an applicant or the City to determine. Consider making this policy language instead or provide clear standards for how this is demonstrated.




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	Number: 1	Author: JSIK461	Subject: Cross-Out	Date: 6/23/2014 1:24:52 PM
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	Number: 2	Author: JSIK461	Subject: Inserted Text	Date: 6/23/2014 1:25:07 PM
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	Number: 3	Author: JSIK461	Subject: Inserted Text	Date: 6/23/2014 1:25:12 PM
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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 2:21:32 PM

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There are some problems with this provision generally. New shoreline stabilization is only permitted to protect a primary structure from imminent danger (within 3 years).(WAC 173-26-231(3)(a)(iii)(B)(I) and (D)). It is not clear how this is tied to the Dock standards present elsewhere in the SMP (7-30, 7-50, etc), or how these projects would achieve no-net-loss given that they do not require mitigation. The text does not clearly articulate how or why shoreline hardening would stabilize a dock floating offshore. Is the intent here to armor the attachment point of a dock? The size allowance appears excessive, given that most new docks are constructed with long gangways that tie the bank to the dock, few of which are wider than 4 feet in width. As written this provision is unlikely to be approved. Consider removing this provision, or providing detailed standards by which a project that incorporates a mini-bulkhead demonstrates need, avoids impacts, and mitigates for unavoidable impacts, and tie it more to the dock construction provisions.





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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 2:29:06 PM

This is a sensible regulation that should also appear in section 6-90. WAC 173-26-231(3)(a)(iii)(A) requires that new develop is not permitted where it would require the need for shoreline stabilization. The addition of the phrase "Whenever possible" renders this regulation pointless without clear standars by which it would be judged. Consider removing "Whenever possible".

**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 2:55:24 PM

This would be a good place to cross reference the wetland and shoreline buffer standards; consider moving the buffer tables or duplicating them here.

**T** Number: 3 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 2:53:09 PM

This provision should clarify trail construction standards, and set limits on disturbance. Disability allowances for greater levels of disturbance pose serious problems in that the jurisdiction becomes responsible and liable to determining what a disability "is", and of what type and severity warrants the additional impact to the shoreline environment, and how much additional disturbance is permissible. The SMP should have trail construction and siting standards. Consider trails language from the Grant County Draft SMP - Trails and Levees on Page 46 or in Allowed Buffer Uses on Page 107.

**T** Number: 4 Author: JSIK461 Subject: Comment on Text Date: 6/23/2014 2:58:34 PM

Emergent plant communities are wetlands by definition, and are subject to Critical Areas provisions, and State and Federal wetland protection laws and permit requirements. Consider adding cross reference here for wetlands provisions and a mention of Ecology/Corps/DNR/WDFW jurisdiction



# Summary of Comments on Chapter 9 - Environment Designations - Jan 2014 PC version\_ECY.pdf

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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/25/2014 3:53:45 PM

We support the prohibition on Municipal Uses in the SR-R, it is not clear why Municipal Uses would be prohibited in Special Resource Areas, but not in Natural area. We also note that Section 7-80 does not exclude transportation as a municipal use as is shown here. Was this intentional?



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**T** Number: 1 Author: JSIK461 Subject: Comment on Text Date: 6/25/2014 3:51:24 PM

You might consider including the side yard setbacks from section 7-50-030, just so all the information is in one location for applicants.


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**T** Number: 2 Author: JSIK461 Subject: Comment on Text Date: 6/25/2014 3:49:34 PM

See comments on Chapter 7 page12 regarding Municipal Uses (Offices?). It is not clear what would constitute a water-dependant municipal use that is not recreation or utilities related. This section of the buffer table should reflect those prohibited activities from table 9.2 (for example there us a buffer for Muncipal Uses in the SR-R designation, but they are prohibited in that environment)







DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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## Shoreline Master Programs (SMPs)

[SEA Program Home](#) > [Shoreline Management Home](#) > [SMP Home](#) > [Shoreline Planners Toolbox](#) > Phase 5

### Phase 5: Local approval

[Task 5.1: Assemble complete draft SMP](#) | [Task 5.2: Complete SEPA review and documentation](#) | [Task 5.3: Provide Growth Management Act \(GMA\) 60-day notice of intent to adopt](#) | [Task 5.4: Hold public hearing](#) | [Task 5.5: Prepare a responsiveness summary](#) | [Task 5.6: Approve SMP and submit to Ecology](#) | [Task 5.7: Demonstrate how Phase 5 complies with the Guidelines](#)

Each local government developing a new Shoreline Master Program (SMP) or amending an existing one must conduct a local review and approval process as provided in the Shoreline Management Act (RCW 90.58) and Ecology's procedural rules (WAC 173-26, Part II). Because the steps are the same for both new SMPs and amendments, and new SMPs are rare, the term "amendment" is used here to refer to the materials being submitted to Ecology for state approval, whether they are for establishing a new SMP or amending an existing one.

