

## 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 173-26-231(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.