

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 little 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.

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

Page: 4

- 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

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.

 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.

 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 faculties, 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)).

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. ²Regulations

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:

 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".

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

Please see comment above regarding joint-use docks.

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 2) 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. 3) 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.

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.

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.

7-80.1 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


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

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.


- 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:

 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).

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

Perhaps add reference to the mitigation appendix?

- 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.
1. 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.
2. 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

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).

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.

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

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).

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.

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.

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 it 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

 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.

 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.