The local government must submit a locally approved SMP amendment to Ecology for state review and approval. The local SMP is not in effect until the amendment is approved by Ecology.

Local governments should work collaboratively with Ecology throughout their local SMP process. Close collaboration can improve the alignment of the local SMP with state requirements and save valuable time and resources once the SMP amendment is submitted to the state for approval.

#### Task 5.1: Assemble complete draft SMP

The local government must assemble a complete proposed SMP amendment and submit it to Ecology for informal review prior to local approval, together with supporting documents ([Tasks 5.6 and 5.7](#)). The amendment shall include:

1. General goals, policies and regulations
2. Environment designations
3. Shoreline use and modifications policies, regulations and standards
4. Draft administrative provisions
5. A clear description of final SMP jurisdiction boundaries
6. Copies of any regulations or codes adopted by reference

Local governments also must use a process to assure that proposed regulations and administrative actions do not unconstitutionally infringe on private property rights. Please refer to State of Washington, Attorney General's Advisory Memorandum, [Avoiding Unconstitutional Takings of Private Property](#). This process must be documented in the SMP Checklist. No other product is required by Ecology.

#### Task 5.2: Complete SEPA review and documentation

Local governments should conduct and document SEPA review pursuant to chapter RCW 43.21C, the State Environmental Policy Act. Most local governments submit a Determination of Non-Significance (DNS) or Mitigated Determination of Non-Significance (MDNS). Some local governments have prepared Environmental Impact Statements.

#### Task 5.3: Provide Growth Management Act (GMA) 60-day notice of intent to adopt

Upon conclusion of Tasks 5.1 and 5.2, local governments planning under the GMA must notify Ecology and the Department of Commerce of its intent to submit a locally approved SMP amendment to Ecology as least 60 days in advance of final local approval, pursuant to RCW 36.70A.106 and WAC 173-26-100(5).

#### Task 5.4: Hold public hearing

Local governments must hold at least one public hearing prior to local approval of the draft SMP, consistent with the requirements of [WAC 173-26-100](#). The names and mailing addresses of all interested parties providing comment shall be compiled. Local governments must publish notice of the hearing in one or more newspapers of general circulation in the area where the hearing is to be held.

#### Task 5.5: Prepare a responsiveness summary

Prior to approval of the draft SMP by the local elected body (e.g. city council, county commissioners), the local government must prepare a summary responding to all comments received during the public hearing and the public comment period, discussing how the draft SMP addresses the issues identified in each comment.

#### Task 5.6: Approve SMP and submit to Ecology

The local elected body must approve the draft SMP. Local governments should then assemble the complete draft SMP ([Task 5.1](#)) and submit the locally-approved SMP and supporting documents to Ecology. Deliverables must include two hard copies and one digital copy in Microsoft Word format of the following, with accompanying maps:

1. A complete, locally approved SMP including maps, with relevant supporting documentation (Tasks 5.1 and 5.7)
2. SEPA products: checklist, MDNS or EIS; SEPA notice (Task 5.3)
3. Evidence of compliance with GMA notice requirements (Task 5.4)
4. Public hearing record (Task 5.5)
5. Response to comments received (Task 5.6)

[WAC 173-26-110](#) requires the following as part of the submittal package:

- A signed resolution or ordinance documenting local approval of the submittal.
- Specific text amending or replacing the existing master program.

- Amended environment designation maps.
- A summary of proposed amendments and explanation text, staff reports, records of hearing and other materials.
- Evidence of compliance with SEPA.
- Copies of all public, agency and tribal comments received and a record of names and addresses of interested parties involved in the local government process.

**Task 5.7: Demonstrate how Phase 5 complies with the Guidelines**

Local governments must fill in the [SMP Submittal Checklist](#) for the tasks completed under Phase 5.

[Back to top](#) or [Go to Phase 6, State Approval](#)

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